

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the former Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 22 February at 6.00pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church (*retired 11.57pm*), D Clausen, C Duncan, J Mackenzie, C McCabe, C Pull, D Richardson, K Wark, P Winney-Baartz and M Wood.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), K Hyland (Interim Director Strategy and Engagement), E Kolatchew (Manager Legal), S Moore (Manager Finance), M Bisson (Manager Regulatory, Planning and Assessment), H Sexton (Manager Governance and Councillor Services), M Murray (Chief of Staff), L Zoneff (Media and Communications Adviser), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), J Redriff (Governance/Meeting Support), R Garcia (Information Technology Support).

WELCOME TO COUNTRY

The Lord Mayor welcomed Aunty Cheryl to the Ordinary Council Meeting.

Aunty Cheryl delivered a formal welcome to Country.

PRESENTATION OF LORD MAYORAL CHAINS

Deputy Lord Mayor, Councillor Clausen presented the Lord Mayoral Chains to the Lord Mayor, Councillor Nuatali Nelmes and addressed Council stating:

I now take great privilege as the Deputy Lord Mayor investing the Lord Mayor, Councillor Nuatali Nelmes with her Chains of Office. It is a privilege to do so on behalf of the community of Newcastle and I congratulate you Lord Mayor on the election to this high office and to the civic leadership of Newcastle. On behalf of the entire Chamber we congratulate and look forward to working with you over this term.

MESSAGE OF ACKNOWLEDGEMENT

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

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.

LORD MAYORAL MINUTE

ITEM-3 LMM 22/02/22 CEREMONIAL WELCOMING OF NEW AND RETURNING COUNCILLORS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Welcomes new and returning Councillors to the historic Newcastle City Hall Chamber for the Ceremonial first face-to-face Ordinary Council Meeting of the new Council term;
- 2 Notes that election for this new term of Council was held on 4 December 2021, with the following results declared by the NSW Electoral Commission:
 - Lord Mayor Nuatali Nelmes (Labor) declared elected as Lord Mayor on 21 December 2021.
 - Ward 1: The following candidates were declared elected on 23 December 2021:
 - i. Declan Clausen (Labor)
 - ii. John Church (Ind)
 - iii. John Mackenzie (Green)
 - Ward 2: The following candidates were declared elected on 23 December 2021:
 - i. Carol Duncan (Labor)
 - ii. Jenny Barrie (Liberal)
 - iii. Charlotte McCabe (Green)
 - Ward 3: The following candidates were declared elected on 23 December 2021:
 - i. Peta Winney-Baartz (Labor)
 - ii. Katrina Wark (Liberal)
 - iii. Margaret Wood (Labor)
 - Ward 4: The following candidates were declared elected on 23 December 2021:
 - i. Deahanna Richardson (Labor)
 - ii. Elizabeth Adamczyk (Labor)
 - iii. Callum Pull (Liberal)
- 3 Congratulates all successful candidates and welcomes them to the Chamber as City of Newcastle Councillors for our Ceremonial Meeting at City Hall;

4 Welcomes the following first term Councillors and extends an opportunity to them to address the Chamber upon their election to City of Newcastle Council:

- Cr Dr Elizabeth Adamczyk
- Cr Deahna Richardson
- Cr Margaret Wood
- Cr Jenny Barrie
- Cr Charlotte McCabe
- Cr Katrina Wark
- Cr Callum Pull

Carried

Councillors Barrie, Richardson, Wark, McCabe, Pull, Adamczyk, Wood and Winney-Baartz, Church, Duncan, Clausen, Mackenzie and the Lord Mayor addressed Council as the newly elected Council.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council move for a short recess.

Carried

Council adjourned at 7.18pm and reconvened at 8.27pm.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a significant pecuniary interest in Item 11 – Bruncker Road, Broadmeadow – Proposed Pedestrian Crossing Upgrade Near Coolah Road stating that he owned property in the area and would manage the conflict by leaving the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 18 JANUARY 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Wark.

The draft minutes as circulated be taken as read and confirmed with a minor amendment to Item 1 – Appointment of Deputy Lord Mayor to record that Councillor Wark voted for the amendment to appoint the Deputy Lord Mayor term from 18 January 2022 to 26 July 2022.

