



**CITY OF NEWCASTLE**



## Ordinary Council Meeting

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that an Ordinary Council Meeting will be held on:

**DATE:** Tuesday 27 July 2021

**TIME:** 6.00pm

**VENUE:** Audio visual platform Zoom

J Bath  
Chief Executive Officer

**City Administration Centre  
12 Stewart Avenue  
NEWCASTLE WEST NSW 2302**

21 July 2021

**Please note:**

*Meetings of City of Newcastle (CN) are webcast. CN accepts no liability for any defamatory, discriminatory or offensive remarks or gestures made during the meeting. Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by CN. Confidential matters will not be webcast.*

*The electronic transmission is protected by copyright and owned by CN. No part may be copied or recorded or made available to others without the prior written consent of CN. Council may be required to disclose recordings where we are compelled to do so by court order, warrant or subpoena or under any legislation. Only the official minutes constitute an official record of the meeting.*

*Authorised media representatives are permitted to record meetings provided written notice has been lodged. A person may be expelled from a meeting for recording without notice. Recordings may only be used for the purpose of accuracy of reporting and are not for broadcast, or to be shared publicly. No recordings of any private third party conversations or comments of anyone within the Chamber are permitted.*

*The location of all meetings will be determined by the CEO in consultation with the Lord Mayor, having regard to any applicable Public Health Orders regarding COVID-19, and will be either via video conferencing platform or at an appropriate CN facility in accordance with the requirements of the Local Government Act 1993.*

**ORDINARY COUNCIL MEETING  
27 July 2021**

**CONTENTS**

<b>Item</b>	<b>Business</b>	<b>Page</b>
	<b>APOLOGIES/LEAVE OF ABSENCE</b>	
	<b>ORDERS OF THE DAY</b>	
	<b>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</b>	
	<b>CONFIRMATION OF PREVIOUS MINUTES</b>	<b>4</b>
	MINUTES PUBLIC VOICE COMMITTEE MEETING 15 JUNE 2021	4
	MINUTES BRIEFING COMMITTEE MEETING 15 JUNE 2021	7
	MINUTES ORDINARY COUNCIL MEETING 29 JUNE 2021	10
	<b>LORD MAYORAL MINUTE</b>	
	<b>REPORTS BY COUNCIL OFFICERS</b>	<b>44</b>
ITEM-77	CCL 27/07/21 - ADOPTION OF DRAFT COMMUNITY INFRASTRUCTURE INCENTIVE POLICY	44
ITEM-78	CCL 27/07/21 - NEWCASTLE ART GALLERY EXPANSION FUNDING OPTIONS	50
ITEM-79	CCL 27/07/21 - FREDERICK STREET, MEREWETHER - PROPOSED RAISED PEDESTRIAN CROSSINGS	60
ITEM-80	CCL 27/07/21 - ACQUISITION OF PART 64 MACKIE AVENUE, NEW LAMBTON	65
ITEM-81	CCL 27/07/21 - INVESTMENT AND BORROWING POLICY ANNUAL REVIEW	70
ITEM-82	CCL 27/07/21 - AUTHORISATION FOR SIGNING OF THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021	74
ITEM-83	CCL 27/07/21 - HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL TEMPORARY MEMBERSHIP	80
	<b>NOTICES OF MOTION</b>	<b>84</b>
ITEM-17	NOM 27/07/21 - VANDALISM OF NEW LAMBTON PARKS	84
ITEM-18	NOM 27/07/21 - IMPROVING CONNECTIVITY BETWEEN WICKHAM AND WICKHAM PARK	87

## CITY OF NEWCASTLE

Ordinary Council Meeting 27 July 2021

Page 3

ITEM-19	NOM 27/07/21 - PROPERTY DEVELOPMENT	89
ITEM-20	NOM 27/07/21 - DEVELOPMENT NOTIFICATION FOR BOARDING HOUSE RESIDENTS	91
ITEM-21	NOM 27/07/21 - BEST PRACTICE EMPLOYMENT CONDITIONS FOR CONSTRUCTION WORKERS UNDERTAKING CITY OF NEWCASTLE PROJECTS	94
ITEM-22	NOM 27/07/21 - HUNTER HYDROGEN TECHNOLOGY CLUSTER	95
ITEM-23	NOM 27/07/21 - PROTECTING OUR URBAN FOREST THROUGH AN AERIAL BUNDLED CABLING PROGRAM	97
ITEM-24	NOM 27/07/21 - LOVE LAMBTON 150 YEARS - CELEBRATING LOCAL COMMUNITY HERITAGE MILESTONES <i>(distributed under separate cover)</i>	

### CONFIDENTIAL REPORTS

ITEM-6	CON 2/07/21 – CONFIDENTIAL REPORT - CONSIDERATION OF LEGAL ADVICE  <i>(Business paper to be distributed on the night in accordance with the Code of Meeting Practice cl20.5)</i>	
--------	--	--

**FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)**

**NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER**

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES PUBLIC VOICE COMMITTEE MEETING 15 JUNE 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 210615 Public Voice Committee 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)*

**Attachment A**

**CITY OF NEWCASTLE**

**Minutes of the Public Voice Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 15 June 2021 at 6.09pm.**

---

**PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Hyland (Acting Director Strategy and Engagement), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), L Mitchell (Acting Manager Assets and Projects), M Murray (Chief of Staff), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

**MESSAGE OF ACKNOWLEDGEMENT**

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

**PRAYER**

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

**COUNCILLOR REQUEST TO ATTEND BY AUDIO VISUAL LINK**

Nil.

**APOLOGIES**

**MOTION**

Moved by Cr Rufo, seconded by Cr Byrne

The apologies submitted on behalf of Councillors Dunn, Elliott and Luke be received and leave of absence granted.

**Carried**

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

**Councillor Mackenzie**

Councillor Mackenzie declared a non-pecuniary conflict of interest in Item 1 – 57A Henry Street, Tighes Hill – DA2020/01328 as he lived in the vicinity and managed the conflict by removing himself from the Chamber for discussion on the item.

**Councillor Winney-Baartz**

Councillor Winney-Baartz declared a non-significant, non-pecuniary interest in Item 2 – 40 King Street, Adamstown – DA2020/01525 as she had dealings with the Architect and one of the objectors was known to her and managed the conflict by remaining in the Chamber for discussion on the item.

**Councillor Duncan**

Councillor Duncan declared a non-significant, non-pecuniary interest in Item 2 – 40 King Street, Adamstown – DA2020/01525 as one of the objectors was known to her and managed the conflict by remaining in the Chamber for discussion on the item.

**PUBLIC VOICE SESSIONS**

**ITEM-1 PV 15/06/21 - 57A HENRY STREET, TIGHES HILL - DA2020/01328 - MULTI DWELLING HOUSING - DEMOLITION OF EXISTING STRUCTURES, ERECTION OF THREE TWO STOREY DWELLINGS AND ONE INTO THREE LOT SUBDIVISION**

Councillor Mackenzie left the Chamber for discussion on the item.

Ms Heather Stevens addressed Council and outlined concerns and objections to the development application. Mr Adam Piper on behalf of the DA applicant addressed Council in support of the development application.

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

**ITEM-2 PV 15/06/21 - 40 KING STREET, ADAMSTOWN - DA2020/01525 - RECREATION FACILITY (OUTDOOR) - ANCILLARY STRUCTURE (SHED)**

Mr Dean Gibson addressed Council and outlined concerns and objections to the development application. Ms Emma Mason and Mr Aaron Spalding on behalf of the DA applicant addressed Council in support of the development application.

**The meeting concluded at 7.59pm.**

**MINUTES BRIEFING COMMITTEE MEETING 15 JUNE 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 210615 Briefing Committee 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)*

**Attachment A**

**CITY OF NEWCASTLE**

**Minutes of the Briefing Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 15 June 2021 at 7.59pm.**

---

**PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Hyland (Acting Director Strategy and Engagement), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), L Mitchell (Acting Manager Assets and Projects), M Murray (Chief of Staff), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

**COUNCILLOR REQUEST TO ATTEND BY AUDIO VISUAL LINK**

Nil.

**APOLOGIES**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

The apologies submitted on behalf of Councillors Dunn, Elliott and Luke be received and leave of absence granted.

**Carried**

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

Nil.

**BRIEFING COMMITTEE REPORTS**

**ITEM-1 BR 15/06/21 - MAINTENANCE OF STREET TREES UNDER AERIAL POWERLINES**

Council resolved at its Ordinary Council Meeting held on 23 March 2021 to request a briefing from Ausgrid on the current practice for street tree maintenance and management under aerial powerlines, including the use of alternative transmission line technologies that reduce the extent of and need for tree pruning, such as insulated bundled wires and underground transmission lines. Council requested the briefing explain the advantages, the limitations, and the cost of these alternate



technologies, and the criteria on which Ausgrid decides where and when these technologies will be rolled out.

Ms Liz Mitchell, Acting Manager Assets and Projects provided a history and current impacts regarding street trees within the Newcastle Local Government Area.

Council received a briefing from Mr Frank Roberson, Council Management, Network Planning and Operations, Ausgrid and Mr Steven Campbell, Vegetation Management Operations Manager, Ausgrid.

**The meeting concluded at 8.54pm.**

**MINUTES ORDINARY COUNCIL MEETING 29 JUNE 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 210629 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)*

**Attachment A**

**CITY OF NEWCASTLE**

**Minutes of the Ordinary Council Meeting held via Audio Visual platform Zoom on Tuesday 29 June 2021 at 6.02pm.**

---

**PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, A Robinson, A Rufo, E White and P Winney-Baartz.

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), J Rigby (Acting Director Infrastructure and Property), K Hyland (Acting Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), S Moore (Manager Finance), M Bisson (Manager Regulatory, Planning and Assessment), T Uren (Manager Waste Services), J Vescio (Executive Officer), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

**MESSAGE OF ACKNOWLEDGEMENT**

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

**PRAYER**

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

**ATTENDANCE VIA AUDIO VISUAL MEANS**

**PROCEDURAL MOTION**

Moved by Cr Rufo, seconded by Cr Luke

That Council:

- 1 Notes the current Public Health Orders applicable to all of NSW including stay at home orders which apply to persons who reside or have been in Greater Sydney including the Central Coast since 21 June 2021, and the requirement to limit numbers in attendance on Council premises;
- 2 Notes tonight's Ordinary Council meeting of 29 June 2021 is livestreamed on Council's website providing for access to members of the public;

- 3 Notes the unprecedented public health risks facing the community and in the interests of public health and safety, permits all Councillors to attend the Ordinary Council meeting of 29 June 2021 by audio visual means and suspends section 5.7 of the *Procedures for Councillor Attendance at Council and Committee of Council Meetings Remotely*, which provides that not all Councillors may attend a Meeting via audio-visual link;
- 4 Notes that meeting entirely remotely is not inconsistent with the *Local Government (General) Amendment (Exemption) Regulation 2021* which provides an exemption from the requirement to comply with Clause 5.2 of the Model Code of Meeting Practice that requires all Councillors to be personally present at a meeting.

**Carried  
unanimously**

## **APOLOGIES**

### **MOTION**

Moved by Cr Byrne, seconded by Cr Luke

The apology submitted on behalf of Councillor Mackenzie be received and leave of absence granted.

**Carried**

## **PROCEEDINGS IN BRIEF**

Councillor Duncan gave notice of a late item of business on the Hamilton Community Pantry.

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

### **Councillor Winney-Baartz**

Councillor Winney-Baartz declared a significant non-pecuniary interest in a late item of business - Notice of Motion Item 16 - Hamilton Community Pantry stating that that she was on the board of Hunter Homeless Connect and would manage the conflict by leaving the meeting for discussion on the item.

### **Councillor Elliott**

Councillor Elliott declared less than significant pecuniary interest in Item 69 - Tender Report - Biennial Spray Sealing Services - 2021/575T stating that Bitupave trading as Boral was a client of hers on some occasions and would manage the conflict by leaving the meeting for discussion on the item.

### **Councillor Elliott**

Councillor Elliott declared less than significant pecuniary interest in Item 70 - Tender Report - Biennial Asphaltic Concrete Services - 2012/551T stating that Bitupave trading as Boral was a client of hers on some occasions and would manage the conflict by leaving the meeting for discussion on the item.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 25 MAY 2021**

**MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

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

**Carried  
unanimously**

**LORD MAYORAL MINUTE**

**ITEM-14 LMM 29/06/21- CITY OF NEWCASTLE AWARDS**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That Council

- 1 Notes that our staff have been awarded with several significant awards of national and state accolades in recognition of the outstanding achievements of our individuals and teams from across Council;
- 2 Advises that our Digital Library, Council Chambers and Customer Service Centre has taken out the award for best Community and Civic Hub at the Local Government Awards 2021 and congratulates the cross-Directorate team who delivered this amazing project for the City and our community;
- 3 Congratulates the cross-Directorate team who delivered our COVID-19 Community & Economic Resilience Package for winning the Local Government Award 2021 in the Special Project Initiative category;
- 4 Congratulates the Newcastle Museum team, after the 1x4 exhibition has received two accolades, one at the National Museums and Galleries National Award (MAGNA) 2021 for their innovative and cutting-edge approach to exhibiting our stories through mobile and tablet devices while the 1x4 exhibition won the Program Website – Level A award at the Museums Australasia Multimedia and Publication Design Awards 2021;
- 5 Congratulates Newcastle Art Gallery for the ‘On Stillness’ exhibition which was also highly commended by judges in the Temporary or Travelling Exhibition Level 1 at the National MAGNAs, particularly for creating content for audiences during gallery COVID-19 lockdowns, and for forging partnerships between geographically distant organisations and celebrated public collections;

- 6 Commends our Manager Regulatory, Planning and Assessment, Michelle Bisson, who has won the inaugural Dr Helen Proudfoot Women in Planning Award 2021, which recognises the important contribution that women make to planning and to the outcomes of planning work in NSW.

**Carried  
unanimously**

**ITEM-15 LMM 29/06/21- NEWCASTLE AS A NUCLEAR FREE CITY & SUPPORT FOR A NEWCASTLE PEACE PARK**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

**PART A: Hiroshima Day Peace Flag Raising Ceremony**

That City of Newcastle:

- 1 Notes correspondence received from Hunter Peace Group (**Attachment A**) requesting a Flag Raising ceremony and Civic Reception to mark Hiroshima Day, on 6 August 2021;
- 2 Reiterates our previous support for a world free of nuclear weapons, with Councillors unanimously supporting a motion to join the Nobel Peace Prize winning International Campaign to Abolish Nuclear Weapons (**Attachment B**), as well as the City's 1982 declaration of Newcastle as a Nuclear Free Zone (**Attachment C**); and
- 3 Supports the Hunter Peace Groups efforts to raise awareness about the ongoing campaign to abolish nuclear weapon, as well as our long and proud history of activism against nuclear weapons, particularly as a City with a large, working harbor, and holds a Flag Raising Ceremony and Civic Reception on 6 August 2021 to mark Hiroshima Day.

**PART B: Establishing a Newcastle Peace Park**

That City of Newcastle:

- 1 Acknowledges Hunter Peace Group's request for assistance to establish a Peace Park in Newcastle, aimed at recognising Newcastle's long and proud activist history in the fight for nuclear disarmament, and in the pursuit of world peace;
- 2 Notes that Lord Mayor Joy Cummings AM was a Peace activist and dedicated advocate for Newcastle as a Nuclear Free City, joining with Hunter Peace Group, the Trade Union movement, and activists to hold demonstrations to raise awareness about nuclear disarmament and the importance of Newcastle as a Nuclear Free City and Port;

- 3 Notes that many Cities across the nation are home to Peace Parks, with Peace Parks located in Adelaide, Hobart, Canberra, Bankstown, Wallarah Point, Albany and locally at Cessnock and Tanilba Bay; and
- 4 Works with Hunter Peace Group to establish Newcastle Peace Park at Tighes Hill Reserve, adjacent to Islington Park.

Councillor Church requested a minor amendment to point 4 in Part B that *City of Newcastle works with Hunter Peace Group to investigate the establishment of the Newcastle Peace Park at Tighes Hill Reserve, adjacent to Islington Park.*

The Lord Mayor accepted the amendment to the motion.

The motion as moved by the Lord Mayor was put to the meeting.

