

Minutes



Ordinary Council Meeting

Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 22 August 2023 at 6:00pm.

1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, D Clausen, C Duncan, J Mackenzie, C McCabe, D Richardson, K Wark, P Winney-Baartz and M Wood.

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), D Manderson (Acting Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), A Jones (Executive Director Creative and Community Services), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Interim Executive Manager Media Engagement Economy and Corporate Affairs), J Baker (Governance Manager), M Meehan (Senior Media Adviser), K Sullivan (Councillor Services/Minutes/Meeting Support), W Haddock (AV/Information Technology Support) and C Urquhart (Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

3. PRAYER

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

4. APOLOGIES / LEAVE OF ABSENCE / ATTENDANCE BY AUDIO VISUAL LINK

MOTION

Moved by Cr Mackenzie, seconded by Cr Adamczyk

The apologies submitted on behalf of Councillor Church and Councillor Pull be received and leave of absence granted.

Carried

Nil requests to attend via audio visual link.

5. DISCLOSURES OF INTEREST

Councillor Wood

Councillor Wood declared a non-pecuniary non-significant interest in Item 8.5 - Endorsement of Motions for Submission to 2023 Local Government Conference - Motion 1 - NSW Carer's Strategy Action Plan, stating that she undertook volunteer work for Carers Australia.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 25 JULY 2023

MOTION

Moved by Cr Duncan, seconded by Cr Barrie

The draft minutes as circulated be taken as read and confirmed.

**Carried
unanimously**

7. LORD MAYORAL MINUTE

7.1. CITY OF NEWCASTLE SENIORS REFERENCE GROUP

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Creates a Seniors Reference Group, whose Chairperson and members will be senior representatives of the Newcastle LGA, tasked with overseeing, organizing and facilitating a range of events and activities that support the health and wellbeing of senior residents in our community.
2. Notes the Group will work in partnership with CN, community groups, organisations and businesses to deliver activities that provide:
 - a) Lifelong learning and wellbeing
 - b) Social connection opportunities
 - c) Information
 - d) Entertainment.
3. Notes the main focus of the Group will be the development of CN's Seniors Week Program.
4. Notes the next NSW Seniors Festival will be held from 11-24 March 2024 which celebrates the role and contributions of older adults to our local community.

Councillor Adamczyk proposed an additional point five to the motion.

5. Notes the important findings of the Australian Government's *2023 Intergenerational Report* due to be released on Thursday, outlining the needs and opportunities for our ageing population, including the more than 38,000 people over 60 living in our City.

The Lord Mayor accepted Councillor Adamczyk's additional point to the motion.

The motion moved by the Lord Mayor, as amended by Councillor Adamczyk, was put to the meeting.

**Carried
unanimously**

7.2. 50TH ANNIVERSARY OF THE END OF THE WAR IN VIETNAM

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges 18 August 2023 marked the 50th Anniversary of the end of Australia's involvement in the War in Vietnam.
2. Recognises the immense suffering endured by Australia's service men and women, as well as by the Vietnamese people, both during and the decades since the end of the conflict, leaving an indelible mark on countless lives both physically and psychologically that persist to this day.
3. Notes that Newcastle, like many communities across Australia, witnessed the involvement of its residents in the conflict, with many brave individuals from our city serving in the Australian armed forces and contributing to the war effort.
4. Acknowledges that Greater Newcastle based Vietnam Veterans have always been at the forefront of advocating for their fellow veterans – that from a small gathering of about a dozen Veterans at the Gallipoli Legion Club in 1972, the Newcastle Vietnam Veterans Association was formed and after an amalgamation with the Vietnam Veterans Federation of Australia has grown to a total membership in excess of 800, has attained national recognition with the Ex-service Organisations with many achievements realised by the Newcastle Vietnam Veterans over the past 50 years.
5. Acknowledges that Newcastle was one of the first communities in the country to recognise Vietnam Veterans, through the dedication of a small memorial plaque in the early 1980s, in the south east corner of Civic Park, which is reported to be the first memorial in Australia to the Vietnam Conflict.
6. Notes this motion seeks to honour the sacrifices made by the 60,000 Australian service men and women who were sent to the battlefields of Vietnam, and who displayed courage, resilience, and dedication in the face of adversity, and acknowledges those who made the ultimate sacrifice.

**Carried
unanimously**

This is page 3 of the Minutes of the Ordinary Council Meeting held Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday, 22 August 2023 at 6:00pm.

