

Minutes

Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 27 February 2024 at 6:05pm.

1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (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), J Baird (Director Museum Archive Libraries and Learning), L Morton OAM (Art Gallery Director), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), R Dudgeon (Executive Manager Project Management Office), P Emmett (Interim Executive Manager Planning and Development), N Kaiser (Executive Manager Media Engagement, Economy and Corporate Affairs), R Tranter (Interim Executive Manager - Transport & Regulation), J Baker (Governance Manager), V Verma (Internal Audit Coordinator), M Hughes (Media Adviser), M Murray (Chief of Staff), K Sullivan (Councillor Services/Minutes/Meetings Support), J Knight (Councillor Services/Meetings Support), L Barnao (Councillor Services/Meeting Support), R Williams (AV Support) and A Clarke (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

Nil.

5. DISCLOSURES OF INTEREST

Councillor Clausen

Councillor Clausen declared a less than significant conflict of interest in Item 8.6 - Traise Street, Waratah - Kerb Realignment and Footpath stating that lived in the vicinity of the crossing, however was not a direct beneficiary. Councillor Clausen stated he would manage the conflict by remaining in the Chamber.

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Councillor Clausen

Councillor Clausen declared a significant non-pecuniary interest in Item 10.1 - Proposed Land Acquisition stating that the proposed acquisition was relevant to his employer and would manage the interest by leaving the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen declared a significant non-pecuniary interest in Item 10.2 - Proposed Land Acquisition stating that the proposed acquisition was relevant to his employer and would manage the interest by leaving the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen out of an abundance of caution declared a non-significant non-pecuniary interest in Item 10.4 - Chief Executive Officer Performance Review stating that for a brief period last year his partner undertook some work in the Executive Office following the departure of a long-term staff member. He stated that his partner's employment concluded prior to the Panel meeting for the first time in December of last year.

He indicated that he made the declaration for transparency and that he did not have any pecuniary interest in any of the matters related in the report for consideration by Council. Councillor Clausen further stated that the declaration was consistent with advice from the City's governance staff, the independent facilitator of the Panel, and had been made at each of the Panel's three meetings. He managed the interest by remaining in the Chamber for discussion on the item.

Councillor Church

Councillor Church declared a significant pecuniary interest in Item 8.10 - Tender Report - Memorial Drive the Hill - Road Embankment - Contract No. 2024/024T stating that he lived in close proximity to the works and would leave the Chamber for discussion on the item.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 12 DECEMBER 2023

MOTION

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

Carried unanimously

7. LORD MAYORAL MINUTE

7.1 ACKNOWLEDGING NEWCASTLE'S CITIZENS OF THE YEAR AND AUSTRALIA DAY 2024 HONOURS LIST RECIPIENTS

MOTION

Moved by Lord Mayor, Cr Nelmes

Part A: Newcastle's Citizens of the Year:

1. Congratulates our 2024 Citizens of the Year and formally recognises the outstanding contributions of these extraordinary Novocastrians:
 - Citizen of the Year - Professor Nathan Bartlett for his contribution to medical science, research and education and his ongoing commitment to improving health outcome for other
 - Young Citizen of the Year - Olivia Hughes for her selfless charity work and fundraising efforts at just 17 years old. Olivia teaches modified Nippers at Nobbys SLSC for children with disabilities and is an incredible fundraiser for Ronald McDonald House, and for charities including Dr Chris O'Brien Lifehouse and SurfAid's Make a Wave Challenge.
 - Senior Citizen of the Year - Emeritus Professor Julie Byles for her work as a long-time advocate for the health of women and older people and for inspiring many young researchers and PhD candidates during her 20 years as the Co-Director of the Australian Longitudinal Study on Women's Health.
 - Community Group of the Year - The LIVEFree Project for their work to elevate wellbeing and reduce loneliness in the community.