**Carried**

**ITEM-16 LMM 29/06/21 - CITY OF NEWCASTLE ART GALLERY EXPANSION  
UPDATE JUNE 2021**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes our disappointment that the NSW Government did not provide any funding for this project in the 2021/22 State Budget despite CN following the advice of the NSW Arts Minister by increasing Council's committed financial contribution to \$16.2 million towards the Newcastle Art Gallery Expansion (through a Lord Mayoral Minute which was passed unanimously by the elected Council in February 2021);
- 2 Notes that the Expansion is shovel ready, with an approved DA, and a complete business case prepared in accordance with NSW Treasury guidelines demonstrating a Benefit-Cost Ratio (BCR) of 1.77 and a positive Net Present Value (NPV) of \$24.1m, and that the project will create 170 jobs, including 152 in construction and 18 ongoing jobs post completion.
- 3 Expresses, once again, our strong disappointment, that despite ongoing and patient advocacy, favourable economic analysis, the Expansion's shovel ready status, more than \$10 million raised by the community, and modifications to meet Government requests, no funding commitment has not been secured from Government;
- 4 Notes that supporting our cultural institutions makes strong economic sense, with the NSW Government's *Cultural Infrastructure Plan 2025+*, as presented by the Minister for the Arts, advising that the NSW cultural industry employs more than 200,000 people, contributes more than \$16 billion to the State's Gross Domestic Product (GDP), and attracts more than 12.5 million cultural

and heritage visitors to NSW per year with an investment of more than \$13 billion into the NSW economy annually;

- 5 Recognises that cultural institutions have received upwards of \$2 billion under the leadership of Premier, the Hon. Gladys Berejiklian MP, including more than \$80 million to help protect and stimulate the arts sector through the COVID-19 pandemic, indicating strong support and value for the arts from the NSW Government, making their decision not to support the Newcastle Art Gallery expansion project even more disappointing;
- 6 Advises that there are currently two City of Newcastle applications for funding before the Federal Government - Regional Recovery Partnerships Program and Building Better Regions Fund (Round 5) both requesting the \$10 million required to fully fund the expansion of Newcastle Art Gallery. CN will also submit an application to the new NSW Government process, in the hope of expedient and favorable consideration.
- 7 Notes that in the unanimous Lord Mayoral Minute of February 2021, a request was made of CN officers to provide Councillors with advice regarding all possible funding options;
- 8 Receives a Report to Councillors at the July Ordinary Council Meeting, outlining remaining funding options, so that a pathway can be determined to deliver the Newcastle Art Gallery Expansion, once again noting the substantial benefits this completed project will have for Novocastrians and our visitor economy.

**Carried  
unanimously**

## REPORTS BY COUNCIL OFFICERS

### ITEM-57 CCL 29/06/21 - APPROVAL OF STAGING PLAN FOR BLACK HILL EMPLOYMENT LANDS

#### MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 Approves the Black Hill Industrial Subdivision Staging Plan, dated April 2021, for Black Hill Employment Lands (**Attachment A**), to satisfy condition 1.10 of Concept Plan Approval (MP10\_0093).

**For the Motion:**

Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Church, Duncan, Dunn, Elliott, Luke, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:**

Nil.

**Carried  
unanimously**



**ITEM-58 CCL 29/06/21 - COMPULSORY ACQUISITION OF ROAD RESERVE BY HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION**

**MOTION**

Moved by Cr Rufo, seconded by Cr Duncan

That Council:

- 1 Resolves to enter into a Deed of Compensation and Acquisition Section 30 Agreement (Deed) for the compulsory acquisition by Hunter and Central Coast Development Corporation of part of Honeysuckle Drive.
- 2 Grants authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the Deed.

**Carried  
unanimously**

**ITEM-62 CCL 29/06/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Byrne, seconded by Cr Clausen

That Council:

- 1 Receives the Executive Monthly Performance Report for May 2021.

**Carried**

**ITEM-64 CCL 29/06/21 - RSPCA ANIMAL MANAGEMENT SERVICES AGREEMENT**

**MOTION**

Moved by Cr Byrne, seconded by Cr Duncan

- 1 Council resolves that, under section 55(3)(i) of the *Local Government Act 1993* (Act), calling tenders for the provision of animal management services would not achieve a satisfactory outcome as the Royal Society for the Prevention of Cruelty to Animals, NSW (RSPCA) is City of Newcastle's (CN) existing animal management services provider and the only organisation within the region that has the capabilities, experience and facility to provide this service to CN and is therefore the only organisation that could tender.
- 2 CN enters into a contract with the RSPCA in the amount of \$513,121 excluding GST plus \$76,182 excluding GST for disbursements indexed over the life of the contract for the provision of Animal Management Services pursuant to Contract No. 2021/858T as follows:
  - i) Impounded and seized animals which includes companion animals and livestock.

- 3 This confidential attachment relating to the matters specified in section 10A(2)(d) of the Act be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried  
unanimously**

**ITEM-65 CCL 29/06/21 - TENDER REPORT - UNIVERSITY DRIVE WARATAH WEST - CATCHMENT REHABILITATION - CONTRACT 2021/266T**

**MOTION**

Moved by Cr Byrne, seconded by Cr Rufo

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Accept the tender of Daracon Contractors Pty Ltd in the amount of \$2,899,933 (excluding GST) for University Drive, Waratah West – Catchment Rehabilitation for Contract No. 2021/266T.
- 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**

**ITEM-66 CCL 29/06/21 - TENDER REPORT - PROVISION OF CIVIL DESIGN AND CAD DRAFTING SERVICES - CONTRACT 2021/517T**

**MOTION**

Moved by Cr Elliott, seconded by Cr Winney-Baartz

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Accept the following tenders for Civil Design and CAD Drafting Services, for Contract No. 2021/517T:
  - i) Crossroads Civil Design Pty Ltd,
  - ii) Kellogg Brown & Root Pty Ltd,
  - ii) GHD Pty Ltd,
  - iv) Cardno (NSW/ACT) Pty Ltd,
  - v) WSP Australia Pty Ltd, and
  - vi) ADW Johnson Pty Ltd,

- 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**

In respect to tenders generally, Councillor Robinson stated that some of the companies mentioned he had worked for and would remain in the meeting for discussion.

**ITEM-68 CCL 29/06/21 - TENDER REPORT - BIENNIAL MINOR CIVIL WORKS AND SERVICES - 2021/586T**

**MOTION**

Moved by Cr Elliott, seconded by Cr Byrne

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Accept the following tenders for Minor Civil Works for Contract No. 2021/586T:

- i) All Kerbs and Concrete Pty Ltd
- ii) Buildsmore Pty Ltd
- iii) Eire Constructions Pty Ltd
- iv) Gotrala Contracting Pty Ltd
- v) Hunter Wide Civil Pty Ltd
- vi) Ian Rich Asphalt Pty Ltd
- vii) Lawcon Constructions Pty Ltd ATF Elza Family Trust
- viii) NSW Kerbing Pty Ltd
- ix) Planet Civil Pty Ltd
- x) Stateline Asphalts Pty Ltd
- xi) Statewide Civil Pty Ltd
- xii) TGB & Son Pty Ltd

- 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**

**ITEM-72 CCL 29/06/21 - TENDER REPORT - TREE WORK SERVICES 2021/692T**

**MOTION**

Moved by Cr Elliott, seconded by Cr Byrne

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Accept the following tenders for Tree Work Services for Contract No. 2021/692T:
  - i) Agility Professional Tree Service Pty Ltd,
  - ii) Plateau Tree Service Pty Ltd,
  - iii) Summit Open Space Services Pty Ltd, and
  - iv) TreeServe Pty Ltd.
  
- 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**

**ITEM-73 CCL 29/06/21 - TENDER REPORT - TREE PLANTING AND TREE ESTABLISHMENT 2021/693T**

**MOTION**

Moved by Cr Elliott, seconded by Cr Rufo

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Accept the following tenders for Tree Planting and Tree Establishment Services for Contract No. 2021/693T:
  - i) Summit Open Space Services Pty Ltd
  - ii) TreeServe Pty Ltd, and
  - iii) Waratah Professional Tree Services Pty Ltd.
  
- 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**

**ITEM-75 CCL 29/06/21 - TENDER REPORT - SUMMERHILL WASTE MANAGEMENT CENTRE - PROVISION OF ENVIRONMENTAL PROJECT SERVICES - LEACHATE CAPACITY UPGRADE - CONTRACT NO 2021/498T**

**MOTION**

Moved by Cr Elliott, seconded by Cr Byrne

That the recommendation at **Attachment A** be adopted:

## CITY OF NEWCASTLE

Ordinary Council Meeting 27 July 2021

Page 21

- 1 Council accept the tender of Aqua Energy Group Pty Ltd in the amount of \$1,180,714 (excluding GST) for Leachate Capacity Upgrade for Contract No. 2021/498T to be delivered in conjunction with Contract No. 2021/496T to unlock reductions in price reported.
- 2 Council updates the project budget for the delivery of this project to \$37,810 (Design) in 2020/21 and \$1,180,714 (Construction) in 2021/22, ensuring this project does not impact on other environmental initiatives being delivered at the SWMC.
- 3 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**

### **ITEM-76 CCL 29/06/21 - TENDER REPORT - SUMMERHILL WASTE MANAGEMENT CENTRE - SIX-YEAR WASTE AUDIT PROGRAM - CONTRACT NO 2021/418T**

#### **MOTION**

Moved by Cr Byrne, seconded by Cr Duncan

That the recommendation at **Attachment A** be adopted:

- 1 Council accept the tender of Aqua Energy Group Pty Ltd in the amount of \$1,180,714 (excluding GST) for Leachate Capacity Upgrade for Contract No. 2021/498T to be delivered in conjunction with Contract No. 2021/496T to unlock reductions in price reported.
- 2 Council updates the project budget for the delivery of this project to \$37,810 (Design) in 2020/21 and \$1,180,714 (Construction) in 2021/22, ensuring this project does not impact on other environmental initiatives being delivered at the SWMC.
- 3 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**

**ITEM-56 CCL 29/06/21 - THE MEG PURSER COMMUNICATIONS SCHOLARSHIP**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Luke

That Council:

- 1 Establishes The Meg Purser Communications Scholarship, in honour of the late Ms Meg Purser.
- 2 Allocates \$5,000 annually to the Scholarship for a period of three years.

**Carried  
Unanimously**

**ITEM-59 CCL 29/06/21 - MAKING OF THE RATE - HUNTER CATCHMENT CONTRIBUTION AND COMMISSION FOR 2021/22**

In moving the motion Councillor Clausen moved a Part B to the motion.

**MOTION**

Moved by Cr Clausen, seconded by Cr Robinson

**PART A**

That Council:

- 1 Notes that NSW Government's Hunter Local Land Services has established the Hunter Catchment Contribution rate for the 2021/22 rating year at 0.00964 of a cent in the dollar on all relevant properties within the Newcastle Local Government Area (LGA), with a land value in excess of \$300.
- 2 Adopts the making, levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services at the rate detailed in Paragraph 1.
- 3 Adopts the rate of commission payable to CN for the collection of the 2021/22 Catchment Contribution at 5% of the Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

**PART B**

That Council:

- 1 Reiterates its previous position on the Hunter Catchment Contribution, as outlined in the unanimously adopted Notice of Motion of June 2020 (Attached).
- 2 Notes that the Levy continues to be collected and spent without input from the residents of Newcastle, as Novocastrians are ineligible to stand for election,

or to vote for the Board of Hunter Local Land Services, as the Catchment Contribution is considered to be a “levy” not a “rate”. While levy payers are ineligible to be represented, ratepayers of Local Land Services are eligible to stand for election and may vote for candidates to the Board.

- 3 Invites the Chair and CEO of Hunter Local Land Services to present at a briefing of Councillors to address these concerns.

**PROCEDURAL MOTION**

Moved by Cr Church, seconded by Cr Elliott

Parts A and B be dealt with seriatim.

**Carried**

**PART A**

**MOTION**

Moved by Cr Clausen, seconded by Cr Robinson

That Council:

- 1 Notes that NSW Government's Hunter Local Land Services has established the Hunter Catchment Contribution rate for the 2021/22 rating year at 0.00964 of a cent in the dollar on all relevant properties within the Newcastle Local Government Area (LGA), with a land value in excess of \$300.
- 2 Adopts the making, levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services at the rate detailed in Paragraph 1.
- 3 Adopts the rate of commission payable to CN for the collection of the 2021/22 Catchment Contribution at 5% of the Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

**Carried  
unanimously**

**PART B**

That Council:

- 1 Reiterates its previous position on the Hunter Catchment Contribution, as outlined in the unanimously adopted Notice of Motion of June 2020 (Attached).
- 2 Notes that the Levy continues to be collected and spent without input from the residents of Newcastle, as Novocastrians are ineligible to stand for election, or to vote for the Board of Hunter Local Land Services, as the Catchment Contribution is considered to be a “levy” not a “rate”. While levy payers are

## CITY OF NEWCASTLE

Ordinary Council Meeting 27 July 2021

Page 24

ineligible to be represented, ratepayers of Local Land Services are eligible to stand for election and may vote for candidates to the Board.

- 3 Invites the Chair and CEO of Hunter Local Land Services to present at a briefing of Councillors to address these concerns.

**For the Motion:** Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Duncan, Dunn, Luke, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:** Councillors Church and Elliott.

**Carried**

### ITEM-60 CCL 29/06/21 - MAKING OF THE RATES AND CHARGES FOR 2021/22

#### MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That Council:

- 1 Makes the following rates and charges for the 2021/22 financial year:

RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
<b>Ordinary Rates</b>					
Residential	Nil	0.220991	807.45	50	107,338,298
Farmland	\$1,094.00	0.286429	Nil	Nil	22,492
Business	\$1,094.00	1.533000	Nil	Nil	44,276,184
<b>Business Sub-Categories</b>					
Major Commercial Shopping Centre - Kotara	\$1,094.00	3.589973	Nil	Nil	1,619,078
Major Commercial Shopping Centre – Jesmond	\$1,094.00	4.473606	Nil	Nil	635,252
Major Commercial Shopping Centre – Waratah	\$1,094.00	4.954575	Nil	Nil	446,903
Major Commercial Shopping Centre – Wallsend	\$1,094.00	5.626590	Nil	Nil	450,127
Major Commercial Shopping Centre – The Junction	\$1,094.00	3.852405	Nil	Nil	238,849
Major Commercial Shopping Centre – Inner City	\$1,094.00	1.066379	Nil	Nil	238,869
Major Commercial Shopping Centre (Inner City-East)	\$1,094.00	1.439666	Nil	Nil	90,411



**CITY OF NEWCASTLE**

Ordinary Council Meeting 27 July 2021

Page 25

Suburban Shopping Centre – Hamilton	\$1,094.00	1.887207	Nil	Nil	62,089
Suburban Shopping Centre – Inner City	\$1,094.00	2.149223	Nil	Nil	120,571
Suburban Shopping Centre	\$1,094.00	3.202810	Nil	Nil	213,307
Suburban Shopping Centre – Mayfield	\$1,094.00	2.149223	Nil	Nil	190,206
Kotara – Homemaker’s Centre	\$1,094.00	1.354166	Nil	Nil	305,375
Kotara – Homemaker’s Centre - South Zone	\$1,094.00	1.626144	Nil	Nil	331,733
Kooragang Industrial Coal Zone	\$1,094.00	1.873329	Nil	Nil	693,409
Kooragang North Industrial Coal Zone	\$1,094.00	2.553275	Nil	Nil	1,548,561
Kooragang Industrial Centre - Walsh Point	\$1,094.00	2.132945	Nil	Nil	2,143,029
Kooragang Industrial Centre	\$1,094.00	1.708865	Nil	Nil	1,097,413
Mayfield West Storage Units	\$547.00	2.790284	Nil	Nil	48,405
Mayfield North Heavy Industrial Centre	\$1,094.00	1.057252	Nil	Nil	659,144
Mayfield North Industrial Centre	\$1,094.00	1.672249	Nil	Nil	504,551
Mayfield North Industrial Centre - Future Development	\$1,094.00	1.800351	Nil	Nil	386,877
Carrington Industrial Port and Coal Zone	\$1,094.00	3.309761	Nil	Nil	1,565,517
Carrington Industrial Centre	\$1,094.00	2.376108	Nil	Nil	1,476,847
Carrington Industrial Port Operations Use	\$1,094.00	2.655545	Nil	Nil	283,028
Broadmeadow Industrial Centre	\$1,094.00	3.776156	Nil	Nil	169,927
Hexham Industrial Centre	\$1,094.00	2.470955	Nil	Nil	990,585
<b>Special Rates</b>					
Hunter Mall	Nil	0.166351	Nil	Nil	78,438
Mayfield Business District	Nil	0.093265	Nil	Nil	79,962
Hamilton Business District - Zone A	Nil	0.173403	Nil	Nil	91,794
Hamilton Business District - Zone B	Nil	0.086702	Nil	Nil	34,832
Hamilton Business District - Zone C	Nil	0.043351	Nil	Nil	14,466
Wallsend Business District - Zone A	Nil	0.362239	Nil	Nil	115,425
Wallsend Business District - Zone B	Nil	0.181119	Nil	Nil	16,190

## CITY OF NEWCASTLE

Ordinary Council Meeting 27 July 2021

Page 26

Wallsend Business District - Zone C	Nil	0.271679	Nil	Nil	21,734
New Lambton Business District	Nil	0.096076	Nil	Nil	15,376
City Centre - City East	Nil	0.216442	Nil	Nil	182,092
City Centre - Darby Street	Nil	0.049833	Nil	Nil	34,248
City Centre - City West (Close Zone)	Nil	0.078350	Nil	Nil	250,685
City Centre - City West (Distant Zone)	Nil	0.039175	Nil	Nil	14,656
City Centre – Tower	Nil	0.216442	Nil	Nil	174,590
City Centre – Mall	Nil	0.216442	Nil	Nil	113,491
City Centre – Civic (Close Zone)	Nil	0.113536	Nil	Nil	106,066
City Centre – Civic (Distant Zone)	Nil	0.056768	Nil	Nil	6,348
<b>TOTAL</b>					<b>169,497,430</b>

- 2 An Ordinary Rate of zero point two two zero nine nine one cents (0.220991c) in the dollar with a 50% base charge of eight hundred and seven dollars and forty five cents (\$807.45) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.
  