Carried

LORD MAYORAL MINUTE

ITEM-4 LMM 22/02/22 - TREE PLANTING COMMITMENT TO INCREASE CITY'S URBAN FOREST

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes our long-standing commitment to the protection, and increased planting, of street and park trees across the city of Newcastle, acknowledging the importance of additional shade and habitat in an urban environment;
- 2 Notes the impact of improved urban canopies on addressing urban heat islands and their impacts on people, their health and wellbeing and that of urban wildlife;
- 3 Invests \$4.5 million to deliver new street and park trees over the next three years to increase green cover as part of the city's annual tree-planting investment;
- 4 Acknowledges that increasing the city's urban canopy will reduce the urban heat island effect, absorb and store more carbon to help further drive down the city's emissions, provide more food and shelter for wildlife, assist to purify the city's air and water, and improve the health and well-being of our residents, while making our streets and parks more beautiful and liveable for all.

**Carried
unanimously**

ITEM-5 LMM 22/02/22 - MINMI ROAD UPGRADE BETWEEN NEWCASTLE ROAD AND MINMI

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes the long-standing issues along Minmi Road and the well overdue upgrades the road requires to alleviate traffic congestion for local residents in Wallsend, Maryland, Fletcher and Minmi;
- 2 Notes that Minmi Road is a vital and important major arterial connection as part of Newcastle's broader road network, particularly in the western suburbs where it causes much frustration for many local families every day;
- 3 Notes our ongoing commitment to upgrade the city's road network and the social and economic benefits that road infrastructure investment brings for our local economy, businesses, and the safety of all road users;

- 4 Notes that there is \$26 million allocated to upgrade notorious traffic pinch points and active transport connections along Minmi Road between Newcastle Road and Minmi, including duplicating large sections of the arterial western corridor road from one lane of traffic in each direction to two lanes each way;
- 5 Acknowledges that these essential upgrades will provide a large-scale infrastructure program which will significantly alleviate traffic congestion along Minmi Road and deliver the long overdue upgrades the road requires whilst providing long awaited relief to many frustrated road users and creating local jobs.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, Mackenzie, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion:

Councillor McCabe.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-7 CCL 22/02/22 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 NOVEMBER 2021 TO 31 JANUARY 2022

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Notes the tabling of the Register of Disclosures of Interest (for the period 1 November 2021 to 31 January 2022) by the Chief Executive Officer (CEO).

**Carried
unanimously**

ITEM-8 CCL 22/02/22 - ADOPTION OF CODE OF CONDUCT AND ASSOCIATED PROCEDURES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Code of Conduct for Councillors at **Attachment A**.
- 2 Adopts the Code of Conduct for Staff at **Attachment B**.
- 3 Adopts the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors at **Attachment C**.

- 4 Adopts the Procedures for the Administration of the Code of Conduct at **Attachment D**.

**Carried
unanimously**

ITEM-11 CCL 22/02/22 - BRUNKER ROAD, BROADMEADOW - PROPOSED PEDESTRIAN CROSSING UPGRADE NEAR COOLAH ROAD

Councillor Church left the Chamber for discussion on the item.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Approves the proposed upgrade of the pedestrian crossing on Brunker Road, Broadmeadow, as generally shown at **Attachment A**.

Carried

Councillor Church returned to the Chamber at the conclusion of the item.

ITEM-13 CCL 22/02/22 - ADOPTION OF THE ALCOHOL REGULATED AREAS REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Pull

That Council:

- 1 Adopts the Alcohol Regulated Areas at **Attachment A**.
- 2 Delegates authority to the Chief Executive Officer to temporarily suspend Alcohol Free Zones (AFZ) pursuant to the Suspension or Cancellation of an AFZ provision of Section 645 of the NSW Local Government Act 1993 to facilitate the approval of licensed events not exceeding 5 days in length.

Carried

ITEM-14 CCL 22/02/22 - MINISTER'S CONSENT APPLICATION - LEASE FOR DIXON PARK KIOSK

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Approve the making of an application to the Minister for Local Government seeking consent for City of Newcastle to enter into a lease with Sunnyboy Kiosk Pty Ltd for Dixon Park Kiosk, in accordance with section 377(s) of the *Local Government Act 1993*.

