

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor, City Hall, 290 King Street, Newcastle on Tuesday 27 September 2022 at 6.06pm.

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), S Moore (Acting Director Governance and Chief Financial Officer), L Duffy (Acting Director City Wide Services), J Rigby (Acting Director Infrastructure and Property), E Kolatchew (Manager Legal), A Williams (Acting Manager Finance), M Bisson (Manager Regulatory, Planning and Assessment), M Murray (Chief of Staff), L Zoneff (Media Advisor), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meetings Support), R Garcia (Information Technology 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.

A period of one minute silence was observed to honour and remember Her Majesty Queen Elizabeth II.

REQUEST TO ATTEND BY AUDIO VISUAL LINK

Nil.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor McCabe

Councillor McCabe declared a non-significant non-pecuniary interest in Notice of Motion Item 30 - EV Charging stating that she owned an electric vehicle with no off-street parking and would remain in the Chamber for discussion on the item.

Councillor Wood

Councillor Wood declared an interest in Notice of Motion Item 33 - Recognition of Carers and National Carers Week stating that she was previously a volunteer for carers NSW and had some involvement in the planning of the national carer's survey this year.

This is page 1 of the Minutes of the Ordinary Council Meeting held in the Council Chambers, City Hall, Newcastle on Tuesday, 27 September 2022 at 6.06pm.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 23 AUGUST 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

Councillor Pull proposed the following amendment to the minutes in relation to Item-26 NOM 23/08/22 - Using Recycled Plastic Products in City of Newcastle Projects, page 17 of the agenda:

AMENDMENT

Moved by Cr Pull, seconded by Cr Barrie.

- 7 *Investigates opportunities for City of Newcastle to incorporate recycled plastic products in City of Newcastle projects, where appropriate, and where cost effective.*

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

The motion, moved by Councillors Mackenzie and Duncan, was put to the meeting.

Carried

LORD MAYORAL MINUTE

ITEM-17 LMM 27/09/22 - HONOURING THE PASSING OF HER MAJESTY QUEEN ELIZABETH II

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Acknowledges the passing of Her Majesty Queen Elizabeth II on the 8th September 2022 at Balmoral Castle in Scotland.
- 2 Honours Her Majesty's service to the Commonwealth as the longest serving British monarch, and the first monarch to visit Australia.
- 3 Acknowledges City of Newcastle's connection with the throne, following approval in 1947 by King George VI of its elevation to Lord Mayor, the first Australian non-capital city to receive the honour.
- 4 Notes Her Majesty Queen Elizabeth II and the Duke of Edinburgh visited the City of Newcastle on four occasions, in 1954, 1970, 1977 and 1988.

This is page 2 of the Minutes of the Ordinary Council Meeting held in the Council Chambers, City Hall, Newcastle on Tuesday, 27 September 2022 at 6.06pm.

- 5 Writes to King Charles III expressing sincere condolences on behalf of the community of Newcastle and congratulating him on his ascension to the throne.

**Carried
unanimously**

ITEM-18 LMM 27/09/2022 - NRLW LORD MAYORAL CHALLENGE

MOTION

Moved Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Congratulates the Newcastle Knights Women's NRL team for progressing to the Grand Final on Sunday 2 October and wishes them the best of luck as they take on the Parramatta Eels;
- 2 Would welcome the honour of hosting a celebratory Civic Reception for the Newcastle Knights NRLW Team at City Hall;
- 3 Accepts the challenge from Cr Donna Davis, Lord Mayor of the City of Parramatta to wear the winning NRL team's jersey in the Council Chambers Caat the next Ordinary Council Meeting following the NRLW match.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-79 CCL 27/09/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

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

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**

ITEM-80**CCL 27/09/22 - HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL ALTERNATE MEMBERSHIP****MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Authorises City of Newcastle's Chief Executive Officer in consultation with the Lord Mayor and Councillor representatives to the Hunter and Central Coast Regional Planning Panel (HCCRPP) to determine staff or independent alternative representatives to the HCCRPP when Councillor appointed representatives or alternative representatives have declared a conflict of interest or conflict of duties or where they are otherwise unavailable to represent CN on the HCCRPP.

