

Minutes

Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 28 February 2023 at 6:02 PM

1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Director Community and Creative Services), D Manderson (Acting Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), R Dudgeon (Executive Manager Project Management Office), S Moore (Executive Manager Finance, Property and Performance), M Murray (Chief of Staff), L Zoneff (Media Advisor), L Barnao (Councillor Services/Meetings Support), K Sullivan (Councillor Services/Meetings Support), R Garcia (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

Nil.

5. DISCLOSURES OF INTEREST

Councillor Clausen

Councillor Clausen declared a significant pecuniary interest in Item 8.10 - Hunter Water Amenity Improvement Works - Litchfield Park Mayfield and Notice of Motion Item 9.4 - Calling for Funding for Wallsend Flood Mitigation as both items related to his employer and managed the conflict by removing himself from the Chamber for discussion on the items.

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6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 13 DECEMBER 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

Carried unanimously

7. LORD MAYORAL MINUTE

7.1. SYMPATHIES FOR THE PEOPLE OF TÜRKIYE AND SYRIA

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges the catastrophic devastation caused by the magnitude 7.8 earthquake which struck Türkiye and Syria on 6 February 2023 and has resulted in the deaths of more than 50,000 people and left more than 1.5 million people homeless.
2. Expresses our deepest sympathies to the people of both countries for the destruction and loss of life that has occurred.
3. Writes to the Turkish Ambassador in Australia and the Honorary Consul of Syria in Australia offering the condolences of the City.
4. Encourages Novocastrians who would like to make a financial contribution to assisting both nations to donate through the United Nations Crisis Relief fund, with donations going directly to relief organisations delivering life-saving aid to the frontlines of the crisis.

Carried unanimously

7.2. SUPPORTING THE GREATER NEWCASTLE (HUNTER) OFFSHORE WIND ZONE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- Welcomes the recent announcement by the Albanese Federal Government of its intent to establish Australia's second offshore wind zone off the coast of Newcastle.

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- Notes that the Greater Newcastle (Hunter) offshore wind projects can help decarbonise the economy with year-round clean energy generation and drive regional jobs and growth, with a need for skills in engineering and construction, as well as strong transferable skills from other sectors including high-voltage electrical, logistics and maritime offshore work.
- Acknowledges City of Newcastle's long history of supporting and implementing renewable energy projects, including becoming the first local government in NSW to move to 100 per cent renewable electricity and was once home to Australia's first large scale, land-based single wind turbine at Kooragang Island.
- Notes that a local offshore wind industry offers many potential benefits for Newcastle such as unlocking billions in new investment in renewable energy infrastructure and may pave the way for our city to become the renewable energy hub for the Asia-Pacific region.
- Provides a detailed, supportive submission, noting that consultation on this proposal is now open until 28 April 2023, while strongly reiterating that development of such a zone must be done with guarantees in place that would preference the employment of local workers and use of local materials for the benefit of our local communities.

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

Against the Motion: Councillors Barrie and Wark.

Carried

7.3. NSW GOVERNMENT TO CONFIRM ALLOCATION OF FUNDING AND RESPONSIBILITIES FOR THE DRAFT ACTIONS WITHIN THE EXTENDED STOCKTON COASTAL MANAGEMENT PROGRAM (CMP) RELATING TO THE ON-GROUND DELIVERY OF MASS SAND NOURISHMENT

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Commends the NSW Deputy Premier's announcement on 30 January 2023 that NSW Public Works would manage the delivery of the NSW Government's successful \$6.2 million grant through the Coastal and Estuarine Risk Mitigation Program, which includes the delivery of initial amenity nourishment for Stockton Beach, studies into possible sources of mass sand from the North Arm of the Hunter River and offshore sources, and the environmental approvals required for mass sand nourishment.
2. Commends the announcement by the Leader of the Opposition, Chris Minns MP, on 8 February 2023, that NSW Labor will commit the \$21 million needed

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from the State Government for mass sand nourishment at Stockton Beach if it wins the upcoming March election.

3. Writes to the NSW Premier, the Hon. Dominic Perrottet MP; Deputy Premier, the Hon. Paul Toole MP; Minister for Local Government, the Hon. Wendy Tuckerman MP; the Leader of the Opposition. Chris Minn MP Shadow Minister for Local Government, Greg Warren MP and the State Member for Newcastle, Tim Crakanthorp MP, requesting that the allocation of funding and responsibilities within the NSW Government, for the actions in the Extended Stockton CMP relating to the on-ground delivery of mass sand nourishment, (Attachment 1) will be determined and assigned to a NSW Government agency, to offset the impact of the NSW Government owned infrastructure on Stockton Beach, by the end of April 2023.

AMENDMENT

Moved by Cr Mackenzie

To include an additional point:

1. Commends the announcement on January 10, 2023 Greens Upper House MP Sue Higginson that the NSW Greens will commit to \$25 million for the restoration and maintenance of Stockton Beach, including for mass sand nourishment, if the Greens hold the balance of power following the March state election. further commends the NSW Greens commitment to establishing a levy on coal exports to fund coastal management in line with previous City of Newcastle resolutions.

The Lord Mayor accepted the amendment into the Motion as Part B.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That Part A and Part B be dealt with in seriatim.

Carried

The motion as amended was put to the meeting.