- 2 Subject to receiving the consent of the Minister for Local Government, approve City of Newcastle entering into the lease with Sunnyboy Kiosk Pty Ltd for Dixon Park Kiosk.

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

Against the Motion: Councillor Church.

Carried

ITEM-15 CCL 22/02/22 - VARIATION TO DEVELOPMENT STANDARDS REPORT - 4TH QUARTER - 1 OCTOBER TO 31 DECEMBER 2021

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Receives the report on approved development variations between 1 October 2021 and 31 December 2021 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

**Carried
unanimously**

ITEM-18 CCL 22/02/22 - DECEMBER QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the December Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein.

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

Against the Motion: Nil.

Carried

ITEM-19 **CCL 22/02/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the Executive Monthly Performance Report for January 2022.

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

Against the Motion: Councillor Church.

Carried

ITEM-20 **CCL 22/02/2022 - SUPPLY OF ONE REAR LOADING BULK WASTE COLLECTION TRUCK - CONTRACT NO. 2022/097T**

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Approves an exemption to tender under Section 55(3)(i) of the *Local Government Act 1993* for the supply and delivery of one rear loading bulk waste collection truck from Bucher Municipal Pty Ltd. in the amount of \$461,921.90 (including GST) under Contract No. 2022/097T.
- 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**

ITEM-9 **CCL 22/02/22 - AUDIT AND RISK COMMITTEE ANNUAL REPORT**

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Receives the Audit and Risk Committee's Annual Report for the 2020/2021 financial year at **Attachment A**; and
- 2 Notes the 2021/2022 Forward Internal Audit Plan at Appendix A of Attachment A.

**Carried
unanimously**

ITEM-10

CCL 22/02/22 - ADOPTION OF THE DISABILITY INCLUSION ACTION PLAN

MOTION

Moved by Cr Wood, seconded by Cr Adamczyk

That Council:

- 1 Adopt the Disability Inclusion Action Plan 2022-2026 at **Attachment A**.

AMENDMENT

Moved by Cr McCabe

PART B

That Council:

- 1 Notes the accessibility and inclusion principles embedded in the Destination Management Plan (DMP) including:

The DMP's vision:

Newcastle is a premier Australian visitor and events destination, showcasing a rich art, cultural and food scene, a vibrant night-time economy, and accessible nature-based and coastal experiences.

Specific initiatives in the DMP around accessibility, including:

- Identity, Awareness and Placemaking Theme (page 7) – *Creating a cohesive brand identity for Newcastle that can drive placemaking initiatives and promote positive awareness of Newcastle as an inclusive and accessible destination, establishing it as the hub of the Hunter Region.*
 - Connectivity and Capacity Theme (page 7) - *Connectivity and Capacity Ensure Newcastle's infrastructure and assets can effectively service and support the city's growing visitor economy, providing an accessible and connected network with the capacity to realise potential as a visitor hub and gateway to the Hunter Region;*
 - Priority Objective within Identity, Awareness and Placemaking (page 28) - *develop an Access and Inclusion City Guide and associated website information for Newcastle and surrounds.*
- 2 Notes that CN's Disability Inclusion Action Plan 2021 commits to investigating and utilising digital platforms to enhance orientation and mobility, including apps for wayfinding.

- 3 Refers to the Access Inclusion Advisory Committee for further discussion and analysis the options for digital wayfinding platforms like the Wheeeasy App as successfully used by the City of Sydney.
- 4 Refers to the Access Inclusion Advisory Committee the matter of emergency egress plans for council buildings to ensure suitability for occupants and visitors with a disability.

Councillors Wood and Adamczyk accepted Councillor McCabe's amendment as a Part B to the motion.

The motion moved by Councillor Wood and seconded by Councillor Adamczyk, as amended, was put to the meeting.

