



City of
Newcastle



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 22 November 2022

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

17 November 2022

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In participating in this Meeting, Councillors are reminded of their oath or affirmation of office made under section 233A of the Local Government Act 1993, and of their obligations under City of Newcastle's Code of Conduct for Councillors to disclose and appropriately manage conflicts of interest.

**ORDINARY COUNCIL MEETING
22 November 2022**

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FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT 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 18 OCTOBER 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 221018 Public Voice Committee Minutes

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

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 18 October 2022 at 6.10pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), J Rigby (Executive Director City Infrastructure), D Clarke (Interim Executive Director Corporate Services), Lynn Duffy (Acting Executive Director Creative and Community Services), M Bisson (Interim Executive Director Planning and Environment), S Moore (Manager Finance, Property and Performance), E Kolatchew (Manager Legal and Governance), P Emmett (Development Assessment Section Manager), K Sullivan (Councillor Services/Meeting Support), A Knowles (Councillor Services/Minutes), R Garcia (Information Technology and AV Support) and W Haddock (Information Technology).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

REQUEST TO ATTEND VIA AUDIO VISUAL LINK

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Adamczyk

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

Carried

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

**ITEM-1 204 UNION STREET, THE JUNCTION - DA2021/01107 - CENTRE
BASED CHILD CARE FACILITY INCLUDING TREE REMOVAL**

Michelle Richards addressed Council and outlined concerns and objections to the development application. Scott Girard and Ben Rapely addressed Council in support of the development application.

The meeting concluded at 7.17pm.

MINUTES - BRIEFING COMMITTEE MEETING 18 OCTOBER 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 221018 Briefing Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Briefings Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 18 October 2022 at 7.17pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), J Rigby (Executive Director City Infrastructure), D Clarke (Interim Executive Director Corporate Services), Lynn Duffy (Acting Executive Director Creative and Community Services), M Bisson (Interim Executive Director Planning and Environment), S Moore (Manager Finance, Property and Performance), E Kolatchew (Manager Legal and Governance), P Emmett (Development Assessment Section Manager), K Sullivan (Councillor Services/Meeting Support), A Knowles (Councillor Services/Minutes), R Garcia (Information Technology and AV Support) and W Haddock (Information Technology).

REQUEST TO ATTEND VIA AUDIO VISUAL LINK

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Adamczyk

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

Carried

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

BRIEFING COMMITTEE REPORTS

ITEM-4 ORIGIN ENERGY HYDROGEN HUB PROJECT FOR KOORAGANG

Sam Bridge, Head of Renewable Fuels – Origin Energy, Kate Smith, Stakeholder Lead Future Fuels – Origin Energy and Paul Hastie, Orica Kooragang Island Manufacturing Centre Manager addressed Council on the proposed hydrogen facility on a site off Greenleaf Road on Kooragang Island.

The meeting concluded at 7.52pm.

MINUTES - ORDINARY COUNCIL MEETING 25 OCTOBER 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 221025 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

CITY OF NEWCASTLE

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

PRESENT

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

IN ATTENDANCE

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

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

REQUEST TO ATTEND BY AUDIO VISUAL LINK / APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Lord Mayor, Cr Nelmes

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

Councillor Clausen

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

CONFIRMATION OF PREVIOUS MINUTES

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

MOTION

Moved by Cr Adamczyk, seconded by Cr Mackenzie

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

**Carried
unanimously**

LORD MAYORAL MINUTE

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

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

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

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

**Carried
unanimously**

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

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

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

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

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

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

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

**Carried
unanimously**

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

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Receives the report on approved development variations between 1 July 2022 and 30 September 2022 at **Attachment A** in accordance with the Department of Planning and Environment's (DPE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

**Carried
unanimously**

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

MOTION

Moved by Cr Clausen, seconded by Cr Wood

That Council:

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

Carried

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

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

MOTION

Moved by Cr Adamczyk, seconded by Cr Wood

That Council:

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

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

Against the Motion: Nil.