MOTION

Moved by Lord Mayor, Cr Nelmes

PART A

That City of Newcastle

1. Commends the NSW Deputy Premier's announcement on 30 January 2023 that NSW Public Works would manage the delivery of the NSW Government's successful \$6.2 million grant through the Coastal and Estuarine Risk Mitigation Program, which includes the delivery of initial amenity nourishment for Stockton Beach, studies into possible sources of mass sand from the North Arm of the

Hunter River and offshore sources, and the environmental approvals required for mass sand nourishment.

2. Commends the announcement by the Leader of the Opposition, Chris Minns MP, on 8 February 2023, that NSW Labor will commit the \$21 million needed from the State Government for mass sand nourishment at Stockton Beach if it wins the upcoming March election.
3. Writes to the NSW Premier, the Hon. Dominic Perrottet MP; Deputy Premier, the Hon. Paul Toole MP; Minister for Local Government, the Hon. Wendy Tuckerman MP; the Leader of the Opposition, Chris Minn MP Shadow Minister for Local Government, Greg Warren MP and the State Member for Newcastle, Tim Crakanthorp MP, requesting that the allocation of funding and responsibilities within the NSW Government, for the actions in the Extended Stockton CMP relating to the on-ground delivery of mass sand nourishment, (Attachment 1) will be determined and assigned to a NSW Government agency, to offset the impact of the NSW Government owned infrastructure on Stockton Beach, by the end of April 2023.

Carried unanimously

MOTION

Moved by Lord Mayor, Cr Nelmes

PART B

That City of Newcastle:

1. Commends the announcement on January 10, 2023 Greens Upper House MP Sue Higginson that the NSW Greens will commit to \$25 million for the restoration and maintenance of Stockton Beach, including for mass sand nourishment, if the Greens hold the balance of power following the March state election. further commends the NSW Greens commitment to establishing a levy on coal exports to fund coastal management in line with previous City of Newcastle resolutions.

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

Against the Motion: Councillors Barrie, Church, Pull and Wark.

Carried

8. REPORTS

8.1. TABLING OF REGISTER OF DISCLOSURES OF INTEREST 1 NOVEMBER 2022 - 31 JANUARY 2023

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

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That Council:

1. Notes the tabling of the Register of Disclosures of Interest (for the period 1 November 2022 to 31 January 2023) by the Chief Executive Officer (CEO).

Carried unanimously

8.5. VARIATIONS TO DEVELOPMENT STANDARDS (REPORTING FROM 1 OCTOBER TO 31 DECEMBER 2022)

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

That Council:

1. Receives the report on approved development variations between 1 October 2022 and 31 December 2022 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

8.6. SIX MONTHLY PERFORMANCE REPORT ON THE DELIVERY PROGRAM

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Receives the 2022-2026 Delivery Program – Six-Monthly Performance Report (Report) at **Attachment A**.

Carried unanimously

8.8. ADOPTION OF THE COMPLIANCE AND ENFORCEMENT POLICY

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

1. Adopts the Compliance and Enforcement Policy at **Attachment A**.

Carried unanimously

8.9. ADOPTION OF MOBILE FOOD VENDING (LOCAL APPROVALS) POLICY

MOTION

Moved by Cr Wark, seconded by Cr Clausen

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That Council:

1. Adopts the Mobile Food Vending (Local Approvals) Policy at **Attachment A**.

Carried unanimously

8.12. 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 2021/2022 financial year at **Attachment A**; and
2. Notes the 2022/2023 Forward Internal Audit Plan at Appendix A of Attachment A.

Carried unanimously

8.2. FUTURE FUND POLICY

In moving the Future Fund report, the Lord Mayor nominated Councillors Barrie and Clausen as the two Councillor representatives in the Future Fund Governance Committee.

MOTION

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

That Council:

1. Adopts the Future Fund Policy (Policy) as at **Attachment A** and Future Fund Governance Committee Charter (Charter) as at **Attachment B**.
2. Councillors Barrie and Clausen be the two Councillor representatives on the Future Fund Committee.

Carried

8.3. ENDORSMENT OF MOTIONS TO THE 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

MOTION

Moved by Cr Adamczyk, seconded by Cr Winney-Baartz

That Council:

1. Endorse the motion/s for submission to the 2023 Australian Local Government Association's National General Assembly as set out at **Attachment A**.
2. Adopt a change in meeting date for the June Committee Meetings from Tuesday 13 June 2023 to Tuesday 20 June 2023.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That motions 1 and 7 as set out at Attachment A form Part B and both Part A and Part B be voted on in seriatim.

Carried

MOTION

Moved by Cr Adamczyk, seconded by Cr Winney-Baartz

PART A

That Council:

1. Endorse motions 2, 3, 4, 5, 6, 8 and 9 for submission to the 2023 Australian Local Government Association's National General Assembly as set out at **Attachment A**.
2. Adopt a change in meeting date for the June Committee Meetings from Tuesday 13 June 2023 to Tuesday 20 June 2023.

Carried unanimously

MOTION

Moved by Cr Adamczyk, seconded by Cr Winney-Baartz

PART B

That Council:

1. Endorse motions 1 and 7 for submission to the 2023 Australian Local Government Association's National General Assembly as set out at **Attachment A**.

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

Against the Motion: Councillors Barrie, Church, Pull and Wark.