**Carried
unanimously**

ITEM-12 CCL 22/02/22 - ADOPTION OF INSTRUMENTS OF DELEGATION

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts the Instrument of Delegation to the Lord Mayor at **Attachment A**.
- 2 Adopts the Instrument of Delegation to the Chief Executive Officer at **Attachment B**.
- 3 Adopts the Instrument of Delegation to the Development Applications Committee at **Attachment C** with the following amendments:
 - 1.1 the development application has an estimated cost exceeding \$15 million;
 - 1.4 two or more Councillors submit a request in writing that the development application be determined by the Development Applications Committee.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Mackenzie

That the motion be dealt with in seriatim.

Defeated

AMENDMENT

Moved by Cr Pull, seconded by Cr Wark

That the wording at Part 3 of the Instrument of Delegation to the Lord Mayor (Attachment B), be amended as follows:

- c) the determination of who will exercise Council's Local Government NSW (LGNSW) voting rights is to be determined by the Council and should reflect the makeup of the Council as closely as possible.
- d) the determination of who will exercise Council's Australian Local Government Association (ALGA) voting rights is to be determined by the Council and should reflect the makeup of the Council as closely as possible.

Defeated

AMENDMENT

Moved by Cr Pull, seconded by Cr Mackenzie

That the wording at Part 6 c) of the Instrument of Delegation to the Lord Mayor (Attachment B), be amended as follows:

- iii. where written objections by three Councillors on any one item are received by the Lord Mayor, stating relevant reasons for objection, the item is to be deferred until the next relevant meeting of Council; and

For the Amendment: Councillors Barrie, Church, Mackenzie, Pull and Wark.

Against the Amendment: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, McCabe, Richardson, Winney-Baartz and Wood.

Defeated

As the time was nearing 10.00pm, the following procedural motion was moved.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council extend the meeting to the conclusion of the agenda.

**Carried
unanimously**

PROCEDURAL MOTION

Moved by Cr Wark, seconded by Cr Mackenzie

The vote on the motion be dealt with in seriatim.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 Adopts the Instrument of Delegation to the Lord Mayor at **Attachment A.**

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 2 Adopts the Instrument of Delegation to the Chief Executive Officer at **Attachment B**.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 3 Adopts the Instrument of Delegation to the Development Applications Committee at **Attachment C** with the following amendments:

- 1.1 the development application has an estimated cost exceeding \$15 million;

- 1.4 two or more Councillors submit a request in writing that the development application be determined by the Development Applications Committee.

Carried

ITEM-16 CCL 22/02/22 - ADOPTION OF FEES FOR LORD MAYOR AND COUNCILLORS (INCLUDING SUPERANNUATION)

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Approves the Lord Mayor and Councillors to be paid the maximum fee payable (as per the Local Government Remuneration Tribunal's annual determination) for the period of 1 July 2022 to until the office of Lord Mayor or Councillor becomes vacant due to a successor being declared, an election or other casual vacancy.
- 2 Resolves for the Lord Mayor and Councillors to receive superannuation at the federal Superannuation Guarantee rate from 1 July 2022 in accordance with the provisions of section 254B of the Local Government Act 1993.

AMENDMENT

Moved by Cr Pull, seconded by Cr Barrie

- 1 Approves the Lord Mayor and Councillors to be paid the minimum fee payable (as per the Local Government Remuneration Tribunal's annual determination) for the period of 1 July 2022 to until the office of Lord Mayor or Councillor becomes vacant due to a successor being declared, an election or other casual vacancy.

The Lord Mayor proposed the following Part B to the motion.

PART B

That Council:

- 1 Write to the Local Government Minister, the Hon. Wendy Tuckerman MP noting:
 - i that individual Councillors should not be voting to adopt the fees for the Lord Mayor and Councillors (including superannuation),
 - ii that it is an inherent conflict of interest; and
 - iii consideration be given to appointing the Remuneration Tribunal setting the remuneration for Mayors and Councillors in New South Wales.

The mover and seconder of the motion accepted the Lord Mayor's Part B to the motion.

The amendment moved by Councillor Pull and seconded by Councillor Barrie was put to the meeting

For the Amendment: Councillors Barrie, Pull and Wark.

Against the Amendment: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Church, Clausen, Duncan, Mackenzie, McCabe, Richardson, Winney-Baartz and Wood.