**Carried
unanimously**

ITEM-70**CCL 27/09/22 - PUBLIC EXHIBITION OF OUR SUSTAINABLE WASTE STRATEGY**

In moving the motion, Councillors Clausen and Adamczyk moved an addition to point two of the Officer's recommendation as outlined in the business papers.

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Places the draft Our Sustainable Waste Strategy – Strategic Framework (**Attachment A**), White Paper (**Attachment B**) and Delivery Plan (**Attachment C**) on public exhibition for 42 days.
- 2 Receives a report on submissions following the public exhibition.

That a particular emphasis be undertaken within the 'Community' and 'Operational Excellence' priorities of our Delivery Plan in order to support our achievement of the Planet and Prosperity Pillars, in:

Noting significant numbers of residents and international students locating in Newcastle from culturally diverse locations, and increasing numbers of renters in the city (including in suburbs near the main campus of the local university such as Shortland, Callaghan and Jesmond),

- i. Prioritising to engage with owners and landlords, the University of Newcastle, and community organisations like Mosaic and Zara's House, as key stakeholders to work with culturally and linguistically diverse communities to improve household waste and bulk waste practices; and

Noting the importance of avoidance - as well as mitigation - of food and organics waste to minimise food waste,

- ii. Prioritising continued work with food rescue services such as OzHarvest to deliver education and to ensure that, wherever possible, surplus food from City of Newcastle events, and produced by commercial businesses in the city, is ethically re-used or repurposed

Carried

ITEM-71 CCL 27/09/22 - PUBLIC EXHIBITION OF THE DRAFT HARBOUR FORESHORE MASTERPLAN

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

- 1 Places the draft Harbour Foreshore Masterplan at **Attachment A** on public exhibition for a period of four weeks.
- 2 Receives a report on submissions following the public exhibition.

**Carried
unanimously**

ITEM-72 CCL 27/09/22 - ACCELERATED DEVELOPMENT APPLICATION SYSTEM

MOTION

Moved by Cr Adamczyk, seconded by Cr Wark

That Council:

- 1 Endorses the Accelerated Development Application System.

**Carried
unanimously**

ITEM-73 CCL 27/09/22 - ADOPTION OF AMENDMENTS TO THE NEWCASTLE DCP 2012

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Adopts Section 4.02 Bush Fire Protection (**Attachment A**), Section 4.03 Mine Subsidence (**Attachment B**), Section 4.04 Safety and Security (**Attachment C**) and Section 7.03 Traffic, Parking and Access (**Attachment D**) of Newcastle Development Control Plan 2012 with an amendment to Section 7.03.02 - Section F (pg 34) to read:

“The following controls apply to new development that involves car parking, or residential alterations and additions with an estimated cost of equal to or more than \$200,000”.

- 2 Notes that once adopted, the amendments will become operational from 1 November 2022.
- 3 That Section 7.03.02 Section E Parking for People with a Disability be reviewed by the DCP Working Party and reported back to Council by June 2023, consistent with Council’s Resolution of April 2022 (Part B, Item 31).

AMENDMENT

Moved by Cr Church, seconded by Cr Barrie

Delete the car parking changes from the DCP and keep the current car parking requirements as they are.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Mackenzie

The policies be considered in seriatim:

Part A Section 4.02, Section 4.03, 4.04 and Part B 7.03.

Defeated

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

For the Amendment: Councillors Barrie, Church and Pull.

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

Defeated

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

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

Against the Motion: Councillors Barrie, Church and Pull.

Carried

ITEM-74

CCL 27/09/22 - PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT FOR 10 DANGAR STREET, WICKHAM

MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Council:

- 1 Places the draft Planning Agreement (**Attachment A**) and Explanatory Note (**Attachment B**) for 10 Dangar Street, Wickham on public exhibition for 28 days noting this is not an endorsement of the proposal.
- 2 Considers a report on the draft Planning Agreement and Explanatory Note following public exhibition.

**Carried
unanimously**

ITEM-75

CCL 27/09/22 - PUBLIC EXHIBITION OF DRAFT LOCAL SOCIAL STRATEGY

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Places the draft Local Social Strategy 2030 (LSS) at **Attachment A** on public exhibition for a minimum 28 days.
- 2 Receives a report on submissions following the public exhibition.
- 3 The Community and Culture Advisory Committee receives a briefing, with an open invitation to members of other Committees, prior to a report back to Council.

