

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 25 October 2022 at 6.04pm.**

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### **PRESENT**

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.

### **IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Interim Executive Director Corporate Services), J Rigby (Executive Director City Infrastructure), L Duffy (Acting Executive Director Creative and Community Services), M Bisson (Interim Executive Director Planning and Environment), E Kolatchew (Manager Legal and Governance), S Moore (Manager Finance, Property and Performance), P Emmett (Development Assessment Section Manager), N Kaiser (Acting Manager Media, Engagement, Economy and Corporate Affairs), D Moldrich (Manager Customer Experience), D O'Hara (Manager Civic Services), M Murray (Chief of Staff), M Meehan (Senior Media Advisory), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meetings Support), R Garcia (Audio Visual Support and C Urquhart (Information Technology Support).

### **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.

### **REQUEST TO ATTEND BY AUDIO VISUAL LINK / APOLOGIES**

Nil.

### **DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

#### **Lord Mayor, Cr Nelmes**

The Lord Mayor declared a pecuniary interest in Item 88 – Bridge Street, Waratah – Raised Pedestrian Crossing stating that her children attended a nearby school and that she had property near to the area. The Lord Mayor stated that she would manage the conflict by leaving the Chamber for discussion on the item and ask the Deputy Lord Mayor to take the Chair.

#### **Councillor Clausen**

Councillor Clausen declared a less than significant non-pecuniary interest in Item 88 – Bridge Street, Waratah – Raised Pedestrian Crossing, stating that he lived in the same suburb as the proposed works and would remain in the Chamber for discussion on the item.

## **CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - BRIEFING COMMITTEE MEETING 20 SEPTEMBER 2022**  
**MINUTES - ORDINARY COUNCIL MEETING 27 SEPTEMBER 2022**

### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Mackenzie

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

**Carried  
unanimously**

## **LORD MAYORAL MINUTE**

**ITEM-19                      LMM 25/10/22 – SOLIDARITY WITH WOMEN OF IRAN**

### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1        Acknowledges the women, girls and people of Iran who are protesting against Iran's significant discrimination against women and ongoing egregious human right violations.
- 2        Reaffirms its commitment to leading a just, inclusive, and socially cohesive Newcastle where democracy, equality, human rights, and the Rule of Law underpin our progressive City.
- 3        Stand firmly in solidarity with our local Iranian community members and their friends, families and loved ones, who are fighting for justice in the face of violence and oppression.
- 4        Reiterates the comments of the Minister for Foreign Affairs, Senator the Hon. Penny Wong, who advised that the Australian Government has raised concerns regarding the tragic death of 22-year-old woman Mahsa Amini, and has condemned the deadly and disproportionate use of force against those protesting for women's and human rights in Iran.
- 5        Notes that Australian Government's, at all levels, stand with Iranian women and girls in their struggle for equality and empowerment.
- 6        Acknowledges local community members who arranged a moving protest on Saturday, 15<sup>th</sup> October in Newcastle showing their solidarity with the people of Iran, chanting "women, life, freedom" and highlighting the use of torture and imprisonment of young women protesters by the Iranian government and the deaths of more than 200 people since the protests began.
- 7        Calls on Iran to cease its oppression of women.

- 8 Reaffirms its staunch commitment to promoting gender equality and women's human rights, empowerment and ending violence against women and girls worldwide.

**Carried  
unanimously**

**ITEM-20 LMM 25/10/22 – LORD MAYOR'S SCHOLARSHIPS  
RENEWAL**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the current agreement for the Lord Mayor's Women's Scholarship and the Lord Mayor's Scholarship, which support disadvantaged and low socio-economic status students at the University of Newcastle, are set to expire after 2022;
- 2 Highlights Vice-Chancellor, Professor Alex Zelinsky AO's comments that 'it is significant to have the Lord Mayor and Council work with us to help students facing disadvantage achieve their educational goals and that 'it sends a wonderful message to the community about your commitment to the power of higher education';
- 3 Notes the University of Newcastle's ongoing appreciation of the scholarship partnership with Council, with correspondence from University of Newcastle Vice-Chancellor and President, Professor Alex Zelinsky AO (Attachment A) and Relationship Manager Leanne Innes (Attachment B) received, requesting the renewal of the Scholarships agreement and suggesting that the Lord Mayor's Scholarships are continued in perpetuity, in line with our Scholarship agreement with the Hunter TAFE Foundation;
- 4 Endorses the request of the University of Newcastle to continue to support disadvantaged students through the Lord Mayor's Scholarship and the Lord Mayor's Women's Scholarship to 2025.