- 3 An Ordinary Rate of zero point two eight six four two nine cents (0.286429c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.
  
- 4 An Ordinary Rate of one point five three three zero zero zero cents (1.533000c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre – Hamilton, Major Commercial Shopping Centre (Inner City-East), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Mayfield West Storage Units, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.
  
- 5 An Ordinary Rate of three point five eight nine nine seven three cents (3.589973c) in the dollar with a minimum rate of one thousand and ninety four

dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m<sup>2</sup>), providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.

- 6 An Ordinary Rate of four point four seven three six zero six cents (4.473606c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
- 7 An Ordinary Rate of four point nine five four five seven five cents (4.954575c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
- 8 An Ordinary Rate of five point six two six five nine zero cents (5.626590c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.
- 9 An Ordinary Rate of three point eight five two four zero five cents (3.852405c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero

cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES – THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.

- 10 An Ordinary Rate of one point zero six six three seven nine cents (1.066379c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, National Park, King and Steel Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
- 11 An Ordinary Rate of one point four three nine six six six cents (1.439666c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY-EAST)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, Steel, King and Ravenshaw Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City-East).
- 12 An Ordinary Rate of three point two zero two eight one zero cents (3.202810c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m<sup>2</sup> which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Major Commercial Centres (Inner City-East), Suburban Shopping Centre – Mayfield or Suburban Shopping Centre - Hamilton. This land is categorised as Sub-category Business - Suburban Shopping Centres.
- 13 An Ordinary Rate of two point one four nine two two three cents (2.149223c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West situated on a site of greater than four thousand and nine hundred square

metres (4,900m<sup>2</sup>) which operates as a Supermarket excepting the land categorised as Major Commercial Centres (Inner City) or Major Commercial Centres (Inner City-East). This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.

- 14 An Ordinary Rate of one point eight eight seven two zero seven cents (1.887207c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – SUBURBAN SHOPPING CENTRES – HAMILTON**. This sub-category applies to all rateable land within the centre of commercial activity defined by the land bounded by Hudson, Swan Donald and Bennett Streets, Hamilton which operates as a Supermarket. This land is categorised as Sub-category Business - Suburban Shopping Centres – Hamilton.
- 15 An Ordinary Rate of two point one four nine two two three cents (2.149223c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – SUBURBAN SHOPPING CENTRE – MAYFIELD** apply to all rateable land within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m<sup>2</sup>) with a minimum 4,000m<sup>2</sup> of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 16 An Ordinary Rate of one point three five four one six six cents (1.354166c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker's Centre.
- 17 An Ordinary Rate of one point six two six one four four cents (1.626144c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre - South Zone.
- 18 An Ordinary Rate of one point eight seven three three two nine cents (1.873329c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.

- 19 An Ordinary Rate of two point five five three two seven five cents (2.553275c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 4, 5, 6, 10, 11, 12 DP 1207051, Lots 3, 7, 8, 9, 13, 14, 15 DP 1207051 and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.
- 20 An Ordinary Rate of two point one three two nine four five cents (2.132945c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 3 DP 234288, Lot 3 DP 1117013, and Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 DP 271222, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1 DP 57567, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lots 3 DP 858206, Lots 2, 4, 5 DP 1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lots 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 123/1223462. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.
- 21 An Ordinary Rate of one point seven zero eight eight six five cents (1.708865c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land not used primarily as a service station and categorised as Business in terms of Section 518 of the Act which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.

- 22 An Ordinary Rate of one point zero five seven two five two cents (1.057252c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lots 224, 225 DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.
- 23 An Ordinary Rate of one point six seven two two four nine cents (1.672249c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 Lots 5, 6 and 7 DP 1204575 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 24 An Ordinary Rate of one point eight zero zero three five one cents (1.800351c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE - FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982, Lots 51, 52, 53 and 54 DP 1229869 and Lot 332 DP 1176879. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 25 An Ordinary Rate of two point seven nine zero two eight four cents (2.790284c) in the dollar with a minimum rate of five hundred and forty seven dollars and zero cents (\$547.00) named **BUSINESS – MAYFIELD WEST STORAGE UNITS** apply to all rateable land in CN LGA within the centre of activity defined by all lots contained within Strata Plan 99055. This land is categorised as sub-category Business - Mayfield West Storage Units.
- 26 An Ordinary Rate of three point three zero nine seven six one cents (3.309761c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199, the land contained within Railway Land Lease reference number 115/75/2261, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP1187068, Lot 30 DP 1190075, Lots 8 and 11 DP 1190231, Lots 13, 14, 15, 16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91, 92, 93 DP 1193181, Lots 1, 2, 3 DP 1195231, Lots 219, 220 DP 1195310 . and Lots 1, 2, 3 in DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.

- 27 An Ordinary Rate of two point six five five five four five cents (2.655545c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 834572. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.
- 28 An Ordinary Rate of two point three seven six one zero eight cents (2.376108c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m<sup>2</sup>) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 29 An Ordinary Rate of three point seven seven six one five six cents (3.776156c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 30 An Ordinary Rate of two point four seven zero nine five five cents (2.470955c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham or Tarro excepting Lots 2 and 3 DP 874409 and Lot 1 DP 90824. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 31 A Special Rate of zero point one six six three five one cents (0.166351c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District. This rate applies to all properties within the defined area categorised as Business.



- 32 A Special Rate of zero point zero nine three two six five cents (0.093265c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “Mayfield Business District” as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District. This rate applies to all properties within the defined area categorised as Business.
- 33 A Special Rate of zero point one seven three four zero three cents (0.173403c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the “Hamilton Business District” as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 34 A Special Rate of zero point zero eight six seven zero two cents (0.086702c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the “Hamilton Business District” as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 35 A Special Rate of zero point zero four three three five one cents (0.043351c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the “Hamilton Business District” as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 36 A Special Rate of zero point three six two two three nine cents (0.362239c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the “Wallsend Business District” as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 37 A Special Rate of zero point one eight one one one nine cents (0.181119c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the “Wallsend

Business District” as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.

- 38 A Special Rate of zero point two seven one six seven nine cents (0.271679c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the “Wallsend Business District” as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 39 A Special Rate of zero point zero nine six zero seven six cents (0.096076c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “New Lambton Business District” as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District. This rate applies to all properties within the defined area categorised as Business.
- 40 A Special Rate of zero point two one six four four two cents (0.216442c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - City East” as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East. This rate applies to all properties within the defined area categorised as Business.
- 41 A Special Rate of zero point zero four nine eight three three cents (0.049833c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -Darby Street” as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street. This rate applies to all properties within the defined area categorised as Business.
- 42 A Special Rate of zero point zero seven eight three five zero cents (0.078350c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - City West” as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone).

This rate applies to all properties within the defined area categorised as Business.

- 43 A Special Rate of zero point zero three nine one seven five cents (0.039175c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -City West” as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 44 A Special Rate of zero point two one six four four two cents (0.216442c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower. This rate applies to all properties within the defined area categorised as Business.
- 45 A Special Rate of zero point two one six four four two cents (0.216442c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall. This rate applies to all properties within the defined area categorised as Business.
- 46 A Special Rate of zero point one one three five three six cents (0.113536c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 47 A Special Rate of zero point zero five six seven six eight cents (0.056768c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area –Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone). This rate applies to all properties within the defined area categorised as Business.

- 48 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 49 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$1,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 48.
- 50 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m<sup>2</sup> or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$1,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 51 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$500 for each non-strata property. This charge shall only apply where a property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 52 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of four hundred dollars and fifty two cents (\$400.52) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.
- 53 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and sixty seven dollars and forty one cents (\$267.41) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

**Carried**

**ITEM-61 CCL 29/06/21 - INTEREST ON OVERDUE RATES AND CHARGES FOR 2021/22**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts the rate of 6.0% per annum on interest on overdue rates and charges for the period 1 July 2021 to 30 June 2022.
- 2 Adopts the rate of 2.37% per annum on interest on overdue rates and charges that are deferred against an eligible ratepayer's estate for the period 1 July 2021 to 30 June 2022.

**Carried**

**ITEM-63 CCL 29/06/21 - PROPOSED ACQUISITION OF 228 TURTON ROAD, WARATAH**

**MOTION**

Moved by Cr Elliott, seconded by Cr Rufo

That Council:

- 1 Resolve to acquire 228 Turton Road, Waratah (Lot 3, DP 19305) as shown at **Attachment A**.
- 2 Resolve that the land be classified as Operational Land.
- 3 Grant authority to the Chief Executive Officer (CEO) or his delegate to execute all relevant documentation to effect the transaction.
- 4 The confidential attachment 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**

**ITEM-67 CCL 29/06/21 - TENDER REPORT - PROVISION OF DEMOLITION SERVICES FOR CAR PARK, 92 KING STREET, NEWCASTLE - CONTRACT 2021/688T**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Accept the tender of Drumderg Services Australia Pty Ltd, in the amount of \$3,706,840 (including GST) for Provision of Demolition Services for Car Park, 92 King Street, Newcastle for Contract No. 2021/688T.
- 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**

**ITEM-69 CCL 29/06/21 - TENDER REPORT - BIENNIAL SPRAY SEALING SERVICES - 2021/575T**

Councillor Elliott left the meeting for discussion on the item.

The Lord Mayor made a declaration regarding several of the tenders stating that her husband worked for a company where a company name mentioned in the tenders was similar. The Lord Mayor stated her husband's company was a separate business unit and enterprise and that she would manage the conflict by remaining in the meeting.

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Accept the following tenders for Spray Sealing Services for Contract No. 2021/575T:
  - i) Bitupave Limited trading as Boral Asphalt,
  - ii) Fenwork Pty Ltd trading as Newpave Asphalt,
  - iii) New South Wales Spray Seal Pty Ltd, and
  - iv) State Asphalt Services Pty Ltd (SAS).
- 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**

**ITEM-70 CCL 29/06/21 - TENDER REPORT - BIENNIAL ASPHALTIC CONCRETE SERVICES - 2021/551T**

**MOTION**

Moved by Cr Dunn, seconded by Cr Duncan

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Accept the following tenders for Asphaltic Concrete Services for Contract Number. 2021/551T:
  - i) ANA Industries Pty Ltd,
  - ii) Bitupave Limited Trading as Boral Asphalt,
  - iii) Colas NSW Pty Ltd,
  - iv) Downer EDI Works Pty Ltd,
  - v) Fenworx Pty Ltd Trading as Newpave Asphalt,
  - vi) Ian Rich Asphalt Pty Ltd, and
  - vii) QC Asphalts Pty Ltd.
  
- 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**

Councillor Elliott returned to the meeting at the conclusion of item 70.

**ITEM-71 CCL 29/06/21 - TENDER REPORT - SUPPLY OF FOUR GREEN WASTE TRUCKS - 2021/714T**

**MOTION**

Moved by Cr Dunn, seconded by Cr Winney-Baartz

The recommendation at **Attachment A**.

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

The matter lay on table to seek a report on the business case (Notice of Motion of February 2020 – Electric Waste Management Fleet) and opportunity to expedite the delivery of electronic vehicle garbage trucks to meet our Climate Action Plan commitments.

**Carried**

**ITEM-74 CCL 29/06/21 - TENDER REPORT - SUMMERHILL WASTE MANAGEMENT CENTRE - PROVISION OF ENVIRONMENTAL PROJECT SERVICES - BUILDING AND DEMOLITION LANDFILL LEACHATE SYSTEM UPGRADE - CONTRACT NO 2021/496T**

**MOTION**

Moved by Cr Dunn, seconded by Cr Byrne

That the recommendation at **Attachment A** be adopted:

- 1 Council accept the tender of Aqua Energy Group in the amount of \$1,094,053 (excluding GST) for Building and Demolition Landfill Leachate System Upgrade for Contract No. 2021/496T.
- 2 Council updates the project budget for the delivery of this project to \$71,455 (Design) in 2020/21 and \$1,094,053 (Construction) in 2021/22.
- 3 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**

**NOTICES OF MOTION**

**ITEM-15 NOM 29/06/21 - GEORGETOWN LOCAL CENTRE**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That City of Newcastle:

- 1 Commends our staff for the successful implementation of the Local Centres Program which has seen almost \$14 million invested into the delivery of infrastructure renewal at Beresfield (\$3 million), Carrington (\$3 million), Kotara (\$2 million), Merewether (\$2 million) and Wallsend (\$3.3 million Tyrrell Street Bridge replacement, with an additional \$20.8 million committed for staged Wallsend Local Centre and Ironbark Creek Flood Mitigation strategy);
- 2 Notes that Local Centres Program projects have been initiated at Mitchell Street, Stockton; James Street Plaza, Hamilton; Orchardtown Road, New Lambton; Shortland Local Centre; as well as the next stages of delivery for the Wallsend Local Centre;
- 3 Notes that an upgraded Georgetown Local Centre has the potential to deliver a significantly improved public domain for Georgetown businesses and the local community;



- 4 Initiates the Georgetown Local Centre upgrade, to improve the local public domain including footpaths, guttering and road renewal, parking improvements, updated cycleway and pedestrian connections, street tree planting, street furniture upgrades and drainage improvements, while also partnering with local businesses through the Façade Improvement Scheme; and
- 5 Consults with the local community and local businesses regarding the design and implementation of the Georgetown Local Centre upgrade.

Councillor Rufo proposed amending paragraphs 3, 4 and 5 of the motion to include Waratah:

- 3 Notes that an upgraded Georgetown and Waratah Local Centre has the potential to deliver a significantly improved public domain for Georgetown and Waratah businesses and the local community.
- 4 Initiates the Georgetown and Waratah upgrade, to improve the local public domain including footpaths, guttering and road renewal, parking improvements, updated cycleway and pedestrian connections, street tree planting, street furniture upgrades and drainage improvements, while also partnering with local businesses through the Façade Improvement Scheme.
- 5 Consults with local community and local businesses regarding the design and implementation of the Georgetown and Waratah Local Centre Upgrade.

The mover and seconder of the motion accepted Councillor Rufo's additional wording to the motion.

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

**Carried**

## **LATE ITEMS OF BUSINESS**

### **ITEM-16 NOM 29/06/2021 - HAMILTON COMMUNITY PANTRY**

Councillor Winney-Baartz left the meeting for discussion on the item.

The Lord Mayor advised that she had been informed by Councillor Duncan of a late item of business *Hamilton Community Pantry* and that the business proposed was of great urgency and required a decision by Council prior to the next scheduled Council meeting having regard to recent events over the past few weeks.