7.3. TWO YEAR ANNIVERSARY OF THE FALL OF KABUL

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges 15 August 2023 as the two-year anniversary of the fall of Kabul and the subsequent events that have unfolded.
2. Expresses its deep concern for the well-being and safety of all individuals impacted by the events in Kabul and throughout Afghanistan.
3. Recognises the importance of continued efforts by the international community to provide humanitarian aid, support, and assistance to the people of Afghanistan during these challenging times.
4. Calls upon national and international leaders to prioritise diplomacy, cooperation, and peaceful solutions in addressing the complex issues facing Afghanistan.
5. Commends the efforts of local organisations, charities, and individuals who have been working tirelessly to provide aid, support, and refuge to those affected by the events in Afghanistan.
6. Encourages the citizens of Newcastle to foster an environment of empathy, inclusivity, and understanding, welcoming Afghan refugees and contributing to their successful integration into our community.
7. Reiterates its commitment to being a city that values diversity, human rights, and the well-being of all its residents, regardless of their background or place of origin.
8. Resolves that a copy of this Notice of Motion and subsequent resolution be forwarded to Australia's Minister for Foreign Affairs, Senator the Honourable Penny Wong, UNHCR Australia, and representatives of the Afghan community in Newcastle as a gesture of our support and solidarity.

Carried

7.4. CONGRATULATIONS MATILDAS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Congratulates the Matildas, the Australian Women's Football Squad, on their remarkable success in the 2023 FIFA Women's World Cup, having not only brought glory to our nation but have also inspired countless individuals of all ages and all genders, but in particular women and girls, with their exceptional performance and dedication to the sport.

2. Notes the FIFA Women's World Cup is a global stage that showcases the highest level of women's football talent from around the world.
3. Recognise the Matildas contribution in promoting women's sport and inspiring future generations after showcasing their skills but also highlighted their sportsmanship and resilience.
4. Notes the Matildas are the first Australian team to reach the quarter final level at any World Cup. Their efforts have resonated with people of all ages, reinforcing the importance of promoting gender equality and inclusivity in sports.
5. Reiterates that it has always been a proud supporter of sports and athletes who exemplify dedication, teamwork, and perseverance and as such, it is only fitting that we extend our heartfelt congratulations and appreciation to the Matildas for their outstanding achievements.
6. Thanks CN staff for their great work supporting the Live Sites which were incredibly successful in activating Wheeler Place and allowing Novocastrians the opportunity to show their love for women's football, women's sport, and their community spirit.
7. Congratulates Matildas members and Novocastrians Emily Van Egmond and Claire Wheeler for their efforts during the tournament and acknowledges that Emily was today awarded a Key to the City of Newcastle in recognition of her efforts both on and off the pitch – we look forward to also acknowledging Claire's contribution at a future date.

Councillor McCabe proposed an additional point eight to the motion:

8. That City of Newcastle recognises the Afghan women's soccer team that is living in exile in Australia and calls on FIFA to also recognise their team.

Background article : [FIFA won't recognise them. So this team can only watch on during the Women's World Cup](#)

The Lord Mayor accepted Councillor McCabe's additional point to the motion.

The motion moved by the Lord Mayor, as amended by Councillor McCabe, was put to the meeting.

Carried

8. REPORTS

8.2. ADOPTION OF COMMUNITY INFRASTRUCTURE INCENTIVES IN WICKHAM PLANNING PROPOSAL

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

- 1 Endorses the Community Infrastructure Incentives in Wickham planning proposal (**Attachment A**) and forward it to the Department of Planning and Environment for finalisation as the local plan-making authority.
- 2 Adopts Section 6.03 Wickham to amend Newcastle Development Control Plan 2012 (**Attachment B**).
- 3 Adopts the Wickham Community Infrastructure Plan (**Attachment C**).

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Clausen, Duncan, Mackenzie, McCabe, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried

8.3. URBAN DESIGN REVIEW PANEL (UDRP) - ANNUAL REPORT 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Wark

That Council:

- 1 Receives the Urban Design Review Panel Annual Report 2022 as at **Attachment A**.

Carried

8.6. GRANTING OF TWO EASEMENTS – WALLSEND

MOTION

Moved by Cr Adamczyk, seconded by Cr Barrie

That Council:

- 1 Approve the creation of an easement in favour of Ausgrid on a total area of 65.33m² of CN owned land (Lot 1 DP1223807 28 Tyrrell Street, Wallsend) as per **Attachment A**, for the relocation and ongoing maintenance of Ausgrid HV Electrical Services.