**Carried  
unanimously**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-81 CCL 25/10/22 - TABLING OF REGISTER OF DISCLOSURES OF  
INTEREST - ANNUAL REPORT**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest for the financial year 2021/2022 by the Chief Executive Officer.

**Carried  
unanimously**

**ITEM-82                    CCL 25/10/22 - VARIATIONS TO DEVELOPMENT STANDARDS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1    Receives the report on approved development variations between 1 July 2022 and 30 September 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**

**ITEM 90                    CCL 25/10/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Wood

That Council:

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

**Carried**

**ITEM-83                    CCL 25/10/22 - EXHIBITION OF DRAFT RENEWAL CORRIDORS SECTION OF NEWCASTLE DCP 2012**

In moving the motion, Councillor Adamczyk stated that she was moving the recommendation of Council Officers as outlined in the business papers with the removal of Section 6.12 – Minmi.

**MOTION**

Moved by Cr Adamczyk, seconded by Cr Wood

That Council:

- 1    Place the draft Renewal Corridors section of Newcastle Development Control Plan 2012, excluding Section 6.12 – Minmi, on exhibition for a minimum of 28 days and receive a report following the formal exhibition period.
- 2    Repeal the following sections:
  - i)    Section 3.09 - Tourist and Visitor Accommodation
  - ii)   Section 6.11 - Royal Newcastle Hospital Site
  - iii)  Section 6.14 - 11 Mosbri Crescent, The Hill.

**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-84                    CCL 25/10/22 - ADOPTION OF NEWCASTLE HERITAGE POLICY**

**MOTION**

Moved by Cr Wood, seconded by Cr McCabe

That Council:

- 1     Adopts the Newcastle Heritage Policy at **Attachment A**.

**PROCEDURAL MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

The matter lay on the table to enable the Community and Culture Advisory Committee to review the policy.

**Carried**

**ITEM-85                    CCL 25/10/22 - EXHIBITION OF MOBILE FOOD VENDING (LOCAL APPROVALS) POLICY**

**MOTION**

Moved by Cr Richardson, seconded by Cr Pull

That Council:

- 1     Places the draft Mobile Food Vending (Local Approvals) Policy (draft Policy) at **Attachment A** on public exhibition for a period of 28 days in accordance with section 160 of the *Local Government Act 1993*.

**AMENDMENT**

Moved by Cr McCabe

- Clause 17.1(g) of the Policy be amended to read:

All packaging used for the sale of food must be recyclable or compostable in line with the Plastic, Reduction and Circular Economy Act, 2021. Details of recyclable materials are available on the City of Newcastle website.

- Add an additional Part B:

That during the time of public exhibition, council staff investigate additional sites for food trucks that are not within close proximity of restaurants and cafes.

The mover and seconder of the motion agreed to incorporate Councillor McCabe's amendment into the motion.

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

**Carried  
unanimously**

**ITEM-86                    CCL 25/10/22 - ADOPTION OF 2021/22 FINANCIAL STATEMENTS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1     Receives and adopts CN's Financial Statements and accompanying notes, in respect of the year ended 30 June 2022, together with the Auditor's Report (**Attachment A**).

**Carried  
unanimously**

**ITEM-87                    CCL 25/10/22 - WALLARAH ROAD, NEW LAMBTON - RAISED PEDESTRIAN CROSSING**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Wood

A     That Council:

- 1     Approves the installation of a raised pedestrian crossing with kerb extensions and associated footpath connections on Wallarah Road New Lambton, as generally shown in **Attachment A**.

B     The works be scheduled for delivery within the 2023/24 works program.

