

# Minutes

## Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 23 July 2024 at 6.00pm.

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### 1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk (*arrived 6.03pm*), J Barrie, J Church, D Clausen, C Duncan, C McCabe, C Pull, D Richardson (*arrived 6.03pm*), K Wark, P Winney-Baartz and M Wood.

D Clarke (Acting Chief Executive Officer), S Moore (Acting Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), S Mitchell (Acting Managing Director Waste Services), E Kolatchew (Executive Manager Legal and Governance), A Williams (Acting Executive Manager Finance, Property and Performance and Deputy CFO), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Executive Manager Media Engagement and Corporate Affairs), Tim Connell (CN Media), M Meehan (CN Media), P Emmett (Interim Executive Manager Planning and Development), G Coombs (Policy Advisor), J Knight (Councillor Services/Minutes/Meeting Support), L Barnao (Councillor Services/Meetings Support), R Williams (AV Support) and J McIvor (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 Barrie, seconded by Cr Duncan

The apology submitted on behalf of Cr Mackenzie be received and leave of absence granted.

**Carried**

Nil requests for audio visual attendance.

## **5. DISCLOSURES OF INTEREST**

Nil.

## **6. CONFIRMATION OF MINUTES**

### **6.1. MINUTES - ORDINARY COUNCIL MEETING 25 JUNE 2024**

#### **MOTION**

Moved by Cr Pull, seconded by Cr Barrie

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

**Carried**

## **7. LORD MAYORAL MINUTE**

### **7.1 COMMITMENT TO EDUCATION AND TRAINING OPPORTUNITIES**

#### **MOTION**

That Council:

- 1 Notes that City of Newcastle has a commitment to upskilling, training and education opportunities for the local community.
- 2 Commends City of Newcastle's Future Fit program which has supported 72 apprentices, trainees, undergraduates and graduates since 2021 in areas such as civil construction, horticulture, building trades, environmental services and information technology.
- 3 Notes City of Newcastle's commitment to inclusion, with positions targeted towards Aboriginal and Torres Strait Islander people as part the Aboriginal Employment Strategy, and towards increasing female participants in traditionally male dominated occupations.
- 4 Notes that with the support of the United Services Union, City of Newcastle's Enterprise Agreement 2023 supports apprentices and trainees through above award wages and covering 100% of tool allowances.
- 5 Notes that the Lord Mayor's Scholarship Program was established to nurture local talent and support social inclusion by offering support to students who have endured personal or financial hardship to successfully complete their studies and kick start their career.
- 6 Notes that in the last four years 37 students have attended TAFE or the University of Newcastle with support from the Lord Mayor's Scholarship program including:
  - a. Women Empowered Scholarship,
  - b. Aboriginal and Torres Strait Islander Scholarship,
  - c. Culturally and Linguistically Diverse Scholarship,

- d. Lord Mayor's Art Scholarship,
  - e. PRIDE Scholarship,
  - f. Lord Mayor's Scholarship for Women,
  - g. Meg Pursuer Communication Scholarship, and
  - h. Industrial Summer Scholarship.
- 7 Commends the hard work of scholarship recipients and their ongoing commitment to the community.
- 8 Receives a report outlining opportunities to further develop the scholarship program to support disadvantaged local people seeking education and training support.

**Carried unanimously**

## **7.2 NEWCASTLE PREMIER LEAGUE T20 CRICKET COMPETITION**

### **MOTION**

That Council:

- 1 Congratulates the Newcastle Hunters cricket club and their organising committee on the successful start of Season 3 of their Newcastle Premier League (NPL) T20 cricket competition last month with 16 teams including representing India, Australia, Afghanistan, and Pakistan.
- 2 Notes the incredible work of this organisation to build this grassroots cricket league in Newcastle, following the recognised need for playing competitive cricket in wintertime in the Hunter Region.
- 3 Notes the impressive growth of the competition from 8 teams in 2022, to 14 in 2023, to 16 in 2024 with games played across Newcastle, Lake Macquarie, and that since 2023 Cricket NSW has collaborated to support the NPLT20.
- 4 Note that as well as developing a grassroots winter cricket competition, as an active sports club in the city for the last decade, the Newcastle Hunters organise sporting competitions in soccer, badminton, athletics, and volleyball.
- 5 Acknowledges the significant role this multicultural cricket competition plays in supporting migrants and refugees in our community by promoting community harmony and social cohesion through sport.
- 6 Notes that the Newcastle Hunters provide socio-economic support to their community via their small charity wing and has been awarded the NSW Premier's Community Service Award for COVID-related community work.