- 2 Approve the creation of an easement in favour of Ausgrid on a total area of 180m² of CN owned land (Lot 800 DP1131574 63-65 Nelson Street, Wallsend) as per **Attachment B**, for the relocation and ongoing maintenance of Ausgrid HV Electrical Services.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to authorise the transactions.

**Carried
unanimously**

8.7. VARIATIONS TO DEVELOPMENT STANDARDS

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council:

- 1 Receives the report on approved development variations between 3 April 2023 and 30 June 2023 at **Attachment A** in accordance with the Department of Planning and Environment's (DPE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

**Carried
unanimously**

8.8. TABLING OF REGISTER OF DISCLOSURES OF INTEREST 1 MAY TO 31 JULY 2023

MOTION

Moved by Cr McCabe, seconded by Cr Wark

That Council:

- 1 Notes the tabling of the Register of Disclosures of Interest (for the period 1 May to 31 July 2023) by the Chief Executive Officer.

**Carried
unanimously**

8.10. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 Receives the Executive Monthly Performance Report for July 2023.

- 2 Resolves to receive a report on new and matured investments within the Investment Policy Compliance Report for the single month only, as per legislative requirements.

**Carried
unanimously**

8.1. ADOPTION OF COMMUNITY ENGAGEMENT STRATEGY

MOTION

Moved by Cr Wood, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Community Engagement Strategy at **Attachment A**.

**Carried
unanimously**

8.4. ADOPTION OF DARBY STREET REVISED TRAFFIC CALMING DESIGNS

MOTION

Moved by Cr Richardson, seconded by Cr Clausen

That Council:

- 1 Adopt upgrades to traffic calming infrastructure on Darby Street between Parry and Tyrrell Streets, Cooks Hill, as shown at **Attachments A and B**.

The Lord Mayor expressed concerns around the 'claim the lane' principle and stated that while she gave tacit approval in support of Council, she requested the design be referred to the Cycling Working Party to review from a safety perspective and prior to implementation.

The mover and seconder of the motion agreed to include the Lord Mayor's request.

The motion moved by Councillor Richardson and seconded by Councillor Clausen was put to the meeting.

**Carried
unanimously**

8.5. ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2023 LOCAL GOVERNMENT NSW CONFERENCE

MOTION

Moved by Cr Adamczyk, seconded by Cr Wood

That Council:

- 1 Endorse the motions for submission to the Local Government New South Wales 2023 Annual Conference as set out at **Attachment A** with the following amendments to Motions 1, 3, 5, 11 and insertion of a new Motion 12:

MOTION 1 – NSW Carer's Strategy Action Plan

That LGNSW:

Recognises the valuable social and economic contribution that carers make to the community, acknowledges the diverse needs of carers and calls upon the NSW Government to:

1. Review the NSW Carers (Recognition) Act upon the conclusion of the parliamentary inquiry into the Commonwealth Carers (Recognition) Act.
2. Work with LGNSW to improve local government commitment to carers by:
 - (a) Educating councils about their obligations under the NSW Carers (Recognition) Act.
 - (b) Funding inclusion, equity and diversity initiatives in councils to better support working carers in the provision of flexible work arrangements, executive champions, employee carer networks and information about leave provisions and external resources.
 - (c) Assisting councils to develop data about employees who identify as carers.
 - (d) Developing evidence-based actions and measurable outcomes in the next Carer Strategy Action Plan.
3. Work with their federal, state and territory counterparts on a new National Carers Strategy which identifies priorities and actions and mandates measurable outcomes and support the creation of a National Carer Advisory Council.

MOTION 3 – Co-Funding for Aerial Bundled Cabling

Update to be consistent with Council's resolution of 22 November 2023 on Co-Funding for Aerial Bundled Cabling.

MOTION 5 – Addressing Problem Gambling and Money Laundering

Remove from submission.

MOTION 11 – Adoption of Liveable Housing Design to Improve the Adaptability and Accessibility of New Residential Development

Add 'Federal Government' next to State Government in paragraph three.