Defeated

The motion moved by Councillor Clausen and seconded by Councillor Duncan, as amended, was put the meeting.

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

Against the Motion: Councillors Barrie, Pull and Wark.

Carried

ITEM-17 CCL 22/02/22 - SIX MONTHLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM

MOTION

Moved by Cr Duncan, seconded by Cr Richardson

That Council:

- 1 Receives the 2018-2022 Delivery Program – Six Monthly Performance Report (Report) at **Attachment A**.

**Carried
unanimously**

NOTICES OF MOTION

ITEM-1 **NOM 22/02/22 - LORD MAYORS EARTHQUAKE APPEAL FUND AND THE NEWCASTLE REGION NATURAL DISASTER RELIEF FUND TRUSTEE LTD**

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That City of Newcastle:

- 1 Notes that audited financial statements for the year ending 2020 record the Newcastle Region Natural Disaster Relief Fund Trustee Ltd as having assets of more than \$1 million, consisting of \$734,018 in a term deposit bank account, \$146,901 in low interest bearing bank account, and receivables of \$160,806.
- 2 Notes that no donations have been made by the Trust for the past six years.
- 3 Notes that the Fund annually pays accounting and consulting expenses of more than \$5,000 and auditing fees of \$3,000.
- 4 Notes that in December 2019 Trust Chairman Michael Johns told the Newcastle Herald that it was time for the fund to be wound up and the money transferred to another charity.
- 5 Notes that the Federal Member for Newcastle, Sharon Claydon MP, raised concerns about the operation of the Newcastle Region Natural Disaster Relief Fund Trustee Ltd in the federal parliament in February 2020.
- 6 Notes the Assistant Minister for Finance, Charities and Electoral Matters Senator Zed Seselja responded by saying he had referred the matter to the Australian Charities and Not-for-profits Commission.
- 7 Again write to the Assistant Minister for Finance, Charities and Electoral Matters Senator Zed Seselja asking for an update of the formal investigation into the Newcastle Lord Mayor's Earthquake Appeal Fund and the Newcastle Region Natural Disaster Relief Fund.

**Carried
unanimously**

ITEM-2 **NOM 22/02/22 - NEWCASTLE OCEAN BATHS UPGRADE**

MOTION

Moved by Cr Church, seconded by Cr Mackenzie

That City of Newcastle:

- 1 Notes that a contract has been let to commence the long awaited Stage One upgrade to Newcastle Ocean Baths, lower promenades and pumping systems.

- 2 Notes that the works will see a new concrete floor included which will cap a natural rock shelf that has survived intact for more than 100 years.
- 3 Notes a public meeting that was held at the baths on November 28, 2021 and hosted by Friends of Newcastle Ocean Baths, where concerns were raised about retaining the pool's natural rock floor and sandy bottom.
- 4 Notes that the sandy bottom is highly valued by pool users who walk on the soft surface, for fitness and rehabilitation, and who claim the sandy bottom reduces the impact of sea lice.
- 5 Undertakes an independent and external engineers report, prior to construction commencing, into the decision to concrete the floor and its impact on the retention of a sandy floor.
6. Continues to lobby the NSW State Government for the Newcastle Ocean Baths to be included in the State Heritage Register noting the iconic facility turns 100 this year.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council;

- 1 Notes that a contract has been let to commence the long awaited Stage One upgrade to Newcastle Ocean Baths, lower promenades and pumping systems.
- 2 Notes that the works will see a new concrete floor included which will cap a natural rock shelf that has survived intact for more than 100 years.
- 3 Notes a public meeting that was held at the baths on November 28, 2021 and hosted by Friends of Newcastle Ocean Baths, where concerns were raised about retaining the pool's natural rock floor and sandy bottom.
- 4 Notes that the sandy bottom is highly valued by pool users who walk on the soft surface, for fitness and rehabilitation, and who claim the sandy bottom reduces the impact of sea lice.
- 5 Continues to lobby the NSW State Government for the Newcastle Ocean Baths to be included in the State Heritage Register noting the iconic facility turns 100 this year.

Carried

The Lord Mayor declared the amendment carried and stated that it now became the motion.