### **PROCEDURAL MOTION**

Moved by Cr Duncan, seconded by Cr White

That the meeting agrees to consider Notice of Motion Item 16 - Hamilton Community Pantry as a late item of business.

**Carried**

The Lord Mayor ruled the matter of Notice of Motion Item 16 – Hamilton Community Pantry be of great urgency on the grounds of recent events over the past few weeks.

**MOTION**

Moved by Cr Duncan, seconded by Cr White

That Council:

- 1 Officers continue to work with Food Not Bombs and other local support agencies to support the appropriate, safe and clean provision of items and services that are needed like the Community Pantry.
- 2 Notes that concerns have been raised with the NSW Police by residents and business operators since March 2021, including via representations from the local State Member of Parliament to the Police. In response, Council officers received numerous requests from the NSW Police to address an increase in anti-social behaviour and reported incidents around Hamilton Train Station Park.
- 3 Notes repeated attempts by CN Councillors and staff to engage with the organisers of the pantry to discuss these concerns, including via email, social media and in person.
- 4 Notes Council's participation has been via a coordinated cross-agency approach which has included representation from the NSW Police, Transport for NSW, Department of Community and Justice, and Hunter New England Health.
- 5 Notes its previous unanimous resolution of 24 March 2020 (**Attached**) requesting that Council support the use of CN assets to assist SHS providers in the distribution of outreach hampers, parcels and vouchers.
- 6 Notes that since this resolution, CN has provided the following support:
  - a) \$6,500 to Reach Homeless Services to bolster their Friday night operation that provides hot food, blankets, vouchers, clothing, and health checks
  - b) \$5,000 to Hunter Homeless Connect to expand its program for food and clothing
  - c) \$5,000 to Grainery Care to expand their existing services in Hamilton
  - d) \$5,000 to Seventh Day Adventists to establish an outdoor food pantry in Lindsay St Hamilton.

**Carried  
unanimously**

**CONFIDENTIAL REPORTS**

Nil.

## CITY OF NEWCASTLE

Ordinary Council Meeting 27 July 2021

Page 43

At the conclusion of the meeting the Chief Executive Officer reported the resolutions of partial confidential reports (refer as stated previously).

Councillor Winney-Baartz did not return to the meeting prior to close of the meeting.

**The meeting concluded at 8.23pm.**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-77                    CCL 27/07/21 - ADOPTION OF DRAFT COMMUNITY  
INFRASTRUCTURE INCENTIVE POLICY**

**REPORT BY:                GOVERNANCE  
CONTACT:                 DIRECTOR GOVERNANCE / MANAGER REGULATORY,  
PLANNING AND ASSESSMENT**

---

**PURPOSE**

To adopt the Community Infrastructure Incentives Policy.

**RECOMMENDATION**

That Council:

- 1     Adopts the Community Infrastructure Incentives Policy at **Attachment A**.
- 2     Notes that, subject to adoption of the Policy, a Planning Proposal will be prepared to amend the Newcastle Local Environmental Plan 2012, along with amendments to the Newcastle Development Control Plan 2012 (NDCP 2012), to enable implementation of the Policy. The Planning Proposal will initially focus on supporting implementation of the Wickham Masterplan and is proposed to be submitted to Council in late 2021 for consideration to proceed to Gateway Determination, including further public and stakeholder consultation as instructed by the Gateway Determination.

**KEY ISSUES**

- 3     City of Newcastle (CN) publicly exhibited the draft Community Infrastructure Incentives Policy (draft Policy) from 30 April 2021 to 28 May 2021 consistent with Council's resolution of 27 April 2021. CN engaged with the Liveable Cities Advisory Committee, Department of Planning Infrastructure and Environment (DPIE), the Property Council, the Urban Development Institute of Australia, Independent Commission Against Corruption (ICAC), and other stakeholders as part of the recommended public exhibition process.
- 4     Exhibition of the draft Policy resulted in a total of three written submissions, which are summarised and responded to in **Attachment B**. Consultation undertaken with ICAC and DPIE is further discussed below.
- 5     No changes are proposed to the draft Policy as a result of the exhibition process.

**Consultation with ICAC**

- 6 CN wrote to the NSW Independent Commission Against Corruption (ICAC) on 4 May 2021 to seek feedback in relation to the draft Policy.
- 7 A written response was received from ICAC's Principal Officer Corruption Prevention on 1 June 2021 to advise that the ICAC did not ordinarily provide a formal response in relation to draft Council policies. However, at a subsequent conversation on 2 June 2021 the Officer confirmed that while the ICAC could not provide surety in relation to any potential for corrupt conduct, it had not flagged any grounds for concern with the draft Policy.
- 8 ICAC advised CN to ensure probity in reporting and accounting how and where monies collected for community infrastructure are held and spent, consistent with how other funding for infrastructure is administered (for example funding collected through developer contributions or planning agreements). These probity requirements are provided for in the draft Policy.

### Consultation with DPIE

- 9 CN wrote to DPIE on 4 May 2021 to obtain feedback on the draft Policy and in particular on the measures proposed to deliver community infrastructure through development incentives within the Newcastle Local Environmental Plan (NLEP) 2012. This correspondence was preceded by a meeting in which DPIE indicated that as DPIE would be responsible for gateway determination of any subsequent Planning Proposal, it is protocol that it does not provide formal written endorsement or otherwise of local planning policies. However, DPIE agreed to consult internally and provide feedback to CN.
- 10 DPIE referred the draft Policy to DPIE's Infrastructure Funding Policy team (Policy team). The Policy team provided initial feedback regarding alignment with the NSW infrastructure contributions reforms. They noted the draft Policy would result in a charge to development outside of the infrastructure contributions system, that incentives measures within an LEP should apply to the site, and that Councils should use s7.11 infrastructure contributions plans or another contributions mechanism such as conditions of development consent and Council's general funds to deliver local infrastructure.
- 11 CN met with DPIE on 7 June 2021, to provide further information in response to the initial feedback provided by the Policy team. As a result of the meeting, DPIE has agreed to continue working with CN in preparing a Planning Proposal to implement the draft Policy.
- 12 CN's response to matters raised in the initial DPIE feedback is provided at **Attachment C**, however it is important to note that the draft Policy complements the existing Local Infrastructure Contributions framework and nothing in the Policy affects the development contributions imposed as a condition of consent under Section 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to deliver local infrastructure.

- 13 CN has identified the following precedents where other NSW Council LEPs have applied similar approaches to deliver community infrastructure:
- i) Clause 4.4A Exceptions to floor space ratio of Sydney Local Environmental Plan (Green Square Town Centre) 2013.
  - ii) Clause 8.7 Community infrastructure on certain key sites of Penrith LEP 2010.
  - iii) Clause 4.4C West Ryde Urban Village—floor space ratio of Ryde LEP 2010.
  - iv) Clause 4.3A Exceptions to height of buildings, Clause 4.4A and Exceptions to floor space ratio - Ryde LEP 2014.
  - v) Clause 4.3A Exceptions to height of buildings in Matraville and Kensington in Randwick LEP 2012.
- 14 Subject to adoption of the Policy, a Planning Proposal will be prepared to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012), along with amendments to the Newcastle Development Control Plan 2012 (NDCP 2012) to enable implementation of the draft Policy. The Planning Proposal will initially focus on supporting implementation of the Wickham Masterplan and is proposed to be submitted to Council in late 2021 for consideration to proceed to Gateway Determination, including further public and stakeholder consultation as instructed by the Gateway Determination.

### **FINANCIAL IMPACT**

- 15 The draft Policy envisages the value of the incentive accessed by development will be provided to CN in the form of land, works, a monetary contribution, or a combination of these.
- 16 Monetary contributions collected via the draft Policy will be pooled. Where there is a shortfall of pooled funds available at the time a project is proposed to be implemented, CN may draw upon other funding sources. Alternatively, CN may rescope the identified project or adjust implementation timeframes.
- 17 Nothing in this Policy affects development contributions imposed as a condition of consent under Section 7.11 or 7.12 of the EP&A Act.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 18 The draft Policy is consistent with the strategic directions of the Newcastle Community Strategic Plan 2030

#### **Vibrant, Safe and Active Public Places**

- 3.1a Provide quality parkland and recreation facilities that are diverse,

accessible, and responsive to changing needs.

**Liveable Built Environment**

5.2a Plan for concentrated growth around transport and activity nodes.

5.4b Plan, provide and manage infrastructure that continues to meet community needs.

**Smart and Innovative**

6.3d Foster a collaborative approach to continue city centre renewal.

**Open and Collaborative Leadership**

7.2a Conduct Council business in an open, transparent, and accountable manner.

7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

7.3b Provide clear, consistent, accessible, and relevant information to the community.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 19 The draft Policy will enable CN to introduce measures within the strategic growth areas identified within the Greater Newcastle Metropolitan Plan, where these are anticipated to facilitate urban renewal, for example, Wickham.
- 20 Subject to adoption of the draft Policy, provisions will be proposed within the NLEP 2012 and Newcastle Development Control Plan 2012 (NDCP 2012) to enable implementation of the draft Policy. The planning proposal to amend the NLEP 2012 and draft amendments to the NDCP 2012 will be reported separately to Council in late 2021, initially focused on supporting implementation of the Wickham Masterplan.
- 21 The 'Incentive GFA rate' will be published in CN's annual Fees and Charges for the land to which the incentive applies in the NLEP 2012.

**RISK ASSESSMENT AND MITIGATION**

- 22 The approach taken to enable community infrastructure incentives with the draft Policy is based on the combined value of community infrastructure projects to be delivered through additional floor space as an outcome of urban renewal within a specific area. The proposed approach is not based on land values or +value capture' and is therefore consistent with DPIE's 'Infrastructure Contributions System Improvements – Submissions Report' (February 2021)

and Practice Circular 'PS 21-001' issued on 12 February 2021 titled 'Improving Planning Agreements'.

- 23 The draft Policy does not provide a means of varying development standards for individual proposals outside the parameters identified within the Policy.
- 24 The draft Policy complements the existing Local Infrastructure Contributions framework. However, any outcomes of the draft Policy are independent of those delivered by a plan of CN under the *Environmental Planning and Assessment Act 1979*. Nothing in this Policy affects the development contributions imposed as a condition of consent under Section 7.11 or 7.12 of the Act to deliver local infrastructure.
- 25 To ensure transparency, separate accounting records will be maintained by CN, where the proposed community infrastructure is provided by applicants in the form of monetary payments.

### **RELATED PREVIOUS DECISIONS**

- 26 At the Ordinary meeting held on 27 April 2021 Council resolved to:
  - i) *Place the draft Community Infrastructure Incentives Policy on public exhibition for 28 days.*
  - ii) *Receive a report on submissions following the public exhibition.*
  - iii) *City of Newcastle engage with community, Liveable Cities Advisory Committee, DPIE, Property Council, Urban Development Institute of Australia, Independent Commission Against Corruption, and other stakeholders as part of the recommended public exhibition process.*

### **CONSULTATION**

- 27 The draft Policy was placed on public exhibition through CN's 'Have Your Say' webpage on 30 April and open for submissions until 28 May inclusive.
- 28 CN wrote to DPIE, Property Council, Urban Development Institute of Australia, ICAC inviting feedback on the draft Policy.
- 29 The draft Policy was presented to CN's Liveable Cities Advisory Committee on 4 May 2021.
- 30 Any subsequent Planning Proposal to give effect to the draft Policy will be submitted to Council for consideration to proceed to Gateway Review, including further public and stakeholder consultation. CN will continue to engage with DPIE as part of this process.



**BACKGROUND**

31 A Councillor Workshop was held on 20 April 2021 in which the draft Policy was outlined prior to Council considering a report with recommendations on 27 April 2021 to place the draft Policy on public exhibition.

**Option 1**

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

**Option 2**

33 Not support the recommendation as at Paragraph 1. This is not the recommended option.

**REFERENCES**

Nil

**ATTACHMENTS**

**Item 77 - Attachment A:** Draft Community Infrastructure Incentives Policy

**Item 77 - Attachment B:** Summary of submissions

**Item 77 - Attachment C:** Feedback from DPIE Infrastructure Funding Policy team

**Item 77 Attachments A, B and C distributed under separate cover.**

**ITEM-78                    CCL 27/07/21 - NEWCASTLE ART GALLERY EXPANSION  
FUNDING OPTIONS**

**REPORT BY:                CITY WIDE SERVICES**  
**CONTACT:                 DIRECTOR CITY WIDE SERVICES / ART GALLERY  
DIRECTOR**

---

**PURPOSE**

To approve funding options for expansion of the Newcastle Art Gallery.

**RECOMMENDATION**

That Council:

- 1    Endorses borrowing up to \$22.6 million by way of low-cost loan over 10 years (Option 2) as the preferred funding pathway for the expansion of the Newcastle Art Gallery.
- 2    Notes that a Loan Borrowing Report will be separately submitted seeking Council approval to borrow funds from NSW Treasury Corporation (T-Corp) incorporating a low-cost loan initiative subsidy in the amount of up to \$22.6 million, including a capital expenditure review in accordance with Office of Local Government guidelines.
- 3    Continues to seek Federal and State grant funding up until the time of borrowing loan funds from T-Corp to ensure all available grant funding options have been exhausted prior to commencing the project.

**KEY ISSUES**

- 4    The Newcastle Art Gallery Expansion is a shovel ready project with an approved DA, and a business case prepared in accordance with NSW Treasury guidelines. It demonstrates a Benefit-Cost Ratio (BCR) of 1.77 and a positive Net Present Value (NPV) of \$24.1 million whilst creating 170 jobs, including 152 in construction and 18 ongoing jobs post completion. The Project Cost Plan has been estimated at \$35.6 million, and validated via an independent Quantity Surveyor report.
- 5    More than \$10 million is held in trust with the Newcastle Art Gallery Foundation Board for the specific purpose of expanding the Art Gallery.
- 6    Council unanimously supported to increase its financial contribution towards the Newcastle Art Gallery Expansion to \$16.2 million (including \$3.6 million in funding already invested) in February 2021.
- 7    City of Newcastle (CN) has submitted two applications for funding from the Federal Government - Regional Recovery Partnerships Program and Building

Better Regions Fund (Round 5), each requesting the \$10 million balance required to fund the expansion of the Newcastle Art Gallery. CN will also submit an application to the NSW Government, who in June announced a \$60 million Creative Capital infrastructure program.

- 8 The NSW Government did not provide any funding for the expansion of the Newcastle Art Gallery in the 2021/22 State Budget.
- 9 Earlier this year Council unanimously requested an analysis of funding options by way of report to determine a pathway to deliver the expansion of the Newcastle Art Gallery within the Long Term Financial Plan and Our Budget.

### **FINANCIAL IMPACT**

- 10 In 2019, CN and the Newcastle Art Gallery Expansion Working Party received a Cost Benefit Analysis (CBA), undertaken by BIS Oxford Economics, for the Newcastle Art Gallery Expansion. This analysis demonstrated that the benefits of the proposal far outweigh the costs with a Benefit-Cost Ratio (BCR) of 1.77 and a positive Net Present Value (NPV) of \$24.1 million. The full CBA was shared with the Council at the meeting on 23 February 2021 via a Lord Mayoral Minute (Nelmes).
- 11 City of Newcastle engaged a Quantity Surveyor in October 2020 to provide cost estimates and ongoing cost management advice throughout the completion of the tender documentation. The engagement includes the provision of Draft Tender estimate and Final Tender estimate, as well as the provision of cost management advice as required through the engagement.
- 12 The most recent estimate was completed in March 2021 and confirmed the construction costs are aligned with the Project Cost Plan of \$35.6 million ex GST.
- 13 Additional benefits for an expanded Newcastle Art Gallery include:
  - i) Significant increase in visitors to the Art Gallery due to more exhibitions and events.
  - ii) Creating a drawcard for interstate, intrastate and international visitors to the region.
  - iii) Supporting regional tourism.
  - iv) Improved educational facilities.
  - v) Supporting growth in student visitation and engagement.
  - vi) Recognition by the broader NSW population that such a facility is an important social investment for NSW.
- 14 At its meeting of 25 May 2021 Council endorsed Our Budget with a budget investment in the capital works program including \$3.3 million to fund early works for the expansion of the Newcastle Art Gallery at the end of 2021.
- 15 The proposed funding options for consideration for the Art Gallery Expansion Project have been developed in accordance with CN's Long Term Financial

Plan (LTFF) objectives, maintaining services to the community whilst delivering a net operating surplus and continued robust cash reserves.