Part B: Newcastle's Australia Day Honours List

1. Congratulates the following Novocastrians who received awards in the recent Australia Day 2024 Honours List:
 - Barbara Witcher OAM - For services to Stockton, and for significant volunteer efforts with many organisations including the Cancer Council, Probus, St Vincent De Paul, the Hunter Vally Graduate Women's Association, the Stockton Catholic Parish Council.
 - Professor Kelvin Kong AM - For significant service to medicine as an Otolaryngologist, and to Indigenous health.
 - Laureate Professor Jenny Gore AM - For significant service to tertiary education.
 - Conjoint Professor Tracy Dudding-Byth - For significant service to medical research, particularly genetics, and to the community.
 - Dr Jennifer Barnes OAM - For service to the performing arts through opera, and to the community.
 - Rodney Barnes OAM - For service to music, and to the community.

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- Lucia Wilcox OAM - For service to Netball.
- Louise Buxton OAM - For service to aged care.
- Margaret Covi OAM - For service to bushwalking.
- Joy Loas OAM - For service to the community of the Newcastle region.
- Philip Weston OAM - For service to the Anglican Church of Australia.
- The late Mr Des Skinner OAM - For services to lawn bowls.
- Peta Lawlor ESM - Emergency Services Medal.
- Wing Commander David Bell CSC - Conspicuous Service Cross.
- Wing Commander Andrew Jackson CSC - Conspicuous Service Cross.

Carried unanimously

7.2 ROADS TO RECOVERY AND FINANCIAL ASSISTANCE GRANT SUPPORT

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges that Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon. Catherine King MP, recently visited Newcastle Airport to mark six-months since the International Terminal Construction Project began, with the Federal Government providing \$121 million (\$55M Terminal, \$66M Airfield) towards this important upgrade;
2. Notes that Airport expansion supports industry, enables greater trade, helps create jobs well beyond tourism and is estimated to strengthen our local economy by generating more than \$12 billion in economic activity over the next 20 years;
3. Thanks Minister King for re-affirming the Australian Government's strong support for local government during this visit in January, through the commitment of \$14,918,314 to Council through the Financial Assistance Grant 2023-24 and the provision of \$10.3 million through the Local Roads & Community Infrastructure Program over 6 phases since July 2020, which has assisted Council to deliver:
 - \$1.3 million delivered at Allowah St Waratah
 - \$1.4 million at Yangan Drive, Beresfield
 - \$1.2 million at Rosemount St Adamstown Heights
 - \$0.8 million upgrading the traffic control signals at Chinchin St, Islington
 - \$0.7 million to upgrade the kerb and road shoulders at Woodford St Minmi in 2023/24.
4. Thanks Minister King for the announcement of 19 November 2023 of a \$500 million per year increase in Roads to Recovery funding - a core focus of ALGA's advocacy and leadership over recent years, doubling the Roads to Recovery grant allocation to \$1 billion per year, while also increasing Black Spot Program funding by \$40 million per year;

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5. Notes that in 2023/24 the Financial Assistance Grant will strongly support Council to deliver our Annual Works Program and Operational Plan, and will support our work to improve town centres, build new playgrounds, address climate change at the local level, provide beach lifeguards and deliver other important services to our community;
6. Continues to work with LGNSW and ALGA to ensure that local government receives equitable funding from government to provide essential services to our community.

Carried unanimously

At this stage of the meeting Councillor Church declared a less than significant non-pecuniary interest in Item 8.4 - Newcastle Maritime Museum Society Collection Storage Lease stating that the president of the Newcastle Maritime Museum Society, Bob Cook, was a former Independent Councillor and volunteer for the Newcastle Independents at the 2021 election and would manage the interest by remaining in the Chamber for discussion on the item.

8. REPORTS

8.1. CHANGE TO 2024 ADOPTED MEETING SCHEDULE

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

That Council:

- 1 Adopt a change in Council's 2024 meeting cycle; moving the Council Committee meeting from Tuesday 19 November 2024 to Tuesday 12 November 2024.

Carried unanimously

8.2. TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 NOVEMBER 2023 TO 31 JANUARY 2024

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Notes the tabling of the Register of Disclosures of Interest (for the period 1 November 2023 to 31 January 2024) by the Chief Executive Officer.

Carried unanimously

8.5. CANCELLATION OF EASEMENT - 65 PORTSIDE CRESCENT, MARYVILLE

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

That Council:

- 1 Resolve to cancel an existing easement to "Drain Water 2 wide", burdening Lot 13 DP 881386, known as 6 Portside Crescent, Maryville (the site) and benefitting Lot 11 DP 881386, known as 65 The Avenue, Maryville as shown at **Attachment A**.