Carried

ITEM-76

CCL 27/09/22 - PUBLIC EXHIBITION OF THE DRAFT SOCIAL INFRASTRUCTURE STRATEGY

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Places the draft Social Infrastructure Strategy 2022-2026 (SIS) at **Attachment A** on public exhibition for a minimum 28 days.
- 2 Receives a report on submissions following the public exhibition.

- 3 The Community and Culture Advisory Committee receives a briefing, with an open invitation to members of other Committees, prior to a report back to Council.

**Carried
unanimously**

**ITEM-77 CCL 27/09/22 - WILKINSON AVENUE, BIRMINGHAM
GARDENS - RAISED PEDESTRIAN CROSSING BETWEEN
BLUE GUM ROAD AND KING STREET**

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

- 1 Approves the installation of a raised pedestrian crossing with kerb extensions and associated footpath connections on Wilkinson Avenue Birmingham Gardens, as generally shown in **Attachment A**.

**Carried
unanimously**

**ITEM-78 CCL 27/09/22 - NEWCASTLE LIGHT RAIL - TRANSPORT
ASSET HOLDING ENTITY LAND TRANSFER TO CITY OF
NEWCASTLE**

MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Council:

- 1 Resolves to accept the transfer of the following parcels of land (the Land) as shown at **Attachment A**, in accordance with s377(1)(h) of the *Local Government Act 1993* (the Act):
 - i) Lot 1 DP 1226551,
 - ii) Lot 3 DP 1226551,
 - iii) Lot 5 DP 1226551, and
 - iv) Lot 1 DP 1192409.
- 2 Resolves to classify the Land as Operational Land, subject to publicly notifying the proposal in accordance with the Act.
- 3 Resolves upon the Land being classified as Operational Land that it be dedicated as public road.
- 4 Grants authority to the Chief Executive Officer (CEO) or his delegate to execute all relevant documentation to affect the transaction.

Carried

NOTICES OF MOTION

ITEM-30

NOM 27/09/22 - RESIDENTIAL EV CHARGING

MOTION

Moved by Cr Duncan, seconded by Cr Clausen

That City of Newcastle

- 1 Notes the rapid increase in electric vehicle (EV) ownership in Australia.
- 2 Notes the recent announcement by the ACT Government to phase out the sale of new internal-combustion passenger vehicles in the ACT from 2035 in an Australia-first move aimed to match other aggressive phase-out targets already set across Europe.
- 3 Notes that the NSW and Commonwealth Governments have announced electric vehicle strategies to increase EV ownership.
- 4 Notes the recent announcement by one Australian bank that it will no longer provide new vehicle loans for petrol or diesel cars from 2025.
- 5 Notes that a number of Australian local councils are developing strategies to enable at-home charging for properties without offstreet parking (see attachment A & B). Some of these initiatives are being funded by the Australian Renewable Energy Agency to trial EV charging points on power poles (Attachment C).
- 6 Commits, as an action to be included within the upcoming Environment Strategy, to developing an EV policy framework for Newcastle to:
 - a. support the acceleration of the transition to EVs in the City of Newcastle LGA
 - b. ensure clarity of CN's role in public charging stations, including CN's role alongside private charging providers like NRMA and Ampol
 - c. the continued transition of CN's own fleet to electric vehicles
 - d. the continued evolution of planning regulations to support EVs (including the future-proofing requirements recently exhibited in the Newcastle DCP), and
 - e. a position of the provision of streetside charging infrastructure for residents of properties with no off-street parking.

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:

Councillor Pull.

Carried

ITEM-31 **NOM 27/09/22 - EV CHARGING - ADAMSTOWN LOCAL CENTRE**

MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

That City of Newcastle

- 1 Notes the rapid increase in electric vehicle (EV) ownership in Australia.
- 2 Notes Council's commitment to the upgrade of the Adamstown Local Centre at Bruncker Road within CN's popular local centre upgrade program.
- 3 Notes feedback from the Adamstown Business Group to Ward 2 Councillors seeking EV charging in close proximity to the Adamstown CBD as an economic development initiative.
- 4 Requests that public EV charging infrastructure be included in the Adamstown local centre as part of the future local centre upgrade.