MOTION 12 – Affordable and Social Housing

That LGNSW:

1. Reiterates City of Newcastle's adopted social public and affordable housing targets of 30% on government-owned land and 15% affordable housing on privately-owned land.
2. Notes with concern thousands of affordable dwellings to be lost in cities by the end of 2026, including 187 in Newcastle, as they leave the National Rental Affordability Scheme (NRAS) rather than being secured in perpetuity as affordable housing.
3. Reiterates the proactive approach to delivering affordable housing taken by Councils across NSW since 1996 (through LEPs, Planning Agreements and SEPPs) via developer contributions, and with and without compensatory floor space, uplift or rezoning.
4. Calls on the New South Wales Government to establish an agency to oversee a collaborative approach between the State Government, Councils, CHIA, and CHPs, to provide for thousands of people across NSW without safe, secure and affordable housing; and to;
 - a. Implement effective and equitable programs to fund and plan provision of new social (public, and affordable) housing and provide the necessary infrastructures to support increased dwellings,
 - b. Improve outcomes for affordable housing provision beyond existing local planning controls and developer community infrastructure contributions schemes,
 - c. Improve outcomes beyond existing local developer affordable housing contributions schemes and mechanisms,
 - d. Develop clear definitions of affordable, public, social, and community housing,
 - e. Ensure no further privatisation of public housing and/or crown land,
 - f. Ensure affordable housing is held in perpetuity; by not-for-profit Community Housing Provider, or in public operation and ownership, and
 - g. Ensure all new public and affordable housing delivers on local community and planning expectations.

BACKGROUND:

With a need for more than 7,000 social and affordable dwellings to be built by 2041 (Attachment A), in 2023 Newcastle is in the top ten Local Government Areas in NSW with the 'highest housing need', with 70% of low-income households experiencing rental stress, many more on low-moderate incomes experiencing rental stress, and 1911 people waiting up to 10 years for social housing (Attachment B). This is not unique.

Since at least 1996, Councils have been protective in seeking solutions to care for their populations, adopting social and affordable housing targets, and putting in place mechanisms to deliver affordable housing via developer contributions (through LEPs, Planning Agreements and SEPPs), and with and without compensatory floor space, uplift or rezoning. The elected Council at the City of Newcastle has taken leadership in seeking a national solution to adequately fund, regulate, and provision affordable and social housing, including most recently in a unanimously supported resolution to the National Assembly of Local

Governments at ALGA 2023, the declaration of a housing affordability crisis in the City in 2021 (Attachment C), and action to fast track more affordable housing in the city via collaborative partnerships with community and government, with projects already completed in Wickham (Attachment D), and to fast track more public housing in the city via an MOU with LAHC with projects completed in Waratah West (Attachment E), and under construction in Wallsend (Attachment F), and mapping available sites for public or affordable housing.

Federal and State governments are starting to respond; e.g. via the *Social Housing Accelerator* payment to State Governments to deliver additional public dwellings, the *National Housing Accord*. In any changed planning pathways for social and affordable housing, achieving local expectations for planning (e.g. public benefit, residential amenity, sustainability, and accessibility) with projects deemed to fall under State consent should be prioritised. For example, LAHC projects in the city in 2022 consented under SEPP (Housing) under did not deliver on the City's expressed expectations and controls to achieve amenity, accessibility, and sustainability. Similar reform Part 3A was scrapped in 2011.

With a collaborative approach, with the community housing sector, and local governments, these actions have the promise to accelerate the delivery of additional social and affordable housing in the City in response to the housing crisis; to deliver this desperately needed public infrastructure for significant parts of our populations, in a way that demands housing is built that meets accessibility and sustainability requirements, and ensures our cities and towns remain accessible and liveable.

Attachment A: [City of Newcastle Local Housing Strategy 2021](#)

Attachment B: [New South Wales Regional Housing Need Report, February 2023](#)

Attachment C: [City of Newcastle Lord Mayor Minute 27 July 2021 - Strategies to ameliorate the conditions of those in homelessness in Newcastle](#)

Attachment D: [Compass Housing 22 April 2021 - Social and Affordable Housing Wickham](#)

Attachment E: [Eight new social housing dwellings complete in Stannett Street at Waratah West, Newcastle Herald 23 January 2023](#)

Attachment F: [City of Newcastle Media Release 26 May 2022 - CN working in close partnership with LAHC to fast-track projects in Waratah West and Wallsend](#)

**Carried
unanimously**

8.9. DETERMINATION OF NUMBER OF COUNCILLORS

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Adamczyk

PART A

That City of Newcastle:

