

# Ordinary Council Meeting



City of  
Newcastle

**DATE:** Tuesday 28 November 2023

**TIME:** 6:00pm

**VENUE:** Council Chambers  
Level 1, City Administration Centre  
12 Stewart Avenue  
Newcastle West NSW 2302

22 November 2023

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**City of Newcastle**  
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*For documents marked 'Distributed under Separate Cover' refer to Council's website at <http://www.newcastle.nsw.gov.au/>*

*Note: Items may not necessarily be dealt with in numerical order*

## **6. CONFIRMATION OF MINUTES**

### **6.1. MINUTES - PUBLIC VOICE COMMITTEE 17 OCTOBER 2023**

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

## **ATTACHMENTS**

**Attachment A:** 231017 Public Voice Committee Minutes

*Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

## Minutes

### Public Voice Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 17 October 2023 at 6.53pm.

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#### 1. ATTENDANCE

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

D Clarke (Acting Chief Executive Officer), S Mitchell (Acting Executive Director Corporate Services and CFO), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), J Baker (Acting Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), L Duffy (Executive Manager Community and Recreation), A Ryan (City Significant & Strategic Planning Manager), M Murray (Chief of Staff), L Barnao (Councillor Services/Minutes/Meeting Support), D Silcock (AV/Information Technology Support), M Regan (AV/Information Technology Support), B Smith (AV/Information Technology Support) and C Urquhart (AV/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 / REQUEST TO ATTEND BY AUDIO VISUAL LINK

Nil.

#### 5. DISCLOSURES OF INTEREST

##### Councillor Winney-Baartz

Councillor Winney-Baartz declared a significant, non-pecuniary interest in Item 6.1 - 61 Grinsell Street, Kotara - Sec 4.55(1a) Modification to DA2021/00662 - Dwelling House including secondary dwelling, ancillary structures (pool and retaining walls) and demolition of existing structures - changes to design - MA2022/00336 stating that she would manage the interest by leaving the Chamber for discussion on the item.

### **Councillor McCabe**

Councillor McCabe declared a non-significant, non-pecuniary interest in Item 6.1 - 61 Grinsell Street, Kotara - Sec 4.55(1a) Modification to DA2021/00662 - Dwelling House including secondary dwelling, ancillary structures (pool and retaining walls) and demolition of existing structures - changes to design - MA2022/00336 stating that she knew James Ryan who was providing legal advice to the owners of 63 Grinsell Street, through his employment with the New South Wales Greens. Councillor McCabe stated that as she has not had any communication with him since a site briefing earlier in the year, she would manage the interest by remaining in the Chamber for discussion on the item.

### **Councillor Barrie**

Councillor Barrie declared a significant, pecuniary interest in Item 6.2 - 2/29 and 3/31 Honeysuckle Drive Newcastle - food and drink premises - change of use and fitout - DA2023/00243 stating that she was an employee with a professional relationship with one of the property owners and would manage the interest by leaving the Chamber for discussion on the item.

### **Councillor Mackenzie**

Councillor Mackenzie declared a non-significant, non-pecuniary interest in Item 6.1 - 61 Grinsell Street, Kotara - Sec 4.55(1a) Modification to DA2021/00662 - Dwelling House including secondary dwelling, ancillary structures (pool and retaining walls) and demolition of existing structures - changes to design - MA2022/00336 stating that he knew James Ryan in the same capacity as Councillor McCabe. He managed the interest by remaining in the Chamber for discussion on the item.

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

The Lord Mayor declared a significant, non-pecuniary interest in Item 6.2 - 2/29 and 3/31 Honeysuckle Drive Newcastle - food and drink premises - change of use and fitout - DA2023/00243 stating that she knew one of the presenters and would manage the interest by leaving the Chamber for discussion on the item. The Lord Mayor indicated that she would ask the Deputy Lord Mayor to take the Chair for this item.

## **6. REPORTS**

### **6.1. 61 GRINSELL STREET KOTARA - SEC 4.55(1A) MODIFICATION TO DA2021/00662 - DWELLING HOUSE INCLUDING SECONDARY DWELLING, ANCILLARY STRUCTURES (POOL AND RETAINING WALLS) AND DEMOLITION OF EXISTING STRUCTURES - CHANGES TO DESIGN - MA2022/00336**

Councillor Winney-Baartz left the Chamber for discussion on this item.

Katrina Tonniges and Carly and Emmanuel Karantoni addressed Council and outlined concerns and objections to the development application. Joe Murphy and Warren Watson addressed Council in support of the development application.

Councillor Winney-Baartz returned to the Chamber at the conclusion of this item.

**6.2. 2/29 AND 3/31 HONEYSUCKLE DRIVE NEWCASTLE - FOOD AND DRINK PREMISES - CHANGE OF USE AND FITOUT - DA2023/00243**

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

Peter Stubbs and Adrian Bentley addressed Council and outlined concerns and objections to the development application. Damian O'Reilly and Ben Rainsford addressed Council in support of the development application.

The Lord Mayor and Councillor Barrie did not return to the Chamber prior to the meeting being closed.

**The meeting concluded at 8.51pm.**

## **6.2. MINUTES - ORDINARY COUNCIL MEETING 31 OCTOBER 2023**

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

### **ATTACHMENTS**

**Attachment A:** 231031 Ordinary Council Meeting Minutes

*Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*



## Minutes

### Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 31 October 2023 at 6:04pm.

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#### 1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Acting Executive Manager Media Engagement Economy and Corporate Affairs), P Emmett (City Wide Development Assessment Manager), M Kikken (Executive Manager Environment and Sustainability), M Hughes (Media Adviser), L Duffy (Executive Manager Community and Recreation), K Sullivan (Councillor Services/Minutes/Meetings Support), J Knight (Councillor Services/Meeting Support), C Urquhart (AV/Information Technology Support) and J McIvor (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

#### MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

The request submitted by Councillor Richardson to attend by audio visual link be received and leave granted.

**Carried**

## **MOTION**

Moved by Cr Pull, seconded by Cr Mackenzie

The apologies submitted on behalf of Councillor Barrie and Councillor Church be received and leave of absence granted.

**For the Motion:** Councillors Adamczyk, Mackenzie, McCabe, Pull, Wark, Winney-Baartz and Wood.

**Against the Motion:** Lord Mayor, Cr Nelmes and Councillors Clausen and Duncan.

**Carried**

Councillor Richardson's vote was not recorded in the above division.

## **5. DISCLOSURES OF INTEREST**

### **Councillor Winney-Baartz**

Councillor Winney-Baartz declared a non-pecuniary non-significant interest in Item 8.6 - Adoption of Adamstown Park Masterplan stating that her father was a representative of the Adamstown / Hamilton / Merewether Sub Branch and would manage the interest by remaining in the Chamber for discussion on the item.

### **Councillor Pull**

Councillor Pull declared a significant non-pecuniary interest in Item 8.4 - Conservation Agreement for Black Hill Wetland stating the owner of the neighbouring property was an office bearer and president of the Newcastle branch of the Liberal Party and would manage the interest by leaving the Chamber for discussion on the item.

## **6. CONFIRMATION OF MINUTES**

### **6.1. MINUTES - ORDINARY COUNCIL MEETING 26 SEPTEMBER 2023**

## **MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

The minutes as circulated be taken as read and confirmed.

**Carried**

## **7. LORD MAYORAL MINUTE**

### **7.1 RECOMMIT TO THE 1998 STATEMENT OF COMMITMENT BETWEEN CITY OF NEWCASTLE AND GURAKI ABORIGINAL ADVISORY COMMITTEE**

## **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges that we operate on the grounds of the traditional country of the Awabakal and Worimi peoples and that we recognise and respect their cultural heritage, beliefs and continuing relationships with the land, and that they are the proud survivors of more than two hundred years of dispossession.
2. Reiterates our commitment to address disadvantages and attain justice for Aboriginal and Torres Strait Islander peoples of this community, particularly following the recent Voice to Parliament referendum.
3. Notes that the City of Newcastle was proud to be the first local government area in the region to publicly support the 'Yes' campaign for Aboriginal and Torres Strait Islander constitutional recognition, showing our support through public events including Pat Farmer AM's 'Run for the Voice' campaign visit to Federal Park in Wallsend, supporting the Newcastle 'Walk for the Voice' and the public information forum at Gregson Park, Hamilton.
4. Notes 53% of Newcastle residents vote 'Yes' to constitutional recognition of Aboriginal and Torres Strait Islander people through a Voice to Parliament, with Newcastle receiving the highest 'Yes' vote outside of a capital city, and commends the work of local First Nations leaders, our Federal Member for Newcastle, Sharon Claydon MP, and Hunter Workers for their advocacy and campaign leadership.
5. Thanks members of the Guraki Aboriginal Advisory Committee for their work and commitment to providing strategic advice and guidance regarding our engagement with the local Aboriginal community and particularly in the drafting of council plans and strategies, including but not limited to:
  - a. Reconciliation Action Plan,
  - b. Aboriginal Employment Strategy, and
  - c. Aboriginal Heritage Management Strategy.
6. Acknowledges and re-commits to the 1998 Statement of Commitment to Aboriginal and Torres Strait Islander People of the City of Newcastle.
7. Forwards this motion to Guraki Aboriginal Advisory Committee noting our thanks and the above re-commitment and requesting that a list of actions be developed at their next committee meeting to inform CN of how we may continue to fulfill our obligations and commitment to reconciliation.

## **AMENDMENT**

Moved by Cr Pull

8. Requests a complete report on all financial and in-kind support, including the value of all staff time dedicated to supporting the Voice to Parliament referendum.

The motion lapsed for want of a seconder.

The motion moved by the Lord Mayor 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:** Councillor Pull.

**Carried**

## **7.2 FINAL REPORT OF ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION**

### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges the work of the Royal Commission over the last 4 years with the release on 29 September 2023 of the 13 volumes of the Report of the Disability Royal Commission, including 222 recommendations.
2. Acknowledges the courage and generosity of people with lived experience of disability who shared their knowledge and experiences of violence, abuse, neglect and exploitation with the Royal Commission.
3. Supports the vision for an inclusive Australian society that enables people with a disability to live, learn, work and engage alongside people without disability.
4. Acknowledges the importance of the UN Convention on the Rights of People with a Disability and notes the recommendation for the Australian Government to enact a Disability Rights Act and for each state and territory to establish corresponding protections.
5. Supports the reform of housing policies to increase the availability and supply of accessible and adaptive housing.

6. Supports increasing public sector employment for people with a disability, noting that the City of Newcastle is committed to increasing the number of people with a disability who are employed, retained and promoted at Council and providing better support by implementing the City's Inclusion Diversity and Equity Strategy.
7. Notes the City of Newcastle Disability Inclusion Action Plan 2022-2026 and the actions taken to create an inclusive community, including:
  - a. The Count Us In Festival in September 2023.
  - b. Employment Forum and Business Lunch in 2023 to support better outcomes for employment.
  - c. Enhanced liveable housing design provisions in the 2023 draft Development Control Plan.
  - d. Advocacy with the state government in July 2023 to adopt liveable housing design standards in NSW and high accessibility standards for social housing.
  - e. Support for the construction of more social housing in the City with an MOU in 2022 with the NSW government.
8. Commits to the continued implementation of the Disability Inclusion Action Plan over the next 2 years and working with the City of Newcastle Access and Inclusion Advisory Committee.
9. Notes the importance of co-design with people with a disability and the need to be inclusive, respectful, participative, iterative and outcomes focussed.
10. Commits to reviewing the recommendations of the Royal Commission as they relate to the roles and responsibilities of local government and working with people with a disability.

**Carried  
unanimously**

### **7.3 NEW ANNUAL SUCCESS**

#### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes the recent conclusion of the highly successful New Annual, Newcastle flagship arts and cultural festival, with the 2023 event including more than 60 percent local programming.
2. Notes the vision of New Annual is to put Newcastle on the radar nationally and internationally, as a creative city where exciting, ambitious and accessible contemporary art and culture grows and thrives.

3. Proudly supports arts and culture through our various grants and sponsorship programs which provide opportunities for individuals, groups, and organisations to deliver cultural projects and events that benefit the community.
4. Recognises New Annual's success over the last three years which has attracted around 95,000 visitors in total, with the *Locally Made and Played* grant program helping to fund more than 230 live music and cultural performances across the city since 2021 and delivering almost \$100,000 in direct support, providing a welcome boost to local venues and helping support our amazing Novocastrian talent.

**Carried  
unanimously**

## **8. REPORTS**

### **8.2. TABLING OF REGISTER OF DISCLOSURES OF INTEREST ANNUAL REPORT**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest for the financial year 2022/2023 by the Chief Executive Officer.

**Carried**

### **8.8. PUBLIC EXHIBITION OF DRAFT COUNCIL PROPERTY LEASE AND LICENCE POLICY**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Place the Draft Council Property Lease and Licence Policy (Draft Policy) at **Attachment A** on public exhibition for a period of 28 days.
- 2 Receives a report back following the public exhibition period.

**Carried  
unanimously**

### **8.10. REQUEST FOR SUPPORT FOR THE RELEASE OF EASEMENT IN GROSS - 13 GRANDVIEW ROAD, NEW LAMBTON HEIGHTS**

## **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Resolves to support the request to release an existing easement for drainage and create an easement to drain water, burdening Lot 1 DP 1234593 (13 Grandview Road, New Lambton Heights) as shown at **Attachment A**.

**Carried**

## **8.11. REQUEST FOR SUPPORT FOR THE RELEASE OF TWO PUBLIC POSITIVE COVENANTS - 79A YOUNG ROAD, LAMBTON**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Resolves to support the release of the two public positive covenants currently burdening Lot 432 DP 1094038 (79A Young Road, Lambton).

**Carried  
unanimously**

## **8.13. EXECUTIVE MONTHLY PERFORMANCE REPORT**

### **MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the Executive Monthly Performance Report for September 2023.

**Carried  
unanimously**

## **8.1. AUTHORISATION FOR SIGNING OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023**

### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the draft Financial Statements for the year ended 30 June 2023 (**Attachment A**) and formally refers them to CN's Auditor, the Audit Office of New South Wales, in accordance with Section 413(1) of the Local Government Act 1993 (Act).
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the Statements by Councillors and Management in accordance with Section 413(2) of the Act (**Attachments B and C**)
- 3 In anticipation of receiving of the Auditor's Report, endorse publication on City of Newcastle's (CN) website of the intention to present its audited Financial Statements for the year ended 30 June 2023 at the Ordinary Council Meeting to be held on 28 November 2023 in accordance with Section 418 and Section 705(3) of the Act.

**Carried  
unanimously**

### **8.3. ADOPTION OF NEWCASTLE ENVIRONMENT STRATEGY (NES)**

#### **MOTION**

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

That Council:

- 1 Adopts the Newcastle Environment Strategy 2023 at Attachment A.
- 2 Receives the Newcastle Environment Strategy – Public Exhibition Engagement Report at Attachment B.

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

**Against the Motion:** Councillor Pull.

**Carried**

### **8.4. CONSERVATION AGREEMENT FOR BLACK HILL WETLAND**

Councillor Pull left the Chamber for discussion on the item.

#### **MOTION**

Moved by Cr Richardson, seconded by Cr Adamczyk

That Council:



- 1 Endorses the establishment of a Conservation Agreement (Attachment A) over Lot 122, DP 1235373 at 185D Lenaghans Drive, Black Hill, in accordance with Division 12 of the NSW National Parks and Wildlife Act 1974 and Part 5, Division 3 of the NSW Biodiversity Conservation Act 2016.
- 2 Authorises the Executive Director Planning & Environment to sign the Conservation Agreement on behalf of the City of Newcastle (CN).

Councillor Clausen proposed that point 2 be amended to read as follows:

- 2 Authorises the Lord Mayor to sign the Conservation Agreement on behalf of the City of Newcastle (CN).

The mover and seconder of the motion agreed to accept Councillor Clausen's amendment to the motion.

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

**Carried  
unanimously**

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

## **8.5. EXHIBITION OF DRAFT NEWCASTLE CITY CENTRE HERITAGE CONSERVATION AREAS REVIEW REPORT**

### **MOTION**

Moved by Cr Duncan seconded by Cr Clausen

That Council:

- 1 Endorses the Draft NCC HCAs Review Report for exhibition purposes for a minimum 28 days. (Attachment A).
- 2 Receives a post-exhibition report on submissions to the Draft NCC HCAs Review Report.

**Carried  
unanimously**

## **8.6. ADOPTION OF ADAMSTOWN PARK MASTERPLAN**

### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Adopts the Adamstown Park Masterplan at Attachment A.
- 2 Receives the Adamstown Park Masterplan – Public Exhibition Report at Attachment B.

### **AMENDMENT**

Moved by Cr McCabe, seconded by Cr Wark

#### **Part B**

That the Adamstown Park Masterplan is accepted, with the exception of the synthetic turf training pitch which should be maintained as a natural grassed area.