Carried

8.4. DECEMBER QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

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, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Councillor Church.

Carried

8.7. PEARSON STREET LAMBTON - LAMBTON PARK TO CROUDACE STREET CYCLING CONNECTION

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

1. Approve cycling connection works in Pearson Street Lambton, between Lambton Park and Croudace Street, including pedestrian pathways, traffic calming devices, and pedestrian crossing infrastructure, and one-way restriction in Grainger Street Lambton from Elder Street to Howe Street.

Carried unanimously

8.10. HUNTER WATER AMENITY IMPROVEMENT WORKS - LITCHFIELD PARK MAYFIELD

Councillor Clausen left the Chamber for discussion on the item.

MOTION

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

PART A

That Council:

1. Approve the creation of an easement for Hunter Water on a total area of 79m² of City of Newcastle owned land in Litchfield Park, Mayfield (Lot 22 DP95384 27 Myola Street, Mayfield) as per **Attachment C**), for the construction and ongoing maintenance of Hunter Water amenity improvement works on the Throsby Creek Channel.

PART B

That Council:

1. Welcomes Hunter Water investment to improve amenity and liveability by naturalising concrete stormwater channels.
2. Writes to Hunter Water reiterating Council's multiple previous resolutions that its highest priority for stormwater channel widening and naturalisation in the Newcastle LGA is Ironbark Creek, Wallsend.
3. Request that any public art elements included in Hunter Water's stormwater amenity project be reviewed by the Public Art Reference Group prior to installation.

Carried unanimously

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

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council bring forward Notice of Motion 9.1 Llewellyn Street, Merewether - Loss of Right of Carriageway forward on the agenda due to public interest in the gallery.

Carried unanimously

9. NOTICES OF MOTION

9.1 NOM - LLEWELLYN STREET, MEREWETHER - LOSS OF RIGHT OF CARRIAGEWAY

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

1. Notes its previous unanimous resolution of 13 December 2022 calling for an investigation by City of Newcastle into the effective removal and loss of the right-of-carriageway as a result of development at 37 Llewellyn Street Merewether.
2. Notes that the loss of the right of carriageway is inconsistent with CN's development approval and has not been approved by the elected council.
3. Notes that the community is of the understanding that they have had free and unfettered use of the right-of-carriageway lane for at least the last 60 years.
4. Resolves that a Private Certifier should not issue an Occupation Certificate unless Council's Development Conditions of Consent have been complied with in full.
5. Receives the community petition and community motion generated from a community meeting held at the Merewether Bowling Club on 30 January 2023 at which more than 80 residents expressed their concerns with the loss of the right of carriageway.
6. Expedites the investigation and seeks action to remedy and restore the right-of-carriageway, consistent with the current development approval (Condition 69 DA2016/01411) and reports back to the March Council meeting.
7. Writes to the Minister for Emergency Services and Resilience Hon. Steph Cooke MP, and the State Member for Newcastle Tim Crakanthorp, seeking their support for a public access to be created through the Merewether Fire and Rescue Station, known as 39 Llewellyn Street Merewether.
8. Writes to the Minister for Fair Trading asking that he investigate the circumstances surrounding the private certifier who provided an occupation certificate for the property located at 37 Llewellyn Street Merewether despite it not complying with CN's condition 69 that a right of carriageway be created over the property.
9. Receives the responses to the above letter.

Carried unanimously

8. REPORTS

8.11. ACCEPTANCE OF OFFER - UTILITY RELOCATION - UNIVERSITY DRIVE CATCHMENT REHABILITATION

MOTION

Moved by Cr Clausen, seconded by Cr Wood

PART A

That Council:

1. Not invite tenders for Contract 2023/084T – AAPT Fibre Network Relocation – University Drive Catchment Rehabilitation. A satisfactory result would not have been achieved through the calling of tenders as the fibre network assets are owned by AAPT (TPG) and they will undertake the required works.

PART B

That Council:

1. Advocates with LGNSW and City of Parramatta regarding the impact of poor regulation of utility and telecommunications implementation and service augmentation, including damage to streets and footpaths, and costly asset relocations funded by ratepayers. [Adopted position of LGNSW State Conference below].
2. Writes to The Hon Michelle Rowland MP, Federal Minister for Telecommunications, seeking support for councils to be provided with a greater voice in the location and management of telecommunications infrastructure to prevent poor decisions and cost shifting.

Carried unanimously

8.13. ENDORSEMENT OF PLANNING AGREEMENT FOR 30 AND 31 VISTA PARADE KOTARA

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wark

That Council:

1. Endorses the Planning Agreement for 30 and 31 Vista Parade, Kotara (**Attachment A**) and authorises the Interim Executive Director Planning & Environment to execute the Planning Agreement.

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 unanimously

8.14. DETERMINATION OF INCOME TAXATION FOR COUNCILLORS

MOTION

Moved by Cr Barrie, seconded by Cr Pull

That Council:

1. Resolves that Lord Mayor and Councillor fees be subject to income tax withholding under Part 2-5 of the Taxation Administration Act 1953 - sections 446-5 of Schedule 1, with effect from 1 March 2023.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Clausen

That the item lay on the table.