- 16 Consideration has also been given to favourable economic conditions including historically low interest rates and the most efficient allocation of funds to undertake the Art Gallery Expansion. The analysis includes a combination of external loans and cash reserves with the residual funding allocated from funds held with the Newcastle Art Gallery Foundation Board.

**Funding Options Table**

Funding option	Detail	Loan Details	CN contribution		NPV	Preferred option
			Loan	Cash Reserves		
Option 1	Cash fund 100% of CN's contribution from existing cash reserves	n/a		22,600,000	-	
Option 2	Borrow 100% of CN's contribution over 10 years. Successful application for NSW State government Low cost Loan Initiative	10year Fixed rate, fully amortising	22,600,000	-	1,298,932	Most preferred
Option 3	Borrow 100% of CN's contribution over 10 years. Unsuccessful application for NSW State government Low cost Loan Initiative	10year Fixed rate, fully amortising	22,600,000		308,726	
Option 4	Borrow 100% of CN's contribution over 20 years.	20year Fixed rate, fully amortising	22,600,000		(1,181,929)	Least preferred
Option 5	Borrow 55% of CN's contribution over 10 years. Successful application for NSW State government Low cost Loan Initiative	10year Fixed rate, fully amortising	12,600,000	10,000,000	724,183	

**Option 1 – Base Case – Cash Funding**

- 17 This option assumes that no grant funds are forthcoming to CN and considers Council cash funding 100% of the contribution from existing cash reserves in the amount of \$22.6 million, which includes \$3.3 million already approved for early works in May 2021.
- 18 By CN using existing cash reserves this funding option has been used as the base case and accordingly, the cash option displays a \$nil NPV.
- 19 By way of comparison, a positive variance to the Option 1 - Base Case NPV demonstrates a better financial outcome for CN and the most preferred funding pathway, while a negative variance to the Option 1 NPV is a less preferred funding pathway.

**Option 2 – 100% Borrowings over a 10 year loan term with low-cost loan initiative subsidy from the NSW State Government**

- 20 This option assumes that no grant funds are forthcoming and CN borrows 100% of CN's contribution from T-Corp in the amount of \$22.6 million, which includes \$3.3 million approved in May 2021 for early works. Utilising external loan borrowings unlocks the ability for a low-cost loan application to be submitted which if approved will rebate 50% of the interest rate over the ten-year loan term.
- 21 By way of comparison a positive NPV variance of \$1.298 million from Option 2 to Option 1 demonstrates the most beneficial financial outcome for CN and therefore Option 2 is the preferred funding pathway.
- 22 This option ensures CN achieves intergenerational equity as outlined within the principles of sound financial management, section 8B of the Local Government Act 1993. Through the use of borrowed funds, the cost burden of the

expansion is spread over those ratepayers who are able to enjoy the enhanced service while ensuring reserves are maintained for other future purposes.

**Option 3 – 100% Borrowings over a 10 year loan term with no low-cost loan initiative subsidy from the NSW State Government**

23 This option assumes that no grant funds are forthcoming and CN borrows 100% of CN's contribution from T-Corp in the amount of \$22.6 million, which includes \$3.3 million approved in May 2021 for early works. This option assumes that the low-cost loan application is not approved and no offset is available on the loan interest rate over the ten year loan term.

24 By way of comparison, a positive NPV variance of \$0.3 million for Option 3 is highlighted against Option 1. Whilst positive this is not the most beneficial financial outcome for CN.

**Option 4 – 100% Borrowings over a 20 year loan term with no offsets**

25 This option assumes that no grant funds are forthcoming and CN borrows 100% of CN's contribution in the amount of \$22.6 million, which includes \$3.3 million approved in May 2021 for early works. This option assumes CN utilising external loan borrowings with no offsets available on the loan interest rate over the 20 year loan term.

26 By way of comparison a negative NPV variance of \$1.181 million for Option 4 is highlighted against Option 1. This is the least beneficial financial outcome for CN.

**Option 5 – Hybrid – Borrowings (\$12.6m) over a 10 year loan term with low-cost loan initiative subsidy from the NSW State Government and Cash Funding (\$10m) from Reserves**

27 This option assumes that no grant funds are forthcoming to CN and considers Council funding \$10 million from existing cash reserves and borrowing the residual amount of \$12.6 million from T-Corp. This option also assumes that the low-cost loan application is approved with an interest offset on the loan interest rate over the ten year loan term.

28 By way of comparison, a positive NPV variance of \$0.7 million for Option 5 is highlighted against Option 1 however Option 2 remains the most preferred funding pathway.

**Financial conclusion**

29 The financial impact on Council's budget of Option 2 via the \$22.6 million loan with an indicative fixed low interest rate of 0.88% (inclusive of the low interest offset subsidy) over a 10 year repayment period of principal and interest would be an annual repayment of \$2.64 million. Provision would be made within the annual Our Budget for the loan financing expense.

30 Loan Borrowings are a desirable option given the current economic conditions which enable Council to invest its cash at approximately 0.97% whilst paying

0.88% interest on the loan borrowings (inclusive of the low interest offset subsidy) resulting in a positive 0.09% benefit over the \$22.6 million loan and \$20,000 per annum.

- 31 Any borrowed loan funds would be held in restricted reserves specifically for the Art Gallery Expansion Project until required. In accordance with the loan conditions none of these funds would be released to the general revenue component of the budget.
- 32 In August 2013 Council transferred an amount of \$1,038,569.15 to the Newcastle Art Gallery Foundation to be held in trust for the specific purpose of the Art Gallery Expansion. Funds raised were transferred for the specific purpose of the Art Gallery Expansion improvements.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 33 Newcastle Art Gallery is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:
  - i) Vibrant, Safe and Active Public Places
  - ii) Inclusive Community
  - iii) Liveable Built Environment

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 34 The expansion of the Newcastle Art Gallery will be subject to a number of further steps and processes which will be considered in further reports to Council including the tender report for the construction contract, the loan borrowing report and the capital expenditure review.

### **RISK ASSESSMENT AND MITIGATION**

- 35 The endorsement of funding Option 2 as outlined in the financial impact section of the report is subject to the following:
  - i) Endorses borrowing up to \$22.6 million by way of low-cost loan over 10 years as the preferred funding pathway for expansion of the Newcastle Art Gallery.
  - ii) Notes that a Loan Borrowing Report will be separately submitted seeking Council approval to borrow funds from T-Corp incorporating a low-cost loan initiative subsidy in amount of \$22.6 million, including a capital expenditure review in accordance with Office of Local Government guidelines.
  - iii) Notes that a tender report will be separately submitted seeking Council approval to award a contract for the construction of the expansion of the Newcastle Art Gallery.

- iv) Continues to seek Federal and State grant funding up until the time of borrowing loan funds from T-Corp to ensure all available grant funding options have been exhausted prior to commencing the project.
- 36 Muller Partnership Quantity Surveyors was engaged in October 2020 to provide an estimate based upon Development Application (DA) documentation. The DA estimate was finalised in March 2021 and confirms the accuracy of the Project Cost Plan. The engagement also includes the provision of ongoing cost management advice during the preparation of the Draft Tender estimate and Final Tender estimate as the construction documentation is completed.

#### **RELATED PREVIOUS DECISIONS**

- 37 Council resolved to adopt the Civic and Cultural Precinct Master Plan (16 March 2004).
- 38 Council resolved to receive the Art Gallery Redevelopment Feasibility Study and make funds available from the Civic and Cultural Precinct Project to proceed (10 August 2004).
- 39 Council resolved to accept LAB Architecture Studio's design as part of the Art Gallery Redevelopment Design Competition (18 July 2006).
- 40 Council resolved to accept the tender submitted by LAB Architecture Studio and proceed to the detailed design stage (25 July 2006).
- 41 Council resolved to rescind its resolution of 25 July 2006 accepting the tender submitted by LAB Architecture Studio.
- 42 Council resolved to authorise the Art Gallery Director to continue an exploration of an alternative redevelopment solution (25 March 2008).
- 43 Council was provided with a briefing that related to a concept plan developed by the NSW Government Architect for redevelopment of the Art Gallery (5 May 2009).
- 44 Council resolved to progress plans for the Stage One redevelopment to DA stage (16 June 2009).
- 45 Council resolved to ratify that the Art Gallery Redevelopment Project proceeds with a project budget of \$21 million capital (4 December 2012). However, any further deliberations and/or work on the Art Gallery not proceed until we have a definitive response from the NSW Government as to whether it will fund the final \$7 million outstanding. That the question is specific and worded as follows: *"is the NSW Government going to provide the \$7 million funds or one third of the Art Gallery redevelopment in this term of Government, or not? We request that the response be definitive, and that we have a response by the end of February 2013"*.

- 46 Council resolved that Newcastle City Council after the 28 February 2013: (a) Outsource the project management to ensure that there is market contestability; and (b) the total cost of the gallery development be limited to \$21 million in full. Form a "Project Control Group" and take a delegation led by the Lord Mayor to the NSW Premier to appeal for \$7 million in funding (12 February 2013).
- 47 Council resolved that (a) due to the worsening financial position of Newcastle City Council as highlighted by the recent report from Council's Audit Committee rating the organisation's financial situation as "extreme risk", Council resolutions regarding the Newcastle Art Gallery redevelopment made 4 December 2012 and 12 February 2013 are hereby rescinded (b) Plans for the Newcastle Art Gallery redevelopment be put on hold except for parts 4 and 5 of this motion until Council has achieved an operating surplus, and is in a financial position to proceed with this project and a further resolution of Council to recommence the project is passed (c) Council writes to the Federal Government explaining Council's current financial position and requests that the Federal Government funding agreement regarding the Art Gallery redevelopment be modified to allow this project to proceed in the future (d) The architects Smith & Tzannes are currently commissioned to complete current plans for the Art Gallery redevelopment (e) The Lord Mayor leads a delegation to see the Premier regarding the provision of NSW Government funding for the Art Gallery redevelopment. If the State Government agrees to provide funding, a report is to come back to Council to consider the recommencement of the project. (9 April 2013).
- 48 Council resolved a Lord Mayoral Minute (Nelmes) on 25 November 2014 supporting the reactivation of the Newcastle Art Gallery Expansion, urging the Federal Government to reinstate Federal funding and establishing a delegation to the Premier of NSW to appeal for funding for the expansion project.
- 49 Council resolved a Lord Mayoral Minute (Nelmes) on 14 March 2017 reiterating CN's commitment to the expansion of the Newcastle Art Gallery, and organises a meeting with incoming Minister for the Arts, the Hon. Don Harwin MLC, noting the announcement of a commitment to prioritise NSW Government Cultural Infrastructure Funding in regional NSW.
- 50 Council unanimously resolved a Lord Mayoral Minute (Nelmes) on 22 May 2018 to advocate to the NSW Treasurer for funding for the Newcastle Art Gallery Expansion as part of the NSW Government's Budget process
- 51 Council unanimously resolved a Lord Mayoral Minute (Nelmes) on 25 September 2018 to establish a Newcastle Art Gallery Expansion Working Party.
- 52 Council unanimously resolved a Lord Mayoral Minute (Nelmes) on 22 October 2019 for CN to prepare a detailed Budget Submission for consideration of the NSW and Federal Government's for their 2020/21 Budgets, including the Newcastle Art Gallery expansion project.



- 53 Council unanimously resolved a Lord Mayoral Minute (Nelmes) on 28 April 2020 to write to the NSW Treasurer and Minister for Local Government, requesting funding for the Art Gallery Expansion from the \$395 million COVID-19 economic stimulus package to safeguard council jobs, services and infrastructure. This Minute also resolved to write to the Federal Government, outlining key infrastructure projects that could be funded to protect local jobs during the COVID-19 global pandemic, including the Newcastle Art Gallery project.
- 54 Council unanimously resolved a Lord Mayoral Minute (Nelmes) on 23 February 2021 to accepting the Newcastle Art Gallery Expansion Working Party's request to increase CN's contribution to \$16.2 million, with an updated breakdown of funding sources to be as follows: CN - \$16.2 million, Newcastle Art Gallery Foundation - \$10 million, with a commitment to additional community fundraising of \$2.5 million, Margaret Olley Art Trust - \$0.5 million. The Minute also noted that this breakdown of figures sees an outstanding amount of exactly \$10 million required to realise this important project, which CN will request from the NSW and/or Federal Governments, while 75% of the project costs will be raised and funded by CN, the Newcastle Art Gallery Foundation and the Margaret Olley Art Trust.

## **CONSULTATION**

- 55 Consultation on the Art Gallery Expansion Project design has occurred with multiple internal and external stakeholders.
- 56 Lord Mayor Cr Nuatali Nelmes, CN CEO, CN Director City Wide Services and Newcastle Art Gallery Director have consulted with the Art Gallery Expansion Working Party chaired by the former Lady Mayoress Cathy Tate. Membership on this Working Party includes Sharon Claydon MP, Tim Crakanthorp MP, Cr Carol Duncan, Professor Paul Egglestone (University of Newcastle), Suzie Galwey (Newcastle Art Gallery Foundation), Melissa Gore (Regional NSW), Bob Hawes (Business Hunter), Kyle Loades (HMRI Newcastle), Cr John MacKenzie, Neil Petherbridge (Property Council Hunter), Prue Viggers OAM (Newcastle Art Gallery Society) and Cr Peta Winney-Baartz.
- 57 The Lord Mayor, CEO and Art Gallery Director have facilitated multiple face to face requests from Senators, State and Federal Ministers and MPs to tour the Art Gallery to gain an understanding of the critical need for the expansion of the Newcastle Art Gallery.
- 58 An internal Project Control Group oversees the project consisting of the Director Infrastructure and Property, Manager Assets and Projects, Project Manager, Director City Wide Services and Art Gallery Director.

## **BACKGROUND**

- 59 Newcastle Art Gallery was Australia's first purpose-built regional Art Gallery, officially opened by Her Majesty Queen Elizabeth II in 1977. The nationally

recognised permanent collection of over 7,000 works of art is currently valued at \$115 million and provides a time capsule of Australian art dating back to the earliest days of Newcastle more than 200 years ago when it became Australia's second city to be settled. It is the most valuable art collection in regional Australia.

- 60 At present, only 1% of Newcastle Art Gallery's works can be displayed in any year, due to a lack of space. Spatial constraints also mean that much of the current potential exhibition floorspace is given over to storage of art works, inhibiting the number, scale and diversity of potential exhibitions.
- 61 As a major cultural asset for NSW, the Newcastle Art Gallery offers the ability to tell local stories and inspire new ones through the creation, collecting and display of works of art of local, national and international importance.
- 62 The Art Gallery has built a strong reputation nationally and internationally for developing and delivering award winning, ambitious exhibitions and programming that draw audiences to the city.
- 63 The community values the Newcastle Art Gallery as a destination for learning, cultural activity and tourism, however there is increased demand to see a larger number of works of art from its significant collection on permanent display.
- 64 To appropriately meet the growing expectations of our community, the existing 44 year old building requires upgrading and expanding to provide modern facilities such as a new café and retail shop, multi-purpose and educational program space, improved display and secure international standard loading dock.
- 65 The proposed building expansion will more than double the size of the existing facility. The additional 1,600 square meters of exhibition space represents a 250% increase in exhibition display capability. The city's renowned collection will be on permanent display in dedicated collection Galleries on the lower level, while the upper level Galleries will cater for a variety of travelling exhibitions, including international shows.
- 66 The expansion of the Newcastle Art Gallery was included in the NSW Government's Cultural Infrastructure Plan 2025, identifying the project as a 'regional opportunity'.

## **OPTIONS**

### **Option 1**

- 67 The recommendation as at Paragraph 1-3. This is the recommended option.

**Option 2**

68 Council resolves not proceed with the recommendation as at Paragraph 1-3 and selects an alternate funding option. This is not the recommended option.

**Option 3**

69 Council resolves not to proceed with any of the above funding options. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

Nil

**ITEM-79 CCL 27/07/21 - FREDERICK STREET, MEREWETHER - PROPOSED RAISED PEDESTRIAN CROSSINGS**

**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE / MANAGER TRANSPORT AND COMPLIANCE**

---

**PURPOSE**

To approve raised pedestrian crossings on Frederick Street, Merewether, at Coane Street and at Berner Street.