**For the Amendment:** Councillors Mackenzie, McCabe and Wark.

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

**Defeated**

The motion moved by Councillor Winney-Baartz and seconded by Councillor Duncan was put to the meeting.

**Carried  
unanimously**

## **8.7. ADOPTION OF CROWN LAND PLAN OF MANAGEMENT 2023 AND APPLICATION TO THE MINISTER**

### **MOTION**

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

#### **Part A**

- 1 Adopts the City of Newcastle Crown Land Plan of Management 2023(CLPoM) pursuant to section 40 of the Local Government Act in accordance with 3.23(6) of the Crown Land Management Act 2016. **(Attachment A)**.

#### **Part B**

- 2 Notes that as part of any application to the Minister seeking consent of a proposed lease, a Crown Land Plan of Management must first be adopted by the Council.

- 3 Notes on 21 September 2023 City of Newcastle (CN) wrote to the Minister for Local Government seeking consent to grant the lease to enable the operation of CN's five inland pools in accordance with Section 47(5) of the LG Act following an earlier delegated decision by the CEO.
- 4 Notes that 13 submissions were received from the public objecting to a proposed lease over community land described as Beresfield Swimming Centre (230 Anderson Drive, Beresfield), Wallsend Memorial Swimming Centre (6 Frances St, Wallsend), Mayfield Swimming Centre (21a Maitland Rd, Mayfield), Lambton Park War Memorial Swimming Centre (50 Howe St, Lambton), Stockton War Memorial Swimming Centre (49 Pitt St, Stockton).
- 5 Notes that section 47(5) of the LG Act requires an application to be made to the Minister for consent when submissions are received objecting to a proposed lease, and thus requiring the Minister to provide consent to grant a lease.
- 6 Makes an application to the Minister for Local Government seeking consent to grant the proposed lease over the community land described as Beresfield Swimming Centre (230 Anderson Drive, Beresfield), Wallsend Memorial Swimming Centre (6 Frances St, Wallsend), Mayfield Swimming Centre (21a Maitland Rd, Mayfield), Lambton Park War Memorial Swimming Centre (50 Howe St, Lambton), Stockton War Memorial Swimming Centre (49 Pitt St, Stockton) to BlueFit Pty Ltd (ABN 74 127 508 230) for a term of 7 years plus two possible 7 year options for the purpose of operation of inland swimming pools under section 46(b)(i) of the Local Government Act 1993.
- 7 Notes the application to the Minister is on terms consistent with the CEO's delegated decision and the lease is subject to a \$5 million contribution to capital works being delivered within the initial 7 year lease period.

### **PROCEDURAL MOTION**

Moved by Cr Mackenzie seconded by Cr Pull

Parts A and B be voted on seriatim.

**For the Procedural Motion:**

Councillors Mackenzie, McCabe, Wark and Pull.

**Against the Procedural Motion:**

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

**Defeated**

The Lord Mayor proposed an additional Part C that Council request a timely decision by the end of the year to enable a permanent delivery service in place for the operation of the pools.

The mover and seconder of the motion accepted Part C as outlined by the Lord Mayor.

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, Richardson, Winney-Baartz and Wood.

**Against the Motion:** Councillors Mackenzie, McCabe, Pull and Wark.

**Carried**

## **8.9. APPLICATION FOR LOCAL EVENT DAY FOR NEWCASTLE SHOW 2024**

### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Clausen

That Council:

- 1 Resolves to make an application to the Minister for Industrial Relations seeking the proclamation of Show Day for Friday 1 March 2024 as a Local Public Holiday, and if that is not approved by the Minister, request their approval for it to be proclaimed a Local Event Day as set out in the *Public Holidays Act 2010(NSW)*.

Councillor Pull gave notice of a foreshadowed motion that Council make application for a Local Event Day as set out in the *Public Holidays Act 2010(NSW)*.

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

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

**Against the Motion:** Councillors Pull and Wark.

**Carried**

The foreshadowed motion from Councillor Pull lapsed.

## **8.12. MAJOR EVENTS UPDATE**

In moving the motion, Councillor Clausen moved an additional Part C.

### **MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

### Part A

- 1 Notes in 2022, the elected Council unanimously resolved to undertake extensive community consultation on the option available in the existing agreement to extend the Newcastle 500 for a further five years (at a cost of no more than \$1.6 million annually).
- 2 Notes the NSW Government has declined to support the five year extension of the event.
- 3 Resolves that a proposed one year extension is inconsistent with the extensive community consultation undertaken in 2023 which was based upon an option of a five year extension within the 2017 contract.
- 4 Notes that Supercars Australia has informed City of Newcastle (CN) that it is finalising options to replace the Newcastle 500 as the 2024 season-opener.
- 5 Resolves that the previous agreements between CN, the NSW Government and Supercars Australia, including a five-year option, have expired with the decision of the NSW Government not to support the five year option.
- 6 Notes that since successfully hosting the Newcastle 500 as the city's largest ever event, Newcastle has attracted new, and significantly larger events, including events of an international reach, (and notwithstanding the impacts of COVID-19) than in the five years prior to 2017.
- 7 Endorses the success of major events attended by hundreds of thousands of locals and intrastate, interstate and international visitors during the last six years, including:
  - i) Supercars Newcastle 500 (2017-2023)
  - ii) Australian Matildas fixtures (2017, 2018, 2021, 2023)
  - iii) Oceania Supermoto Championships (2018, 2022, 2023)
  - iv) NSW Waratahs Super Rugby match (2019, 2020)
  - v) Australian Wallabies Rugby Union Test match (2020)
  - vi) Argentina Pumas vs New Zealand All Blacks Rugby Union Test match (2020)
  - vii) Men's World Hockey Masters (2021)
  - viii) New Annual Arts Festival (2021, 2022, 2023)
  - ix) World Surf League Newcastle Cup (2021)
  - x) Van Gogh Alive Exhibition (2022)
  - xi) Australian Diamonds vs England Netball match (2022)
  - xii) Come From Away Musical (2023)
  - xiii) Elton John Concerts (2023)
  - xiv) Paul McCartney Concert (2023)
  - xv) RAAF Air Show (2023)
  - xvi) Rocky Horror Show Musical (2024)
  - xvii) Pink Concert (2024)

### Part B

- 8 Endorses Foreshore Park, including Camp Shortland, as Newcastle's premier major event space in line with the adopted Foreshore Plan of Management.
- 9 Commits to secure new major events in Newcastle, as a central pillar of our visitor economy.

## Part C

Support Mayor Jay Suvaal's call to retain Supercars in the Hunter by encouraging Destination NSW and Supercars to engage with Cessnock City Council on the proposed Wine Country 500.

### AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Wood

## Part B

- 10 Prioritises through accessible tourism as part of our Destination Management Plan universally accessible experiences for every person, for every event.

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

**Against the Amendment:** Nil.

**Carried**

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

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

**Against the Motion:** Councillors McCabe and Wark.

**Carried**

## 8.14. TENDER REPORT – CELL NINE STAGE 2 - UPPER BATTER – CONTRACT NO 2024/016T

### MOTION

Moved by Cr Mackenzie, seconded by Cr Adamczyk

That Council:

- 1 Accept the tender of Synergy Resource Management Pty Ltd in the amount of \$1,836,425 (excluding GST) for Construction of the Cell 9 Stage 2 - Upper Batter Component of the Cell 9 Landfill for Contract No. 2024/016T.

- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried  
unanimously**

## **9. NOTICES OF MOTION**

### **9.1. HILLCREST TENNIS CLUB**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Congratulates the Hillcrest Tennis Club, Mayfield on celebrating its 85th anniversary on Saturday 23 September 2023, recognising its contribution to our community.
- 2 Acknowledges the significant volunteer efforts made by members of the Hillcrest Tennis Club, particularly under the leadership of President Elva Osborne and Secretary Ross McGovern. Their unwavering commitment has played a pivotal role in maintaining and enhancing the Club's facilities and operations, as well as securing funds to ensure its continued existence.
- 3 Recognise the remarkable journey of Hillcrest Tennis Club, which began in 1938 as a recreational facility for the workers of Lysaghts sheet steel manufacturer. Over the years, the club has evolved to include modern amenities, an upgraded clubhouse, toilet facilities, and two synthetic courts, making it a valuable publicly owned asset to our community.
- 4 Recognise the positive impact of Hillcrest Tennis Club on the Mayfield community, fostering a sense of belonging, promoting physical fitness, and facilitating social interaction. The Club's ability to adapt to changing circumstances, such as during the COVID-19 pandemic, by introducing online bookings and maintaining affordability, underscores its commitment to inclusivity and accessibility.
- 5 Commits to the protection of the Hillcrest Tennis Courts, and continued partnership with Tennis NSW and the Tennis Club in the development of a Tennis Strategy as an action of the 10-year Strategic Sports Plan.
- 6 Wishes the Club continued success and anticipates with excitement the celebration of 100 years of Tennis in Mayfield at the Club's 2038 centennial festivities.

**Carried**

## 9.2. CALL TO RESTORE THE NEWCASTLE MINES GROUTING FUND

In moving the motion Councillors Pull and Adamczyk amended the original motion in the business papers to read as follows:

### MOTION

Moved by Cr Pull seconded by Cr Adamczyk

That Council:

- 1 Notes that the New South Wales Government has announced that it will wind up the Newcastle Mines Grouting Fund.
- 2 Notes that Mine Grouting Works can be expensive and difficult to predict, and that the fund provided security for investors and developers against potential cost blowouts on mine grouting works.
- 3 Notes that the Newcastle Mine Grouting Fund only had minimal impact on the State Budget, but provided significant benefits and assurance to the redevelopment and revitalisation of Inner-City Newcastle.
- 4 Notes that the \$21M fund was introduced in 2015 to financially support the structural and geological stability of developments of three or more stories.
- 5 Notes the scope of mapped and unmapped undermining across the city, including in suburbs undergoing revitalisation, and identified in our Local Housing Strategy 92% target for infill development and our Local Strategic Planning Statement identified targeted uplift for development in urban renewal corridors.
- 6 Calls on the NSW Government to restore the Newcastle Mines Grouting Fund and writes to The Hon. Yasmin Catley MP, Minister for the Hunter and The Hon. Paul Scully MP, Minister for Planning, to coordinate with the Commonwealth Government, the NSW State Government, the City of Newcastle, and the development sector to safeguard the risks of undermining on development across the city.

Councillor McCabe proposed an additional Part B acknowledging the work of former Greens Councillor Michael Osborne in this matter.

Following discussion, the mover and seconder of the motion included the following addition to the motion.

### Part B

Acknowledges the work and unanimous support of former Councillors, including former Greens Councillor Michael Osbourne and current Lord Mayor Nuatali Nemes in supporting the proposal for the grouting fund, recognising the collaboration with the Hunter Development Corporation on this proposal until the scheme was set up in 2015.



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

**Carried  
unanimously**

### **9.3. COMMUNITY PREPARATIONS TO ENSURE A SAFE SUMMER**

#### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Duncan

That Council:

- 1 Acknowledges the recent announcements issued by fire and emergency agencies, and by the Australian Bureau of Meteorology in declaring a combined El Niño and positive Indian Ocean Dipole event, which, combined with ongoing climate change impacts, is expected to bring dangerous weather conditions to our region this summer.
- 2 Notes that such warnings and declarations have highlighted the elevated risks associated with drought in the upcoming summer season, of bushfires, grass fires, storm activity, floods, and heatwaves, and that large parts of the Hunter region including the city of Newcastle have already been declared as experiencing drought.
- 3 Notes that the risks and impacts of these events can be more deeply and disproportionately felt by different communities and social groups in our city, whether according to gender, age, culture, income, mobility, ability, and / or geography, and commends the emergency preparedness actions undertaken to increase disaster resilience in vulnerable communities locally including by Zara's House, the Red Cross, and the SES.
- 4 Reaffirms its unwavering commitment to prioritise the safety of the city's residents, by taking proactive steps to educate and prepare our community for potentially dangerous weather conditions and events, and to equip the city in responding to local climate risks, including via: the development and implementation of flood studies and flood risk management plans and coastal management programs, bridge replacements, improved planning controls for thermal buildings and to address the urban heat island effect, the city Emergency Control Centre, creek rehabilitation works, increasing tree canopy and the urban forest, participation in the Hunter JO's Hunter Resilience Program and the implementation of our *Newcastle Environment Strategy*.
- 5 Encourages all levels of government to collaborate in addressing the root causes of climate change which contribute to the increased frequency and severity of extreme weather events, and to assist in community preparedness in times of local climate risks.

- 6 When developing our Climate Risk and Resilience Action Plan, to support the delivery of our *Newcastle Environment Strategy* 'Action on Climate Change', include an education program to empower our community with the knowledge, skills, and confidence to effectively prepare for, respond to, and recover from climate risks and severe weather events, in collaboration with our community, organisations, service providers, landlords and real estate agents, university, and businesses.

## **AMENDMENT**

Moved by Cr McCabe, seconded by Cr Mackenzie

- 5 Encourages all levels of government to collaborate in addressing the root causes of climate change which contribute to the increased frequency and severity of extreme weather events **by ceasing to approve any new fossil fuel projects as required by the IPCC**, and to assist in community preparedness in times of local climate risks.

**For the Amendment:** Councillors Mackenzie and McCabe.

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

**Defeated**

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

**Carried**

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

## **PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Pull

Council extends the meeting to 10.10pm to conclude items on the agenda.

**Carried**

## **9.4. RECOGNITION OF CARERS**

### **MOTION**

Moved by Cr Wood, seconded by Cr Adamczyk

That Council:

**Part A**

- 1 Reiterates that we value the contribution of informal and family carers in caring for loved ones across our community and recognises the role of carers by:
  - a. Hosting celebrations with carers to mark Carers Week in October 2023 - holding a community morning tea and film event at Civic Playhouse Theatre on 20 October and a lunch and learn event for City of Newcastle employees on 18 October.
  - b. Supporting the NSW Carers Charter and providing information about the Charter, carer entitlements and services on the City's intranet.
  - c. Collecting data to better understand the needs of carers at the City of Newcastle, noting that at least 17% of employees identify as carers of loved ones over the age of 18.
  - d. Supporting flexible work arrangements for employees.
  - e. Implementing the City's Inclusion, Diversity and Equity Strategy for employees.

**Part B**

- 1 Welcomes the important work being done by the Federal Labor Government in relation to unpaid carers and the care and support economy, in particular the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into the operation of the Carer Recognition Act 2010 and the Senate Select Committee on Work and Care 2022-2023.
- 2 Notes that reforming the Commonwealth Carer Recognition Act should include:
  - a. Conferring rights on carers consistent with Australia's obligations under UN conventions such as the International Covenant on Economic, Social and Cultural Rights.
  - b. Imposing greater obligations on all public service agencies with improved reporting and accountability and the introduction of formal complaints mechanisms.
- 3 Supports the development of a National Carer Strategy and Implementation Plans (noting that there has been no National Strategy since 2013) which provide a whole of government approach to supporting carers.
- 4 Supports the creation of a national carer advisory body to provide advice on the development and implementation of a National Carer Strategy, including input from individuals with diverse experiences of caring.
- 5 The provision of better supports for working carers, including expanding carer leave entitlements under the National Employment Standards.

**Carried  
unanimously**

At the conclusion of the meeting the Chief Executive Officer read the resolution of the partial confidential report (refer resolution at 8.14).

**The meeting concluded at 10.09pm.**

## **7. LORD MAYORAL MINUTE**

*To be tabled at the meeting.*

## **8. REPORTS**

### **8.1. TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 AUGUST TO 31 OCTOBER 2023**

**REPORT BY: CORPORATE SERVICES**  
**CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES AND CFO**  
**/ EXECUTIVE MANAGER LEGAL & GOVERNANCE**

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#### **PURPOSE**

To table the Register of Disclosures of Interest (Register) for the period 1 August to 31 October 2023 received from designated persons in accordance with the Code of Conduct for Staff.

#### **RECOMMENDATION**

That Council:

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

#### **KEY ISSUES**

- 2 City of Newcastle's (CN) Code of Conduct for Staff (the Code) requires designated persons to lodge a Disclosure within three months of becoming a designated person or of becoming aware of a new interest that must be disclosed. Designated persons include the Chief Executive Officer (CEO), senior staff, or other CN staff designated because of their exercise of CN functions.
- 3 The CEO is required to table all lodged Disclosures at the first Ordinary Council Meeting held after the lodgment date.

#### **FINANCIAL IMPACT**

- 4 There is no budget implication in noting the Register.

#### **NEWCASTLE 2040 ALIGNMENT**

- 5 The tabling of the Register is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

## **Achieving Together**

### 4.2 Trust and Transparency

#### 4.2.2 Shared information and celebration of success

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 6 The CEO is required to keep a Register which may be accessed by the public in accordance with the Government Information (Public Access) Act 2009 (GIPA Act).