**Carried
unanimously**

ITEM-32 **NOM 27/09/22 - RECOGNITION OF CARERS AND NATIONAL CARERS WEEK**

MOTION

Moved by Cr Wood, seconded by Cr Duncan

That City of Newcastle:

- 1 Acknowledges the important role that carers play in our local community;
- 2 Supports the greater recognition and community inclusion of carers;
- 3 Supports National Carers Week (16 to 22 October 2022) by:
 - a. promoting events on the City website, social media channels and the Community e-newsletter,
 - b. providing venues,
 - c. supporting the Memory Room Project at City Libraries,
 - d. holding a morning tea for carers and service providers on 14 October,
 - e. using internal media to raise awareness of the role of carers and the Carer's Charter with employees.
- 4 Seeks to be inclusive and supportive of employees who are carers and lead cultural and workplace change;
- 5 Complies with the NSW Carer Recognition Act and support the Carer's Charter;
- 6 Supports the development and funding of policy initiatives by State and Federal governments to support carers in their caring role;
- 7 Supports the priorities in the NSW Carer's Strategy 2020-2030, including the recognition and empowerment of carers and improved financial wellbeing and economic opportunity for carers;

- 8 Writes to the NSW Minister for Families and Communities, and Minister for Disability Services, the Hon. Natasha Maclaren-Jones MLC, and the Shadow Minister for Disability Inclusion, Kate Washington MP, calling upon the NSW Government to include local government in the next Action Plan (2023-2025) by consulting with Local Government NSW and local councils and developing Actions and measurable outcomes aligned to the priorities of the NSW Carers Strategy;
- 9 Writes to the Federal Minister for Social Services, the Hon. Amanda Rishworth MP, and the Federal Member for Newcastle, Sharon Claydon MP, advising of our City's support for action by the Federal Government to:
 - a. develop with carers, carer organisations and state, territory and local government a new National Carer Strategy which identifies priorities and actions, and mandates measurable outcomes;
 - b. review the Carer Recognition Act 2010 (Commonwealth);
 - c. create a Carer Advisory Council to provide strategic advice to government about policy and carer engagement.

**Carried
unanimously**

ITEM-33 NOM 27/09/22 - FOSSIL FUEL AD BAN

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle:

- No longer accept advertising for coal, oil and gas products or companies on any council controlled signage or property.
- No longer accept or provide sponsorships from or to companies and organisations whose main business is the extraction or sale of coal, oil or gas.
- Review the relevant CN policies or strategies, including the list of socially harmful activities in Sponsorship Policy, to be revised and updated to reflect these commitments.
- Write to:
 - Federal Minister for Communications, The Hon Michelle Rowland MP, to ask the Federal Government to pass national laws that restrict fossil fuel advertising; and
 - NSW Minister for Digital Government and Minister for Customer Service, Victor Dominello MP requesting the NSW Government impose restrictions on fossil fuel advertising.
- Work with other councils, Local Government NSW and the Australian Local Government Association to encourage a consistent approach across local government to fossil fuel advertising.

Councillor Clausen foreshadowed a substantive motion that being the Officer's report as outlined in the business papers.

The motion moved by Councillors Mackenzie and McCabe was put to the meeting.

For the Motion:

Councillors Mackenzie and McCabe.

Against the Motion:

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

Defeated

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council notes that:

City of Newcastle (CN) owns several billboards in the Carrington and Honeysuckle areas. These however are restricted to advertising of CN only events and programs, and are not used for private advertising.

The Notice of Motion proposes that CN no longer accept or provide sponsorships from or to companies and organisations whose main business is the extraction or sale of coal, oil or gas.

CN has applied for, and has been awarded a total of \$1.3 million from the Newcastle Port Community Contribution Fund since its inception in 2014.

The fund exists to support projects that revitalise the Port of Newcastle and surrounding areas for the benefit of the community and its visitors. While the Port is diversifying, it currently derives the majority of its revenue from the export of thermal coal.

CN is also eligible to apply to the NSW Government's Resources for Regions program, which was created in 2012 to support the ongoing prosperity of mining communities in regional NSW.

CN has received \$11.7 million from the program to date, including recent funding towards the Orchardtown Road local centre upgrade. CN has applied for a further \$2.3 million in 2022/23 towards the upgrade of Foreshore Park for the central Awabakal and Worimi picnic area and the Industrial Play area.

Carried

The meeting concluded at 9.25pm.