AMENDMENT

Moved by Cr Wark, seconded by Cr Church

To include the following as part of the substantive motion.

- 6 That NCC halt any preliminary works and concrete installation of the flooring of the Ocean baths. This will not interfere with any other critical make safe and restoration works associated with stage one of the project.
- 7 The public provided with copies of all correspondence and allowed an opportunity to provide their objections and submissions.

Defeated

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

Carried

ITEM-3 NOM 22/02/22 - CONFIDENTIAL COUNCILLOR WORKSHOPS

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle:

- 1 As per Section 91 of the Code of Meeting Practice, resolve to open future Council Workshops to the public via webcast, except where required to be closed in accordance with section 10A of the Local Government Act 1993.

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Clausen

That Council:

- 1 Continues to webcast the Public Voice Committee; which is an opportunity for the general public to nominate a matter for discussion with the elected Council.
- 2 Continues to webcast the Public Briefings Committee; which is an opportunity for the Council or an Advisory Committee to, by resolution, request that the CEO schedule a briefing on an issue.
- 3 Notes that the Code of Meeting Practice is scheduled to be reviewed and placed on public exhibition in May 2022.

For the Amendment:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Amendment:

Councillors Barrie, Church, Mackenzie and McCabe.

Carried

The Lord Mayor declared the amendment carried and stated that it now became the motion.

The motion moved by Councillor Mackenzie and seconded by Councillor McCabe, as amended by Councillors Adamczyk and Clausen, was put to the meeting.

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

Against the Motion: Councillors Barrie, Church, Mackenzie and McCabe.
Carried

Councillor Church retired from the meeting at 11.57pm and left the Chamber at the conclusion of the item.

ITEM-4 NOM 22/02/22 - NEWCASTLE CLIMATE ACTION TASKFORCE

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle

- 1 Notes the preceding commitments by the City of Newcastle to addressing climate change, including but not limited to:
 - Formally committing to the principles and targets of the Paris Climate Agreement (December 2018).
 - Making the switch to 100% of the electricity used across Council's operations produced from renewable sources (January 2020).
 - Adopting the Newcastle Climate Action Plan 2021-25 that commits the City of Newcastle to net zero emissions for its operations by no later than 2030, and a Net Zero Emission City by not later than 2040 (November 2020).
 - Taking the Cities Race to Zero Pledge (September 2021).
- 2 Acknowledges the work of the Hunter Community Alliance, representing 23 organisations and more than 250,000 people in the Hunter region, in the development of climate action proposals through cross-sector collaboration since October 2020.
- 3 Notes the success of the City of Newcastle Covid-19 Taskforce in establishing a model of appropriate collaboration and response to crisis, with the independent evaluation describing taskforce as "providing a blueprint for how leaders can respond to future crises or unexpected events within the city and region."
- 4 Builds on the achievements of the Covid-19 Taskforce in the context of Climate Emergency, establish a City of Newcastle Climate Action Taskforce to:

- a Develop a city-wide pathway and timetable to carbon neutrality by December 2035 in conjunction with business, the public sector and the community and based on the best scientific and technical advice. The pathway should review issues and options and sets clear targets, including interim targets; and
- b Recommend measures to progress economic diversification and structural economic change as fossil fuel industries become less reliable within the LGA and more broadly across the Hunter.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Adamczyk

That the City of Newcastle:

- 1 Notes the preceding commitments by the City of Newcastle to addressing climate change, including but not limited to:
 - a. Adopting the New Urban Agenda and Sustainable Development Goals to underpin Council's long-term planning (2016)
 - b. Becoming an inaugural partner of the Climate Council's Cities Power Partnership and committing to five key actions to reduce carbon emissions (2017)
 - c. Formally committing to the principles and targets of the Paris Climate Agreement (2018)
 - d. Commencing an accelerated upgrade of its street lights to LED (2018)
 - e. Commencing upgrading its car fleet to electric vehicles (2018)
 - f. Commencing installing electric fleet vehicle fast chargers throughout the Local Government Area (2018)
 - g. Becoming a member of the International Council for Local Environmental Initiatives (ICLEI) and committing to the requirements of the Global Covenant of Mayors for Climate & Energy (2018)
 - h. Declaring that there is a Climate Emergency (2019)
 - i. Forming the Hunter SDG Taskforce with Compass Housing Services, Port of Newcastle, Hunter Water, Kumalie, Port Waratah Coal Services and University of Newcastle (2020)
 - j. Adopting the Newcastle Climate Action Plan 2021-25 that commits the City of Newcastle to net zero emissions for its operations by no later than 2030, and a Net Zero Emission City by not later than 2040 (2020)
 - k. Taking the United Nations Framework Convention on Climate Change (UNFCCC) Cities Race to Zero and Race to Resilience Pledges ahead of COP26 (2021)
 - l. Constructing a 5-megawatt solar farm on the closed landfill site at Summerhill Waste Management centre (2019)
 - m. Installing additional rooftop solar photovoltaic on the Council Administration Centre, along with EV charging, Internet of Things (IoT) sensors and smart building controls (2019)

- n. Becoming the first council in NSW to make the switch to 100% of the electricity used across its operations produced from renewable sources (2020)
 - o. Commencing development of a zero emissions whole of fleet vehicles transition plan (2022)
 - p. Taking delivery of its first fully electric truck (2022)
 - q. Supporting the Hunter Jobs Alliance in the diversification of the region (2021)
 - r. Commencing work on the renewal of the Newcastle Environment Strategy (2021 and ongoing)
- 2 Acknowledges the work of the Hunter Community Alliance, representing 23 organisations and more than 250,000 people in the Hunter region, in the development of climate action proposals through cross-sector collaboration since October 2020.
- 3 Invite the Hunter Community Alliance to join the SDG Hunter Region Taskforce, which represents Hunter based organisations including the City of Newcastle, Port of Newcastle, Hunter Water Corporation, University of Newcastle, Hunter New England Health, Samaritans, Compass Housing, Allambie Care and Hunter Workers in delivering on the United Nations' 17 Sustainable Development Goals with a particular focus on SDG 7 and 13 – affordable and clean energy, and climate action.
- 4 Undertake a Climate Change Risk Assessment for Council and community assets and services. A first pass risk assessment is underway to inform Council's understanding of climate risk. A second, comprehensive, climate risk assessment will be undertaken as an initiative of the Newcastle Environment Strategy.
- 5 Develops a Circular Economy Plan and a Climate Adaptation Plan following the development and adoption of the Newcastle Environment Strategy, which is at the stakeholder engagement phase and is due for adoption in 2022. The Environment Strategy and both Plans will be placed on public exhibition as well as workshopped with the SDG Hunter Region Taskforce.

Carried

The Lord Mayor declared the amendment carried and stated that it now became the motion.

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

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That Council move into confidential session as per the reasons outlined in the business papers.

Carried

Council resolved into confidential session at 12.14am, Wednesday 23 February 2022.

During confidential session:

All other staff other than the Director People and Culture, Manager Legal and Councillor Services left the Chamber for Item 1 – Chief Executive Officer Annual Performance Report.

Mr Stephen Blackadder, Blackadder Associates provided an overview for Councillors.

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Pull

Council move back into open session.

Carried

Council reconvened at 12.51am.

ITEM-1 CON 22/02/22 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Receives the 2021 CEO annual performance review report 'Performance Review - City of Newcastle Chief Executive Officer 2021' submitted by Blackadder Associates Pty Ltd (**Attachment A**).
- 2 Endorses the performance increase of 3.00% in acknowledgement of the CEO's performance over the last 12 months.
- 3 Acknowledges the increase to the CEO's total remuneration package will be effective from the CEO's anniversary date of 13 December 2021.
- 4 Appoints *Councillor Mackenzie, Councillor Clausen and Councillor Duncan*, in addition to the Lord Mayor to be part of the Performance Review Panel for the current Council term.

- 5 Endorses the Performance Review Panel's recommendation to offer a new contract of employment to the current CEO and authorise the Performance Review Panel to negotiate the terms of renewal, to finalise on behalf of the Council and notify the results back to Council.
- 6 This confidential report relates to the matters specified in section 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

**Carried
unanimously**

**The meeting concluded at 12.52am.
Wednesday 23 February 2022.**