## **RISK ASSESSMENT AND MITIGATION**

- 7 Disclosures of interest are a key control in mitigating the failure to appropriately disclose and manage conflicts of interest.

## **RELATED PREVIOUS DECISIONS**

- 8 At the Ordinary Council Meeting held on 22 August 2023, Council noted the tabling of the Register for the period 1 May to 31 July 2023.

## **CONSULTATION**

- 9 No consultation was required as this is a statutory process under the Code.

## **BACKGROUND**

- 10 Nil.

## **OPTIONS**

### **Option 1**

- 11 The recommendation as at Paragraph 1. This is the recommended option.

### **Option 2**

- 12 Council does not adopt the recommendation. The Code requires the Disclosures to be tabled at a Council meeting. Failure to do so would constitute a breach of the Code. This is not the recommended option.

## **REFERENCES**

Codes of Conduct

<https://www.newcastle.nsw.gov.au/Council/Our-Responsibilities/Code-of-Conduct>

## **ATTACHMENTS**

**Attachment A** - Register of Disclosures of Interest to be tabled.

## 8.2. ADOPTION OF 2024 COUNCIL MEETING CYCLE

**REPORT BY:** CORPORATE SERVICES  
**CONTACT:** EXECUTIVE DIRECTOR CORPORATE SERVICES AND CHIEF FINANCIAL OFFICER / EXECUTIVE MANAGER LEGAL AND GOVERNANCE

### PURPOSE

To adopt the schedule for Council Meetings to be held in the 2024 calendar year.

### RECOMMENDATION

That Council:

- Adopts the following schedule for Council and Committee of Council Meetings to be held in the 2024 calendar year with:

	<b>Week 1</b>	<b>Week 2</b>	<b>Week 3</b>	<b>Week 4</b>	<b>Week 5</b>
<b>February</b>	Quarterly Advisory Committee Meetings, as required	Councillor Workshops or other sessions, as required	<b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b>	<b>Ordinary Council Meeting</b>  <b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b>	No week 5
<b>March</b>	<ul style="list-style-type: none"> <li>• <i>Good Friday 29th</i></li> <li>• <i>Easter Saturday 30th</i></li> <li>• <i>Easter Sunday 31st</i></li> </ul> Additional workshops, Councillor professional development or other sessions, as required	Councillor Workshops or other sessions, as required	<b>Public Voice, Public Briefing and Development Applications Committee Meetings, as required</b>	<b>Ordinary Council Meeting</b>  <b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b>	No week 5

<p><b>April</b></p> <ul style="list-style-type: none"> <li>• <i>Easter Monday 1st</i></li> <li>• <i>ANZAC Day Thursday 25th</i></li> </ul>		<p>Councillor Workshops or other sessions, as required</p>	<p><b>Public Voice, Public Briefing and Development Applications Committee Meetings, as required</b></p>	<p><b>Ordinary Council Meeting</b> <b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b></p>	<p>Councillor Workshops or other sessions, as required</p>
<p><b>May</b></p>		<p>Councillor Workshops or other sessions, as required</p>	<p><b>Public Voice, Public Briefing and Development Applications Committee Meetings, as required</b></p>	<p><b>Ordinary Council Meeting</b> <b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b></p>	<p>No week 5</p>
<p><b>June</b></p> <ul style="list-style-type: none"> <li>• <i>Kings Birthday Monday 10th</i></li> </ul>		<p>Councillor Workshops or other sessions, as required</p>	<p><b>Public Voice, Public Briefing and Development Applications Committee Meetings, as required</b></p>	<p><b>Ordinary Council Meeting</b> <b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b></p>	<p>No week 5</p>

<p><b>July</b></p>		<p>Councillor Workshops or other sessions, as required</p>	<p><b>Public Voice, Public Briefing and Development Applications Committee Meetings, as required</b></p>	<p><b>Ordinary Council Meeting</b> <b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b></p>	<p>Councillor Workshops or other sessions, as required</p>
<p><b>August</b></p>		<p>Councillor Workshops or other sessions, as required</p>	<p><b>Public Voice, Public Briefing and Development Applications Committee Meetings, as required</b></p>	<p><b>Ordinary Council Meeting</b> <b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b></p>	<p>No week 5</p>
<p><b>September</b></p>		<p>No meetings scheduled  <i>*NSW Local Government Election Saturday 14 September</i></p>	<p>No meetings scheduled</p>	<p>No meetings scheduled</p>	<p>No week 5</p>
<p><b>October</b></p> <ul style="list-style-type: none"> <li>• <i>Labour Day Monday 7th</i></li> </ul>	<p>No meetings scheduled</p>	<p><b>Ordinary Council Meeting (inaugural meeting of new Council term)</b></p>	<p><b>Public Voice, Public Briefing and Development Applications Committee Meetings, as required</b></p>	<p><b>Ordinary Council Meeting</b> <b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b></p>	<p>Councillor Workshops or other sessions, as required</p>



<b>November</b>	Quarterly Advisory Committee Meetings, as required  Additional workshops, Councillor professional development or other sessions, as required	Councillor Workshops or other sessions, as required	No meeting - Local Government NSW Annual Conference	<b>Public Voice, Public Briefings, and Development Applications Committee Meetings,</b>  <b>Ordinary Council Meeting, as required</b>	No week 5
<b>December</b>	<b>Public Voice, Public Briefings, and Development Applications Committee Meetings, as required</b>	<b>Ordinary Council Meeting</b>	<i>Recess period</i>	<i>Recess period</i>	<i>Recess period</i>
Time	6pm unless otherwise provided by City of Newcastle's Code of Meeting Practice (COMP) or Council resolution				
Location	City Administration Centre, 12 Stewart Avenue, Newcastle West unless other provided by City of Newcastle's Code of Meeting Practice or Council resolution, noting the inaugural meeting of the new Council term will be in the former chambers of the City Hall.				
Webcast	Council Meetings are live streamed and attendance may be by audio-visual means in accordance with CN's Code of Meeting Practice.				
Recess	For the purposes of the Instruments of Delegation to the Lord Mayor and CEO, Council's "Recess Period" commences from midnight 10 December 2024 and ceases at midnight on Monday 3 February 2025.				
Cancellation of meetings	If a meeting is not required due to no items of business, notification will be placed on CN's website to inform the public. This will generally only be where there are no items of business.				

## KEY ISSUES

- 2 The proposed Council Meeting schedule for 2024 ensures that City of Newcastle (CN) meets the requirements of section 365 of the Local Government Act 1993 (NSW) (the Act) which provides that councils must meet at least ten times per year, with each Meeting being in a different month.
- 3 Clause 3.2A of CN's Code of Meeting Practice (COMP) requires Council to adopt a Meeting cycle before the first Council Meeting of each calendar year.
- 4 Council will be required to assume a 4-week caretaker arrangement as of Friday 5 August 2024 due to the September Local Government elections. In accordance with clause 393B of the Local Government (General) Regulation 2021, Council cannot perform the following functions during a caretaker period:

i) enter into any contract or undertaking involving any expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger)

ii) determine a "controversial development application" (a development application for designated development for which at least 25 persons have made a submission during community consultation), except where a failure to make such a determination would give rise to a deemed refusal under the *Environmental Planning and Assessment Act 1979*, or such a deemed refusal arose before the commencement of the caretaker period, or

iii) appoint, reappoint or remove CN's CEO (except for temporary appointments).

- 5 Prior to the December 2021 Local Government Election, the time for the receipt of postal votes was extended to 13 days after election day to enable time for all valid postal votes to be received and counted. The New South Wales Electoral Commission has advised that with this change and subsequent administration required, the council elections held on 14 September 2024 are likely to be declared between 1 and 3 October 2024. The inaugural Council meeting of the new term is unable to take place until after this time.

## **FINANCIAL IMPACT**

- 6 CN's adopted Budget for 2023/24 provides for Council and Committee of Council Meetings.

## **NEWCASTLE 2040 ALIGNMENT**

- 7 Adopting a schedule of Council Meetings is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan including:

### **Achieving Together**

#### 4.2 Trust and Transparency

##### 4.2.1 Genuine engagement

#### 4.3 Collaborative and Innovative approach

##### 4.3.1 Collaborative organisation

##### 4.3.3 Data-driven decision-making and insights

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 8 In accordance with the requirements of the Act and the COMP, Meeting dates and times are advertised on CN's website.

## **RISK ASSESSMENT AND MITIGATION**

- 9 Appropriately scheduled Council and Committee of Council Meetings ensure CN complies with legislative requirements.

## **RELATED PREVIOUS DECISIONS**

- 10 At the Ordinary Council Meeting held on 13 December 2022, Council adopted the 2023 Council Meeting schedule.

## **CONSULTATION**

- 11 No consultation is required as this is a statutory process under the Act and COMP.

## **BACKGROUND**

- 12 Not applicable.

## **OPTIONS**

### **Option 1**

- 13 The recommendation as at Paragraph 1. This is the recommended option.

### **Option 2**

- 14 Council does not adopt the recommendation. An alternative Meeting schedule proposal for 2024 may be put forward by Councillors, provided that it allows for at least ten Council Meetings, with each Meeting being in a different month. Any increase in the number of Meetings or significant change to the proposed Meeting cycle would need to be considered in light of resourcing and budget requirements. This is not the recommended option.

## **REFERENCES**

[City of Newcastle Code of Meeting Practice, June 2022](#)

## **ATTACHMENTS**

Nil.

### 8.3. ENDORSEMENT OF THE 2022/2023 ANNUAL REPORT AND ADOPTION OF THE FINANCIAL STATEMENTS

**REPORT BY:** CORPORATE SERVICES  
**CONTACT:** EXECUTIVE DIRECTOR CORPORATE SERVICES AND CHIEF FINANCIAL OFFICER / EXECUTIVE MANAGER FINANCE PROPERTY AND PERFORMANCE AND DEPUTY CHIEF FINANCIAL OFFICER

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#### PURPOSE

To endorse City of Newcastle's (CN) 2022/23 Annual Report (Report) and to adopt CN's audited Financial Statements (Statements) for the year ended 30 June 2023.

#### RECOMMENDATION

That Council:

- 1 Endorses CN's 2022/23 Annual Report (**Attachment A**) and its submission to the NSW Minister for Local Government by 30 November 2023.
- 2 Receives and adopts CN's Financial Statements and accompanying notes, in respect of the year ended 30 June 2023, together with the Auditor's Report (**Attachment B**).

#### KEY ISSUES

- 3 The Report details CN's achievements against the strategic objectives and performance measures outlined in the 2022-2026 Delivery Program and the 2022/23 Operational Plan, as required by the section 428 of the *Local Government Act 1993* (Act) and clause 217 of the *Local Government (General) Regulation 2005* (Regulation). The Report is the first to evaluate against the *Newcastle 2040* Community Strategic Plan and its 4 strategic directions: Liveable, Sustainable, Creative and Achieving Together.
- 4 To comply with section 428 of the Act and clause 217 of the Regulation, CN must provide a copy of the Report to the NSW Minister for Local Government and place a copy on CN's website by 30 November 2023.
- 5 CN's external Audit Report for the year ended 30 June 2023 was completed by the Audit Office of New South Wales, who has again issued an Unqualified Opinion for the 2022/23 financial year.
- 6 In accordance with section 418 of the Act public notice of the presentation of the audited Statements was given via CN's website on 21 November 2023.
- 7 Copies of the Statements, together with the Auditor's Report, were available for inspection by members of the public from 21 November 2023 on the website and

at the City Administration Centre. Written submissions can be lodged by close of business on 5 December 2023.

## **FINANCIAL IMPACT**

- 8 Costs associated with preparing the Report were met from the existing operational budget.
- 9 If Council resolves to approve the Statements in accordance with the proposed resolution, there are no financial implications for CN's budget.

## **NEWCASTLE 2040 ALIGNMENT**

- 10 The Report and Statements are consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan:

### **Achieving Together**

- 4.1 Inclusive and integrated planning
  - 4.1.1 Financial sustainability
  - 4.1.2 Integrated planning and reporting

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 11 Following endorsement, the Report will be submitted to the NSW Minister for Local Government and placed on CN's website by 30 November 2023.
- 12 The Statements reflect the outcomes of actions, activities and projects contained in the 2022/23 Operational Plan and subsequent Quarterly Budget and Performance Reviews approved by Council.

## **RISK ASSESSMENT AND MITIGATION**

- 13 CN is required to undertake planning and reporting activities in accordance with the Act and clause 217 of the Regulation 2005.
- 14 Section 418 of the Act requires the Financial Statements to be externally audited. This audit has been completed by the Audit Office of NSW, who issued an Unqualified Audit opinion for the 2022/23 financial year.

## **RELATED PREVIOUS DECISIONS**

- 15 At the Ordinary Council Meeting held on 28 June 2022, Council adopted the 2022/23 *Delivering Newcastle 2040* (2022-2026 Delivery Program and 2022/23 Operational Plan).
- 16 At the Ordinary Council Meeting held on 31 October 2023 Council resolved to:

- 1 *Receive the draft Financial Statements for the year ended 30 June 2023 and formally refer them to CN's Auditors, the Audit Office of New South Wales, in accordance with section 413(2) of the Act.*
- 2 *Authorise the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the Statements by Councillors and Management in accordance with section 413 (2) of the Act.*
- 3 *In anticipation of receiving the Auditor's Report, endorse publication on CN's website of the intention to present its audited Financial Statements for the year ended 30 June 2023 at the Ordinary Council Meeting to be held on 28 November 2023 in accordance with section 418 and section 705(3) of the Act.*

## **CONSULTATION**

- 17 The Director, Financial Audit, of the Audit Office of New South Wales provided an Engagement Closing Report to the Audit and Risk Committee on 16 October 2023.
- 18 A workshop on the Statements for the year ended 30 June 2023 was provided to Councillors on 17 October 2023.
- 19 In accordance with the provisions of section 418 of the Act, public notice of the presentation of the Financial Statements was given on CN's website on 21 November 2023. Written submissions can be lodged by close of business on 5 December 2023.

## **BACKGROUND**

- 20 The Report addresses all statutory requirements as outlined in the Act and the Regulations.
- 21 Following presentation of the Statements to Council, copies will be available from the City Administration Centre and on CN's website.

## **OPTIONS**

### **Option 1**

- 22 The recommendation as at Paragraph 1 and 2. This is the recommended option.

### **Option 2**

- 23 Council resolves not to endorse the 2022/23 Report and Statements with Accompanying Notes, in respect of the year ended 30 June 2023, together with the Auditor's Reports. This would result in CN not complying with the requirements of the Act. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** 2022/23 Annual Report

**Attachment B:** 2022/23 Financial Statements

**Attachments A - B distributed under separate cover**

## 8.4. SEPTEMBER QUARTERLY PERFORMANCE REPORT

**REPORT BY:** CORPORATE SERVICES  
**CONTACT:** EXECUTIVE DIRECTOR CORPORATE SERVICES & CHIEF FINANCIAL OFFICER / EXECUTIVE MANAGER FINANCE PROPERTY & PERFORMANCE & DEPUTY CHIEF FINANCIAL OFFICER

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### PURPOSE

To report progress against the 2022-2026 Delivery Program for the September Quarter.

### RECOMMENDATION

That Council:

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

### KEY ISSUES

- 2 Section 404(5) of the *NSW Local Government Act 1993* (Act) requires Councils to report at least every six months on the progress of the 'principle activities' detailed in its Delivery Program. City of Newcastle's (CN) quarterly updates are over and above the statutory requirement and support the Quarterly Budget Review Process.
- 3 The Report outlines CN's achievements under the 2022-2026 Delivery Program (Delivering Newcastle 2040 – 2023/24) against the four strategic directions within Newcastle 2040 (our Community Strategic Plan):
  - i) Liveable Newcastle
  - ii) Sustainable Newcastle
  - iii) Creative Newcastle
  - iv) Achieving Together.
- 4 The Report highlights that 96% of CN's actions are on track for delivery this financial year.
- 5 The September Quarterly Performance Report includes the Budget Review Statement, in accordance with clause 203 of the Local Government (General) Regulation 2005, which outlines adjustments to the Adopted Budget to reflect trends identified in the actual operating performance to date for the 2023/24 financial year. The operational budget variations have a net favorable impact of \$0.4m on CN's operating position and forecasts an annual budget surplus of \$7.3m for the year ended 30 June 2024.



- 6 The adjustments recommended through the September Quarterly Performance Report Review Statement require CN to use \$0.8m less funds than previously predicted. CN is now forecasting to transfer \$18.1m to cash reserves for the full financial year 2023/24 and is forecast to maintain \$25.7m in unrestricted cash reserves at 30 June 2024.
- 7 The 2023/24 works program was reviewed as part of the September Quarterly Performance Report and no changes were made. The works program for the full financial year is forecast at \$137.3m.