**Carried**

**ITEM-88                    CCL 25/10/22 - BRIDGE STREET, WARATAH - RAISED PEDESTRIAN CROSSING**

The Lord Mayor left the Chamber for discussion on the item and the Deputy Lord Mayor took the Chair.

## **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Approves the upgrade of the existing children's crossing on Bridge Street Waratah, to a raised pedestrian crossing with kerb extensions, associated lighting, landscaping, signage and line marking, as generally shown in **Attachment A**.

**Carried  
unanimously**

The Lord Mayor returned to the Chamber at the conclusion of the item and resumed the Chair.

## **ITEM-89 CCL 25/10/22 - ADOPTION OF SPECIAL RATE EXPENDITURE POLICY**

### **MOTION**

Moved by Cr Duncan, seconded by Cr Adamczyk

That Council:

- 1 Adopts the Special Business Rate Expenditure Policy at **Attachment A**.

### **AMENDMENT**

Moved by Cr McCabe, seconded by Cr Barrie

That Council puts the special Business Rate Expenditure Policy at **Attachment A** on public exhibition for a period of 28 days and receives a report on community submissions prior to adoption.

The mover and seconder of the motion accepted the amendment as the motion.

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

**Carried  
unanimously**

## **NOTICES OF MOTION**

### **ITEM-34 NOM 25/10/22 - SUBMISSION ON THE DRAFT HUNTER REGIONAL TRANSPORT PLAN**

#### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Clausen

That City of Newcastle

- 1 Makes a submission to the NSW Government regarding the draft Hunter Regional Transport Plan 2041 (the Plan) which is on public exhibition until Friday, 11 November 2022;

- 2 Recognises a successful city-wide multi-modal, connected transport system underpins the livelihoods, health, productivity, resilience, and prosperity of our residents therefore providing our residents and visitors with options for public and active transport systems to allow them to move easily between their place of residence to social, educational, employment, recreational, and cultural spaces and infrastructure in the city is an essential responsibility of government;
- 3 Acknowledges that growing populations are living in private rental, owner-occupied, and community- and state- supported housing in our Western Corridor, including in Minmi, Beresfield, Tarro, Wallsend, Fletcher and Maryland, and notes the identification of our Western Corridor as a priority location for future housing in the Hunter Regional Plan 2041;
- 4 Ensures the Plan addresses the lack of public rail transport infrastructure in the Western Corridor, the problematic historical under-funding and lack of strategic planning of our transport network servicing all areas across the city, particularly our western suburbs (for example, with no existing, in-use rail infrastructure in much of Ward 4), and associated heavy car reliance, for residents in suburbs such as Minmi, Wallsend, Beresfield, Tarro, Fletcher and Maryland;
- 5 Recognises the critical importance of public transport in connecting our expanding regional employment, economic, educational, and health nodes; like the John Hunter Campus as the preeminent regional health and tertiary referral hospital, with the highest trauma centre admission rates in NSW for the majority of the year, and the identification of Beresfield in the Western Corridor as a “region shaping gateway and industry precinct” in the Hunter Regional Plan 2041;
- 6 Supports the prioritisation in the Hunter Regional Plan 2014 of 'walking, cycling and public transport to create 'opportunities for people who choose not to use a car' and 'reduce car dependency, to support the ambition to ensure everyday needs are 'accessible within 15 minutes by walking';
- 7 Supports the adopted Plan with the inclusion of the following (noting our long and consistent advocacy for projects and initiatives that meet the objectives of the NSW Government's 20-year vision for Greater Newcastle's transport network, including CN's Advocacy Priorities 2022 document [**Attachment A**]):
  - a) Extension of the Newcastle Light Rail, which would provide significantly improved public transport connectivity between the City Centre, Catalyst Precincts; such as Hunter Park at Broadmeadow, the John Hunter Hospital and Newcastle Airport, as identified in the Greater Newcastle Metropolitan Plan 2036;