**RECOMMENDATION**

That Council:

- 1 Approve a raised crossing on Frederick Street at Coane Street, as generally shown at **Attachment A**.
- 2 Approve a raised crossing on Frederick Street at Berner Street, as generally shown at **Attachment B**.

**KEY ISSUES**

- 3 Impeded sight lines combined with high traffic volumes and speeds on Frederick Street create an unsafe road environment, particularly for pedestrians. Centre for Road Safety data indicated three injury crashes at the intersection of Frederick Street and Coane Street, in the five-year period from 2014 to 2018, prompting City of Newcastle (CN) to submit a grant application for funding of intersection improvements.
- 4 Investigation and concept design was undertaken in 2020/21 as part of the Local Area Traffic Management (LATM) Program, funded by an NSW Safer Roads Program grant.
- 5 A proposal for a raised crossing on Frederick Street immediately south of Coane Street was exhibited, with submissions closing 10 May 2021. The exhibited scope of work included:
  - i) Construction of a raised pedestrian crossing on Frederick Street, south of the intersection with Coane Street
  - ii) Kerb extensions on the southeast and southwest corners of the intersection
  - iii) Minor footpath works
  - iv) Upgrade of street lighting (as required, subject to assessment)
  - v) Minor drainage works.

6 142 submissions were received. Summaries of submissions and CN comments are at **Attachment C**. Measures to slow traffic and provide a safe place to cross Frederick Street are clearly welcomed, with multiple submissions congratulating CN on the proposal. Of the 142 submissions received, 74 supported the proposal outright and 42 supported the proposal with changes. Key matters raised are as follows.

- i) The pedestrian crossing should be located at Berner Street instead of Coane Street. Reasons given included that Berner Street is on a direct route to Dixon Park and beach and that it is a more popular location to cross Frederick Street.

**CN Response:** The majority of submissions which did not support the proposal outright ('Yes, with changes' or 'No') stated that the crossing should be located at Berner Street. Counts undertaken in 2018 indicated that there are greater pedestrian movements at the Berner Street intersection. However, there is a recorded crash history at Coane Street, which was the basis of the grant application. Consideration of submissions, the adopted Merewether Beach Public Domain Plan and CN goals for encouraging active transport support the facilitation of a slower speed, more pedestrian friendly environment in this area. Officers support implementation of a second raised crossing on Frederick Street at Berner Street.

- ii) Consider a footpath on Frederick Street between Coane Street and Berner Street.

**CN Response:** A footpath in this section has been listed for future consideration. CN is reviewing its approach to prioritisation of pedestrian projects and consultation on this matter is expected to be undertaken in late 2021.

- iii) Consider a 40km/h speed limit.

**CN Response:** Proposals for speed changes are normally considered in conjunction with a series of devices/measures to support a self-enforcing environment. Provision of an additional crossing on Frederick Street at Berner Street is supported by officers and it is expected that the combination of two raised crossings will slow speeds considerably. A lower speed limit could be introduced in conjunction with the second crossing.

7 The Newcastle City Traffic Committee (NCTC) endorsed proposals for raised crossings at Coane Street and Berner Street for referral to Council at its meeting of 21 June 2021.

**FINANCIAL IMPACT**

- 8 Design of the raised crossing on Frederick Street at Coane Street was included in the 2020/21 LATM Program. Grant funding was offered under the NSW Safer Roads Program, for 2020/21 and 2021/22. As the scope has varied from the original grant application, confirmation is being sought for the grant funding limit for 2021/22. Project costs will be accommodated within approved Transport Portfolio budgets.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 9 The proposal for raised pedestrian crossings is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Integrated and Accessible Transport**

- 1.2a Continue to upgrade, extend, and promote cycle and pedestrian networks.
- 1.3a Ensure safe road networks through effective planning and maintenance.

**Liveable Built Environment**

- 5.2b Plan for an urban environment that promotes active and healthy communities.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 10 The proposal is consistent with positions outlined in the Newcastle Transport Strategy to improve conditions for pedestrians and reduce traffic speeds.
- 11 Approval of the crossings is not delegated to CN officers and must be referred to Council for determination.

**RISK ASSESSMENT AND MITIGATION**

- 12 The proposal has been developed to mitigate reported incidents and crash history.
- 13 Detailed design will address relevant Austroads and Transport for NSW guides and standards. Safety in design assessments and road safety audits will be undertaken.

**RELATED PREVIOUS DECISIONS**

- 14 Council adopted the Merewether Beach Public Domain Plan in July 2010 (CCE 20/07/10 – Merewether Beach Public Domain Plan). Its aim was to improve pedestrian amenity and safety, partly through a slower speed environment in Frederick Street.

## CONSULTATION

- 15 The proposal for a raised crossing on Frederick Street at Coane Street was exhibited for four weeks, with submissions closing 10 May 2021. Details were published on CN's website and copies of the flyer at **Attachment D** distributed to residents and mailed to non-resident owners.
- 16 NCTC considered a report on the outcomes of the exhibition at its meeting of 21 June 2021 and endorsed further investigation of provision of a crossing at Berner Street and referral to Council, subject to no significant issues arising from the investigation and design process.

## BACKGROUND

- 17 At its meeting of 16 July 2018, NCTC gave in principle support for pedestrian refuges on Frederick Street at Coane Street and Berner Street (Item 137 of 16 July 2018). Subsequently, CN submitted a grant application for a proposal for a pedestrian refuge on Frederick Street, median islands on Coane Street and modification of linemarking to improve sight lines.
- 18 Further investigation and concept design indicated that there is insufficient room in Coane and Frederick streets to accommodate refuges and required turn movements and a modified proposal was exhibited.
- 19 The response to exhibition clearly indicated the community's desire for improvements in pedestrian connectivity and safety around Frederick Street. Two raised crossings, at Coane Street and Berner Street, will contribute to this objective and assist in achieving the lower speed environment promoted by the Merewether Beach Public Domain Plan.
- 20 Following exhibition, investigation, and concept design of a crossing on Berner Street has been undertaken. The preferred location is on the north side of the intersection. As shown in Attachment B, the crossing has been positioned to avoid relocation of the power pole (estimated to cost approximately \$100,000).

## OPTIONS

### Option 1

- 21 The recommendation as at Paragraph 1 – 2. This is the recommended option.

### Option 2

- 22 Council does not approve the proposed raised crossings. This is not the recommended option.

## REFERENCES

Nil

**ATTACHMENTS**

**Item 79 - Attachment A:** Plan – Raised Pedestrian Crossing – Frederick Street at Coane Street, Merewether

**Item 79 - Attachment B:** Plan – Raised Pedestrian Crossing – Frederick Street at Berner Street, Merewether

**Item 79 - Attachment C:** Summary of Submissions – Proposed Raised Crossing – Frederick Street at Coane Street, Merewether

**Item 79 - Attachment D:** Consultation Flyer – Proposed Raised Crossing – Frederick Street Coane Street, Merewether

**Item 79 Attachments A to D distributed under separate cover.**



**ITEM-80 CCL 27/07/21 - ACQUISITION OF PART 64 MACKIE AVENUE, NEW LAMBTON**

**REPORT BY: INFRASTRUCTURE AND PROPERTY**  
**CONTACT: ACTING DIRECTOR INFRASTRUCTURE AND PROPERTY /**  
**MANAGER PROPERTY AND FACILITIES**

---

**PURPOSE**

To approve the acquisition of part of the property known as 64 Mackie Avenue, New Lambton (Property) for road widening purposes.

**RECOMMENDATION**

That Council:

- 1 Resolve to acquire part of Lot 21 DP 601626 (**Attachment A**) for road widening purposes.
- 2 Resolve that the land be dedicated as Road Reserve.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

**KEY ISSUES**

- 4 Transport for NSW (TfNSW) has determined that the Property is surplus to their needs. City of Newcastle (CN) currently has infrastructure assets encroaching onto the Property from adjoining land. By acquiring the Property, CN will not be required to relocate these assets.
- 5 The existing CN assets will sit within the Road Reserve once the Property is acquired.

**FINANCIAL IMPACT**

- 6 In February 2021, an independent valuation of the Property, jointly instructed by CN and TfNSW, was undertaken. This provided a fair value of \$140,000 (plus GST), and was agreed to as the purchase price by both parties.
- 7 The acquisition will be funded from the roads portfolio within the 2021/22 Our Budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 8 Acquisition of the Property is consistent with the following Newcastle 2030 Community Strategic Plan directions:

**Integrated and Accessible Transport**

1.2a Continue to upgrade, extend, and promote cycle and pedestrian networks.

**Liveable Built Environment**

5.4b Plan, provide and manage infrastructure that continues to meet community needs.

**IMPLEMENTATION PLAN/IMPLICATIONS**

9 The plan of acquisition will be registered at the Land Registry Service (LRS), a Government Gazette notice will be published and resumption of the Road noted in the register at the LRS.

**RISK ASSESSMENT AND MITIGATION**

10 Nil.

**RELATED PREVIOUS DECISIONS**

11 Nil.

**CONSULTATION**

12 Nil.

**BACKGROUND**

13 In September 2020, TfNSW approached CN with an offer to dispose of the part of 64 Mackie Avenue, New Lambton within which CN's assets (pedestrian footpath and transport stop) are located. TfNSW intend to then dispose of the remaining Lot.

14 CN reviewed the alternative option of relocating the pedestrian path and transport stop (**Attachment B**) within the existing road reserve, however there is insufficient space to relocate the assets to provide their existing service.

**OPTIONS**

**Option 1**

15 The recommendation as at Paragraphs 1 to 3. This is the recommended option.

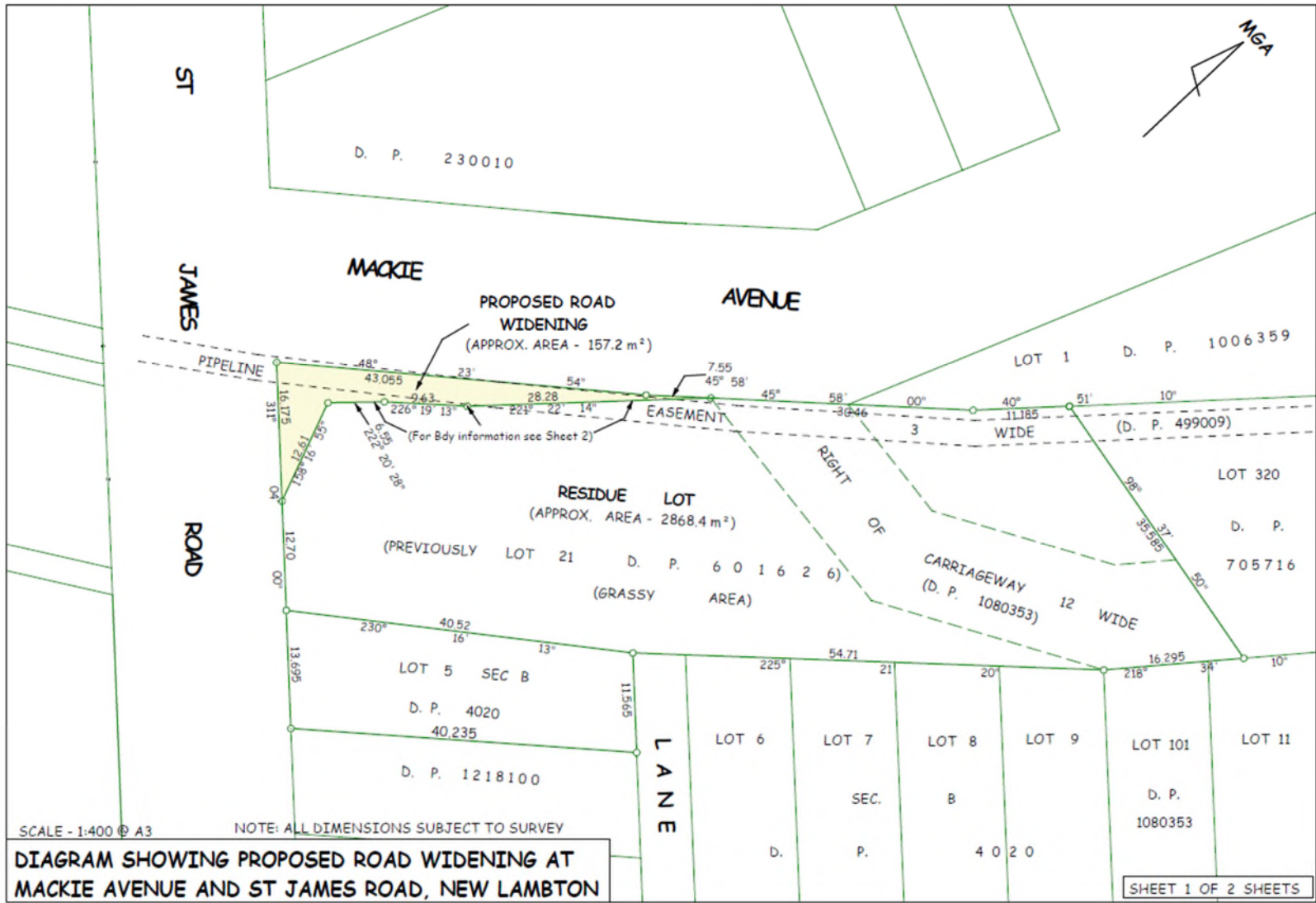
**Option 2**

16 Council resolves not to acquire the Property. This is not the recommended option.

**ATTACHMENTS**

- Item 80 - Attachment A:** Plan of Acquisition of part 64 Mackie Avenue, New Lambton.
- Item 80 - Attachment B:** Aerial image of 64 Mackie Avenue, New Lambton.

Attachment A: Plan of Acquisition of part 64 Mackie Avenue, New Lambton.





**ITEM-81 CCL 27/07/21 - INVESTMENT AND BORROWING POLICY ANNUAL REVIEW**

**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE / MANAGER FINANCE**

---

**PURPOSE**

To adopt the Investment and Borrowing Policy.

**RECOMMENDATION**

That Council:

- 1 Council adopts the draft Investment and Borrowing Policy (Policy) in the form as at **Attachment A** and in doing so terminates the previously approved Investment and Borrowing Policy.

**KEY ISSUES**

- 2 Investment Policy Guidelines issued by the Department of Premier and Cabinet, May 2010, recommend that a council's investment policy be reviewed, and any amendments approved, by council resolution annually. The current Investment and Borrowing Policy was adopted on 27 August 2020.
- 3 Section 625 of the *Local Government Act 1993* (NSW) requires Council to invest money that is not, for the time being, required by Council for any other purpose, only in the form of an investment notified by order of the Minister published in the Gazette.
- 4 The prevailing *Local Government Act 1993* (NSW), Investment Order dated 12 January 2011 (Order) stipulates that all councils should by resolution adopt an investment policy that is consistent with the Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet.
- 5 One new Key Amendment to the Policy has been proposed as well as one update of a delegated staff position title; all references to Chief Financial Officer have been replaced with Manager Finance.
- 6 The new Key Amendment to the Policy relates to Performance Measurement and withdrawing the additional +0.50bps over the Benchmark rate for the Key Performance Indicator on Defensive Investments.
- 7 The revised Policy has included consultation and recommendations advocated by City of Newcastle's (CN) appointed Independent Investment Advisor.
- 8 Key amendments include the following:

Policy Clause	Existing	Proposed	Reason for change
<p><b>9.1.1 Performance measurement</b></p>	<p>The Key Performance Indicator (KPI) for the Income producing / Defensive category is benchmarked at 0.50% above the 12month rolling Bloomberg AusBond Bank Bill Index.</p>	<p>The Key Performance Indicator (KPI) for the Income producing / Defensive category is benchmarked to the 12month rolling Bloomberg AusBond Bank Bill Index.</p>	<p>The performance indicator of +0.50bp over the benchmark rate is superfluous compared to peers and no longer in line with market expectations.</p> <p>In the current interest rate environment for Defensive Investments there are no highly rated institutions offering +0.50bps for a 1-year investment horizon. Therefore, keeping the performance expectation at +0.50bps is contrary to Policy Principles regarding credit risk management, ensuring sufficient liquidity and achieving a market average rate of return.</p>

**FINANCIAL IMPACT**

- 9 There are no direct financial costs associated with this recommendation.
- 10 Investment decisions will continue to be made in accordance with legislative requirements and stated Policy objectives, which remain unchanged.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 11 The Investment and Borrowing Policy annual review is consistent with the strategic direction of the Newcastle 2030 Community Strategic Plan, including:

**Open and Collaborative Leadership**

- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 12 If adopted, a copy of the finalised Policy document will be made available to the public on CN's website.
- 13 Review of the adopted Policy will be due within twelve months from the date of this report.
- 14 Information on Council's investments will continue to be reported to Council on a monthly basis.