## **FINANCIAL IMPACT**

- 8 The budget variations recommended through the September Quarterly Performance Report Review Statement are presented in more detail in **Attachment A**.

## **NEWCASTLE 2040 ALIGNMENT**

- 9 The Report is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan (CSP).

### **Achieving Together**

- 4.1 Inclusive and integrated planning
  - 4.1.1 Financial sustainability

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 10 The Report will be published on CN's website.
- 11 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2022-2026 Delivery Program and 2023/24 Operational Plan in a cost effective and efficient manner.

## **RISK ASSESSMENT AND MITIGATION**

- 12 Adoption by Council will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

## **RELATED PREVIOUS DECISIONS**

- 13 At the Ordinary Council Meeting on 23 May 2023, Council resolved to adopt the 2023/24 Delivering Newcastle 2040 (2022-26 Delivery Program and 2023/24 Operational Plan).

## **CONSULTATION**

- 14 A workshop was conducted with Councillors on 21 November 2023 to provide detailed information and a forum to ask questions.

## **BACKGROUND**

- 15 CN's 2023/24 Delivering Newcastle 2040 (2022-2026 Delivery Program) aligns with the CSP's four strategic directions adopted by Council on 23 May 2023. The Report is the first to report progress against Newcastle 2040 and Delivering Newcastle 2040.
- 16 A Delivery Program is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are required to be reviewed annually and adopted by 30 June.

## **OPTIONS**

### **Option 1**

- 17 The recommendation as at Paragraph 1. This is the recommended option.

### **Option 2**

- 18 Council resolves not to receive the September Quarterly Performance Report on the 2022-2026 Delivery Program. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** September Quarterly Performance Report on 2023/24 Delivering Newcastle 2040 (the 2022-2026 Delivery Program)

**Attachment A distributed under separate cover**

## 8.5. NEW ANNUAL COUNCIL COMMITMENT

**REPORT BY: CREATIVE & COMMUNITY SERVICES**  
**CONTACT: EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES / ACTING EXECUTIVE MANAGER MEDIA ENGAGEMENT ECONOMY & CORPORATE AFFAIRS**

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### PURPOSE

To seek Council's five year commitment to the New Annual festival.

### RECOMMENDATION

That Council:

- 1 Endorses the growing success of City of Newcastle's (CN) New Annual festival as a flagship cultural event for the city.
- 2 Commits to delivering and funding the New Annual festival for a further five years until at least 2028 in order to provide necessary strategic forward planning to enable future growth.

### KEY ISSUES

- 3 New Annual was launched in 2020 as CN's flagship cultural festival with the vision of making Newcastle better known as a creative city where exciting, ambitious, and accessible contemporary art and culture grow and thrive.
- 4 Despite the impacts of COVID-19, the festival has attracted 95,000 attendees to approximately 150 performances over three events.
- 5 To date, the festival has operated on a year to year basis for budget and programming.
- 6 A multi-year commitment will provide the benefits of strategic planning and sustainable growth. It will allow CN to streamline operations, secure top-tier talent, allocate appropriate operational and producing staff and plan for long-term growth.
- 7 The economic significance of New Annual extends beyond the event itself. Cultural tourism statistics confirm that such events attract longer stays and increased visitor spending. A five year commitment ensures consistent growth in these areas, resulting in substantial economic contributions to the local community and a strengthened position as a cultural tourism destination.
- 8 A multi-year commitment facilitates deeper and more strategic collaborations with CN's cultural institutions, local artists, and businesses. These

partnerships are instrumental in nurturing the cultural identity of Newcastle and raising the cultural sector's profile and capacity.

- 9 New Annual's ambition is to elevate Newcastle's reputation as a creative hub on the national and international stage. A five-year commitment provides the platform for securing high-profile collaborations, attracting renowned artists, and achieving national recognition.
- 10 New Annual 2022 included 32 venues, 533 artists, 325 support crew, and 95 venue staff. The total economic impact of the 2022 festival was \$7,901,738. Up to 1,500 visiting and local artists and performers have been involved in New Annual throughout its first three years. The New Annual 2022 Wrap report is available at **Attachment A**.

## **FINANCIAL IMPACT**

- 11 CN's budget for New Annual in 2023/24 was \$789,000, a reduction from \$1,000,000 in 2019/20 based on increased revenue through grants, sponsorships, and ticket sales, along with economies from upfront costs in marketing and brand development. This budget includes all costs associated with the festival, including staff time, booking fees, commissions, event management and marketing promotions.
- 12 New Annual's revenue diversification strategy has developed through partnerships, sponsorships, and grants at previous events. CN secured funding from Creative Australia (\$60,000) and Multicultural NSW (\$400,000 over two years) and has forged a valuable partnership with the University of Newcastle. CN's collaboration with local businesses has resulted in \$100,000 in cash and in-kind sponsorships, contributing to New Annual's overall success.
- 13 A five year commitment will allow CN to pursue longer term grant funding along with corporate sponsorship and philanthropy.

## **NEWCASTLE 2040 ALIGNMENT**

- 14 New Annual aligns with the following Newcastle 2040 priorities and objectives:

### **Creative Newcastle**

- 4.1 Vibrant and Creative City
  - 4.1.1 Vibrant events
  - 4.1.2 Bold and challenging programs
  - 4.1.3 Tourism and visitor economy
  - 4.1.4 Vibrant night-time economy
- 4.2 Opportunities in jobs, learning and innovation
  - 4.2.1 Inclusive opportunities
  - 4.2.2 Skilled people and businesses
  - 4.2.3 Innovative people and business

- 4.3 Celebrating Culture
  - 4.3.1 Nature cultural and creative practitioners
  - 4.3.2 Promote Newcastle as a major arts and cultural destination
  - 4.3.3 Culture in everyday life
- 4.4 City-shaping partnerships
  - 4.4.1 Optimise city opportunities

**Achieving Together**

- 4.2 Trust and Transparency
  - 4.2.3 Trusted customer experience

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 15 A multi year commitment will allow CN to leverage investment by better attracting additional funding from state and federal sources. Multi year investment creates opportunities to establish strategic partnerships with local businesses, which aligns with the festival's objectives.
- 16 New Annual serves as a lever to facilitate holistic programming across CN's cultural institutions, including the Newcastle Art Gallery, Civic Theatre, City Hall, and the Museum, ensuring a coordinated and cohesive cultural experience for the community and visitors to Newcastle.

**RISK ASSESSMENT AND MITIGATION**

- 17 Detailed Risk Assessments are prepared for each event presented in the New Annual program. Letters of Agreement are prepared by CN's legal team to engage artists and organisations. Clauses include best practices to mitigate potential material and reputational risks to CN.
- 18 Increasing costs for materials, labour, and services, along with the cost-of-living crisis is having an impact on the festival industry. CN will mitigate this with a scalable approach to New Annual's delivery and ensuring a mix of free and low cost events alongside premium offerings in the festival program.

**RELATED PREVIOUS DECISIONS**

- 19 A Lord Mayoral Minute was carried at the Ordinary Council Meeting on 25 September 2018 resolving unanimously to *develop an annual cultural festival*.
- 20 A Lord Mayoral Minute was carried at the Ordinary Council Meeting on 31 October 2023 on the success of the 2023 New Annual.

**CONSULTATION**

- 21 Groups consulted during the establishment phase and at key decision points since include (but are not limited to): Awabakal Local Aboriginal Land Council, Catapult Dance Choreographic Hub, Curious Legends, Fingers Crossed Creative, Guraki Aboriginal Advisory Committee, Hunter

Multicultural Communities, Lingua Franca, Makers x Traders, Newcastle Writers' Festival, Speaking in Colour, Sydney Fringe Festival, The Creator Incubator, University of Newcastle, Whale Chorus, and Wollotuka Institute.

## **BACKGROUND**

- 22 The inaugural New Annual Festival 2020 was delayed by COVID-19 and delivered in February 2021, attracting around 30,000 people.
- 23 New Annual 2022 built on the inaugural event's success in 2021, expanding its breadth, depth, and impact by showcasing the CN's creative offerings. It included an extended five week season of the blockbuster Van Gogh Alive experience, which attracted more than 84,000 people to Newcastle in its first visit to a regional area in Australia. Over ten days, New Annual delivered more than 140 performances and activities across the city. The festival engaged more than 530 artists and over 400 staff, crew, and volunteers.
- 24 New Annual 2023 demonstrated significant social and economic impacts in addition to creating jobs and attracting and retaining talent in the Hunter Region. In 2023, New Annual strategically increased its investment in local artists, dedicating 60% of its programming to local talent. Building upon the successes of New Annual 2022, which expanded its cultural offerings and supported Newcastle's creative scene, this year's event further enriched the cultural and economic landscape of the city.
- 25 New Annual 2023 has left a significant positive impact on its stakeholders and achieved notable milestones. The local community's support is evident, with 91% of respondents acknowledging the festival's importance to the CN, while 87% enjoy the increased vibrancy and activity it brings.
- 26 Seventy three percent of attendees were first time visitors, indicating a growing audience. The festival garnered widespread acclaim, with 97% of respondents reporting a positive overall experience and 96% expressing their intent to attend again. Word of mouth and social media played pivotal roles in event promotion, with 34% and 32% of attendees citing them as their information sources. Ninety two percent expressed satisfaction with their ticket-purchasing experience. These statistics underscore the festival's positive influence and demonstrate its potential for growth and impact. (Data provided by Culture Counts survey, October 2023).
- 27 Independent research commissioned by Creative Australia (formerly the Australia Council for the Arts) confirms the arts are a key driver of tourism and related economic impact and growth, reporting that the Cultural Tourist stays in destination 30% longer and spends 37% more than the usual tourist.

## **OPTIONS**

### **28 Option 1**

The recommendation as at Paragraph 1. This is the recommended option.

29 **Option 2**

Council resolves not to support New Annual for five years (2024-2028). This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** New Annual 2022 Wrap Report

**Attachment A distributed under separate cover**

## 8.6. ADOPTION OF THE WICKHAM PUBLIC DOMAIN PLAN

**REPORT BY:** CITY INFRASTRUCTRE  
**CONTACT:** EXECUTIVE DIRECTOR CITY INFRASTRUCTURE /  
EXECUTIVE MANAGER PROJECT MANAGEMENT  
OFFICE

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### PURPOSE

To adopt the Wickham Public Domain Plan (PDP).

### RECOMMENDATION

That Council:

- 1 Adopts the Wickham Public Domain Plan at **Attachment A**.

### KEY ISSUES

- 2 The Wickham PDP provides a framework for the delivery of high-quality streetscapes and public spaces in Wickham as outlined in the 2021 Wickham Masterplan (2021 Masterplan). This includes facilitating greater connectivity, improved public domain amenity, and a built form reflecting the envisaged function and character. The PDP also supports the broader renewal of Newcastle City Centre.
- 3 The PDP incorporates relevant legislation, planning and best practice for streetscapes and urban activation. It will be used by City of Newcastle (CN), developers and other practitioners carrying out works within the public domain with a specific focus on connectivity, accessibility, and safety.
- 4 The PDP aligns with CN's Parking Plan and 2021 Masterplan which prioritises streetscape amenity over car parking in the city. Parking occupancy is high in Wickham, largely due to unlimited parking and daily commuters parking in the suburb. Parking restrictions are being explored in Wickham in line with the Parking Plan, which is expected to increase parking turnover should they be implemented.
- 5 The PDP utilises water sensitive urban design principles and integrated landscape solutions to provide trees and gardens throughout the suburb, reduce urban heat island effect, improve biodiversity, and create a pleasant environment for residents and visitors to Wickham.
- 6 The PDP recognises the significant history of the area and provides a framework to retain and enhance historic elements within the public domain.
- 7 The PDP increases the sense of community space by providing additional public spaces throughout the suburb in accordance with the 2021 Masterplan and improves the heart of the suburb through an intensification of landscape treatments to Union Street.



- 8 The PDP improves accessibility and connectivity throughout the suburb through improved footpaths and raised pedestrian crossings to major throughfares.

### **FINANCIAL IMPACT**

- 9 The PDP will be implemented through public and private developments associated with asset and urban renewal processes. Where CN plan to undertake upgrades, funding will be sought through the annual budget processes and relevant grant funding opportunities.

### **NEWCASTLE 2040 ALIGNMENT**

- 10 The PDP is consistent with multiple strategic directions within the Newcastle 2040 Community Strategic Plan:

#### **Liveable**

##### 1.1 Enriched neighbourhoods and places

- 1.1.1 Great spaces
- 1.1.2 Well-designed places
- 1.1.3 Protected heritage places

##### 1.2 Connected and fair communities

- 1.2.1 Connected communities
- 1.2.2 Inclusive communities
- 1.2.3 Equitable communities
- 1.2.4 Healthy communities

##### 1.3 Safe, active, and linked movement across the city

- 1.3.1 Connected cycleways and pedestrian networks
- 1.3.2 Road networks
- 1.3.3 Managed parking

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 11 The PDP fulfils the strategies defined within the 2021 Masterplan and several other key CN strategic policies including:
- i) Disability Inclusion Action Plan 2022,
  - ii) Aboriginal Heritage Management Strategy 2018,
  - iii) Heritage Strategy 2020,
  - iv) On Our Bikes Cycling Plan 2021,
  - v) On the Street Parking Plan 2021, and
  - vi) Connecting Newcastle - Our urban renewal vision 2016.

## RISK ASSESSMENT AND MITIGATION

- 12 The PDP has been developed in close consultation with key stakeholders, asset owners and service providers. Issues have been identified and mitigated throughout the design process.

## RELATED PREVIOUS DECISIONS

- 13 On 26 July 2022, Council adopted the Wickham Masterplan 2021 (2022 Amendment).

## CONSULTATION

- 14 Consultation was undertaken with the Guraki Aboriginal Advisory Committee in September 2022 and February 2023. Feedback was provided on the proposed bush tucker walk, connection to the Harbour and the appropriate use of Awabakal themes within the PDP. The PDP identifies ongoing consultation and engagement with Traditional Owners to provide appropriate representation within the public domain.
- 15 In principle endorsement of the draft PDP was provided by the Access and Inclusion Advisory Committee in February 2023.
- 16 Councillor workshops have been held on 21 February and 21 November 2023.
- 17 Community consultation for the draft PDP was held from 22 February to 22 March 2023. The draft PDP and supporting information was placed on CN's website which included a Have Your Say survey. On site community drop-in sessions were held on 2 March and 18 March 2023 at Marketown Shopping Centre and the Wickham Transport interchange. The summary engagement report can be found at **Attachment B**.
- 18 Consultation occurred with the Hunter and Central Coast Development Corporation (HCCDC) throughout the development of the draft PDP including a presentation in February 2023 and updates in November 2023.
- 19 Ongoing consultations occurred with the Great Lifestyle of Wickham (GLOW) community group throughout the development of the draft PDP and as recently as November 2023.
- 20 A summary of changes and modifications to the draft PDP can be found in **Attachment C**. Two non significant changes following public exhibition are:
  - i) a raised intersection at Union and Bishopsgate Street to improve pedestrian connectivity along both roads, and
  - ii) a cycleway extension west of Railway Street improving connections to the proposed Wickham Park cycleway.

## **BACKGROUND**

- 21 Wickham continues to transform into a dynamic urban neighborhood that supports a diverse mix of uses, which complement the adjoining commercial core of the Newcastle City Centre located within Newcastle West. Urban renewal within the area is envisaged to build on the existing urban structure to deliver greater connectivity, improved public domain amenity, and a built form reflecting the envisaged function and character.
- 22 The aim of the PDP is to:
- i) Upgrade Union Street to be an attractive pathway to the heart of the precinct,
  - ii) Improve footpath conditions to enhance accessibility throughout the suburb,
  - iii) Create new public spaces to support the growing community,
  - iv) Improve active transport throughout the precinct with continuous links to neighbouring cycling networks,
  - v) Enhance the laneways and connecting roads for improved connectivity, and
  - vi) Provide new tree plantings and landscaping throughout the precinct to support the city's urban forest.

## **OPTIONS**

### **Option 1**

- 23 The recommendation as at Paragraph 1. This is the recommended option.

### **Option 2**

- 24 Not adopt the PDP. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Wickham Public Domain Plan  
**Attachment B:** Wickham PDP Summary Engagement Report  
**Attachment C:** Wickham PDP Engagement Report Response Comments

**Attachments A - C distributed under separate cover**

## 8.7. VARIATIONS TO DEVELOPMENT STANDARDS

**REPORT BY: PLANNING AND ENVIRONMENT**

**CONTACT: EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /  
ACTING EXECUTIVE MANAGER, PLANNING, TRANSPORT  
& REGULATION**

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### PURPOSE

To report on development variations approved between 1 July 2023 and 31 October 2023.