- 7 Recognises the significant impact that the City of Newcastle Grants and Sponsorship program has in supporting community organisations like these that build the diverse cultural fabric of the city.
- 8 Thanks the Newcastle Hunters for their ongoing work to make Newcastle a welcoming, inclusive and culturally diverse city.

**Carried unanimously**

### **7.3 CONGRATULATING NOVOCASTRIAN OLYMPIANS**

#### **MOTION**

That City of Newcastle:

- 1 Extend our heartfelt congratulations to the Novocastrian Athletes selected to represent Australia at the upcoming 2024 Olympic Games and 2024 Paralympic Games.
- 2 Recognise the enormous commitment, sacrifice, and resilience, required to reach this pinnacle of athletic achievement, and commend each athlete for their perseverance whilst on this journey.
- 3 Acknowledge that regardless of their results, City of Newcastle is tremendously proud of each athlete and recognises their success as an inspiration to us all.
- 4 Notes that the entire City stands behind each athlete as they prepare to compete on the world stage. We look forward to cheering them on and celebrating their successes. May they have the best of luck and may their Olympic or Paralympic experience be filled with memorable moments and outstanding achievements.
- 5 Writes to Novocastrian Olympians and Paralympians (when the team is finalised) to congratulate them on their selection and wish them luck on behalf of the city.

**Carried unanimously**

## **8. REPORTS**

### **8.1. SUPPLEMENTARY REPORT - SPECIAL BUSINESS RATE AUDIT OUTCOME**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Barrie

That Council:

- 1 Notes the transparent and effective framework of City of Newcastle's (CN) SBR expenditure policy as confirmed by a recent independent audit by Prosperity Audit Services of 2022/23 expenditure as at **Attachment B**.

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This is page 4 of the Minutes of the Ordinary Council Meeting held Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday, 23 July 2024 at 6.00pm.

- 2 Notes the independent audit found that the SBR expenditure processes and controls are functioning as intended with few minor additional actions necessary at this time.

In relation to questions he was asked at the last Council meeting about 'out of scope' audit matters, Councillor Church stated he had been provided the opportunity by the Acting Chief Executive Officer to provide answers to those questions and tabled his response at the meeting in a letter to the Acting Chief Executive Officer.

## **PROCEDURAL MOTION**

Moved by Cr Richardson, seconded by Cr Duncan

Council adjourn for a 5-10 minute recess to allow Councillors time to read the letter presented by Councillor Church.

**Carried**

Council adjourned at 6.30pm and Councillors were given time to read the letter from Councillor Church.

Council reconvened at 6.41pm.

Councillor Clausen tabled information from the NSW Electoral Commission (NSWEC), a Newcastle Herald article and an extract from the NSW Independent Commission Against Corruption Operation Spicer report in support of investigations into unaccounted for ratepayer funds allegedly donated to Independent candidates ahead of the 2021 local government elections. Further questions were put to Councillor Church, which he took on notice.

## **AMENDMENT**

Moved by Cr Richardson, seconded by Cr Winney-Baartz

Part B

- 1 Write to the New South Wales Electoral Commission expressing concern with the potential misuse of ratepayer funds from the former Newcastle NOW BIA, and subsequent substantial electoral donations totalling \$42,000 declared by Councillor Church and the Newcastle Independents before the 2021 Council election.
- 2 Requests a report back at Council's next meeting outlining the electoral funding guidelines for all councillors to ensure clarity for councillors and the community on electoral rules, and requesting a further response to unanswered questions from Councillor Church.