Carried

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

MOTION

Moved by Cr Wood, seconded by Cr McCabe

That Council:

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

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

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

Carried

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

MOTION

Moved by Cr Richardson, seconded by Cr Pull

That Council:

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

AMENDMENT

Moved by Cr McCabe

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

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

- Add an additional Part B:

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

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

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

**Carried
unanimously**

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

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

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

**Carried
unanimously**

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

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

A That Council:

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

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

Carried

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

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

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

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

**Carried
unanimously**

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

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

MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

That Council:

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

AMENDMENT

Moved by Cr McCabe, seconded by Cr Barrie

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

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

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

**Carried
unanimously**

NOTICES OF MOTION

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

MOTION

Moved by Cr Adamczyk, seconded by Cr Clausen

That City of Newcastle

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

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

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

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

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

**Carried
unanimously**

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

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

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

Mayfield Pool

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

Stockton Pool

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

Lambton Pool

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

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

Beresfield Pool

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

Wallsend Pool

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

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

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

For the Motion:

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

Against the Motion:

Councillors Barrie and McCabe.

Carried

The meeting concluded at 8.18pm.

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 Disclosures received from Councillors, Executive Leadership Team, and Audit and Risk Committee members are made publicly available on CN's website. Disclosures of other designated persons may be accessed by the public on request, in accordance with the GIPA Act.

RISK ASSESSMENT AND MITIGATION

- 7 Tabling of the Register ensures CN complies with legislative requirements.

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 23 August 2022, Council noted the tabling of the Register (for the period 1 May to 31 July 2022).

CONSULTATION

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

BACKGROUND

- 10 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

Codes of Conduct

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

ATTACHMENTS

Item 91 Attachment A - Register of Disclosures of Interest to be tabled

ITEM-92 CCL 22/11/22 - APPLICATION FOR (NEWCASTLE) SHOW HOLIDAY

REPORT BY: CORPORATE SERVICES
CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES / INTERIM MANAGER PEOPLE AND CULTURE

PURPOSE

To declare Friday 3 March 2023 as a Local Event Day for the Newcastle Show.

RECOMMENDATION

That Council:

- 1 Resolves to make an application to the Minister for Employee Relations seeking the proclamation of Show Day for Friday 3 March 2023 as a Local Event Day as set out in the *Public Holidays Act 2010 (NSW)*.

KEY ISSUES

- 2 The Newcastle Agriculture, Horticulture & Industrial Association Inc (the Association) has advised that the Newcastle Show 2023 will commence on Friday 3 March and conclude on Sunday 5 March 2023. The Association supports City of Newcastle (CN) making of an application for a Local Event Day on Friday 3 March 2023.
- 3 For Show Day to be proclaimed a Local Event Day or Local Public Holiday, an application must be made each year to the NSW Department of Premier and Cabinet. The Minister for Employee Relations considers the application, and if granted, the proclamation is published on the NSW legislation website in early 2023.
- 4 Due to the December 2021 Local Government Elections, the Minister requires the application to be accompanied by a copy of the new Council's resolution authorising the making of the application and a report on the consultation process.
- 5 As per NSW Government Guidelines for Local Event Day/ Local Public Holiday Applications (**Attachment A**), the capacity for the Minister to declare a local event day at the request of a Council is available under the *Public Holidays Act 2010*. The Minister must be satisfied that the day will be observed as a day of special significance to the community in the area concerned.
- 6 The declaration of a 'Local Event Day' under the *Public Holidays Act 2010* does not make the local event day a public holiday and it does not preclude banks or shops located within the designated holiday area from opening or trading on the day.

- 7 A declared local event day does not automatically mean that employers in the particular locality are compelled to treat the day as a public holiday. Entitlements to paid leave or penalty rates on a local event day will only arise where agreed to at the workplace level, usually in the form of an enterprise agreement or by contract.
- 8 If Friday 3 March 2023 is proclaimed by the Minister for Employee Relations, Show Day will be treated as a 'Local Event Day' pursuant to the *Public Holidays Act 2010 (NSW)* within the Newcastle Local Government Area.