Carried unanimously

8.15. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

1. Receives the Executive Monthly Performance Report for January 2023.

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

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That Council amend the order of business and discuss the following items in order:

8.17 – Tender Report – Replacement of Boscawen Street Bridge

8.16 – Administration of 2024 Council Elections

Carried

8.17. TENDER REPORT REPLACEMENT OF BOSCAWEN STREET BRIDGE - CONTRACT 2023/009T

MOTION

Moved by Cr Richardson, seconded by Cr Adamczyk

The recommendation at Attachment A.

That Council:

1. Accept the tender of Quickway Constructions Pty Ltd in the amount of \$4,610,012 (excluding GST) for Boscawen Street, Wallsend Bridge Replacement for Contract No. 2023/009T.
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.

Carried

10. CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Winney-Baartz

That Council move into confidential session as per the reasons outlined in the Business Papers.

Carried

Council resolved into confidential session at 8.21pm.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That Council remain in confidential session to deal with Confidential Item 10.1 Newcastle Airport.

Carried unanimously

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PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Richardson

That Council move out of confidential session.

Carried

During confidential session, Council moved into confidential Committee to receive a Briefing from Ms Allanna Ryan, Chief Financial Officer, Newcastle Airport.

Council reconvened at 9.24pm and the Chief Executive Officer reported the resolutions of confidential session.

8.16. ADMINISTRATION OF 2024 COUNCIL ELECTIONS

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

1. Resolves, pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act"), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the City of Newcastle.
2. Resolves, pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the City of Newcastle.
3. Resolves, pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the City of Newcastle.

AMENDMENT

Moved by Cr Pull

To include two additional points:

That Council:

4. Endorse the CEO inviting feedback from Councillors, candidates and community members regarding the administration of the 2021 City of Newcastle Local Government Election with a focus on compliance and accessibility issues.
5. Request a response from the Electoral Commission regarding the issues raised and those responses be reported back to Council.

The mover and seconder of the motion agreed to include the amendment into the motion.

The motion as amended was put to the meeting.

Carried unanimously

10.1. NEWCASTLE AIRPORT

MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

1. Appoints the Chief Executive Officer as authorised delegate to undertake all actions necessary to approve the form and enter into the documents listed at Attachment A on behalf of City of Newcastle as required for the refinance of Newcastle Airport Pty Limited's debt facility.
2. Grant authority to affix City of Newcastle's Seal where necessary to any of the documents referred to at Attachment A.
3. This confidential report relating to the matters specified in section 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer, in conjunction with Newcastle Airport Pty Limited, determines otherwise.

Carried unanimously

9. NOTICES OF MOTION

9.2. NOM - IMPROVING OPERATING HOURS AND RESOURCES FOR BERESFIELD POLICE STATION

MOTION

Moved by Cr Pull, seconded by Cr Barrie

That City of Newcastle

1. Notes that in December 2022, a fatal stabbing occurred at Beresfield Train Station.
2. Notes that local residents have reported an increase in crime and public nuisance since the Police Station saw its operating hours reduced when the former Carr government introduced the Local Area Command model.
3. Notes concerns from residents that police response times are often too long, with the nearest local area command for residents of Beresfield, Tarro and Woodberry being Maitland or Raymond Terrace – resulting in extended wait times for emergency police responses.

4. Notes that our local Police do excellent work, however need more resources to help reduce crime rates in areas such as Beresfield, Tarro and Woodberry.
5. Calls on the NSW Government and Opposition to:
 - a. Make Beresfield Police Station a full time Police Station, and;
 - b. Increase Police presence and patrols in Beresfield and surrounding areas, in consultation with the local community.
6. Writes to the Police Minister, the Hon. Paul Toole MP, the Premier the Hon. Dominic Perrottet MP and the Leader of the Opposition, Chris Minns MP and the Member for Wallsend, Sonia Hornery MP informing them of the passage of this motion.

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Richardson

1. Notes the neglect of Beresfield by the Liberal Government over the last twelve years. The lack of a full time police station in Beresfield is indicative of the Liberal's neglect of policing in Newcastle, and across the state of New South Wales.
2. Acknowledges the work of Sonia Hornery MP, the State Member for Wallsend, and her long campaign for a 24/7 police station at Beresfield, including a petition and multiple Notices of Motion to the New South Wales State Parliament.
3. Calls on Callum Pull, Liberal Candidate for Wallsend, to commit to making Beresfield Police Station a full time Police Station ahead of the March 2023 state election.
4. Writes to Callum Pull, Dominic Perrottet's Liberal Candidate for Wallsend, the Premier the Hon. Dominic Perrottet MP, the Police Minister the Hon. Paul Toole MP, the Leader of the Opposition Chris Minns MP, and the Member for Wallsend Sonia Hornery MP, informing them of the passage of this motion.

Councillor Pull raised a point of order that the amendment be a substantive foreshadowed motion.

The Lord Mayor upheld the point of order.

The motion moved by Councillor Pull, seconded by Councillor Barrie, was put to the meeting.

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

Against the Motion: Lord Mayor, Cr Nemes and Councillors Adamczyk, Clausen, Duncan, Richardson, Winney-Baartz and Wood.

Defeated

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

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Pull

To extend the meeting until conclusion of business.