**RISK ASSESSMENT AND MITIGATION**

- 15 The draft Policy complies with Section 625 of the *Local Government Act 1993* (NSW), the Local Government (General) Regulation 2005, the Order 2011 and the Office of Local Government's Investment Policy Guidelines (May 2010).
- 16 The Policy ensures officers' delegated authority to manage Council's investments exercise care, diligence and skill that a prudent person would exercise in investing.
- 17 A risk management framework is inbuilt within the proposed Policy that recognises risks associated with Council's investments providing tolerance and permitted exposure levels to these risks. In comparison to the existing Policy the changes proposed provide greater clarity and strengthen this risk management framework.

**RELATED PREVIOUS DECISIONS**

- 18 At the Ordinary Council meeting held on 25 August 2020 Council resolved to adopt the existing Policy.



**CONSULTATION**

19 Consultation has occurred with CN's Independent Investment Advisor; Manager Finance; Manager Corporate Finance and Treasury Accountant and Manager Legal.

**BACKGROUND**

20 Nil

**OPTIONS**

**Option 1**

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

**Option 2**

22 Council does not resolve to adopt the draft Policy. Council has a legislative requirement to review and adopt an investment Policy each year. This is not the recommended option.

**REFERENCES**

Local Government Act 1993 (NSW) - Section 625  
Local Government (General) Regulation 2005  
Revised Ministerial Investment Order (12 January 2011)  
Investment Policy Guidelines, Office of Local Government (May 2010)

**ATTACHMENTS**

**Item 81- Attachment A:** Draft Investment and Borrowing Policy

**Item 81- Attachment A distributed under separate cover**

**ITEM-82**                    **CCL 27/07/21 - AUTHORISATION FOR SIGNING OF THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021**

**REPORT BY:**                **GOVERNANCE**  
**CONTACT:**                 **DIRECTOR GOVERNANCE / MANAGER FINANCE**

---

**PURPOSE**

To authorise the signing of City of Newcastle's (CN) Statements by Councillors and Management as required for the Financial Statements for the year ended 30 June 2021 which must be prepared and referred to CN's Auditors, NSW Audit Office, in accordance with Section 413 of the *Local Government Act 1993* (Act).

**RECOMMENDATION**

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2021 is underway and upon completion they will be referred to CN's Auditors, NSW Audit Office, in accordance with Section 413(1) of the 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 (**Attachments A and B**) in accordance with Section 413(2) of the Act at the conclusion of the external audit.

**KEY ISSUES**

- 3 CN is required under Section 413(1) of the Act to prepare Financial Statements each year and refer them for audit. Section 413(2) of the Act requires that the Financial Statements must include:
  - i) a General Purpose Financial Statement;
  - ii) any other matter prescribed by the regulations; and
  - iii) a statement in the approved form by the Council as to its opinion on the General-Purpose Financial Statements and Special Purpose Financial Statements.
- 4 Attached to this report are the Statements by Councillors and Management which the Lord Mayor, a Councillor, the Chief Executive Officer and the responsible Accounting Officer must sign in accordance with Section 413(2)(c) of the Act, to confirm that the Financial Statements have been prepared in accordance with the applicable legislation, regulations, accounting standards and reporting codes.

- 5 The audit will commence on 6 September 2021. When the audit is finalised, a report will be provided to Councillors, as soon as practicable, detailing all relevant findings together with the auditors' opinion on the Financial Statements. Council's Audit and Risk Committee will also be briefed.
- 6 In accordance with Section 419 of the Act, CN will present signed Financial Statements for the year ended on 30 June 2021 at the Ordinary Council Meeting to be held on 26 October 2021.
- 7 From 19 October 2021 to 26 October 2021, under Section 420 of the Act, members of the public can make submissions to CN with respect to CN's audited Financial Statements or CN's Auditors Report.
- 8 In accordance with Section 416(1) of the Act, a copy of the audited Financial Statements, together with Attachments A and B signed in accordance with the recommendation at paragraph 2 must be provided to the Office of Local Government by no later than 31 October 2021.

### **FINANCIAL IMPACT**

- 9 CN's Operational Plan includes a budget amount of \$148,600 for the external audit of the 2020/21 Financial Statements. The current cost estimate provided by the auditors is \$131,000.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 10 This report aligns to the Community Strategic Plan under the strategic direction of:

#### **Open and collaborative leadership**

7.1b Ensure long-term financial sustainability through short, medium, and long-term financial planning.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 11 The legislative deadlines and proposed timeline to complete the audit of the Financial Statements are as follows:
  - i) 27 July 2021 – Council authorises the Statements by Councillors and Management to be signed in accordance with the recommendation at paragraph 2 above.
  - ii) 6 September 2021 – External audit commences.
  - iii) 7 October 2021 – Draft Financial Statements provided to Audit and Risk Committee for review.

- iv) 12 October 2021 – Councillor Workshop on draft Financial Statements for the year ended 30 June 2021 undertaken by CN officers with the external audit partner in attendance.
  - v) 26 October 2021 – Completed and signed Financial Statements and Audit Report for the year ended 30 June 2021 presented at the Ordinary Council Meeting.
  - vi) 31 October 2021 – Final date for the Financial Statements for the year ended 30 June 2021 to be submitted to the Office of Local Government and the Australian Bureau of Statistics in accordance with Section 417(5) of the Act.
- 12 CN's Auditors presented their schedule and an update on the audit plan and their progress to the Audit and Risk Committee on 4 March 2021. The Auditors will provide a further update to the Audit and Risk Committee on 7 October 2021.

### **RISK ASSESSMENT AND MITIGATION**

- 13 To mitigate risk and comply with legislation, CN's Financial Statements are prepared in accordance with the relevant legislation and are referred to CN's Auditors, NSW Audit Office, in accordance with Section 413 of the Act. CN's Audit and Risk Committee is briefed on the audit.

### **RELATED PREVIOUS DECISIONS**

- 14 At the Ordinary Council Meeting held on 25 August 2020, Council resolved to authorise the Lord Mayor, a Councillor, the Chief Executive Officer, and the Responsible Accounting Officer to sign the relevant Statements in accordance with Section 413(2) of the Act at the conclusion of the external audit.

### **CONSULTATION**

- 15 Not applicable.

### **BACKGROUND**

- 16 This report and its associated approval by way of Council resolution will ensure that the Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Act is approved and signed by the relevant parties in order to complete the process for lodgment of the audited Financial Statements with the Office of Local Government by 31 October 2021.

**OPTIONS**

**Option 1**

17 The recommendation as at paragraphs 1 and 2. This is the recommended option.

**Option 2**

18 The recommendations as at paragraphs 1 and 2 are not endorsed. This will result in a breach of Section 413 of the Act. This is not the recommended option.

**REFERENCES**

Nil

**ATTACHMENTS**

**Item 82 - Attachment A:** Statement by Councillors and Management made pursuant to Section 413(2) of the Act – General Purpose Financial Statements for the year ended 30 June 2021.

**Item 82 - Attachment B:** Statement by Councillors and Management made pursuant to Section 413(2) of the Act – Special Purpose Financial Statements for the year ended 30 June 2021.

**Item 82 - Attachment A**

Newcastle City Council

General Purpose Financial Statements

for the year ended 30 June 2021

---

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the *Local Government Act 1993* (NSW) (as amended)

**The attached General Purpose Financial Statements have been prepared in accordance with:**

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

**To the best of our knowledge and belief, these statements:**

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

**We are not aware of any matter that would render these statements false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 27 July 2021.**

---

Lord Mayor

---

Councillor

---

Chief Executive Officer

---

Responsible Accounting Officer

**Item 82 - Attachment B**

Newcastle City Council

Special Purpose Financial Statements

for the year ended 30 June 2021

---

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

**The attached Special Purpose Financial Statements have been prepared in accordance with:**

- the NSW Government Policy Statement, *'Application of National Competition Policy to Local Government'*,
- the Division of Local Government Guidelines, *'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality'*,
- the Local Government *Code of Accounting Practice and Financial Reporting*, and
- the NSW Office of Water *Best-Practice Management of Water and Sewerage Guidelines*.

**To the best of our knowledge and belief, these statements:**

- present fairly the operating result and financial position for each of Council's declared business activities for the year,
- accord with Council's accounting and other records; and
- present overhead reallocation charges to the businesses as fair and reasonable.

**We are not aware of any matter that would render these statements false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 27 July 2021.**

---

Lord Mayor

---

Councillor

---

Chief Executive Officer

---

Responsible Accounting Officer

**ITEM-83 CCL 27/07/21 - HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL TEMPORARY MEMBERSHIP**

**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL**

---

**PURPOSE**

To appoint a replacement temporary City of Newcastle representative to the Hunter and Central Coast Joint Regional Planning Panel.

**RECOMMENDATION**

That Council:

- 1 Appoints a second planning expert to replace the Director Governance as a temporary City of Newcastle (CN) representative to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for one matter only, being consideration of the rezoning review following Council's decision to not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher.

**KEY ISSUES**

- 2 At the Ordinary Council meeting held on 25 May 2021, Council resolved to appoint the Director Governance and a planning expert as temporary CN representatives to the HCCRPP for the consideration of the rezoning review following Council's decision to not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher.
- 3 Less than 24 hours prior to the HCCRPP meeting on 7 July 2021, the Chair advised that, in accordance with the Code of Conduct for Local Planning Panel Members (Code) (**Attachment A**), the Director Governance was unable to participate on the Panel due to a conflict of interest as a CN employee.
- 4 To ensure CN has full representation on the Panel when the matter is considered, Council can appoint a replacement temporary member. CN proposes to appoint a second planning expert to temporarily represent Council.
- 5 It is envisaged the Panel will consider the matter in early September 2021, providing adequate time for a second planning expert to be identified, engaged, and briefed on the matter.

**FINANCIAL IMPACT**

- 6 There will be a minor cost to appoint the two suitably qualified planning experts, which will be met from within existing budget.



## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 Councillor representation on external committees is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

### Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent, and accountable manner.
- 7.4a Continuous improvement in services delivery based on accountability, transparency, and good governance.

### Open and Transparent Governance Strategy

- 4.5 Promote an organisation that eliminates or minimises risk.
- 4.6 Ensure accountability for public money and high levels of service, governance, quality, professional conduct and compliance with professional standards and other legislative requirements.

## IMPLEMENTATION PLAN / IMPLICATIONS

- 8 CN will write to the HCCRPP advising of CN's temporary representatives.

## RISK ASSESSMENT AND MITIGATION

- 9 CN intends to appoint two suitably qualified planning experts as its two representatives, thereby ensuring CN has full representation on the Panel when the matter is considered.

## RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council meeting held on 25 May 2021, Council resolved to appoint the Director Governance and a planning expert as temporary CN representatives to the HCCRPP for the consideration of the rezoning review following Council's decision to not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher.
- 11 At the Ordinary Council meeting held on 8 December 2020, Council resolved:
- (i) Does not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher and maintain current zoning for the site (E4) as part per the Newcastle Local Environment Plan 2012 (NLEP 2012).
  - (ii) Prior to being presented with any further planning proposals for this site, requires all required environmental studies and analysis be undertaken to: *“address the inherent constraints and hazards of the land and the interdependent analysis of these constraints ... [as these studies] may*

*result in significant amendments to the Planning Proposal'* (Officers report, paragraphs 16-18).

- (iii) Notes correspondence from the NSW Minister for the Environment, The Hon Matt Kean MP, seeking Council's advice on land that may have strategic potential to be acquired by the State for inclusion as part of the NSW National Parks Estate.
- (iv) Writes to Minister Kean and DPIE recommending that the NSW Government considers the inclusion 505 Minmi Road into the National Parks estate, noting the property's strategic importance to the Green Corridor, and its proximity to the existing Blue Gum Hills Regional Park and Hexham Wetlands National Park.
- (v) Amends the adopted Local Strategic Planning Statement (LSPS) to remove references to 505 Minmi Road as a 'Housing Release Area', by reverting all references relating to 505 Minmi Road to those contained within the draft Plan (originally endorsed by Council in December 2019 - see Attachment 3)

## **CONSULTATION**

12 Nil.

## **BACKGROUND**

- 13 At the Ordinary Council meeting held on 8 December 2020, Council resolved to not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher and maintain current zoning for the site (E4) as per the Newcastle Local Environment Plan 2012 (NLEP 2012).
- 14 In accordance with Planning Circular PS 19-012, the proponent has exercised its right to request that the HCCRPP review the proposal in accordance with Part 3 of the Environmental Planning and Assessment Act 1979.
- 15 The HCCRPP Secretariat at the Department of Planning, Industry & Environment (DPIE) has advised that as Council made the original decision to not endorse the Planning Proposal, CN's existing Councillor representatives on the HCCRPP are unable to participate on the Panel when the matter is heard, nor are any other Councillors as they were part of the decision on 8 December 2020, and nor are CN officers from the Regulatory Planning & Assessment team who were involved in the assessment of the Planning Proposal.
- 16 The Secretariat has advised that Council can appoint two (2) alternate representatives to temporarily represent CN on the Panel when it considers this matter.

**OPTIONS**

**Option 1**

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

**Option 2**

18 Council does not endorse the recommendation as at Paragraph 1. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

Item 82 - Attachment A: [Code of Conduct for Local Planning Panel Members](#)

**NOTICES OF MOTION**

**ITEM-17                      NOM 27/07/21 - VANDALISM OF NEW LAMBTON PARKS**

**COUNCILLORS:            WINNEY-BAARTZ, NELMES, CLAUSEN, DUNCAN, BYRNE,  
WHITE AND DUNN**

---

**PURPOSE**

*The following Notice of Motion was received on Thursday 15 July 2021 from the abovenamed Councillors.*

**MOTION**

That Council:

1. Expresses frustration and disappointment at the vandalism of local parks and sporting fields in New Lambton by a motor vehicle.
2. Notes the sizeable investment from Council and the New Lambton Football Club into Novocastrian and Alder Parks. Since 2010, City of Newcastle has invested more than \$1.6m into sporting facilities at Alder and Novocastrian Parks, and a further \$150,000 on a new playground at Novocastrian Park.
3. Notes previous efforts to prevent illegal vehicle access and vandalism, including the installation of large sandstone blocks along Birwood Street in 2020.
4. Notes that CN officers responded rapidly to recent vandalism, inspecting the park over the weekend and undertaking immediate repairs. The repairs will enable the park to reopen within a week.
5. Undertakes further works to prevent illegal vehicular access, by installing sandstone blocks to restrict vehicle access from Orchardtown Rd.
6. Requests any witnesses to come forward via council directly or Crime Stoppers, to ensure those responsible for the damage of public property can be held accountable.

**BACKGROUND**

# **Vandals tear up New Lambton Football Club ground at Novovastrian Park**

About 900 football players have had to miss their Saturday matches this week after vandals tore up Novocastrian Park.

New Lambton Football Club members arrived to the ground about 6.30am Saturday to find every field damaged by tyre tracks.

"It's the worst damage I've seen," New Lambton Football Club juniors president Steve Manning said. "Someone has taken advantage while it's damp and more pliable."

"It's pretty devastating considering the hours volunteers have put in to maintain the ground."

All games on Saturday and Sunday have had to be cancelled as a result. Mid week games and training may also need to be called off.

"We just can't risk someone getting hurt," Mr Manning said.

"We had a couple of little ones down here early in tears because they didn't get to play. It's heartbreaking when you see that because that's what we're here for and that can't happen because of someone's stupidity."

Mr Manning said vandalism had been an ongoing issue at the park for years, and the club had pleaded with Newcastle City Council to do something to prevent it.

"It's very frustrating because we can see a simple solution but can't get that past the authorities," he said.

"This is our first major one this year. It happens every year.

"It's going to be costly to repair the fields, the number of times we've repaired and replaced turf would have far outweighed the cost of putting barriers around the park."

Council installed sandstone blocks on the Birdwood Street end of the ground, but this damage was caused by cars entering at a different, unblocked part of the park.