### RECOMMENDATION

That Council:

- 1 Receives the report on approved development variations between 1 July 2023 and 31 October 2023 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).
- 2 Notes that Clause 4.6 related to Development Variations reforms commenced on 1 November 2023 that remove the requirement of a quarterly report to Council on the variations.
- 3 Receives a Councillor memo every quarter outlining the Development Applications approved that contain a development variation, in lieu of the quarterly report to Council.

### KEY ISSUES

- 4 For the applications detailed in this report, under clause 55 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), consent authorities may be notified that they may assume the Secretary of DPE's (Secretary) concurrence for exceptions to development standards for applications made under clause 4.6 of the NLEP 2012. The Secretary has provided a concurrence to NSW Councils, subject to conditions, to vary development standards proposed in applications. That concurrence, and the reporting and record keeping requirements are outlined in Planning Circular PS 20-002 issued on 5 May 2020.
- 5 This report addresses the superseded requirement that all variations approved under delegation, up to the 31 October 2023 must be tabled at a meeting of the Council at least once each quarter.

- 6 A total of 29 Development Applications (DA) were determined between 1 July 2023 and 31 October 2023 that proposed a variation to a development standard as outlined in Table One below.

**Table One**

<b>Variation to Development Standard</b>	<b>Required Determining Authority</b>	<b>Number determined between 1 July 2023 and 31 October 2023</b>
10% or less	Under delegation	20
Greater than 10% or a variation to a non-numerical development standard	Council or where appropriate the Regional Planning Panel	9
<b>Total</b>		<b>29</b>

- 7 The concurrence issued by the Secretary requires all DAs, Modifications to DAs and Requests for Reviews, with variations greater than 10%, to be determined by Council or where appropriate the Regional Planning Panel. All applications affected by this requirement are included in **Attachment A** and identified as being determined by Council under assumed concurrence.
- 8 Clause 4.6 reforms came into effect on the 1 November 2023 and DPE repealed the NSW Planning Circular PS 20-002. The reforms relate to how the supporting document for a variation is prepared and assessed and the reporting and concurrence requirements for Councils.
- 9 To reduce the administrative burden, there is no longer a requirement to obtain any concurrence from the Planning Secretary for variations and a quarterly report is no longer required to the elected Council or the DPE. The information on the variations will be extracted directly from the NSW Planning Portal to reduce the administrative burden on Councils. A variation register is now publicly available on the NSW Planning Portal, that shows variations under assessment and determined after 1 November 2023 across NSW. Historical variations prior to 1 November 2023 are still required to be maintained by CN on its website.
- 10 To provide transparency and information to the Councillors, information on the Development Applications approved with variations to development standards will be continued to be provided to Councillors by memo on a quarterly basis.
- 11 As part of the reforms, the DPE recommended that this final variation report to Council cover all variations from July to end of October 2023 to enable transition to the new reporting requirements.

## **FINANCIAL IMPACT**

12 Nil

## **NEWCASTLE 2040 ALIGNMENT**

13 This report aligns with the following Newcastle 2040 strategic directions:

### **Liveable**

1.1.1.1 Great spaces

1.1.1.2 Well-designed places

### **Achieving Together**

4.2.3 Trusted customer experience

## **IMPLEMENTATION PLAN/IMPLICATIONS**

14 A report of all development approved variations has been submitted to the DPE and the register of all development variations has been updated on City of Newcastle's (CN) website.

15 This report is no longer required to be tabled to Council each quarter detailing all approved applications with a development variation.

16 From 1 November 2023 as part of the Clause 4.6 reforms data will be extracted directly from the NSW Planning Portal and the submission of a variations report to the DPE and Council is no longer required. Nor will it be required to keep a current register of variations on Council's website.

17 Information on the Development Applications approved with variations to development standards will be continued to be provided to Councillors by memo on a quarterly basis.

## **RISK ASSESSMENT AND MITIGATION**

18 By implementing required reporting measures and record keeping arrangements, CN will comply with the requirements of the DPE.

## **RELATED PREVIOUS DECISIONS**

19 Council received reports on the development variations approved in the last 12 months as listed in Table Two.

**Table Two**

<b>Ordinary Council Meeting held</b>	<b>Period Contained in Report</b>
25 October 2022	1 July 2022 to 30 September 2022
28 February 2023	1 October 2022 to 31 December 2022
23 May 2023	1 January 2023 to 31 March 2023
22 August 2023	3 April 2023 to 30 June 2023

**CONSULTATION**

- 20 Applications that propose a variation to a development standard are placed on public exhibition prior to the determination of the application.
- 21 Any submissions received as a result of public notification are taken into consideration prior to the determination of the application.

**BACKGROUND**

- 22 Development standards are a means to achieving an environmental planning objective and can be numerical or performance based. Some developments may achieve planning objectives despite not meeting the required development standards.
- 23 The planning system provides flexibility to allow these objectives to still be met by varying development standards in particular cases.

**OPTIONS**

**Option 1**

- 24 The recommendation as at Paragraph 1. This is the recommended option.

**Option 2**

- 25 Council resolves not to adopt this report. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

- Attachment A:** Report on all approved development variations between 1 July 2023 and 31 October 2023

**ATTACHMENT A**

DA number	Lot No.	DP number	Street No.	Street name	Suburb	Post code	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2023 /00391	1	171933	33	Alfred Street	Newcastle East	2300	ResiAltAdd	LEP2012	R3	Floor Space Ratio	Not have unreasonable impact on amenity of the area	8.7	Council	24/10/2023
DA2022 /01424	10, 11, 12	976801	810	Hunter Street	Newcastle West	2302	Commercial	LEP2012	EZ2	Floor Space Ratio	Achieves underlying objectives of FSR Control	57.56%	Council	24/10/2023
DA2023 /00489	411	1160660	26	Bar Beach Avenue	Bar Beach	2300	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of the area	3%	Council	18/10/2023
DA2023 /00530	7	883142	3	Arthur Street	Mayfield	2304	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR Control	3%	Council	11/10/2023
DA2023 /00194	11	1262128	2	Bar Beach Avenue	Bar Beach	2300	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Achieves desired future character for the area	8.5%	Council	10/10/2023
DA2023 /00286	19	19574	26	Dunkley Avenue	New Lambton	2305	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	5.89%	Council	6/10/2023



DA2022 /01317	1	867617	711	Hunter Street	Newcastle West	2302	Mixed	LEP2012	EZ 2	Building Separation*	Achieves desired future character for the area	37.1%	HCCRP P	5/10/2023
DA2022 /01317	1	867617	711	Hunter Street	Newcastle West	2302	Mixed	LEP2012	EZ 2	Floor Space Ratio	Achieves underlying objectives of height control	2.5%	HCCRP P	5/10/2023
DA2023 /00307	5	17900	25	Eighth Street	Adamstown	2289	ResiMulti	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of the area	7.14%	Council	5/10/2023
DA2022 /01316	1	867617	711	Hunter Street	Newcastle West	2302	Mixed	LEP2012	EZ 2	Building Separation*	Achieves desired future character for the area	37.1%	HCCRP P	5/10/2023
DA2022 /01316	1	867617	711	Hunter Street	Newcastle West	2302	Mixed	LEP2012	EZ 2	Floor Space Ratio	Achieves underlying objectives of height control	1.5%	HCCRP P	5/10/2023
DA2023 /00392	1	782131	45	Robert Street	Wickham	2293	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of the area	9.9%	Council	5/10/2023
DA2023 /00462	5	758929	21	Stone Street	Stockton	2295	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of height control	9.8%	Council	27/09/2023
DA2022 /01117	1,2,3,5	343923,14278	23	Blue Gum Road	Jesmond	2299	Mixed	LEP2012	EZ 1	Build Height	Achieves desired future character for the area	3	Council	25/09/2023

DA2023 /00142	1	304958	25	Mounter Street	Mayfield East	2304	ResiSingle	LEP2012	R2	Floor Space Ratio	Compatible with streetscape (bulk, scale and mass)	12.08 %	Council	25/09/2023
DA2022 /00789	1	995139	15	Helen Street	Merewether	2291	ResiSecOcc	LEP2012	R2	Building Height	Compatible with streetscape (bulk, scale and mass)	14%	Council	21/09/2023
DA2022 /00846	1	780632	805	Hunter Street	Newcastle West	2302	Mixed	LEP2012	MU 1	Building Height	Achieves underlying objectives of height control	5.59%	Council	20/09/2023
DA2022 /00846	1	780632	805	Hunter Street	Newcastle West	2302	Mixed	LEP2012	MU 1	Building Separation*	Not have unreasonable impact on amenity of the area	16.42	Council	20/09/2023
DA2023 /00305	301	602206	42	Curry Street	Merewether	2291	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	6.4%	Council	19/09/2023
DA2023 /00461	4	758929	19	Stone Street	Stockton	2295	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR Control	9.28	Council	18/09/2023
DA2022 /01406	15A	13084	162	Morgan Street	Merewether	2291	ResiMulti	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR Control	7.4%	Council	22/08/2023
DA2022 /01482	12	792605	1	Islington Street	Islington	2296	ResidOther	LEP2012	R4	Building Height	Achieves underlying objectives of height control	25.18 %	Council	17/08/2023

DA2023 /00157	66	154056	22	Fenton Avenue	Bar Beach	2300	ResiAltAdd	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of the area	3.88	Council	9/08/2023
DA2022 /01040	23	563077	92	Margaret Street	Mayfield East	2304	ResiSecOcc	LEP2012	R2	Lot Size	Not have unreasonable impact on amenity of the area	9.77	Council	9/08/2023
DA2022 /00705	1	815595	21	Parnell Place	Newcastle East	2300	Mixed	LEP2012	R3	Building Height	Not have unreasonable impact on amenity of the area	42.5	Council	3/08/2023
DA2022 /00705	1	815595	21	Parnell Place	Newcastle East	2300	Mixed	LEP2012	R3	Floor Space Ratio	Not have unreasonable impact on amenity of the area	147%	Council	3/08/2023
DA2023 /00012	6	19990	33	Meredith Street	New Lambton	2305	ResiAltAdd	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of the area	9.8%	Council	24/07/2023
DA2022 /01320	14	208911	63	Sun Hill Drive	Merewether Heights	2291	ResiAltAdd	LEP2012	R2	Building Height	Achieves underlying objectives of height control	8.2%	Council	14/07/2023
DA2022 /01494	1	1142335	9	Queen Street	Cooks Hill	2300	Mixed	LEP2012	MU 1	Floor Space Ratio	Achieves underlying objectives of FSR Control	7.6	Council	10/07/2023

\*Building Separation Variation relates to Clause 7.4 of NLEP that states:

***Building separation***

- (1) A building on land to which this Part applies must be erected so that the distance from the building to any other building is not less than 24 metres at 45 metres or higher above ground level.*
- (2) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.*

## 8.8. BROADMEADOW TO HAMILTON EAST CYCLEWAY

**REPORT BY:** PLANNING AND ENVIRONMENT  
**CONTACT:** EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /  
ACTING EXECUTIVE MANAGER, PLANNING,  
TRANSPORT & REGULATION

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### PURPOSE

To approve the cycleway treatments between Chatham Street Broadmeadow and Gordon Avenue Hamilton, as a section of the broader Adamstown to Newcastle West cycleway connection.

### RECOMMENDATION

That Council:

- 1 Approves the cycleway treatments between Chatham Street Broadmeadow and Gordon Avenue Hamilton, as shown in **Attachment A**.

### KEY ISSUES

- 2 To achieve the cycling network set out in the City of Newcastle's (CN) Cycling Plan, CN is working on improved cycling connections between Adamstown and Newcastle West. As part of this, a cycleway between Chatham Road and Gordon Avenue was designed and exhibited in September 2023 as shown in **Attachment A**.
- 3 The proposed cycleway treatments that were exhibited included:
  - a) A refuge for cyclists to safely cross Chatham Street at Koree Road
  - b) A shared path on the south side of Dumaresq Street from Chatham Street to Steel Street
  - c) Establishing a cycling 'quiet way' on sections of Steel Street and Everton Street by installing:
    - i) Kerb extensions at various intersections along Everton Street, including Steel Street, Lawson Street and Gordon Avenue
    - ii) Cycling refuges at the intersections of Everton Street at Beaumont Street and Everton Street at Gordon Avenue to improve crossing safety and reduce traffic movements into and along Everton Street
  - d) Landscaping improvements, including rain gardens
  - e) Street lighting upgrades.

- 4 During the 28-day public consultation process, 87 submissions were received and are collated in **Attachment B**. Seventy three (84%) of submissions supported the project (30 with changes) and 14 submissions did not support the project. Two options were provided under the engagement documentation (as shown in **Attachment A**) at both the intersections of Beaumont Street and of Gordon Avenue with Everton Street. Seventy one percent (22% with changes) and 81% (18% with changes) of respondents supported the preferred option of cycling refuges at Beaumont Street and Gordon Avenue respectively. The alternative options had 69% and 62% support at Beaumont Street and Gordon Avenue respectively.
- 5 During consultation, the community made several recommendations, which will be considered during the detailed design process (see **Attachment C** for concept sketches):
- a) improved pedestrian accessibility at intersections across the project area
  - b) improved connectivity to the existing on-road cycling network to the west of the project
  - c) small medians to improve protection and comfort for cyclists waiting at the intersections at Beaumont Street and Gordon Avenue

Other issues raised included concerns with quietway treatments including kerb extensions and modal filters, the choice of route, the pedestrian/cyclist interactions on shared paths, and traffic speeds on streets that the cycleway crosses.

## **FINANCIAL IMPACT**

- 6 Design funding for the cycleway connection was included in the 2023/24 Cycleways Program (Transport Portfolio) under the Works Program. Following Council endorsement, further funding will be sought for detailed design and construction under future Civil Works Budgets as part of the Transport Program. The design of this project is being partly funded by Transport for NSW as part of its Get NSW Active Program.

## **NEWCASTLE 2040 ALIGNMENT**

- 7 The cycleways treatment for the Chatham Street Broadmeadow to Gordon Avenue Hamilton section of the Adamstown Station to Newcastle West cycleway is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **Liveable**

#### **1.1 Enriched neighborhoods and places**

1.1.1 Well-designed places

#### **1.2 Connection and fair communities**

1.2.2 Inclusive communities

1.2.3 Equitable communities

- 1.2.4 Healthy communities
- 1.3 Safe, active and linked movement across the city**
- 1.3.1 Connected cycleways and pedestrian networks
- 1.3.4 Effective public transport

### **Sustainable**

- 2.1 Action on climate change**
- 2.1.3 Resilient urban and natural areas

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 8 The proposal is consistent with the Newcastle Transport Strategy to improve conditions for pedestrians and reduce urban traffic speeds and is a noted route for delivery under CN's Cycling Plan 2021.
- 9 Approval of the upgrade cannot be delegated to CN officers and must be referred to Council for determination.

## **RISK ASSESSMENT AND MITIGATION**

- 10 The proposal has been developed to improve cyclist safety through the introduction of a shared path and a quietway, which will connect into the broader cycling network. The choice of infrastructure was informed by safety outcomes, in line with the concepts outlined under Transport for NSW's Cycling Toolbox.
- 11 Detailed design will address relevant Austroads and Transport for NSW guidelines and standards. Safety in design assessments and road safety audits will be undertaken prior to finalisation of the construction designs.
- 12 Trees will be retained where possible to reduce the urban heat island effects, limiting exposure of pedestrians, cyclists and residents to extreme temperatures and UV radiation. There will be no impact to the existing fig trees located along Dumaresq Street.

## **RELATED PREVIOUS DECISIONS**

- 13 At the Ordinary Council Meeting held on 23 February 2021, Council adopted the Cycling Plan which included the cycleway along Dumaresq Street and Everton Street.

## **CONSULTATION**

- 14 Public consultation was held for a four-week period and closed on 11 September 2023. Details were published on CN's website, a flyer was distributed to residents and mailed to non-resident owners for properties along the designated route (**Attachment A**). The webpage included an extensive FAQ section to answer questions related to the previous consultation and to provide feedback for any alterations made.

- 15 The Newcastle Cycling Working Party provided comments on the proposed design in June 2023 and September 2023. Newcastle City Traffic Committee (NCTC) reviewed and endorsed the outcomes of public consultation at their meeting on 16 October 2023.

## **BACKGROUND**

- 16 Cycling between Adamstown, Broadmeadow, Hamilton and Newcastle West is very popular. It connects some key cycleways and destinations, including schools, parks and local centres. However, the existing route which runs along Dumaresq Street is not designed for all ages and abilities, and there are safety concerns requiring addressing. The Everton Street route also connects through to the Newcastle Transport Interchange and the expanding Newcastle West precinct.
- 17 This work is part of a broader project which will provide a safe cycling connection between Newcastle West and Adamstown Station, which was identified in the CN's ['On Our Bikes – Cycling Plan 2021-2030'](#). Everton Street was identified as a connection within the Cycling Plan. It is a quieter Street than Dumaresq Street, which is more appropriate for making a quiet way. Quiet ways aim to create a low stress on road experience for cyclists, with low speeds and volumes of motorised traffic.
- 18 Intersections are key points of conflict for pedestrians, cyclists and other road users. The proposed works will improve pedestrian and cyclist safety by introducing kerb extensions to reduce crossing distances and slow traffic where possible. The addition of refuges for cyclists allows them to cross the road in stages, while also reducing non-local traffic on Everton Street.