Carried

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

MOTION

Moved by Cr Adamczyk, seconded by Cr Richardson

1. Notes the neglect of Beresfield by the Liberal Government over the last twelve years. The lack of a full time police station in Beresfield is indicative of the Liberal's neglect of policing in Newcastle, and across the state of New South Wales.
2. Acknowledges the work of Sonia Hornery MP, the State Member for Wallsend, and her long campaign for a 24/7 police station at Beresfield, including a petition and multiple Notices of Motion to the New South Wales State Parliament.
3. Calls on Callum Pull, Liberal Candidate for Wallsend, to commit to making Beresfield Police Station a full time Police Station ahead of the March 2023 state election.
4. Writes to Callum Pull, Dominic Perrottet's Liberal Candidate for Wallsend, the Premier the Hon. Dominic Perrottet MP, the Police Minister the Hon. Paul Toole MP, the Leader of the Opposition Chris Minns MP, and the Member for Wallsend Sonia Hornery MP, informing them of the passage of this motion.

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

Against the Motion: Councillors Pull, Barrie and Wark.

Carried

9.3. NOM - ADDRESSING PROBLEM GAMBLING AND MONEY LAUNDERING IN NEW SOUTH WALES

MOTION

Moved by Cr Pull, seconded by Cr Barrie

City of Newcastle

1. Notes that 3.8 per cent of all adults in NSW are either problem gamblers or at risk, and together they represent up to 75 per cent of electronic gaming machine spending.
2. Notes that with more than 86,000 gaming machines, NSW has more gaming machines than any other place in the world aside from the US State of Nevada.
3. Notes that around \$95 billion is gambled through gaming machines across NSW each year, including billions in proceeds of crime.
4. The CEO write to the Premier – the Hon. Dominic Perrottet MP and the Leader of the Opposition, Chris Minns MP, calling on them to:
 - a. Take immediate action to reduce the harm caused by the proliferation of gambling machines including by:
 - i. Introducing a mandatory cashless gaming card scheme.
 - ii. Establishing a state-wide exclusion register with management and oversight that is independent of the gambling industry.
 - iii. Restoring the right of councils to make submissions to, and appeal decisions by, the Independent Liquor and Gaming Authority about gaming machines in their local government area.

AMENDMENT

Moved by Cr McCabe, seconded by Cr Mackenzie

That the following policies are added to the measures in 4a:

- Phasing out poker machines from pubs over 5 years and clubs over 10 and introduce a “pokies super tax” to be reinvested in communities most impacted by gambling harm
- Refusing to sign any agreements between the gambling industry that prevent meaningful gambling reform
- A mandatory state-wide cashless gambling card
- A curfew on gambling machines operating between midnight and midday

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- \$1 bet limits per spin on gambling machines
- Mandatory player-set time and spending limits for gambling machines and online gambling
- A prohibition on loyalty programs in gambling venues
- A ban on poker machine features designed to be addictive such as flashing lights and sounds, and losses disguised as wins
- Amendments to the Electoral Funding laws to prohibit political donations from clubs engaged in wagering, betting or other gambling
- A prohibition on political parties, elected representatives and candidates from owning, leasing or receiving any income from poker machines or receiving income from any other form of gambling

For the Amendment: Councillors Mackenzie and McCabe.

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

Defeated

AMENDMENT

Moved by Cr Clausen, seconded by Cr Richardson

That Council:

1. Writes to both the NSW Premier and NSW Opposition Leader stating that any reforms relating to electronic gaming machines must be evidenced based.
2. Notes that the NSW Government is considering trials of cashless gaming at four venues, with one trial already underway in the Newcastle local government area.
3. Notes that the cashless gaming card trial occurring at Wests Newcastle allows poker machine users to set bet limits, set loss limits, set play limits, set frequency of play limits, as well as access real-time spending data, take a break or self-exclude from gambling and access other responsible gambling tools and services.
4. Notes that the findings of a study into cashless gaming cards by the Victorian Responsible Gambling Foundation in 2020 found no evidence to suggest that the use of cashless forms of gambling provides any consumer or harm-reduction benefits.

5. Notes that existing NSW legislation prevents electronic gaming machines from accepting credit cards, and further that cash withdrawals from credit cards using EFTPOS and ATM facilities is not possible at registered clubs and licenced hotels.
6. Notes that an inquiry by the Federal Government is currently reviewing online gambling and its impacts on those experiencing gambling harm.
7. Writes to the Chair of the House of Representatives Standing Committee on Social Policy and Legal Affairs asking that the inquiry specifically review the continued use of credit card funded online gambling.

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

Against the Amendment: Councillors Church, Mackenzie, McCabe and Pull.

Carried

The amendment became the motion and was put to the meeting.

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

Against the Motion: Councillors Church, Mackenzie and Pull.

Carried

9.4. NOM - CALLING FOR FUNDING FOR WALLSEND FLOOD MITIGATION

Councillor Clausen left the Chamber for discussion on the item.

MOTION

Moved by Cr Pull, seconded by Cr Barrie

That City of Newcastle

1. Notes than in June 2022 Council unanimously carried a resolution seeking funding for Hunter Water Corporation to widen the canal in Wallsend.
2. Notes that CN received no response to its correspondence from the NSW Treasurer, NSW Minister for Lands and Water or the Shadow Treasurer.
3. Urgently writes to the NSW Treasurer, the Hon. Matt Kean MP, the NSW Minister for Lands and Water the Hon. Kevin Anderson MP, the Leader of the Opposition Chris Minns MP, and the Member for Wallsend Sonia Hornery MP, once again seeking their commitment to fund future flood mitigation works in Wallsend.