"It appears as if someone may have been here once and come back, or there were multiple cars because there are a number of tracks leading on and off the field," Mr Manning said.

"We don't want to fence it in as such. It's a beautiful facility, we're more than happy with residents using it but we need some kind of barrier."

A council spokesperson said additional sandstone blocks had been ordered with planned installation on the Orchardtown Road side of the park in the next few weeks.

"This will further limit vehicles from accessing the grounds," the spokesperson said.

The spokesperson said council had previously proposed fencing a number of parks in the New Lambton area. But each time had "received hundreds of complaints from nearby residents".

"Hence low rising sandstone blocks are considered a good compromise which deter vandals but also don't limit access to the park," the spokesperson said.

Deputy Lord Mayor Declan Clausen and councillor Peta Winney-Baartz attended the park on Saturday morning. Cr Clausen urged anyone with information to contact police or Crime Stoppers.

"Someone must have seen this happen," he said. "There has to be a consequence for causing so much damage to a public park."

## **ATTACHMENTS**

Nil.

**ITEM-18                    NOM 27/07/21 - IMPROVING CONNECTIVITY BETWEEN WICKHAM AND WICKHAM PARK**

**COUNCILLORS:        CLAUSEN, WHITE, NELMES, DUNCAN, WINNEY-BAARTZ, BYRNE AND DUNN**

---

**PURPOSE**

*The following Notice of Motion was received on 15 July 2021 from the abovenamed Councillors.*

**MOTION**

That Council:

1. Notes City of Newcastle's intention to acquire the previous Bullock Island Rail Corridor from the NSW Government to provide connectivity between Wickham and Wickham Park. This was included as an action in the 2012 Local Environment Plan (LEP), Land Reservation Acquisition map (004FA). Notes that acquisition is likely to be a lengthy process.
2. Writes to Transport for NSW (TfNSW) and the Department of Planning, Industry and Environment (DPIE) seeking support to temporarily open a pathway across the Bullock Island Rail Corridor between Wickham and Wickham Park, and for ongoing acquisition negotiations to be prioritised.

**BACKGROUND**

Wickham is on the doorstep of Newcastle's CBD. Wickham is undergoing significant change, which is guided by the 2017 Wickham Masterplan, and the 2021 Wickham Masterplan Update which is currently on public exhibition.

The Wickham Masterplan proposes the acquisition of the former Bullock Island Rail Corridor by Council for active transport and recreational uses. The Corridor links the suburb of Wickham to Wickham Park.

Council has flagged its intent to acquire the former rail land since the 2012 local environment plan (LEP). Negotiations are ongoing with the NSW Government.

A temporary crossing would demonstrate the benefits of connectivity between Wickham and Wickham Park. This NOM proposes that this could occur across the end of Holland St, where an informal track presently exists.

The temporary crossing could be formalised similar to the crossing over the Newcastle Rail Line in 2015.





**ITEM-19 NOM 27/07/21 - PROPERTY DEVELOPMENT**

**COUNCILLORS: CLAUSEN, BYRNE, DUNCAN, DUNN, NELMES, WHITE AND WINNEY-BAARTZ**

---

**PURPOSE**

*The following Notice of Motion was received on 20 July 2021 from the abovenamed Councillors.*

**MOTION**

Council note that:

A Council note that:

- i. Councils in NSW have an important role in land use planning and development approval;
- ii. Councils assess local development and are able to grant approval, grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development;
- iii. in 2020 Environment Minister Matt Kean likened allowing property developers to be elected as local Councillor to “**putting Dracula in charge of the bloodbank**” due to the planning decisions taken by Councils;
- iv. in April 2019, the City of Newcastle endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office, and ensuring a well-resourced Independent Commission Against Corruption.
- v. in June 2021 the NSW Legislative Council passed legislation banning property developers from running for local Council. Legislation restricting real estate agents from running for council is reportedly forthcoming; and
- vi. property developers and their close associates have an innate bias in planning decisions and allowing them to serve as local Councillors erodes the ability of Council to make independent decisions on planning matters.

B the City of Newcastle Council opposes those working as, or close associates of, property developers, running to be elected to the City of Newcastle Council;

- C the CEO be requested to:
- i. submit this motion in support of the adoption of a policy which prohibits property developers and their close associates, from holding office as local Councillors in NSW to LGNSW Conference for consideration;
  - ii. write to the NSW Premier in support of the bill that was passed by the Legislative Council and is currently before the Legislative Assembly which prohibits property developers from holding office as local Councillors in NSW; and
  - iii. write to the Minister for Local Government in support of the bill that was passed by the Legislative Council and is currently before the Legislative Assembly which prohibits property developers from holding office as local Councillors in NSW.

**BACKGROUND**

Nil.

**ATTACHMENTS**

Nil.

**ITEM-20                    NOM 27/07/21 - DEVELOPMENT NOTIFICATION FOR BOARDING HOUSE RESIDENTS**

**COUNCILLORS:    CLAUSEN, DUNCAN, WHITE, WINNEY-BAARTZ, BYRNE, DUNN AND NELMES**

---

**PURPOSE**

*The following Notice of Motion was received on 15 July 2021 from the abovenamed Councillors.*

**MOTION**

That Council:

- 1    Writes to Boarding House operators in the Newcastle Local Government Area advising them of a new notification process to ensure their tenants are reasonably notified of a Development Application (DA) relating to the Boarding House, including:
  - a.    The operator to advise boarders that a DA has been lodged that proposes modification to the property and/or development.
  - b.    A copy of the DA application to be placed in a common area (or similar) of the Boarding House.
  - c.    The operator to notify boarders when the DA has been determined, including the outcome.
  
- 2    That this process be incorporated into CN's procedures for DAs relating to Boarding Houses, and will be included with the CN Applicant acknowledgment letter sent when a DA is submitted, consistent with details above.

**BACKGROUND**

**Newcastle Herald**

**Cooks Hill boarders face homelessness with eviction in four weeks on July 5**

Sage Swinton – 11 June 2021



*EVICTION: Residents Rod Bowen, Nonie, Karen, Barry, Jacqueline, Helen, Cate, Jacob, Mathew, and Juan have to vacate their boarding home. Picture: Max Mason-Hubers*

Dozens of residents, including recovering drug addicts, elderly citizens, and people with disabilities, are facing homelessness after being issued 29-day eviction notices on their Cooks Hill boarding house.

The residents were on Monday notified by the owner that the Parkway Avenue building had to be vacated by July 5, giving them four weeks notice as required by their boarding house rental agreements.

The property was bought last year by Aspen Group, which says the building is old, being completed in 1954, and in need of major repairs.

"The only way this can be done safely is for the tenants to vacate the premises while the works take place," Aspen said in a statement.

"Tenants have been aware of Aspen's plans since the development proposal notification went public on the 7th January 2021, a notice was displayed at the property for several weeks after this date.

'I never knew at 24 with a stable job and savings I'd be homeless'

"Aspen acknowledges that this may be a stressful time for tenants.

"A list of alternative accommodation options has been provided to tenants and many tenants have already inspected these alternative facilities.

"Aspen will continue to work in conjunction with Street Property Newcastle, our property agent, to assist tenants in finding suitable accommodation in the area."

But tenant Rodney Bowen said there had been no consultation nor effort to help residents find somewhere to live.

"We received a letter under the door," he said. "They didn't even have the fortitude to call a house meeting and tell us in person."

Mr Bowen said he found out about the plans when a fellow resident went sniffing and found a development application, after becoming suspicious that repairs weren't being completed and a for-lease sign taken down.

The property is at the lower end of the market, with tenants paying less than \$200 a week. Mr Bowen said the fierce housing market meant residents could be homeless in the middle of winter.

"Most of the tenants either either on elderly pensions or disability pensions or are students such as myself," Mr Bowen said. "A couple are over 70."

"We live here as most of us cannot afford higher rent than that which we already pay."

"Some have lived here more than 10 years. They're devastated."

Barry Weston, 74, has lived in the boarding house on and off since 1990, but continuously since 2002. He said he was sad he had to leave.

"I've been there so long it's home to me," he said. "There's good people here, we're like a big family. There's always someone to talk to."

Mr Bowen has lived in the property for two years. He arrived after being homeless and suffering an addiction to methamphetamine. He said living in the property had helped him sort out his life.

"I feel like I was finally able to get my life back on track," he said. "I had a roof over my head. Thanks to not-for-profits I had food in my belly. I was surviving. I was in a position I could maintain."

"But now I'm talking to my uni lecturer about deferring a trimester. My head space is not in the right place to give my studies the attention they deserve."

He said the experience this week had triggered some issues from his past.

"It's that possibility I'll end up on the street again," he said. "It's very disconcerting."

Aspen said upon completion, the building will have 50 self-contained apartments offered at "rents that are near the cheapest available in Newcastle for similar boarding house units".

## **ATTACHMENTS**

Nil.

**ITEM-21                    NOM 27/07/21 - BEST PRACTICE EMPLOYMENT CONDITIONS  
FOR CONSTRUCTION WORKERS UNDERTAKING CITY OF  
NEWCASTLE PROJECTS**

**COUNCILLORS:        CLAUSEN, DUNCAN, DUNN, BYRNE, NELMES, WINNEY-  
BAARTZ AND WHITE**

---

**PURPOSE**

*The following Notice of Motion was received on 15 July 2021 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle:

1. Notes that ensuring the best employment conditions and work health and safety standards are achieved is often as a result of the collective power of trade unionism, and the ability for workers' to take collective action and negotiate their terms of employment through Enterprise Agreements (EAs).
2. Notes that EAs have the assurance that terms of the employment agreement put workers in a position that is "Better Off Overall" against the relevant Award, and that the Fair Work Commission will not approve the EA unless the "Better Off Overall" test is satisfied.
3. Ensures that all major construction projects for Council are undertaken by organisations with current Enterprise Agreements registered with the Fair Work Commission.
4. Amends the City of Newcastle (CN) Procurement Policy to ensure that, where possible, to achieve stable industrial relations on Council projects, and ensure compliance by subcontractors/employers with their legal obligations, including to their employees, CN will, as far as practicable and relevant in terms of Council Projects, procure services for major construction projects from contractors with EAs in place, noting that this policy already contains clauses for ethical procurement and assurances that current procurement and tendering processes protect the work health and safety of all CN staff, contractors, and the general public, while ensuring value for money for ratepayers.

**BACKGROUND**

Nil.

**ATTACHMENTS**

Nil.

**ITEM-22                    NOM 27/07/21 - HUNTER HYDROGEN TECHNOLOGY CLUSTER**

**COUNCILLOR:        J MACKENZIE**

---

**PURPOSE**

*The following Notice of Motion was received on Friday 16 July 2021 from the abovenamed Councillor.*

**MOTION**

That City of Newcastle

- Notes the commitment of CN under the Newcastle Climate Action Plan 2021-25 to “advocate for the creation of renewable hydrogen and ammonia export hubs, a regional bioenergy hub and green metal and mineral processing in Newcastle and the Hunter.”
- Request a briefing from NewH2 - Hunter Hydrogen Technology Cluster on opportunities for CN to support and accelerate the emerging hydrogen economy locally.
- Receive a report regarding options for the City of Newcastle to support a hydrogen industry locally, including but not limited to developing and maintain supporting infrastructure, connecting local businesses with industry, and early adoption of hydrogen technologies for specialised uses within Council operations.

**BACKGROUND**

In February 2021, National Energy Resources Australia (NERA) announced the creation of a Hydrogen Technology Cluster in the Hunter, as part of a national initiative to foster a multi-billion dollar, globally competitive hydrogen industry for Australia.

The Hunter Hydrogen Technology Cluster (NewH2), the only Regional Cluster for NSW, is supported by several local industry associations, businesses, TAFE and The University of Newcastle, and spans the Hunter, Central Coast and Orana regions of the state. The Hunter Cluster received seed funding from NERA and industry to enhance local cohesion, technology and capability in the hydrogen value chain.

The development of a national hydrogen cluster was identified by the 2019 National Hydrogen Strategy as an important component to scale up Australia’s domestic industry to become a global hydrogen competitor. Regional clusters have been established around key, existing hydrogen projects and technology supply chains in strategic locations that have a demonstrated capacity to support them.

In announcing the Hunter Cluster, NERA CEO Miranda Taylor noted the region's strong energy and manufacturing history and the leadership shown by key local organisations to maximise the region's opportunities.

In addition, the NSW Parliamentary Standing Committee on State Development is undertaking an inquiry on the current state of the development of a hydrogen industry in New South Wales. That inquiry received strong submissions from Newcastle and Hunter stakeholders, including the University of Newcastle, HunterNet Co-Operative Limited, the Hunter Business Chamber and the Committee for the Hunter.

**ATTACHMENTS**

Nil.



**ITEM-23                    NOM 27/07/21 - PROTECTING OUR URBAN FOREST  
THROUGH AN AERIAL BUNDLED CABLING PROGRAM**

**COUNCILLOR:        J MACKENZIE**

---

**PURPOSE**

*The following Notice of Motion was received on Friday 16 July 2021 from the abovenamed Councillor.*

**MOTION**

That City of Newcastle

- Notes the contribution of Newcastle's street tree population to the city's urban forest, an intergenerational resources that provides multiple community benefits, and the need to improve practices and capacity to ensure these benefits.
- Notes the responsibility of Council for the holistic management of urban forest assets owned or controlled by the City of Newcastle, as outlined in the Newcastle Urban Forest Policy.
- Notes the briefing received by Ausgrid on 15<sup>th</sup> June on current practice for street tree maintenance and management under aerial powerlines.
- Notes CN's commitment to achieving the best outcome for the City's urban forest by working with Ausgrid to identify key sites where Ausgrid's essential service lines and CN's significant tree stands intersect.
- Notes the need for the development of an Aerial Bundled Cabling (ABC) Program by CN and Ausgrid for the city which identifies priorities and systematically plans for the conversion to bundled cabling or application of other engineering solutions.
- Engage with the Australian Energy Regulator to advocate for funding to enable the development of engineering solutions including an ABC Program, and for capital works investment and funding opportunities to enable Ausgrid to implement the identified forward ABC and Works Program for the City of Newcastle.

**BACKGROUND**

In Newcastle, 38% (31,160) of the public street tree population and vacancies is affected by aerial power lines. Poorly maintained or inappropriate street trees under powerlines present a risk to public safety and the electricity network. In 2017, electricity distributor Ausgrid estimated that 25% of blackouts were a result of tree contact with powerlines. Maintaining street trees around powerlines requires

professional and expert practice to establish the balance between public safety and protecting the health of trees.

Excessive pruning of trees affected by aerial powerlines, however, is a frequently raised community concern. Inappropriate tree pruning can negatively impact on the integrity of the tree, which can risk failure through uprooting or compromise tree health generally. Many of the public amenity benefits of street trees, including shade provision, urban cooling, stormwater runoff reduction, air quality improvements, biodiversity and carbon storage, are diminished by excessive pruning, especially where it endangers the viability of the trees.

Recent improvements in street tree selection in Newcastle will reduce these issues into the future. The tree selection manual provides a species matrix key that identifies locally appropriate street trees that are suitable for growing under or near powerlines. Tree selection identifies trees that may still require trimming, but specifically will tolerate repeated and frequent crown reduction pruning. Generally, where overhead power lines occur, the size and type of trees listed as suitable in the Species Matrix are limited to smaller growing species with a suitable branching habit that tolerates pruning. Appropriate pruning methods will reduce the need for heavy cutting of these species. Council has committed to additional formative pruning.

However, there is a significant number of street trees in the LGA that will require ongoing Ausgrid maintenance. Managing tree health, safety risks and the beneficial amenity of street trees requires a unified approach from power suppliers, contractors, Council and the community.

The briefing to Council in June 2021 from Ausgrid representatives identified the role of the Australian Energy Regulator (AER) in terms of monitoring and enforcing compliance and for economic regulation of distribution and transmission networks. The AER determines the revenue required by Ausgrid to recover the costs of network investments and operations. Every five years, Ausgrid must submit proposals to the AER outlining proposed capital and operating plans for the duration of the regulatory period. The presenters further noted that the AER considers requests from third parties in decisions regarding the capital works expenditure over the regulatory period, and recommended that the City of Newcastle represent the need for an ABC Program to the Regulator.

## **ATTACHMENTS**

Nil.