## **OPTIONS**

### **Option 1**

- 19 The recommendation as at Paragraph 1. This is the recommended option.

### **Option 2**

- 20 Council does not endorse the proposed cycleways treatment for Chatham Street, Dumaresq Street, and Everton Street under Adamstown Station to Newcastle West cycleway. This is not the recommended option.



## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Broadmeadow to Hamilton East Cycleway - Consultation Flyer
- Attachment B:** Broadmeadow to Hamilton East Cycleway - Summary of submissions
- Attachment C:** Broadmeadow to Hamilton East Cycleway - Amended design concepts

**Attachments A - C distributed under separate cover**

## 8.9. JESMOND CYCLEWAY IMPROVEMENTS

**REPORT BY: PLANNING AND ENVIRONMENT**  
**CONTACT: EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /**  
**ACTING EXECUTIVE MANAGER, PLANNING,**  
**TRANSPORT & REGULATION**

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### PURPOSE

To approve a cycling connection along William Street and Blue Gum Road, Jesmond, as the first stage of the Jesmond Cycleway.

### RECOMMENDATION

That Council:

- 1 Approves the cycleway treatments for the Jesmond cycleway, along William Street and Blue Gum Road, Jesmond, as shown in **Attachment A**.

### KEY ISSUES

- 2 To achieve the cycling network set out in City of Newcastle's (CN) Cycling Plan, CN is working on an off-road cycling connection between the Inner City Bypass (H23) and the shared path at the end of Mordue Parade in Birmingham Gardens. As part of this work, a cycleway between William Street and Blue Gum Road, Jesmond was designed and exhibited in August 2023 as shown in **Attachment A**.
- 3 The proposed cycleway treatments that were exhibited included:
  - a) Shared paths on the southern side of William Street, and on the eastern side of Blue Gum Road through to the existing pedestrian crossing
  - b) New kerb ramps at the entry to William Street and an off ramp for cyclists wishing to ride on-road along William Street
  - c) Kerb extension near the entrance to William Street
  - d) Narrowing of Blue Gum Road to accommodate the new shared path.
- 4 During the 28 day public consultation process, six submissions were received and are collated in **Attachment B**. Five submissions supported the proposed design (3 with changes) and one submission did not.
- 5 During the consultation phase, two recommendations were made, which will be considered during the detailed design process (see **Attachment C** for concept design of these amendments):

- a) Upgrading the pedestrian crossing on Blue Gum Road to a combined crossing.
- b) Providing width for vehicles to pass vehicles on Blue Gum Road waiting to turn right into the shopping centre.

Other issues raised include the need for traffic calming and a prioritised crossing point on William Street. These issues will be monitored post construction. There were also concerns about driveway access and congestion near a potential development on the corner of Blue Gum Road and William Street. The driveway access issue has been rectified in the design. The congestion issue of a potential development is not a consideration of this project and will be addressed under review of any development application once received.

## **FINANCIAL IMPACT**

- 6 Design funding for the cycleway connection was included in the 2023/24 Cycleways Program (Transport Portfolio) under the Works Program. Following Council endorsement, further funding will be sought for detailed design and construction under future Civil Works Budgets under the Transport Program. This design project is being partly funded by Transport for NSW as part of its Get NSW Active Program.

## **NEWCASTLE 2040 ALIGNMENT**

- 7 The proposed cycling connection along William Street and Blue Gum Road, Jesmond is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **Liveable**

#### **1.1 Enriched neighbourhoods and places**

1.1.1 Well-designed places

#### **1.2 Connection and fair communities**

1.2.2 Inclusive communities

1.2.3 Equitable communities

1.2.4 Healthy communities

#### **1.3 Safe, active and linked movement across the city**

1.3.1 Connected cycleways and pedestrian networks

1.3.4 Effective public transport

### **Sustainable**

#### **2.1 Action on climate change**

2.1.3 Resilient urban and natural areas

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 8 The proposal is outlined in the Newcastle Transport Strategy to improve conditions for pedestrians and reduce urban traffic speeds and is part of the delivery of CN's Cycling Plan 2021.

- 9 Approval of the upgrade cannot be delegated to CN officers and must be referred to Council for determination.

## **RISK ASSESSMENT AND MITIGATION**

- 10 The proposal has been developed to improve cyclist safety through the introduction of shared path and crossing points, which will connect into the broader cycling network. The choice of infrastructure was informed by safety outcomes, in line with the concepts outlined under Transport for NSW's Cycling Toolbox.
- 11 Detailed design will address relevant Austroads and Transport for NSW guidelines and standards. Safety in design assessments and road safety audits will be undertaken.
- 12 Trees will be retained where possible to reduce the urban heat island effects, limiting exposure of pedestrians, cyclists and residents to extreme temperatures and UV radiation. Any identified potential locations for additional plantings will be raised with CN's Environmental Assets team.

## **RELATED PREVIOUS DECISIONS**

- 13 At the Ordinary Council Meeting held on 23 February 2021, Council adopted the Cycling Plan which included the cycleway connection from the Newcastle Bypass Jesmond, through to Mordue Parade Birmingham Gardens.

## **CONSULTATION**

- 14 Public consultation was held for a four week period and closed on 25 August 2023. Details were published on CN's website, along with a flyer distributed to residents and mailed to non-resident owners adjacent to the proposed areas of works. A copy of the flyer is at **Attachment A**. The webpage included an extensive FAQ section to answer questions related to the consultation and to provide justification for the alterations made.
- 15 The Newcastle Cycling Working Party considered the design in June 2023 and September 2023 for their comment and supported the project for progression to exhibition and determination by Council. Newcastle City Traffic Committee (NCTC) reviewed and endorsed the outcomes of the public consultation at their meeting on 16 October 2023.

## **BACKGROUND**

- 16 Jesmond is a key area for cycling, with several major routes passing through connecting nearby destinations including the University, Wallsend, John Hunter Hospital, as well as Jesmond Park, and Jesmond local centre. The construction of the Inner City Bypass has temporarily interrupted the popular R5 cycleway which is the main route between Wallsend and the city centre.

- 17 To improve connectivity currently, the development of an alternate path through Jesmond is being provided along a largely off-road shared path, which predominantly runs next to Dark Creek passing through Heaton Park and MacClure Reserve.
- 18 Due to the extent of this project, it is being progressed as two stages. CN is currently seeking approval on Stage 1 of the works, involving the connection along William Street and Blue Gum Road. Stage 2 is currently progressing through planning and design and will be progressed as a separate project.

## **OPTIONS**

### **Option 1**

- 19 The recommendation as at Paragraph 1. This is the recommended option.

### **Option 2**

- 20 Council does not endorse the proposed cycleways connection along William Street and Blue Gum Road, Jesmond. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Jesmond Cycleway Improvements - Consultation Flyer  
**Attachment B:** Jesmond Cycleway Improvements - Summary of submissions  
**Attachment C:** Jesmond Cycleway Improvements - Amended concept design

**Attachments A - C distributed under separate cover**

## 8.10. LAMAN STREET, COOKS HILL - PEDESTRIAN IMPROVEMENTS AND TRAFFIC CALMING

**REPORT BY:** PLANNING AND ENVIRONMENT  
**CONTACT:** EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /  
ACTING EXECUTIVE MANAGER, PLANNING,  
TRANSPORT & REGULATION

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### PURPOSE

To approve pedestrian improvements and traffic calming infrastructure in Laman Street Cooks Hill.

### RECOMMENDATION

That Council:

- 1 Approves the pedestrian improvements and traffic calming infrastructure in Laman Street Cooks Hill, at the intersection with Auckland Street, as shown at **Attachment A**.

### KEY ISSUES

- 2 CN has received customer feedback regarding high vehicle speeds in Laman Street near the intersection with Auckland Street, and reports the street is being used as a 'rat run' between Darby Street and Union Street to avoid traffic along King Street. The frontage of the University of Newcastle Conservatorium also has historic issues with illegal parking at the intersection, further impacting public safety.
- 3 Laman Street is part of the R1 regional cycle route. Reinforcement of the 40km/h speed limit is desirable to improve safety for road users and achieve quiet way outcomes for the nominated cycle connection and the Cooks Hill local traffic area.
- 4 During investigations to determine a preferred traffic calming treatment for Laman Street, it was determined vertical deflection devices (speed humps) are not suitable for the location, due to the potential transfer of noise and vibration to the adjacent University of Newcastle Conservatorium.
- 5 The preferred traffic calming treatment is to provide road narrowing, to positively reduce vehicles speeds and volumes in Laman Street. The proposed narrowing will be consistent with the existing road narrowing on Laman Street between Hunnifords Lane and John Street, providing a uniform environment for cyclists using the nominated cycle route.
- 6 During public consultation, feedback was received regarding the removal of two on-street parking spaces. The proposed kerb extensions have been placed at the intersection to minimise parking loss, remove the ability for illegal

parking, and to provide a narrow crossing point for pedestrians crossing Auckland Street and Laman Street. The outcomes for safety for the public have been considered to outweigh the minor loss of parking in this location.

## **FINANCIAL IMPACT**

- 7 Design funding was included in the FY 2023/24 Local Area Traffic Management Program (Transport Portfolio) under the Works Program. Following Council endorsement and completion of detailed design, funding will be sought for the construction of the project under future Civil Works budgets.

## **NEWCASTLE 2040 ALIGNMENT**

- 8 The proposed pedestrian improvements and traffic calming infrastructure on Laman Street Cooks Hill at the intersection with Auckland Street, is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **Liveable**

#### **1.1 Enriched neighborhoods and places**

- 1.1.1 Well-designed places

#### **1.2 Connection and fair communities**

- 1.2.2 Inclusive communities
- 1.2.3 Equitable communities
- 1.2.4 Healthy communities

#### **1.3 Safe, active and linked movement across the city**

- 1.3.1 Connected cycleways and pedestrian networks
- 1.3.4 Effective public transport

### **Sustainable**

#### **2.1 Action on climate change**

- 2.1.3 Resilient urban and natural areas

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 The proposal is consistent with the Newcastle Transport Strategy to improve conditions for pedestrians and reduce urban traffic speed.
- 10 Approval of the upgrade cannot be delegated to CN officers and must be referred to Council for determination.

## **RISK ASSESSMENT AND MITIGATION**

- 11 The proposal will encourage lower vehicle speeds and volumes in Laman Street and address illegal parking at the intersection with Auckland Street. The proposal will improve safety and amenity for all road users.
- 12 Detailed design will address relevant Australian Standards and Austroads and Transport for NSW guidelines and standards.

## RELATED PREVIOUS DECISIONS

- 13 Laman Street is within the Council adopted Cooks Hill Traffic Management Scheme Stage 2. The scheme proposed a traffic calming device in Laman Street near No. 39. While the majority of traffic calming devices listed in the study have been implemented, a treatment on Laman Street near No. 39 remains outstanding.

## CONSULTATION

- 14 On 7 June 2023 the Newcastle Cycling Working Party (NCWP) was shown the design prior to the proposal being placed on public exhibition. On 7 September 2023 the key outcomes of public consultation were reported to the NCWP, which supported the proposal for progression to Council for determination.
- 15 On 16 October 2023, the Newcastle City Traffic Committee (NCTC) reviewed the outcomes of public consultation. The summary results of the consultation are shown at **Attachment B**. NCTC gave in-principal support for:
- a) installation of kerb extension on Laman Street and Auckland Street as shown at **Attachment A**.
  - b) addition of kerb ramps and footpath connections to provide a narrow crossing point on Laman Street between the proposed kerb extensions.
- 16 CN undertook community consultation for a four week period which closed on 22 September 2023. An online survey was advertised through distribution of 'Have Your Say' flyers to residents and mailed to non-resident owners located in the vicinity of the project. A copy of the flyer is shown at **Attachment A**. Corflute signs were also installed for the duration of the consultation period, with a QR code linked to the CN 'Have Your Say' webpage.
- 17 A summary of the 59 submissions received during the consultation is provided at **Attachment B**. Forty two submissions supported the proposed pedestrian improvements and traffic calming infrastructure (19 with changes), and 17 submissions did not. Key issues relating to the project are as follows:
- a) Reduction of on-street parking  
*CN response - The proposed kerb extensions have been placed close to the intersection to minimise parking loss. It has been determined that the benefits to public safety outweigh the loss of two parking spaces.*
  - b) Inclusion of pedestrian crossing facility on Laman Street  
*CN response - Pedestrian improvements at the proposed kerb extensions on Laman Street will be proposed for inclusions under detailed design.*
  - c) Marked pedestrian crossing on Auckland Street



*CN response - The kerb extensions on Auckland Street will be designed to accommodate future installation of a marked (zebra) crossing if determined as suitable under future Transport Program works.*

Use of speed humps, speed cushions or a raised crossing

*CN response - During feasibility investigations it was determined that road narrowing is the preferred option to minimise potential noise and vibration impacts on the adjacent University of Newcastle Conservatorium. Further traffic calming will be considered under the Cooks Hill LATM review.*

## **BACKGROUND**

- 18 Cooks Hill has several existing Local Area Traffic Management (LATM) devices which support a low speed environment. LATM traffic calming measures have been in place for over 30 years in most locations throughout Cooks Hill, and the treatments have been generally successful in encouraging lower vehicle speeds and managing the main traffic flows to the larger collector roads on the perimeter of Cooks Hill such as Union Street and Darby Street.
- 19 Walking and cycling along Laman Street is very popular. It connects residential areas of Cooks Hill with key destinations including the City Library, Civic Park, Newcastle Community Pre-school and The University of Newcastle City Campus.
- 20 Laman Street is also part of the R1 Regional Cycling Route in CN's 'On Our Bikes - Cycle Plan 2021-2030.' The proposed works will support a cycling quiet way along Laman Street. Quiet ways aim to create a low stress on-road experience for cyclists with low speeds and volumes of motorised traffic.

## **OPTIONS**

### **Option 1**

- 21 The recommendation as at Paragraph 1. This is the recommended option.

### **Option 2**

- 22 Council does not endorse the proposed pedestrian improvements and traffic calming infrastructure on Laman Street Cooks Hill at the intersection with Auckland Street. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Laman Street, Cooks Hill - Consultation Flyer

**Attachment B:** Laman Street, Cooks Hill - Summary of submissions

**Attachments A - B distributed under separate cover**

## 8.11. CITY OF NEWCASTLE PLANNING FOR HOUSING AND THE NATIONAL HOUSING ACCORD

**REPORT BY:** PLANNING AND ENVIRONMENT  
**CONTACT:** EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /  
ACTING EXECUTIVE MANAGER, PLANNING,  
TRANSPORT & REGULATION

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### PURPOSE

To reaffirm City of Newcastle's (CN) commitment to planning for housing supply, acknowledging its leading role in prioritising housing diversity.

### RECOMMENDATION

That Council:

- 1 Note the letter of 30 October 2023 from the Minister for Planning and Public Spaces (the Minister) about continued efforts to address the NSW housing crisis (**Attachment A**).
- 2 Note CN is recognised as a leading council in planning for and prioritising low and mid-rise housing types, such as multi dwelling housing and residential flat buildings, in the R2 low density and R3 medium density residential zones.

### KEY ISSUES

- 3 Councils and the NSW Government are committed to addressing NSW's housing crisis. Through the National Housing Accord local government is working to look at opportunities to share the task to approve and encourage the investment and commencement for 377,000 homes by 2029.
- 4 The Minister sees a need for more housing in low and medium density zones in NSW to help increase housing supply and diversity. Councils are asked to review local policy identifying well located areas for terraces, small unit blocks, or well designed mid-rise apartments (see Attachment A).
- 5 As the Newcastle Local Environmental Plan (LEP) 2012 has allowed such housing types in these areas from the LEP's implementation in 2012, no further review is considered necessary in Newcastle.
- 6 In mid 2017, the then Department of Planning, Industry, and Environment estimated Newcastle LEP 2012 had a theoretical capacity for 60,000 additional dwellings. This is more than three times the number of dwellings projected to be needed in the Newcastle local government area (LGA) by 2041 (19,450 dwellings).