FINANCIAL IMPACT

- 9 As per Section 3, Clause 27.1 of the City of Newcastle Enterprise Agreement 2019 (the Agreement), Show Day will be regarded as a holiday and will be observed on the Friday of Show Week.
- 10 Where CN employees are required to work on Show Day to provide an essential service it traditionally provides, such employees are entitled to the penalty rates as provided by the Agreement, regardless of proclamation. CN has budgeted for the payment of these penalty rates in accordance with the Agreement.

NEWCASTLE 2040 ALIGNMENT

- 11 The Newcastle Show is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Creative

3.1 Vibrant and creative city

- 3.1.1 Vibrant events
- 3.1.2 Bold and challenging programs
- 3.1.3 Tourism and visitor economy
- 3.1.4 Vibrant night-time economy

3.3 Celebrating culture

- 3.3.1 Nurture cultural and creative practitioners
- 3.3.2 Promote Newcastle as a major arts and cultural destination
- 3.3.3 Culture in everyday life

3.4 City-shaping partnerships

- 3.4.1 Optimise city opportunities
- 3.4.2 Government relations and advocacy

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 Due to the December 2021 Local Government Elections, the Minister requires the application to be accompanied by a copy of the current Council's resolution authorising the making of the application and a report on the consultation process.

RISK ASSESSMENT AND MITIGATION

- 13 By making a new resolution and undertaking consultation on the proposal, CN is complying with the requirements of the Public Holidays Act 2010 and the NSW Government Guidelines for Local Event Day Applications.

RELATED PREVIOUS DECISIONS

- 14 At the Ordinary Council Meeting of 23 February 2016, Council resolved that from 2017 the Chief Executive Officer automatically submit an application to the Executive Director, NSW Industrial Relations, requesting the Minister for Industrial Relations to declare the Friday of Show Holiday a local event day under the *Public Holidays Act 2010* (NSW).

CONSULTATION

- 15 In preparation for the making of an Application to the Minister, community consultation was undertaken between Friday 14 October to Friday 28 October 2022. Five (5) submissions were received via the *Have Your Say* page on CN's website. Four (4) supported the Local Event Day and only one (1) did not support it.
- 16 No submissions were received via the engage@ncc.nsw.gov.au email address.
- 17 Feedback was also invited from schools in the Newcastle LGA, Business Hunter and via LinkedIn. No submissions were received from Schools, but a submission was received from Business Hunter in support of the Local Event Day.
- 18 A summary of the submissions received is included at **Attachment B**.

BACKGROUND

- 19 The Newcastle Show is an important event of special significance to the community within Newcastle that dates back to 1901 when the first Show was held.
- 20 Up to and including 2011, CN had traditionally supported an application for the Newcastle Show Holiday to be declared as a full day Local Public Holiday.
- 21 With the change in legislation to the *Public Holidays Act 2010* and the introduction of a Local Event Day within the legislation, in 2012, 2013 and 2014 an application by the Association for a public holiday was not supported by Council. On each occasion Council resolved to make an application to the Minister for a full day, Local Event Day, that was approved by the Minister.
- 22 In 2015 an application to the Minister for the 2015 Newcastle Show Holiday to be declared a Local Public Holiday was rejected by the Minister, however, a subsequent application for a Local Event Day was approved.
- 23 Applications to the Minister for the 2016, 2017, 2018, 2019, 2020, 2021 and 2022 Newcastle Show Holiday to be declared a Local Event Day were approved for all seven years.

OPTIONS

Option 1

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

Option 2

25 Council resolves not to make an application to the Minister for Employee Relations seeking the proclamation of Show Day for Friday 3 March 2023 as a Local Event Day. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 92 Attachment A: NSW Government Guidelines for Local Event Day Applications

Item 92 Attachment B: Summary of Submissions Received

Item 92 Attachments A-B distributed under separate cover

ITEM-93 CCL 22/11/22 - ADOPTION OF OUR SUSTAINABLE WASTE STRATEGY

REPORT BY: WASTE SERVICES
CONTACT: DIRECTOR AND INTERIM MANAGER WASTE SERVICES

PURPOSE

To adopt Our Sustainable Waste Strategy (the Strategy).