- b) Delivery of the Lower Hunter Freight Corridor, with the feasibility study expedited, and a strategic business case developed for the project as a matter of priority, noting City of Newcastle's submission in 2021 (**Attachment B**) to Transport for NSW reiterated that this critical corridor, aimed at establishing a future dedicated freight rail line between Fassifern and Hexham and bypassing residential Newcastle, would dramatically alleviate traffic congestion experienced at locations such as the Adamstown and Clyde Street level crossing gates. CN notes that our submission supported the project integration between the Lower Hunter Freight Corridor, the proposed M1 Motorway extension to Raymond Terrace and our emerging Black Hill industrial precinct; advocated for the preferred option at Hexham ensures that the corridor crosses over Maitland Road and the Hunter River to Ash Island and continues south on the northern side of the river, maintaining a reasonable distance from the suburb of Mayfield to a point where it can cross the river again on Kooragang Island, delivering on the concept of 'Port Side Rail'; and emphasised the strong benefits of delivering the rail corridor alongside the port as both future proofing the freight rail corridor and significantly minimising community impacts and supporting future economic growth. The Lower Hunter Freight Corridor further supports the identification of Beresfield as a “region shaping gateway and industry precinct” in the Hunter Regional Plan 2041;
- c) Diversification of the Port of Newcastle, in that a Newcastle Container Terminal would create genuine competition between the two port operators and allow NSW importers and exporters to choose the most efficient supply chain for their cargo, noting that the NSW Premier only this month defended the Liberal State Government's decision to cripple the diversification of the Port of Newcastle (Newcastle Herald, 13<sup>th</sup> October 2022) and that CN supports the action currently being taken by the Port of Newcastle in partnership with ACCC to remove the anti-competitive agreements currently in place with Port Botany and Port Kembla;
- d) Newcastle to Sydney Fast Rail strategic business case should be prioritised and corridor planning initiated, with a Fast Rail transport interchange located at Broadmeadow;
- e) The need for a Newcastle Inner City Bypass Rapid Public Transport connection between the John Hunter Hospital and the University of Newcastle, including the provisioning of active transport links between these major regional employment, economic, educational, and health nodes;
- f) Widening of Minmi Road between Minmi and Wallsend as a crucial piece of city infrastructure in alleviating heavy private vehicle traffic along the main arterial road in the city's growing Western Corridor;
- g) Newcastle Interchange Ferry Terminal & an additional commuter ferry terminal at Stockton;
- h) An additional entry to Summerhill Waste Recycling Facility from the M1 Link Road; as a crucial piece of city infrastructure in alleviating heavy traffic along the main arterial road in the city's growing Western Corridor;

- i) Delivers the Richmond Vale Rail Trail, noting that at least \$35 million is required for the development of the trail within the Newcastle Local Government Area, a project that will provide valuable commuter, recreational and tourism opportunities for the city and the region, and is identified in the Greater Newcastle Metropolitan Plan 2036;
  - j) Active Transport upgrades including funding towards the next stages of the Bathers Way and funding for the Active Transport Infrastructure Program including the following cycleway upgrades:
    - i. City Centre to Merewether Cycleway, Stage 2;
    - ii. Newcastle West Bi-directional Cycleway –West End Stage 2, Phase 1;
    - iii. Newcastle East End Streetscapes Upgrades and Cycleway;
    - iv. Signalisation of Cycleway Intersections;
    - v. Cycleway connections with Link Road upgrade;
    - vi. Maitland Road Rail Crossings Cycleway upgrades;
    - vii. National Park Cycleway
  - k) Restoration of Park and Ride service between Broadmeadow and the John Hunter Hospital;
  - l) The creation of an investment stream for safer, walkable streets and vibrant public spaces to champion a walking culture;
- 8 Additionally notes the City's submission to the NSW Legislative Council's Inquiry into the Privatisation of Bus Services which noted that:
- a) CN believes privatisation of public transport, where a reduction of service results, is not in the public interest, and does not align with our strategic vision for a connected and integrated multimodal transport network for our city;
  - b) CN is currently unable to access equitable grant funding to improve bus stop infrastructure such as seating and shelters, at the same level as LGAs that are able to access grant funding;
  - c) Novocastrians are currently ineligible to access the \$250 Regional Seniors Travel Card, creating a situation where neighbours on one side of the street in the adjoining Lake Macquarie City Council Local Government Area (LGA) are eligible for the significant rebate, while residents in the City of Newcastle LGA cannot access the subsidy;
  - d) The NSW Government missed an opportunity to harness Newcastle's deep manufacturing capabilities by establishing the NSW electric bus fleet manufacturing and maintenance facility in Western Sydney;
- 9 Resolves the severe need for funding and planning for infrastructure to meet the existing and future multi-modal transport needs of our population, and identifies as critical investigation areas where a strategic case for these projects should be urgently prioritised and initiated, including consideration of:
- a) A future rail system servicing the Western Corridor; including from Wallsend, to Maryland and Fletcher, Minmi, and Beresfield and Tarro, as a crucial piece of city infrastructure in alleviating heavy private vehicle traffic along the main arterial roads in the city's growing Western Corridor;