- 7 The Newcastle LEP 2012 provides flexibility with housing permissibility for the R2 low density residential land use zone and is more flexible than the majority of NSW LEPs.
- 8 Between 2016 and 2019 there were 9,150 new dwellings in the Newcastle LGA's supply pipeline i.e. new dwellings completed, under construction, approved for construction, or under assessment.
- 9 Importantly, approximately 7,500 or 82% of these dwellings are in infill areas. Based on the supply pipeline, CN met the dwelling demand by 2021 early and is on track to meet its demand for 2026 and 2041.
- 10 Recent approvals indicate the mix of dwelling types in the Newcastle LGA is increasing. While around 75% of all housing stock is detached dwellings, a higher proportion now of attached dwellings is increasing local housing diversity.
- 11 The 2019 Newcastle Housing Needs Evidence Report - housing supply audit, found multi-dwelling housing in the R2 zone accounts for around 16% of all new dwellings built or under construction between mid 2016 and mid 2019.
- 12 The report compares new multi-dwelling housing supply in each of the residential zones and all new housing supply in the Newcastle LGA between August 2016 and August 2019, with over 80% of multi-dwelling housing development occurring in the R2 zone.

## **FINANCIAL IMPACT**

- 13 Nil.

## **NEWCASTLE 2040 ALIGNMENT**

- 14 CN's planning for housing and the National Housing Accord are consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **18. Liveable**

#### **1.2 Enriched neighbourhoods and places**

##### **1.2.2 Equitable communities**

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 15 The report and its recommendations are consistent with CN's planning priorities and objectives of the Local Strategic Planning Statement, Newcastle Housing Strategy, and the Newcastle LEP 2012.

## **RELATED PREVIOUS DECISIONS**

- 16 Nil.

## CONSULTATION

17 Nil.

## BACKGROUND

18 The Minister's letter 30 October 2023 (**Attachment A**), encourages:

- a) More housing in low and medium density zones across NSW to help increase supply and diversity of homes delivered in local suburbs;
- b) councils and NSW Government to work together through the National Housing accord to approve and encourage investment and commencements for 377,000 homes by 2029;
- c) councils to ensure local policy and approaches support this supply;
- d) maintaining the momentum of housing approvals across NSW via all planning assessments and other council responsibilities and operations continuing as normal until the caretaker period starts 16 August 2024;
- e) tabling the letter (**Attachment A**) at the next council meeting so councillors are clear on NSW Government's intentions to deliver more low and mid-rise homes.

19 CN has provided the ability for low and mid-rise housing types, such as terraces and RFBs, in the main residential zones (R2 and R3) since the implementation of the Newcastle LEP 2012 on 15 June 2012. The potential for housing supply in Newcastle's residential zones is less constrained than the majority of NSW LEPs.

## OPTIONS

### Option 1

20 The recommendations as at Paragraph 1 and 2 be noted. This is the recommended option.

### Option 2

21 Council resolves not to note the recommendations. This is not the recommended option.

## REFERENCES

## ATTACHMENTS

**Attachment A:** Letter from Minister for Planning and Public Spaces dated 30/10/2023.

**Attachment A**

**The Hon Paul Scully MP**  
Minister for Planning and Public Spaces



Ref: MDPE23/3451

Clr Nuatali Nelmes  
Mayor  
PO Box 489  
NEWCASTLE NSW 2300  
via: [lordmayor@ncc.nsw.gov.au](mailto:lordmayor@ncc.nsw.gov.au)

Dear Clr ~~Nelmes~~, *Nuatali*

I write to you regarding the need to allow for more housing in our low and medium density zones across New South Wales to help increase supply and diversity of homes we are delivering in our suburbs.

New South Wales is in a housing crisis. Through the National Housing Accord, councils and the NSW Government are committed to working together to look at every opportunity to address this crisis.

Our shared task is to approve and encourage the necessary investment and commencements for 377,000 homes by 2029.

The land use planning and assessment functions of councils and the Department will need to quickly adjust towards approaches that lead to more homes in well-located areas.

As a way to increase our housing numbers in NSW, the NSW Government has identified a number of limitations across the residential zones constraining our ability to deliver this diverse housing in our low and medium density areas. In Greater Sydney these include:

- Terraces, townhouses and 2 storey residential flat buildings (i.e. manor houses) are only permitted in the R2 low density residential zone in 2 of 35 Local Environmental Plans (LEPs) in Greater Sydney – just six per cent. This is despite 77 per cent of residential land being zoned R2. Even though the R3 medium density zones do allow terraces, they only make up 13% of residential land; and
- Residential flat buildings (RFBs) are only permitted in the R3 medium density zone in 47% of LEPs. Even though the R4 high density residential zones do allow RFBs, they only make up 3% of residential land.

The story is more mixed outside of our major cities but there are still opportunities available for the planning system to priorities low and mid-rise housing types in our main residential zones.

We are asking councils to review their local policy settings and approaches in the interests of housing supply. I ask you to identify existing well-located areas where terraces, small unit blocks or well-designed mid-rise apartments can be permitted.

Research consistently shows that there is unmet demand for additional small apartment and low-rise multi-dwelling housing options as well as purpose-built rental and affordable and social housing.

With this in mind, the Department will be realigning its resources to support councils in these initiatives and is developing a tool kit to help councils and state agencies deliver the outcomes we need. Councils shouldn't wait for this work to happen, rather I am asking you to begin work identifying locations and permitting more low and mid-rise homes immediately.

This urgency for all of us to play our part to approve and deliver housing in all parts of New South Wales brings me to my final point. The upcoming 2024 NSW local government elections are scheduled to be held on Saturday 14 September 2024. The caretaker period will begin 4 weeks before on 16 August 2024.

The NSW local government elections may have an impact on some policy and program timeframes and exhibition dates and may impact on planning assessment timeframe targets.

All planning assessments and other council responsibilities and operations should continue as normal until the start of the caretaker period. It is my express view that councils should continue to undertake their legal responsibilities under local government and planning legislation to make sure that we keep up the momentum on delivering the approvals for housing developments across New South Wales.

I would also request that this letter be tabled at your next council meeting so that councillors are clear about the State government's intentions on behalf of the people of NSW to deliver more low and mid-rise homes, while reminding them of their duty during election periods.

We all have a part to play in delivering on the National Housing Accord and a role in helping the next generation into home ownership or long-term rental. I urge you to look at your policy settings with the aim of expanding the number of homes in your LGA.

Should you have any questions regarding the housing reform work or to caretaker conventions for local government elections, please contact the Department at [stakeholder.engagement@dpie.nsw.gov.au](mailto:stakeholder.engagement@dpie.nsw.gov.au).

Yours sincerely

**Paul Scully MP**  
Minister for Planning and Public Spaces



52 Martin Place Sydney NSW 2000  
GPO Box 5341 Sydney NSW 2001

02 7225 6080  
[nsw.gov.au/ministerscully](https://nsw.gov.au/ministerscully)

## 8.12. EXECUTIVE MONTHLY PERFORMANCE REPORT

**REPORT BY:** CORPORATE SERVICES  
**CONTACT:** EXECUTIVE DIRECTOR CORPORATE SERVICES AND  
CHIEF FINANCIAL OFFICER / EXECUTIVE MANAGER  
FINANCE PROPERTY AND PERFORMANCE AND  
DEPUTY CFO

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### PURPOSE

To report on City of Newcastle's (CN) monthly performance. This includes:

- a) Monthly financial position and year to date (YTD) performance against the 2023/24 Operational Plan as at the end of October 2023.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

### RECOMMENDATION

That Council:

- 1 Receives the Executive Monthly Performance Report for October 2023.

### KEY ISSUES

- 2 At the end of October 2023 the consolidated YTD actual operating position is a surplus of \$7.5m which represents a positive variance of \$4.3m against the budgeted YTD surplus of \$3.2m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The adopted budget for 2023/24 is a surplus of \$6.9m.
- 3 The net funds generated as at the end of October 2023 is a surplus of \$13.0m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$2.9m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

### FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of October 2023 is provided in the Executive Monthly Performance Report.



## **NEWCASTLE 2040 ALIGNMENT**

- 6 This report aligns to the Newcastle 2040 Community Strategic Plan under the strategic direction:

### **Achieving Together**

- 4.1 Inclusive and integrated planning
  - 4.1.1 Financial sustainability

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 The distribution of the report and the information contained therein is consistent with:
- i) CN's adopted annual financial reporting framework
  - ii) CN's Investment Policy and Strategy
  - iii) Clause 212 of the Regulation and section 625 of the Act.

## **RISK ASSESSMENT AND MITIGATION**

- 8 No additional risk mitigation has been identified.

## **RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council Meeting held on 25 September 2018 Council adopted to receive an Executive Monthly Performance Report for July to May no later than one month after the month being reported as part of the annual financial reporting framework.
- 10 The Investment Policy Compliance Report included in the Executive Monthly Performance Report includes a specific confirmation in regard to compliance with Part E of the Investment Policy.

## **CONSULTATION**

- 11 A monthly workshop is conducted with Councillors to provide detailed information and a forum to ask questions.

## **BACKGROUND**

- 12 The presentation of a monthly Executive Performance Report to Council and a workshop addresses the Council resolution for monthly reporting and exceeds the requirements of the Act.

## **OPTIONS**

### **Option 1**

13 The recommendation as at Paragraph 1. This is the recommended option.

### **Option 2**

14 Council resolves to vary the recommendations in the adoption of the report. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Executive Monthly Performance Report

**Attachment A distributed under separate cover**

### **8.13. TENDER REPORT - GREGSON PARK HAMILTON PLAYSACE AND AMENITIES UPGRADE - 2023/061T**

**REPORT BY: CITY INFRASTRUCTURE**  
**CONTACT: EXECUTIVE DIRECTOR CITY INFRASTRUCTURE / EXECUTIVE MANAGER PROJECT MANAGEMENT OFFICE**

#### **PURPOSE**

To accept a tender for the Gregson Park Hamilton playspace and amenities upgrade in accordance with Contract No. 2023/061T.

Due to the estimated total value of the contract exceeding \$1 million, the Chief Executive Officer's delegation requires a resolution of Council to accept the tenders.

#### **REASON FOR CONFIDENTIALITY**

The confidential attachments have been classified confidential in accordance with the provisions of the *Local Government Act 1993* (the Act) as follows:

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.
- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  - (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  - (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

#### **GROUND FOR CLOSING PART OF THE MEETING**

In respect to section 10D(2) of the Act, the grounds on which part of a meeting is to be closed for the discussion of the particular item must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. Accordingly, an appropriate resolution to proceed is required first.

#### **MOTION TO PROCEED**

The discussion of the confidential attachments take place in a closed session, with the press and public excluded, for the following reasons:

- A The matter relates to tenders for the Gregson Park Hamilton playspace and amenities upgrade for Contract No. 2023/061T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing

sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 The tender is for the construction of an inclusive playspace and upgrades to the existing amenities building at Gregson Park, Hamilton.

### **Contract Term**

- 3 The term of the contract is 12 months, with a defect liability period of 12 months.

### **Advertising of Tenders**

- 4 The tender was advertised nationally on the TenderLink website on Monday, 11 September 2023.

### **Tenders Received**

- 5 Tenders closed at 2pm on Tuesday, 10 October 2023. Tender submissions were received from:

- i) BK Revegetation and Landscaping
- ii) Glascott Landscape and Civil Pty Ltd
- iii) Paramount Landscaping Pty Ltd
- iv) Precise Build Pty Ltd
- v) Regal Innovations Pty Ltd.

### **Evaluation Process**

- 6 The tenders were assessed against the following criteria:

- |                         |     |
|-------------------------|-----|
| i) Tender Price         | 30% |
| ii) Methodology         | 15% |
| iii) Contract Program   | 10% |
| iv) Previous Experience | 20% |

- v) Management and Staff 10%
  - vi) Work Health and Safety 10%
  - vii) Supplier Diversity 5%
- 7 The tenders were assessed by a Tender Assessment Panel of City of Newcastle (CN) officers selected based on experience and knowledge of the project.
- 8 Probity oversight was provided by CN's Contracts Officer who was present during all panel meetings in accordance with CN's Procurement Policy.

**Recommended Tenderer**

- 9 The recommended tenderer has a local office, and presented a detailed methodology supported by a thorough construction program with logical sequencing of work. They demonstrated relevant experience in delivering projects of similar scope and value. They were able to demonstrate a clear understanding of the project specification and their ability to complete the works to a high level of quality and safety.

**FINANCIAL IMPACT**

- 10 The total estimated cost of this project, including the proposed contract amount, is within the multi-year budgeted amount allocated for this project.

**IMPLICATIONS**

**Policy Implications**

- 11 This project aligns with the Newcastle 2040 Community Strategic Plan as follows:

**Liveable Newcastle**

- 1.1 Enriched neighbourhoods and places
  - 1.1.1 Great spaces
  - 1.1.2 Well-designed places
- 1.2 Connected and fair communities
  - 1.2.1 Inclusive communities
  - 1.2.2 Healthy communities

- 12 This project will enable implementation of priority actions within the Gregson Park Masterplan (the Masterplan).

**Environmental Implications**

- 13 The recommended tenderer has a certified environmental management system. This environmental management system will identify and address environmental risks associated with construction activities. All contractors are required to comply with CN's work health safety and environmental requirements.
- 14 Tree protection plans form part of the contract which will ensure the long-term health of the Gregson Park heritage fig trees.

### **Social Implications**

- 15 The recommended tender's workforce is engaged in accordance with the Landscape and Gardening Award.

### **IMPLEMENTATION**

- 16 Works are scheduled to be undertaken between January 2024 to late December 2024.

### **CONSULTATION/COMMUNICATION**

- 17 Community consultation included public exhibition of the concept designs for the Gregson Park Playspace from 23 November to 16 December 2022. Promotion of the project and consultation included a resident letter box drop, on site signage, social media posts, dedicated 'Have your Say' webpage, and media releases.
- 18 Extensive community consultation took place during development of the Masterplan. The Masterplan was adopted by Council on 23 November 2021.

### **BACKGROUND**

- 19 Gregson Park is identified as one of eight District level parks within CN's Parkland and Recreation Strategy. A key action of the strategy is to develop new masterplans to guide the upgrade of Local and District parks to meet the future needs of the community. In line with the strategy, CN developed and adopted the Masterplan in 2021, aiming to celebrate the heritage of the site and meet the recreational needs of the local community.
- 20 A high priority action within the Masterplan was the provision of a new inclusive playspace and upgrade to the existing amenities building, providing improved accessibility.
- 21 The calling of tenders was in accordance with the requirements of Section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

### **OPTIONS**

#### **Option 1**

- 22 The recommendation as at **Attachment A**. This is the recommended option.

#### **Option 2**

- 23 Council defers a decision at this time to allow further consideration of the tenders received. This is not the recommended option.

#### **Option 3**

- 24 Council resolves not to accept any tender and invite fresh tenders. This is not the recommended option.

**Option 4**

25 Council resolves not to accept any tender and enter into negotiations with any party with a view to entering into a contract. Council must state a reason for this in its resolution. This is not the recommended option.

**Option 5**

26 Council resolves not to accept any tender and not proceed with the contract. Council must state a reason for this in its resolution. This is not the recommended option.

**ATTACHMENTS**

**Attachment A:** Confidential Recommendation

**Attachment B:** Confidential Tender Evaluation Matrix - Summary

***(Refer Confidential Ordinary Council Meeting Agenda 28 November 2023 for Attachments A and B)***

## **9. NOTICES OF MOTION**

### **9.1. RESTORATION OF ROADS AND PUBLIC DOMAIN - NEWCASTLE EAST**

**COUNCILLORS: D CLAUSEN, E ADAMCZYK, C DUNCAN,  
D RICHARDSON, N NELMES, P WINNEY-BAARTZ AND  
M WOOD**

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#### **PURPOSE**

*The following Notice of Motion was received on Wednesday 15 November 2023 from the abovementioned Councillors.*

#### **MOTION**

That Council

1. Notes Council's resolution of 31 October 2023 concluding the City's relationship with Supercars, and instead resolved to support Cessnock City Council with the proposed Wine Country 500 as an alternative major event for the Hunter region.
2. Given Council's decision, commences road and public domain restoration works in Newcastle East, as previously committed to the community and Heritage NSW, prioritising the replacement of temporary pedestrian crossings with permanent infrastructure.
3. Receives a memo advising of next steps, including proposed community consultation before further works in the Heritage Conservation Area are undertaken.

#### **BACKGROUND**

Nil.

#### **ATTACHMENTS**

Nil.