**Carried**

As the amendment was carried, the Lord Mayor confirmed the motion now comprised Parts A and B.

The motion moved by Councillor Clausen and seconded by Councillor Barrie, as amended by Councillor Richardson and seconded by Councillor Winney-Baartz, was put to the meeting.

**Carried**

## **8.2. ADOPTION OF PUBLIC EXHIBITION OUTCOMES - WESTERN CORRIDOR ROAD UPGRADES - MINMI ROAD & LONGWORTH AVENUE ANCILLARY TRAFFIC WORKS**

### **MOTION**

Moved by Cr Richardson, seconded by Cr Adamczyk

That Council:

- 1 Approves the proposed scope of the (Western Corridor) Traffic Management Ancillary Works (TMAW) presented in **Attachment A**, which includes adjustments to the exhibited plans following public exhibition.
- 2 Endorses consultation for the fixing of road levels on Longworth Avenue Wallsend between Newcastle Road and Minmi Road, and at Minmi Road Wallsend between Maryland Drive (east) and west of the Summerhill Road roundabout.
- 3 Authorises the Chief Executive Office to make an Order under Roads Act 1993 Part 3 Division 3 Section 31 to give effect to the changing of road levels in Longworth Avenue Wallsend between Newcastle Road and Minmi Road, and at Minmi Road Wallsend between Maryland Drive (east) and west of the Summerhill Road roundabout, with a notice to be published in NSW Government Gazette and local newspaper.

**Carried unanimously**

## **8.3. HERITAGE ITEM - 13 SECTION STREET, MAYFIELD - PLANNING PROPOSAL AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

### **MOTION**

Moved by Cr Wood, seconded by Cr Duncan

- 1 That Council:
  - a) Endorses the planning proposal as at Attachment A, prepared under Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend NLEP 2012 to create a new heritage item at 13 Section Street Mayfield.

- b) Forwards the planning proposal to the Department of Planning, Housing and Infrastructure (the department) for gateway determination under Section 3.34 of the EP&A Act, requesting the role of planning proposal authority.
- c) Consults with the community and relevant government agencies as the gateway determination requires.
- d) Receives a report on the exhibition outcomes, considers any amendments, and makes a final determination on the planning proposal following the close of the exhibition period.

**For the Motion:** Lord Mayor Councillor Nelmes, Councillors Adamczyk, Barrie, Church, Clausen, Duncan, McCabe, Pull, Richardson, Wark, Winney-Baartz and Wood.

**Against the Motion:** Nil.

**Carried**

#### **8.4. TENDER REPORT - BAR BEACH REHABILITATION AND REINSTATEMENT - CONTRACT NO. 2024/094T**

##### **MOTION**

Moved by Cr Duncan, seconded by Cr Barrie

That Council:

- 1 Accept the tender of Daracon in the amount of \$1,310,059.12 (excluding GST), to deliver the construction of the southern access ramp and walkway deflector wall at Bar Beach in accordance with Contract No. 2024/094T.
- 2 The confidential attachments 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**

#### **9. NOTICES OF MOTION**

##### **9.1. IMPROVING TURNOVER OF CITY PARKING FOR THE BENEFIT OF SMALL BUSINESSES TO INCREASE TRADE IN CBD OF NEWCASTLE**

##### **MOTION**

Moved by Cr Barrie, seconded by Cr Wark

- 1 That City of Newcastle review the existing 2-hour parking from 9.00am to 12pm on Saturdays and increase to the hours of 9.00am to 4.00pm on Saturdays and Sundays in the Hunter and King Street area to the east of Newcastle's central business district.

Councillors Pull and McCabe moved an amendment that being the recommendation of Council Officers outlined in the business papers.