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Richardson

1. Notes that in June 2022, Council unanimously carried an Amendment to Cr Pull's NOM '15 Years Since Wallsend Flooding', being a resolution moved by Cr Duncan and Cr Richardson, that City of Newcastle.
 - a. Notes that no funding was allocated in the NSW Government's recent budget for flood mitigation works in Wallsend, and
 - b. Writes to the NSW Treasurer the Hon. Matt Kean MP, and the NSW Minister for Lands and Water the Hon. Kevin Anderson MP, once again seeking funding for Hunter Water to widen the canal in Wallsend.
 - c. Also correspond with the NSW Opposition, specifically the Shadow Treasurer, seeking its commitment to future funding for flood mitigation works.
2. Notes that CN received no response to its correspondence from the NSW Treasurer, NSW Minister for Lands and Water or the Shadow Treasurer.
3. Urgently calls on Callum Pull, Dominic Perrottet's Liberal Candidate for the State seat of Wallsend, to commit to funding for future flood mitigation works including the widening of the Wallsend stormwater channel.
4. Urgently writes to the NSW Treasurer the Hon. Matt Kean MP, and the NSW Minister for Lands and Water the Hon. Kevin Anderson MP, the Leader of the Opposition Chirs Minns MP, and the Member for Wallsend Sonia Hornery MP, advising them of this resolution.

The mover and seconder agreed to include Councillor Pull's amendment into the motion.

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

Carried unanimously

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

9.5. NOM SHARK MANAGEMENT PROGRAM IN NEWCASTLE

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

That the City of Newcastle:

1. Sends the letter at Attachment A to the NSW Minister for Agriculture requesting that shark nets be permanently removed from Newcastle's local government

area (LGA) in 2023 and replaced with additional modern shark mitigation measures that effectively protect beach users without damaging marine wildlife.

2. Endorses the response to the NSW Department of Industries (DPI) survey regarding the NSW Shark Management Program attached to this motion as Attachment B.

AMENDMENT

Moved by Cr Duncan, seconded by Cr Barrie

That Council:

1. Notes its previous resolved positions that support a modernisation of shark bite risk mitigation including the removal of shark nets in favour of increased drone surveillance, Shark Management Alert in Real Time [SMART] drumlines, and trials of additional non-lethal measures.
2. Acknowledges that this is an effort to increase protection for beachgoers from shark interactions while minimising harm to sharks and other marine animals. That shark nets not be removed until other measures are in place.
3. Notes that shark mitigation is the responsibility of the NSW State Government, not Council. CN has not undertaken broad community consultation on this matter.
4. Notes that submissions on the DPI survey closed on 19 February. Delegates to the CEO to prepare and lodge appropriate submissions to future DPI consultation regarding shark management.

Carried

The amendment became the motion and was put to the meeting.

Carried

9.6. NOM - FUNDING FOR MINMI ROAD UPGRADES

MOTION

Moved by Cr Pull, seconded by Cr Barrie

That City of Newcastle

1. Notes the important long-standing issues along the Western Corridor roads of Minmi Road and Longworth Avenue, and upgrades required to alleviate traffic congestion for local residents in Wallsend, Maryland, Fletcher and Minmi;
2. Notes that Minmi Road and Longworth Avenue are vital regional road connections from the local suburban roads to the State roads as part of Newcastle's broader road network, particularly in the western suburbs where congestion causes much frustration for many local families every day;

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3. Notes our ongoing commitment to and investment in upgrading Minmi Road and Longworth Avenue including \$26 million allocated to upgrade traffic pinch points and active transport connections along Minmi Road, including duplicating large sections of the road.
4. Notes that in February 2023, City of Newcastle (CN) received \$7.61million as part of Round 3 of the NSW Government's Accelerated Infrastructure Fund, for road widening and renewal of Longworth Avenue and Minmi Road from Maryland Drive (east) to Summerhill Rd which will help to deliver these first stages of essential upgrades and will help to alleviate traffic congestion;
5. Notes that CN's recent application to Transport for NSW for review of the road classification for Minmi Road and Longworth Avenue, from Local Road to Regional Road was unsuccessful, and that CN writes to the Minister for Regional Roads the Hon. Sam Faraway MLC seeking a review of this determination.
6. Writes to the Member for Wallsend, Sonia Hornery MP, the Minister for Regional Roads the Hon. Sam Faraway MLC, the Minister for Metropolitan Roads the Hon. Natalie Ward MLC, and the Leader of the Opposition Chris Minns MP, seeking a commitment from both parties to work constructively with CN to fund these much needed upgrades.
7. Further noting in our correspondence the long-standing issues around the Newcastle LGA's inconsistent classification, and resulting exclusion from grants programs, once again calling on both the Government and Opposition to resolve this issue so that residents in the Newcastle LGA are not unfairly missing out on critical infrastructure funding.