Carried unanimously

8.6. TRAISE STREET, WARATAH - KERB REALIGNMENT AND FOOTPATH

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

That Council:

- 1 Approves kerb realignment and footpath connections on Traise Street, Waratah, as shown in **Attachment A**.

Carried unanimously

8.8. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Adamczyk, seconded by Cr Duncan

That Council:

- 1 Receives the Executive Monthly Performance Report (Report) for January 2024.

Carried unanimously

8.3. DECEMBER QUARTERLY PERFORMANCE REPORT

MOTION

Moved by Cr Wood, seconded by Cr Richardson

That Council:

- 1 Receives the 2022-2026 Delivery Program - December Quarterly Performance Report (Report) (**Attachment A**) and adopts the revised budget as detailed therein.

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

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Against the Motion: Councillors Church and Pull.

Carried

8.4. NEWCASTLE MARITIME MUSEUM SOCIETY COLLECTION STORAGE FACILITY LEASE

MOTION

Moved by Cr Duncan, seconded by Cr Wood

That Council:

1. Notes that the NMMS remains responsible for the storage, management, relocation and ongoing care of its collection.
2. Notes at the time of the closure of the Newcastle Maritime Centre on 23 May 2018, it was operating under a long term lease with Hunter and Central Coast Development Corporation (then known as Hunter Development Corporation), which is an agency of the NSW Government, and that the NMMS's collection was stored in a facility owned by Property NSW, which is also an agency of the NSW Government.
3. Notes that CN has incurred costs to date of \$1,456,521 supporting the Newcastle Maritime Museum Society since at least 1998.
4. Notes that of this \$1,456,521, costs of at least \$136,521 (not including staff time) have been incurred storing the NMMS's collection since 2018.
5. Extends a lease with Venues NSW for the storage of the NMMS's collection for a maximum period of twelve months until 21 March 2025.
6. Extends a lease with a private rental facility for the storage of the NMMS's paper-based records and archives collection for a maximum period of twelve months until 21 March 2025.
7. Extends the current in-kind storage support at various CN sites for other NMMS owned items for a maximum period of two years.
8. Notes that extensions of both leases will bring the total storage cost associated with the NMMS's collection since 2018 to \$168,002.
9. Acknowledges the efforts of the Newcastle Museum to provide care for fourteen objects of national and local significance to Australia and Newcastle's maritime heritage which have been transferred from the NMMS to CN's Newcastle Museum collection to ensure their preservation.

AMENDMENT

Moved by Cr Wark, seconded by Cr Church

- 1 Delete 'Maximum' from points 5,6,7 and add to points 5,6,7 'with any decision about extending support to the NMMS to be made by the newly elected Council.'
- 2 Have the CEO, Director of the Newcastle Museum, two Councillors and two committee members from NMMS have a meeting to discuss the "Letter of Agreement" and have a way forward.

Defeated

The motion moved by Councillor Duncan and seconded by Councillor Wood was put to the meeting.

Carried

8.7. AUDIT AND RISK COMMITTEE ANNUAL REPORT

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1 Receives the Audit and Risk Committee's Annual Report for the 2022/2023 financial year at **Attachment A**; and
- 2 Notes the 2023/2024 Forward Internal Audit Plan at Appendix A of Attachment A.

Councillor Clausen proposed a Part B to the motion.

Part B

That Council:

- 1 Writes to the Minister for Local Government and the Office of Local Government requesting that Councillor representatives be reinstated as full members of the Audit, Risk and Improvement Committee, provided that independent members continue to comprise the majority of the Committee.
- 2 Notes that under the Local Government Act, Councillors are collectively responsible for the Governance of the Council administration, and require a direct connection to the Audit Committee.
- 3 Notes that every other State and Territory enables Councillors to be full members of their Audit, Risk and Improvement Committees.
- 4 Notes that this motion is consistent with the resolved position of Local Government NSW, as adopted at the 2023 Annual Conference.

Councillors Duncan and Mackenzie accepted Councillor Clausen's Part B to the motion.