That Council:

- 1 Undertakes, in line with the Parking Plan 2021, a review of timed parking restrictions in the area bound by King Street, Scott Street, Hunter Street, Darby Street and Pacific Street; with a view to improve parking turnover on weekday evenings and on Saturdays, Sundays, and public holidays.
- 2 Notes the review of parking restrictions will occur as a staged rollout to ensure it is delivered in accordance with the Parking Plan and the NSW regulatory framework.
- 3 Notes that the introduction of parking sensors will be progressed within new areas of public domain works (such as within the East End precinct) to provide accurate data of parking activity.

The Lord Mayor asked the mover and seconder of the motion whether they would accept the amendment as a Part B to the motion.

Councillors Barrie and Wark indicated that they would accept Part B to the motion.

The motion moved by Councillor Barrie and seconded by Councillor Wark, as amended by Councillors Pull and McCabe, was put to the meeting.

**Carried**

## **9.2. SUPPORT FOR OUR CREATIVE WORKERS**

### **MOTION**

Moved by Cr Duncan, seconded by Cr Wood

Part A

That City of Newcastle values a thriving cultural life and notes:

- 1 The work of the City's Community and Culture Advisory Committee under the leadership of Councillor Carol Duncan in supporting the visual and performing arts in Newcastle since 2017.
- 2 The creation of the New Annual Festival in 2021 as the City's flagship cultural festival, and the City's financial commitment to funding the Festival for the next 5 years.
- 3 The endorsement of the City's Cultural Precinct Plan in 2022 to enhance cultural connectivity across the precinct and encourage larger audiences across diverse venues.



- 4 The extension of the Newcastle Art Gallery, supported by generous community and state/federal government gifts/grants, and significant funding from the City of Newcastle.
- 5 The programming at the Newcastle Museum, the Civic Theatre and our libraries, their support of diverse and emerging artists and communities.
- 6 The significant and ongoing funding support given to local artists, writers and performers through City of Newcastle grant programs.

## Part B

### The City of Newcastle:

- 1 Understands the role of local government as a partner, advocate, enabler and investor in developing a local cultural and creative ecosystem;
- 2 Notes the continuing contribution of the Community and Culture Advisory Committee, supporting the work of the City;
- 3 Acknowledges the importance of creative workers living, creating and performing in Newcastle;
- 4 Acknowledges the need to champion our creative workforce;
- 5 Notes the valuable contribution made to the city's cultural production by the current re-purposing of industrial buildings as creative workspaces in precincts such as Clyde Street Waratah and Mayfield East
- 6 Notes the vulnerability of our industrial spaces to demolition and alternative uses, given the forecast increases in population in the City of Newcastle
- 7 Notes the importance of working with the community to retain and increase affordable creative workspaces.

## Part C

The City of Newcastle acknowledges the need to plan how we support the arts, cultural and creative industries in Newcastle over the next 10 years and in the first 12 months of the next term of Council commencing September 2024 shall:

- 1 Investigate options for retaining and increasing affordable creative workspaces across the City of Newcastle and provide a report to the City's Community and Culture Advisory Committee;
- 2 Prepare a 10 year Cultural Plan for the City which includes support for our creative workers and their creative workspaces as a strategic priority.

**Carried unanimously**

## **10. CONFIDENTIAL REPORTS**

### **PROCEDURAL MOTION**

Moved by Cr Barrie, seconded by Cr Winney-Baartz

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

**Carried**

Council resolved into confidential session at 8.38pm.

### **PROCEDURAL MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

Council resolve into open session.

**Carried**

Council resolved into open session at 8.41pm and the Chief Executive Officer read the resolution of the partial confidential report (*refer resolution at 8.4*) and Confidential Item 10.1 below.

### **10.1. TENDER REPORT FOR PROCESSING OF RECYCLABLES - CONTRACT NO 2024/114T**

#### **MOTION**

Moved by Cr McCabe, seconded by Cr Clausen

That Council:

- 1 Accept the tender from IQ Renew Pty Ltd in line with the rate submitted in the tender (estimated contract value of \$9,500,000, excluding GST) for Contract No. 2024/114T Processing of Recyclables.
- 2 This confidential report 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.

**The meeting concluded at 8.42pm.**