1. Acknowledges the many well documented financial and legislative impediments currently facing the local government sector across NSW.
2. Notes that the process of a constitutional referendum for determining the number of councillors to be elected during a term of office in a local government area is outdated and unfairly places a considerable financial impost on councils. Central Coast Council incurred a cost of \$1.775 million to hold its 2021 referendum.
3. Notes the urgent need for genuine reform of the administration and financial modelling of local government following decades of state government cost-shifting, under resourcing, rate-capping, asset and services transfers, forced amalgamations, transfer of decision-making powers from elected councillors to the administration, and removal of planning powers, to name a few significant issues.
4. Notes that the Act is now 30 years old, and in need of review. Calls on the State Government to provide genuine reform of local government through full collaborative review of the *Local Government Act 1993*, in consultation with LGNSW, the USU and the local government sector, including progressive reforms such as the QLD local government model.
5. Acknowledges the instrumental role played by metropolitan, regional, and rural councils in servicing our communities, whether it be strategic or land-use planning, managing community assets, open spaces, our state's local and regional road network, implementing environmental initiatives, looking after our libraries or processing our waste. The needs of each community are different and not currently reflected in the Act, in terms of both governance and funding.
6. Supports changes to the Act that redress the imbalance created in 1993 by restoring functions to elected officials in metropolitan, regional, and rural contexts.

PART B

That this motion be submitted to the 2023 Local Government NSW Conference.

**Carried
unanimously**

9. NOTICES OF MOTION

9.1. CCTV AND CITY OF NEWCASTLE SPORTS FACILITIES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Adamczyk

That City of Newcastle:

1. Reiterates its support for sporting clubs to install CCTV systems to protect their own assets, provided they are self-funded or supported by state or federal government grants. This support requires the standard approvals for club initiated capital works (including wiring, mounting, and lighting changes) on a CN owned building.

2. Notes recent case studies in local media where CCTV units were installed on sporting club buildings, but this did not prevent vandalism or theft and (to date) has not led to an arrest.
3. Supports our substantial investment in prevention measures, including building design, sandstone blocks and bollards, to deter vandalism of public spaces. This investment has been welcomed by many sporting groups across the City.
4. Notes that all NSW Councils are subject to State Government guidelines regarding CCTV, which states that *“CCTV can be effective in reducing crime if it is part of a broader crime prevention and community safety strategy. CCTV is not recommended as an isolated response to addressing crime in public spaces”*.
www.crimeprevention.nsw.gov.au/Documents/Councils-Publications/CCTV_guidelines.pdf
5. As a result of the NSW Government guidelines, notes that City of Newcastle’s position is near identical to that of neighbouring councils in Lake Macquarie, Maitland and Port Stephens.
6. Write to NSW Minister for Police and Minister for the Hunter, Yasmin Catley MP, noting that the Newcastle LGA has been systematically excluded from state government CCTV funding (alongside other grants) over the past 12 years.
7. Include a summary of CN’s existing approach to CCTV and support for self-funded units during the upcoming Sport Summit being held in September 2023.

**Carried
unanimously**

10. CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

Council move into confidential session for the reasons outlined in the business papers.

Council resolved into confidential session at 7.32pm.

Council resolved into open session at 7.37pm and the Chief Executive Officer reported the outcomes of confidential session.

10.1. LEGAL ACTION TO RECOVER OVERDUE RATES AND CHARGES

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Authorises the Chief Executive Officer to provide instructions to City of Newcastle's (CN's) legal representatives to commence legal proceedings detailed in the body of this Council report.
- 2 The confidential attachment relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

10.2. ACQUISITION OF LAND – SUMMERHILL WASTE MANAGEMENT CENTRE SOUTHERN ACCESS ROAD

MOTION

Moved by Cr Richardson, seconded by Cr Adamczyk

That Council:

- 1 Authorises the CEO or their delegate to issue a Letter of Commencement to commence negotiations in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (Act), with all affected private landowners for the acquisition of the required Land.
- 2 Authorise the CEO or their delegate to commence negotiations under the *Roads Act 1993 and Local Government Act 1993* with the affected road authorities, Transport for NSW (TfNSW) and Lake Macquarie City Council (LMCC) for the closure and acquisition of the required road reserve.
- 3 Authorises the CEO to agree in principle to terms during negotiations.
- 4 Requests a report back to Council on the agreed position or otherwise for a Council resolution to acquire the required land.
- 5 Note this confidential report relating to the matters specified in s10A(2)(c) of the *Local Government Act 1993* be treated as confidential and remain confidential until the CEO determines otherwise.

**Carried
unanimously**

The meeting concluded at 7.39pm.