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Richardson

Amend point 2:

- a. Notes that Minmi Road and Longworth Avenue are vital road connections between local, regional, and State roads in Newcastle's road network, and to the western corridor suburbs of Wallsend, Minmi, Fletcher, and Maryland, and
- b. Notes the ongoing advocacy of the City of Newcastle across many years and including in this term of Council, in advocating to the NSW State Government to address the longstanding issues of inadequate road infrastructure along Minmi Road, including in:
 - i. The resolution passed unanimously at the Ordinary Council meeting of October 25 2022, moved by Councillor Adamczyk and Deputy Lord Mayor Councillor Clausen, to support the Transport for NSW Hunter Regional Transport Plan contingent on providing a commitment to fund and support the necessary upgrades required to alleviate traffic congestion on this regionally-significant road for current and future local

residents living, working, and travelling in Wallsend, Maryland, Fletcher, and Minmi, and

- ii. Advocacy to the Joint Regional Planning Panel on December 5 2022 by Councillor Adamczyk, CEO Jeremy Bath, Interim Executive Director Waste Alissa Jones, for development at Minmi to proceed only following the necessary road infrastructure upgrades required to support and to alleviate existing and projected traffic congestion for current and future workers, families, and travellers in Wallsend, Minmi, Fletcher, and Maryland.

Amend point 3:

- Notes Labor Lord Mayor Nuatali Nelmes' Lord Mayoral Minute from February 22 2022 to deliver the \$26 million funding needed to upgrade Minmi Road and Longworth Avenue between Newcastle Road to Summerhill Road to address the issues of traffic congestion for the benefit of families, workers, and travellers in Wallsend, Maryland, Fletcher, and Minmi.

Amend point 4:

- a. Notes with appreciation, that in February 2023, City of Newcastle received \$7.61 million in Round 3 of the NSW Government's Accelerated Infrastructure Fund to support CN's programme of road widening and renewal of Longworth Avenue and Maryland Drive (east) to Summerhill Road which will help to deliver the first stages of essential upgrades to help to alleviate traffic congestion, and
- b. Calls on Callum Pull, Dominic Perrottet's Liberal Candidate for Wallsend, to secure a commitment for funding for further necessary essential upgrades.

Amend point 6:

- a. Calls on Callum Pull, Dominic Perrottet's Liberal Candidate for Wallsend, to secure a commitment to re-classify Minmi Road to a Regional Road.

Amend point 7:

- a. Notes Labor Lord Mayor Nuatali Nelmes' Lord Mayor Minute from June 2022 - referring to the content of previous Lord Mayoral Minutes, subsequent submission to the Public Accountability Committee's Inquiry into the integrity, efficacy, and value for money of the NSW Government grant programs and commissioned Background Issues Paper by Hunter Research Foundation Centre regarding City of Newcastle's classification and eligibility for government funding to the estimated sum of \$170.9 million per year - regarding unfair grant program exclusion, and writing to the Minister for Local Government Wendy Tuckerman to address this issue, and
- b. Further noting our long-standing advocacy to address the inconsistent classification of the City of Newcastle, and resulting exclusion from grants programs, again calls on the Premier for NSW the Hon. Dominic Perrottet MP,

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and the leader of the Opposition Chris Minns MP, to make a commitment to resolve this issue so residents in Newcastle don't continue to unfairly miss out on critical infrastructure funding.

Add point 8:

- Writes to the Member for Wallsend Sonia Hornery MP, the Minister for Regional Roads the Hon. Sam Farrow MP, the Minister for Metropolitan Roads the Hon. Natalie Ward MP, the Leader of the Opposition Chris Minns MP, advising them of this resolution.

The mover and seconder of the motion accepted Councillor Adamczyk's amendment to the motion with an addition to point 8 to read as follows:

- Writes to the Member for Wallsend Sonia Hornery MP, the Minister for Regional Roads the Hon. Sam Farrow MP, the Minister for Metropolitan Roads the Hon. Natalie Ward MP, the Leader of the Opposition Chris Minns MP, advising them of this resolution and seeking a commitment for funding for future upgrades and to reclassify Minim Rd as a regional road.

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

Carried unanimously

9.7. NOM - BAR BEACH CAR PARK EARLIER CLOSURE OF GATES AT 9.00PM

MOTION

Moved by Cr Barrie, seconded by Cr Wark

That City of Newcastle:

1. Close the Bar Beach Car Park on Memorial Drive at 9.00pm to aim to reduce the anti-social behaviour that has been disrupting resident's lives since daylight savings time was introduced in 2022.

In moving the amendment, Councillor Clausen stated he was moving the officer's recommendation as outlined in the business papers with a new point 1.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Richardson

That Council:

1. Supports Cooks Hill surf lifesaving club with their activities along with other businesses in the area.
2. Notes the concern of some residents regarding late-night anti-social behaviour at the Bar Beach car park.

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3. Notes that City of Newcastle ensures reasonable security measures are undertaken, by locking the gates to the car park at Bar Beach at 10pm, and requesting cars to vacate prior to this. This timing is in alignment with NSW EPA and Council policies and ensures consistency in approach to noise across the Newcastle LGA.
4. Notes that the NSW Police are the responsible authority for traffic related offences and that a first offence for hooning behaviour can attract a maximum court-imposed fine of \$3,300 with a second or subsequent offence of \$3,300 and 9 months imprisonment. A 12-month disqualification period can also apply.
5. Requests that CN staff undertake a review of signage in the Bar Beach car park to ensure both size and messaging clearly communicates the car park closing times and reminds motorists that any hooning behaviour can attract a fine of up to \$3,300.