- b) Rapid transport links between major regional employment centres, the John Hunter Hospital and the University of Newcastle, including the provision of active and public transport as part of the Newcastle Inner City Bypass project.

**Carried  
unanimously**

**ITEM-35      NOM 25/10/22 - NEWCASTLE NEEDS A YEAR-ROUND AQUATIC FACILITY**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

- 1 Notes Council's continued investment of more than \$3million to upgrade local pools, while ensuring affordable entry fees for equity in access for residents, including:

**Mayfield Pool**

- Connecting pathways to new undercover picnic and accessible barbecue area
- Three grandstands with shade
- New playground
- Family change room
- Installation of new shade at deep end of the pool
- New lane ropes
- Installation of two umbrella shade shelters adjacent to learners pool
- Installation of brighter lighting in change rooms
- New pace clock

**Stockton Pool**

- Major works to reduce water use
- New boundary fencing on western side
- Rectification of roof in main pavilion
- Three new blanket rollers to store heat blankets
- Relining main lines to the pool
- Replace learners pool blanket

**Lambton Pool**

- Replace 120m long water slide
- Upgrade to water play area
- Repaint of facility
- New starting blocks and covers to protect the blocks for the 50m pool
- Safety works on stairway access platform to water slide
- Design investigations to more adequately heat the pools

- Painting of all changerooms and non-slip at entrances
- New lane ropes
- Installation of Cantilever shade structure at water slide

#### **Beresfield Pool**

- New starting blocks for the 50m pool
- Five new shade umbrellas
- New large pool inflatable
- Additional bench seating
- Additional permanent shade off changeroom pavilion

#### **Wallsend Pool**

- New shade above seating along pool deck
- New shade at starting block end
- Replacement of large shade structure in open space
- Removal of unsafe shade structure on western side
- Replacement of playground
- Relocation and new pace clock on South end
- Repair/maintenance of plumbing in amenities
- General tidy up of gardens and open space, clean of scum lines
- Relocation of ducks
- External garden beds mulched
- Linemarking of car park
- New lane ropes
- Scheduled pressure clean of pool pre-opening

- 2 Notes the Council's commitment to providing a modern year-round public aquatic facility in Newcastle.
  
- 3 Notes that a year-round facility requires substantial investment. Elsewhere, the NSW Government has provided significant funding for pool upgrades or redevelopments. Projects that received funding from Governments include:
  - City of Sydney: \$106 million
  - North Sydney: \$64 million
  - Parramatta: \$87 million
  - Eurobodalla: \$69 million
  
- 4 Notes that an aquatic facility is being considered in the Venues NSW Business Case for Hunter Park in Broadmeadow. Writes to Venues NSW seeking confirmation that land will be preserved within the Hunter Park precinct to enable a year-round aquatic facility.

- 5 Develops and promotes via all appropriate channels a public petition to the NSW Legislative Assembly calling on the NSW Government and Opposition to invest in a new year-round swimming facility in Newcastle.

**For the Motion:**

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

**Against the Motion:**

Councillors Barrie and McCabe.

**Carried**

**The meeting concluded at 8.18pm.**