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

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Carried

8.9. TENDER REPORT - BLACKBUTT CARA KIOSK AND COMMUNITY FACILITY - CONTRACT NO. 2024/025T

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wark

That Council:

- 1 Accept the tender of Kingston Building Pty Ltd in the amount of \$2,172,294 (excluding GST) for Blackbutt Kiosk and Community Facility for Contract No. 2024/025T.
- 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

At this stage of the meeting, the Chief Executive Officer gave notice of a late item of business that being Interim Heritage Order - 14 Sunderland Street, Mayfield.

8.10. TENDER REPORT - MEMORIAL DRIVE THE HILL - ROAD EMBANKMENT - CONTRACT NO. 2024/024T

Councillor Church left the meeting for discussion on the item.

MOTION

Moved by Cr Duncan, seconded by Cr Barrie

That Council:

- 1 Accept the tender of Symal Infrastructure Pty Ltd in the amount of \$4,612,046.91 (excluding GST) for the Memorial Drive, The Hill Road Embankment for Contract No. 2024/024T.
- 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

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

8.11. NEWCASTLE ART GALLERY PARTNERSHIP AGREEMENT

At this stage of the meeting Councillor Mackenzie declared a non-significant, non-pecuniary interest stating that he was employed by the University of Newcastle (UON) but not in a way that impacted the proposal and would manage the interest by remaining in the Chamber.

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At this stage of the meeting Councillor Pull declared a less than significant, non-pecuniary interest stating that he was a student at UON and would manage the interest by leaving the Chamber for discussion on the item.

At this stage of the meeting Councillor Duncan declared a non-significant, non-pecuniary interest stating that she is employed by an affiliate of the UON and would manage the interest by remaining in the Chamber. She also stated her husband was an employee of UON.

At this stage of the meeting the Lord Mayor Councillor declared a non-significant, non-pecuniary interest stating that her daughter attended UON and would manage the interest by remaining in the Chamber.

At this stage of the meeting Councillor Adamczyk declared a non-significant, non-pecuniary interest stating that she was an employee of UON and a delegate of the Workers Union and would manage the interest by remaining in the Chamber.

At this stage of the meeting Councillor Church declared a less than significant, non-pecuniary interest stating that he had been employed occasionally as a lecturer and marker with UON but not relating to this particular campus and would manage the interest by remaining in the Chamber.

Councillor Pull left the Chamber for discussion on the item.

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Endorses the multi-year partnership agreement between the University of Newcastle and Newcastle Art Gallery for a period of four years.
- 2 The confidential attachment relating to the matters specified in s10A(2)(c) and s10A(2)(d)(i) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried

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

9. NOTICES OF MOTION

9.1. BRING THE RUGBY WORLD CUP TO NEWCASTLE

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Richardson

That City of Newcastle:

- 1 Notes that Rugby Union's biggest sporting event, The Rugby World Cup, is returning to Australia in 2027, 40 years on from the inaugural event, and again for the women's tournament in 2029 for the first time.
- 2 Writes to the following who have been tasked with developing and delivering the Rugby World Cup, advocating for Newcastle to be a Host City:
 - a. Sir Rod Eddington, Chair, Rugby World Cup Local Operating Company
 - b. Phil Kearns AM, Director, Rugby World Cup Local Operating Company
 - c. Hon Steve Kamper MP, NSW Minister for Sport
- 3 Notes that Newcastle is well equipped to host Rugby World Cup games as well as teams, given its status as a preferred destination for live music, sporting and major events which are a primary driver of the local tourism visitor economy.
- 4 Looks forward to the opportunity to be considered a Rugby World Cup Host City and welcome athletes and rugby fans from across the world in 2027 and 2029.

Councillor Pull proposed the following amendment the motion.

- 5 Advocates for local facilities and grounds to be made available for World Cup teams to train at.

Councillors Winney-Baartz and Richardson accepted Councillor Pull's amendment to the motion.