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

Against the Amendment: Councillors Barrie and Wark.

Carried

The amendment became the motion and was put to the meeting.

Carried

9.8. NOM - PEP11 AND OFFSHORE COAL, OIL AND GAS EXPLORATION AND MINING

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle:

- Reaffirms its opposition to both offshore exploration and mining activity due to unacceptable environmental impacts, climate impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
- Notes that this position has been reaffirmed by motions of this Council in February 2018, May 2019, November 2020 and February 2021.
- Notes that the Commonwealth-New South Wales Offshore Petroleum Joint Authority refused to extend the PEP-11 license on 26 March 2022.
- Notes that Federal Court of Australia quashed that decision and agreed on 14 February 2023 to the consent position of the Federal Government and the proponent, which returns the PEP-11 application to the Joint Authority for a new decision.

- Writes to the Minister for Resources, the Hon Madeleine King MP reiterating City of Newcastle's strong and decades-long opposition to offshore oil and gas mining off the coast of Newcastle, and to the future extension of the PEP11 gas exploration licence.

Carried unanimously

LATE ITEMS OF BUSINESS

8.18. TENDER REPORT - PASSMORE OVAL - CONSTRUCTION OF NEW GRANDSTAND - CONTRACT 2023/058T

The Lord Mayor advised that she had been informed of a late item of business and requested the Chief Executive Officer outline the reasons for Council to consider the late item of business.

The Chief Executive Officer (CEO) advised that the construction of a new grandstand at Passmore Oval contained significant funding with the NSW Office of Sport having provided \$1M of grant funding towards the project. The CEO stated that one of the conditions of the grant funding was that the project must be completed by 30 June 2023 and if Council did not award a contract for another month, Council would not be in a position to construct the grandstand by 30 June and would lose a significant portion of the million dollar grant funding.

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

That the matter of Tender Report – Passmore Oval – Construction of new Grandstand – Contract 2023/058T be heard as a late item of business in accordance with the Code of Meeting Practice and as outlined by the Chief Executive Officer.

Carried unanimously

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

The recommendation at Attachment A

That Council:

1. Accept the tender of Cerak Constructions Pty Ltd in the amount of \$2,159,919 (excluding GST) for the Passmore Oval – Construction of New Grandstand for Contract No. 2023/058T.
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.

Carried

Councillor Clausen gave notice of an additional late item of business.

8.19. WICKHAM PDP AND BULLOCK ISLAND RAIL CORRIDOR

The Lord Mayor requested Councillor Clausen to outline the reasons for Council to consider the late item of business.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council consider the item, Wickham PDP and Bullock Island Rail Corridor as a late item of business and is a matter of urgency because it relates to a matter that needs to be raised before the NSW State Election and this is the final opportunity for Council to do that.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Notes the leadership role that CN has played alongside the Wickham community in the development and adoption of the Wickham Masterplan in 2017, which has informed the development of the Wickham Public Domain Plan (PDP) which is currently on public exhibition until 22 March 2023.
2. Notes that the draft Wickham PDP reflects the long-term CN and community vision to open the former Bullock Island Rail Corridor (owned by the NSW Government's TAHE), providing the Wickham community with direct pedestrian access to Wickham Park and onto Hamilton, including unanimous resolutions from Crs Clausen and White and correspondence to the NSW Government in 2021.
3. Reiterates the importance of the Wickham PDP in providing a clear and consistent framework for both City of Newcastle and the development sector to implement as new development continues to occur in Wickham. Notes that the development of the Plan does not stop the continued delivery of improvements in Wickham by CN, including pedestrian improvements and pram ramps.
4. Welcomes the commitment from Shadow Minister for Transport, Jo Haylen MP, and Member for Newcastle, Tim Crakanthorp MP, to opening the Bullock Island Rail Corridor for community active transport use, funded by the NSW Government, as part of the NSW Opposition's proposed Active Transport Infrastructure Fund.
5. Welcomes the commitment of the NSW Greens to \$30 million over four years to fund the Newcastle Council to implement its "Safe Cycleways Network" to close the gap and make cycling more accessible including:

- \$8.5 million commitment to the for the construction of the Richmond Vale Rail Trail sections from Shortland to Hexham, and from Hexham through to Pambalong Reserve, Minmi and Fletcher.
 - \$13 million for design and construction of a safe cycleway from Parkway Avenue to Honeysuckle, as part of the National Park Cycleway, providing crucial north-south linkages through the inner city.
 - A further \$800,000 is committed for the design and construction of a safe cycleway treatment on Station Street in Wickham, which would connect the Newcastle Interchange to Wickham Park and the Bullock Island Rail Corridor to provide first and last kilometer connection to and from the Newcastle Interchange.
6. Writes to the Premier and Minister for Active Transport, reiterating the importance of resolving this matter, and asking them to join with the NSW Labor Opposition in committing to funding the transfer and upgrade of this TAHE land as a vital active transport connection.

Carried unanimously

At the conclusion of the meeting the Chief Executive Officer reported the resolution of Late Item Tender Report – Passmore Oval – Construction of new Grandstand – Contract 2023/058T.

The meeting concluded at 11.53pm.