## **9.2. REQUEST FOR JOINT BRIEFING WITH LAKE MACQUARIE COUNCILLORS**

**COUNCILLORS: E ADAMCZYK, D RICHARDSON AND D CLAUSEN**

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### **PURPOSE**

*The following Notice of Motion was received on Wednesday 15 November 2023 from the abovementioned Councillors.*

### **MOTION**

That City of Newcastle

#### **PART A:**

That Council:

- 1 Notes that development on land sold to Winten received concept approval by the NSW Planning and Assessment Commission in 2013 for a subdivision of up to 2,000 lots straddling the Lake Macquarie and Newcastle LGA boundary along the Newcastle Link Road.
- 2 Notes that since that time, development applications have been submitted to both Lake Macquarie and Newcastle City Councils for assessment that seek to vary the approved Concept Plan.
- 3 Notes the Hunter Central Coast Joint Regional Planning Panel is reviewing these applications and has stated its preference for both the Lake Macquarie and Newcastle reviews to be determined simultaneously.
- 4 Notes advice from Newcastle officers that the Newcastle application is unable to be determined until early 2024 due to the need to re-exhibit changes to the proposal, that were requested by the applicant, consistent with the EP&A Act.
- 5 Reiterates the need to consider the interests of existing and future residents as a foremost consideration, ahead of the interests of any individual council.
- 6 Explores options including the joint-ownership of future public amenities such as community halls, recreation spaces, and sporting facilities by both Councils to ensure that new amenities are located in close proximity to any new homes, noting the success of existing collaborations between the two councils at Glendale.
- 7 Request a joint briefing with Councillors from both Lake Macquarie and Newcastle Councils, and relevant planning Directors, prior to Council exhibition endorsement of any Voluntary Planning Agreement.

## **PART B:**

That Council:

- 1 Notes that extensive community consultation was undertaken to inform the Concept Plan for any future development in Minmi to protect the existing village character, cultural, environmental and social amenity, while accommodating limited residential growth.
- 2 Notes that the City of Newcastle *Local Housing Strategy (2021)* sets limited targets for 'greenfield' development including in this area and the City of Newcastle *DCP (2012)* sets controls to guide development consistent with the Concept Plan.
- 3 Notes continued concerns regarding the potential loss of environmental amenity and biodiversity, and the council's continued commitment to protecting and conserving environmental land and to ecologically sustainable development in the city.

## **BACKGROUND**

Nil.

## **ATTACHMENTS**

Nil.

### **9.3. CELEBRATING STEAD CYCLES' 100TH BIRTHDAY**

**COUNCILLORS:** E ADAMCZYK, D CLAUSEN, C DUNCAN, N NELMES,  
D RICHARDSON, P WINNEY-BAARTZ AND M WOOD

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#### **PURPOSE**

*The following Notice of Motion was received on Friday 17 November 2023 from the abovementioned Councillors.*

#### **MOTION**

That City of Newcastle:

- 1 Notes that 2023 marks 100 years since Charles Stead opened Stead Cycles in Mayfield, which moved to its purpose-built premises in Beresfield over four decades ago;
- 2 Notes the contribution of Stead Cycles to the Newcastle community and economy as a local, fourth-generation, family-owned and operated business;
- 3 Notes the important role Stead Cycles has played in supporting active transport, healthy lifestyles and safe cycling for generations of Novocastrians, with many locals having purchased their first bicycle from Stead Cycles;
- 4 Commends Stead Cycles for one hundred years of celebrating cycling routes and events in the city and beyond, and in supporting raising money through cycling for dementia and cancer research, and local organisations Hunter Medical Research Institute and Dog Rescue Newcastle; and
- 5 Congratulates the Stead family on celebrating the 100th birthday of Stead Cycles in 2023, and recognises its contribution to our community.

#### **BACKGROUND**

#### **ATTACHMENTS**

**Attachment A:** Stead Cycles, Beresfield

(at: [Best Bicycle shop | Bike shop | Stead Cycles Beresfield, Maitland | 4966 2141](#))

## 9.4. PROTECTING AND VALUING NEWCASTLE'S HERITAGE

**COUNCILLORS: E ADAMCZYK, D CLAUSEN, N NELMES,  
D RICHARDSON, P WINNEY-BAARTZ AND M WOOD**

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### PURPOSE

*The following Notice of Motion was received on Wednesday 15 November 2023 from the abovementioned Councillors.*

### MOTION

#### Part A

That the City of Newcastle values the unique heritage and character of its buildings, streetscapes and landscapes, noting that:-

- 1 Schedule 5 of the Newcastle Local Environment Plan 2012 identifies certain areas of townscape and landscape that collectively have special heritage qualities, as Heritage Conservation Areas (HCAs);
- 2 Each HCA is described at Part E of the City of Newcastle Development Control Plan and includes a Statement of Heritage Significance and a desired Future Character Statement. These Statements identify the existing urban fabric and the key character elements of each HCA which are to be preserved and will act as a guide as to how future development may achieve contextual fit, enhancing the existing qualities of each area;
- 3 In addition, Character Statements for the suburbs of Tighes Hill and Kotara have been included at Part E of the City of Newcastle Development Control Plan. These sections describe the current and future desired character of each suburb. The objective of the Character Statements is to ensure that the design of new buildings, structures, additions and alterations reflects and complements existing and future local character;
- 4 Further, Part F of the City of Newcastle DCP includes specific controls for Places and Precincts, including Wickham (consistent with the adopted Wickham Masterplan), the renewal corridors (Mayfield, Adamstown, Broadmeadow, Hamilton, and Islington), and Minmi precincts, noting unique heritage aspects of each of these precincts.
- 5 The Newcastle City Centre Heritage Conservation Area is the subject of a review with the draft report of the proposed changes on public exhibition from 6 November to 18 December 2023.

#### Part B

It is noted that the City of Newcastle is undergoing a growth in its population and a diversification and densification of its housing types. Consistent with our adopted Heritage Strategy and accompanying Heritage Policy, further work needs to be done to protect the heritage and character of the city's buildings, streetscapes and

landscapes by identifying Heritage Conservation Items, Heritage Conservation Areas and preparing Character Statements of suburbs.

Council requests a Memo and Workshop from Officers which:

- 1 Explore the heritage significance of the item at 14 Sunderland Street, Mayfield. Priority should be given to the investigation and assessment noting that a Development Application was lodged last month which proposes its demolition.
- 2 Outline the intended work plan for the remainder of 2023/24 and 2024/25 of investigations and assessment of significant heritage buildings and streetscapes, noting Council's commitment to explore Cameron's Hill (meeting of April 2023) and recently raised matters at Carrington
- 3 Outline the intended work plan for the remainder of 2023/24 and 2024/25 of development of further Character Statements, including options to develop bespoke character statements for Wallsend and New Lambton

## **BACKGROUND**

Nil.

## **ATTACHMENTS**

Nil.

## **9.5. 2023 YOUTH MOCK COUNCIL**

**COUNCILLOR: C PULL**

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### **PURPOSE**

*The following Notice of Motion was received on Thursday 9<sup>th</sup> November 2023 from the abovementioned Councillor.*

### **MOTION**

#### **PART A:**

That City of Newcastle

- 1 Congratulates the Newcastle Youth Council on the Youth Mock Council held in July 2023.
- 2 Notes that the Youth Mock Council developed and adopted the following motions:
  1. Youth Mental Health Advocacy
  2. Housing and Homelessness
  3. Environment and Climate Change
- 3 Shares these motions with the relevant Strategic Advisory Committees, Members of the Executive Leadership Team, Council Officers and Government Agencies.
- 4 Requests a report be provided to Councillors by the relevant Council officers assessing the viability, cost, and merits of each proposal, if they were to be adopted as policy of the Council.

#### **PART B:**

That when Motion A: Youth Mental Health Advocacy is shared with the relevant Government Agencies, that the Council's strong support for the restoration of 20 free counselling sessions under the Better Access Initiative be explicitly stated.

### **BACKGROUND**

In July 2023, City of Newcastle's Youth Council hosted the Annual Youth Mock Council – where high school students spent two days hearing from civic representatives and youth advocates as well as developed their own Notices of Motion and presented them at a Mock Council Meeting, chaired by a Newcastle City Councillor.

The Motions moved and adopted this year were:

**Motion 1: Youth Mental Health Advocacy** *(Carried)*

- Calling for the restoration of 20 maximum free counselling sessions provided by the Federal Government under the Better Access Initiative.
- Advocating for full time psychologists to be employed at every schooling institution.
- Calling on the Federal Government to exploring alternative routes to acquiring a referral for free sessions under the Better Access Initiative.
- Calling on the Federal Government to address waiting times for mental healthcare.
- Council investigate opportunities to partner with the local Youth Week to promote Mental Health Advocacy during the program.

**Motion 2: Housing & Homelessness** *(Carried: By Division 9 votes – 5 votes)*

- Council adopts and enforces an 80 day cap on short-term rental properties.
- Council applies legislation across the LGA for unhosted short term rental properties.

**Motion 3: Environment and Climate Change** *(Carried)*

- Council introduces solar-powered, sensor-initiated LED lights on the Fernleigh track to increase visibility and promote usage of the cycleway.
- Council promotes the project.



**ATTACHMENTS**

**Attachment A:** 2023 Youth Mock Council Motions

## Attachment A

### 2023 Youth Mock Council Motion 1



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**SUBJECT: YOUTH MENTAL HEALTH ADVOCACY**

**COUNCILLORS: S STOCKHAM, M PALAZI, M MARCHANT, L CRAKANTHORP, A BEEBE, E PENDLEBERRIE & H FLETCHER**

**PURPOSE**

The following Notice of Motion was received on 28/7/2023 from the abovementioned Councillors.

The purpose is to advocate for improved accessibility to mental healthcare for Newcastle youth, and to encourage incorporation of mental health campaigns in Newcastle Council activities.

**MOTION**

That City of Newcastle:

1. Notes the persistent issue of mental health in Newcastle, with 12.5% of the population suffering from mental health illness, disproportionate to the 8.8% of the Australian population. 7.5% of all workers compensation claims in Newcastle from January – April 2023 were mental health claims, 40% higher than the NSW average.
2. Notes that youth mental health demands special considerations due to the differing lifestyles and pressures of youth as opposed to adults, and that 14% of Australians between 4-17 experience a mental health issue annually.
3. Notes its concern with the under-resourcing of school counselling, with an average 1 counsellor per 650 students, despite the minimum recommendation of 1: 500.
4. Notes its concern with the conflict between the duty of care of school counsellors to report at-risk students and confidentiality of student information.
5. Notes that individuals are currently entitled to a maximum of 10 free counselling sessions per calendar year under the Better Access Initiative. This is acquired through GP referral, and this number can vary based on the perceived needs of the individual. This number was increased to a maximum of 20 during the COVID-19 pandemic, ending on 31 December 2022.
6. Notes that the involvement of GPs can significantly increase the waiting time for mental health assistance.
7. Notes that waiting times for free Headspace counselling sessions can be between 4 weeks and indefinite.
8. Advocates that the federal government restore the Better Access Initiative maximum 20 sessions per year offered during the COVID-19 pandemic.





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9. Advocates for full time psychologists to be employed at every schooling institution.
10. Advocates for the federal government to commit time and resources to exploring alternative routes to acquiring a referral for free sessions under the Better Access Initiative, to remedy the extremely time consuming process to acquire a referral currently.
11. Advocates for the federal government to investigate feasible solutions to address increasing waiting times for mental health care.
12. Investigates opportunities to partner with the local Youth Week initiatives to promote mental health advocacy during the program.

**BACKGROUND**

This motion supports the delivery of:

1. Newcastle City Council “Commitment to Support Young People”
  - a. “The council is committed to ensuring that the wellbeing and diverse needs of young people”
2. Newcastle Youth Week Mission Statement:
  - a. “Youth Week works with our Newcastle Youth Council to deliver a grants program to facilitate local youth week programs and events, with a \$3,000 in funding matched by the state government to deliver events across the Newcastle LGA”
3. Australian Institute of Health and Welfare:
  - a. “Mental health concerns and rates of deaths by suicide among young people were raised as key challenges by young people during consultations by the Youth Taskforce in 2019 to assist in the development of the National Youth Policy Framework”
4. Mission Australia:
  - a. “Young people voiced the importance of asking friends, family and health professionals for support, the need for learning strategies to reduce stress and more emphasis on mental health and wellbeing at school.”

## 2023 Youth Mock Council Motion 2



YOUTH MOCK COUNCIL 2023  
Notice of Motion

Page 1

### **SUBJECT: HOUSING & HOMELESSNESS**

**COUNCILLORS: C FOODY-SMITH, A FRAME, C JEFFRIES, N SOBEL-READ, J VANDERMEER, S DONNELLY, R TANUDRA, J SAYPELE-YEH, D HARRISON, J MCKERROW & P ULPH**

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### **PURPOSE**

The following Notice of Motion was received on 29/07/2023 from the abovementioned Councillors.

The purpose is to increase long term rental housing availability by reducing the short term rental annual rental period – 80 days per year.

### **MOTION**

That City of Newcastle:

1. Adopts and enforces an 80 day cap on short-term rental properties.
2. Applies/Mandates legislation across the Newcastle LGA for unhosted short-term rental properties.

### **BACKGROUND**

Newcastle is currently experiencing a housing crisis, with rental stress (spending more than 30% of household income on rental payments) rising to 26.6% of renters in the 2021 census. Short-term rentals take up 2% of housing stock nationwide. Australia is falling behind globally, with similar countries being far more proactive to regulate the short-term rental market.

'Hosted' STRA is defined where the host is living on the premises when paying guests are present; and 'non-hosted' STRA is defined where the host is absent when guests are present. The 80-day rental cap would be applied to properties that had been identified as 'non-hosted'.

Across Australia, there have been 251,000 short-term rental properties registered as of September, 2021. The 180-day period is counted within a registration annual period, 12 months from the initial registration date on the NSW STRA Register. While these numbers don't make up Newcastle's short-term rental property statistics, this indicates the expansion of the short-term rental market, and reduction of long-term rental housing availability.

Only 12 NSW councils currently have rules about regulating short-term accommodation and these vary greatly. Some councils stipulate limits before short-term rental accommodation (STRA) triggers development consent; it could be renting a property up to 45 days or having a threshold for the number of bedrooms that can be rented out. Others set no limits. Local councils may also impose conditions like posting evacuation plans and setting criteria for noise, traffic and rubbish disposal, others may not.

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YOUTH MOCK COUNCIL 2023  
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There have been calls for state and local governments to acknowledge and respond to evidence that short-term rental accommodation negatively impacts the supply and price of long-term rental properties. "Online platforms like AirBnB and Stayz were originally promoted to help homeowners make a buck from their spare bedroom. Now they've grown into full blown real estate websites with thousands of entire properties listed for rent on a short-term basis." Greens MP Jonothan Davis said. The Council should be allowed to assess applications if owners want to rent out properties beyond the cap, allowing for the social and economic impacts and benefits to be assessed and managed in line with community needs, while also being allowed to place restrictions on new builds to prevent them from all becoming short-term rentals. |

## 2023 Youth Mock Council Motion 3



YOUTH MOCK COUNCIL 2023  
Notice of Motion

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### **SUBJECT: ENVIRONMENT AND CLIMATE CHANGE**

**COUNCILLORS: LUKE, JONAH, LACHLAN, LUCY, LAURA, SOPHIE, SCARLETT, MATILDA & ZOE**

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### **PURPOSE**

The following Notice of Motion was received on 27/7/2023 from the abovementioned Councillors.

The purpose is to promote the use of bicycles on cycleways in order to cut down on the carbon emissions produced by vehicle congestion on the road as well as to prevent clearing of the environment or demolition of buildings to create new car parks.

### **MOTION**

That City of Newcastle:

1. Notes that, an effective way to reduce the carbon footprint produced by cars and personal vehicles, is by growing the accessibility and availability of cycleways for commuting purposes.
2. Notes that, to ensure cycle ways can be used at all times for all purposes of commutes, must have the sufficient lighting fixtures allowing for visibility of any potential hazards or risks is seen by all riders.
3. Notes that lights in rural tracks can cause harm to the localised species of each specific nocturnal animal which can prevent migration and stop nocturnal animals from being able to feed due to light pollution.
4. Notes that the Fernleigh track has several sections with inconsistent and insufficient lighting.
5. Introduces now, low to the ground LED lights along the fernleigh track to ensure a consistent level of visibility and light fixtures.
6. Ensures where possible that all lighting fixtures have sensors placed roughly 3m before the fixture, which will activate the light upon detection of movement, and all fixtures with no overarching canopy cover will contain solar panel energy devices, where applicable.
7. Will implement and establish a campaign to allow for public awareness on the project.

### **BACKGROUND**

1. Carbon emissions are severely harming the environment around Newcastle, experts have linked carbon dioxide emissions with increasing climate impacts.
2. Having safer, more appealing bike paths also reduces parking spaces needed. Whilst parking space is a large issue in Newcastle, having more people turn to



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active methods of transport reduces the amount of car spaces needed and therefore prevents the use of unnecessary resources on new car parks. Not only are the car spaces an unnecessary waste of resources, it also requires land clearing and/or demolition of pre-existing areas.

3. Furthermore, exposure to nature and physical exercise has numerous health benefits, particularly with cognitive functioning, alleviation of anxiety and depression symptoms and longer-term studies have suggested reduced risk of chronic diseases.
4. Along Throsby Creek from Honeysuckle to the Industrial drive new sensor based lights have been installed for bikes and people walking along the bike path.

## 10. CONFIDENTIAL REPORTS

Nil.