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

Carried unanimously

9.2. CELEBRATING 150 YEARS OF LOCAL GOVERNMENT IN WALLSEND

MOTION

Moved by Cr Adamczyk, seconded by Cr Richardson

That City of Newcastle:

- 1 Notes that this year, Wallsend be celebrating its 150th anniversary as a municipality, marking 150 years of Local Government for the Wallsend community.
- 2 Reaffirms its support for the planned large-scale community event commemorating the 150th Anniversary of Wallsend's municipality.
- 3 Seeks support under the NSW Government Vibrant Streets Package Open Streets Program which provides financial assistance of up to \$150,000 for Councils to facilitate the temporary closure of streets for community events and activities, and writes to the Minister for Transport, the Hon. Jo Haylen MP, notifying her of the City's application for grant funding.
- 4 Looks forward to celebrating this special anniversary with the local community and creating a vibrant, safe and accessible event for everyone to enjoy.

Councillor Pull proposed the following amendment to the motion.

- 5 Investigates opportunities for a dedicated permanent fixture to commemorate 150 years of Wallsend.

Councillors Adamczyk and Richardson accepted Councillor Pull's amendment to the motion.

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

Carried unanimously

9.3. FAIRNESS FOR REGIONAL HOSPITAL WORKERS

MOTION

Moved by Cr Richardson, seconded by Cr Clausen

That City of Newcastle:

1. Acknowledges with disappointment that the reinstatement of paid parking for staff at John Hunter Hospital came into effect on 1 February 2024, at a cost of at least \$20.90 per week or \$1,700 annually.
2. Notes that John Hunter Hospital is the largest hospital in the Hunter New England Local Health District which services more than 1 million people and employees more than 16,033 staff across 25 local government areas in regional NSW including the Hunter, New England and Mid North Coast regions.

3. Questions the NSW Government's inclusion of John Hunter Hospital in the paid parking program, given the re-introduction of paid parking is for metropolitan hospitals only.
4. Notes this situation again highlights the inconsistent manner in which the Newcastle Local Government Area is classified as sometimes regional and sometimes metropolitan, and the financial impact of this inconsistency on our community, as illustrated by City of Newcastle's detailed submission in this regard made in 2020 to the Public Accountability Committee's *Inquiry into the integrity, efficacy and value for money of the NSW Government grant programs*.
5. Notes that the setting of the new staff parking fees by the NSW Government takes into account public transport fares to encourage employees to use public transport, which City of Newcastle supports, however, recognises that many health care workers are shift workers and public transport, particularly in regional NSW, may not always provide a suitable level of accessibility at all times.
6. Supports the efforts of John Hunter Hospital staff and the NSW Nurses & Midwives Association in highlighting the additional financial strain these changes places on workers in the midst of a cost-of-living crisis.

Carried unanimously

LATE ITEM OF BUSINESS

8.12 INTERIM HERITAGE ORDER - 14 SUNDERLAND STREET, MAYFIELD

The Lord Mayor stated the reasons for urgency for Item 8.12 - Interim Heritage Order - 14 Sunderland Street, Mayfield as follows:

- A local heritage listing nomination form had been received from the community for 14 Sunderland Street, Mayfield.
- There was currently a Development Application on the site for a co living development which was subject to an appeal in the Land and Environment Court.
- A preliminary assessment had been undertaken by an external heritage consultant and a report on the findings received 27 February 2024 was being presented to Council as a late item due to completion of the report only being received today. Given the proceedings that are afoot, the item should not be deferred until the March Council meeting.

PROCEDURAL MOTION

Moved by Lord Mayor, Cr Nelmes

The matter of Interim Heritage Order - 14 Sunderland Street be heard as a late item of business.

Carried

The Lord Mayor ruled the matter of Interim Heritage Order - 14 Sunderland Street, Mayfield be heard as a late item of business in accordance with the Code of Meeting Practice and the reasons outlined above.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Pull

Council adjourn for a 10 minute recess to read the report on the late item.

Carried

Council adjourned at 9.40pm and reconvened at 9.50pm.

As the time was nearing 10.00pm, a procedural motion was moved to extend the meeting.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Barrie

Council extend the meeting past 10.00pm to conclude all business on the agenda.

Carried

MOTION

Moved by Cr Wood, seconded by Cr Clausen

- 1 That Council:
 - a. Make an Interim Heritage Order as set out in Attachment B pursuant to sections 25(2) and 27(a) of the Heritage Act 1977 and in accordance with the Ministerial Order published in the NSW Government Gazette on 12 July 2013 in respect to the land located at 14 Sunderland Street, Mayfield (Lots 27A and Lot 27B in Section D of DP 977626); and
 - b. Initiate further investigations to determine if a Planning Proposal to list the property as an item of local heritage significance within Schedule 5 Environmental Heritage of the Newcastle Local Environmental Plan 2012 is warranted; and
 - c. Commence the Planning Proposal process, including seeking Gateway Approval, to list the property as an item of local heritage significance should it be determined through further detailed investigation that 14 Sunderland Street, Mayfield is an item of local heritage significance.

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

Against the Motion: Councillor Church.

Carried

10. CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

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

Carried

Council moved into confidential session at 10.07pm.

All staff with the exception of Councillors, Executive Director Corporate Services, Executive Manager Legal and Governance and Council meeting support staff, left the meeting for discussion on Item 10.4 - Chief Executive Officer Performance Review.

The Executive Director Corporate Services assumed the role of Acting Chief Executive Officer for Item 10.4 and the remainder of the meeting.

Mr Stephen Blackadder, Blackadder Associates, was present for discussion on Item 10.4 - Chief Executive Officer Performance Review.

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Clausen

Council move back into open Council.

Carried

Council reconvened at 12.47am and the Acting Chief Executive Officer reported the resolutions of the partial confidential reports (*see resolutions at 8.9 and 8.10*) and Confidential Item Nos. 10.1, 10.2, 10.3 and 10.4 below.

10.1. PROPOSED LAND ACQUISITION

Due to a conflict of interest Councillor Clausen was absent from the Chamber for discussion on the item.

MOTION

Moved by Cr Barrie, seconded by Cr Wark

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 landowners as shown at **Attachment A and B**, for the acquisition of the required Land.
2. Authorises the CEO to agree in principle, to terms during negotiations.
3. Requests a report back to Council on the agreed position or otherwise for a Council resolution to acquire the required land.
4. 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 Chief Executive Officer determines otherwise.

Carried unanimously

10.2. PROPOSED LAND ACQUISITION

Due to a conflict of interest Councillor Clausen was absent from the Chamber for discussion on the item.

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 landowners of the property shown at **Attachment A**, for the acquisition of the required Land.
2. Authorises the CEO to agree in principle, to terms during negotiations.
3. Requests a report back to the Council on the agreed position or otherwise for a Council resolution to acquire the required land.
4. 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 Chief Executive Officer determines otherwise.

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

Against the Motion: Nil.

Carried

10.3. PROPOSED LAND ACQUISITION

MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

That Council:

- 1 Endorses City of Newcastle (CN) making bids at public auction to acquire the Property, up to a maximum of 20% above market valuation.
- 2 Resolves to acquire the Property if CN's highest bid is successful in the public auction process.
- 3 Grants authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the auction and sale.
- 4 Publicly notify the proposal to classify the acquired land as operational land in accordance with Section 34 of the Local Government Act 1993.
- 5 Classify the Property as operational land if no public submissions are received objecting to the proposed classification.
- 6 This confidential report relating to the matters specified in Section 10A(2)(c), Section 10A(2)(d)(i) and Section 10A(2)(d)(ii) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried unanimously

10.4. CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the CEO Performance Review report submitted by Stephen Blackadder of Local Government Services Group as shown at **Attachment A**.
- 2 Endorses the recommended performance score of 84% in acknowledgement of the CEO's performance over the last 12 months against KPIs set by the CEO Performance Review Panel.
- 3 Maintains the CEO's total remuneration package of \$513,076 (including superannuation).
- 4 Notes that the *Statutory and Other Offices Remuneration Amendment Act 2023* (SOOR Amendment Act) commenced on 1 June 2023, temporarily

freezing remuneration for public sector senior executives for a period of two years, and as such a SOORT increase will not apply.

- 5 This confidential report relates to the matters specified in section 10A(2)(d) of the *Local Government Act 1993* (Act) be treated as confidential.

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

Against the Motion: Councillor Pull.

Carried

**The meeting concluded at 12.54am
Wednesday 28 February 2024**