RECOMMENDATION

That Council:

- 1 Adopts Our Sustainable Waste Strategy – Strategic Framework (**Attachment A**), White Paper (**Attachment B**) and Delivery Plan (**Attachment C**)
- 2 Receives Our Sustainable Waste Strategy – Engagement Report (**Attachment D**)

KEY ISSUES

- 3 City of Newcastle (CN) desires to be a considerate user of the planet's limited resources and is committed to empowering the community to view its waste differently – as resources and materials that can have another life outside of landfill.
- 4 The longer recyclable materials are recirculated in the economy the greater their value and the better it is for the environment. This in turn produces greater prosperity for our planet and our people.
- 5 To achieve this CN has developed Our Sustainable Waste Strategy (the Strategy) to provide waste minimisation and recycling solutions to the community while ensuring the long-term sustainability of its waste and resource recovery operations. CN will achieve this by Summerhill Waste Management Centre becoming an innovative resource recovery hub creating enduring value for customers, community and the environment.
- 6 The Strategy is focused on setting long-term objectives to realise three opportunities:
 - i) **Planet** – Protecting the environment, reducing emissions and preserving our finite resources
 - ii) **People** – Preserving and creating jobs in our Waste Services Facilities and throughout the region
 - iii) **Prosperity** – Providing the community opportunities that the circular economy will deliver and elevating Newcastle as a national leader in the waste industry

- 7 The Strategy was formulated on the core principles of the Waste Hierarchy and Circular Economy. The Waste Hierarchy sets out the priorities for the most efficient and most sustainable use of resources, establishing the framework under which all waste decisions should be made, and all waste managed.
- 8 The Circular Economy focuses on looking beyond the current take-make-waste-extractive model aiming to redefine growth and focusing on positive society wide benefits for a more sustainable future. A Circular Economy also helps to answer the challenge of meeting our own needs without compromising future generations' ability to meet their needs.
- 9 The Strategy adopts the NSW Government's principles of a circular economy which include:
 - i) Sustainable management of resources
 - ii) Valuing resource productivity
 - iii) Design out waste and pollution
 - iv) Maintain the value of products and materials
 - v) Innovate new solutions for resource efficiency
 - vi) Create new circular economy jobs
 - vii) Foster behaviour change through education and engagement
- 10 The Strategy details the current challenges and opportunities for the future of waste as well as providing a framework to operate the Summerhill Waste Management Centre as a business unit inclusive of outcomes and success measures.

FINANCIAL IMPACT

- 11 The Strategy will be delivered over multiple financial years commencing in the 2022/23 financial year. Actions requiring funding will be identified in CN's Delivery Program and Operational Plans, allowing CN to undertake actions as funding and resources are confirmed.

NEWCASTLE 2040 ALIGNMENT

- 12 The Strategy is consistent with the Newcastle 2040 Community Strategic Plan (CSP) directions:

Sustainable

2.1 Action on Climate Change

2.1.1 Towards net zero emissions

2.3 Circular Economy

2.3.1 Design out waste

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 The Strategy will support the Newcastle 2040 CSP and assist in shaping the priorities for CN's four-year Delivery Program and one-year Operational Plan (Delivering Newcastle 2040), with a focus on the Sustainable Newcastle theme and more specifically as well as other related strategies and plans.

RISK ASSESSMENT AND MITIGATION

- 14 The Strategy positions CN as a leader for the growth and sustainability of Waste services within the organisation. Waste services constitutes 41% of contact residents and ratepayers have with CN with every household, every week, putting at least one of a possible three bins out for curb-side collection with a substantial majority taking great care to ensure the right material is placed in the right bin.
- 15 Without Our Sustainable Waste Strategy CN is at risk of failing to achieve the actions within the Strategy. Further there is a growing urgency to establish a circular economy locally within the Newcastle and Hunter region, throughout Australia and globally. CN must move from a linear economy to a circular economy, to seize on the significant economic opportunities it presents, and to end the unnecessary waste of valuable finite resources.

RELATED PREVIOUS DECISIONS

- 16 At the Ordinary Council Meeting held on 27 September 2022 Council resolved to place the draft Our Sustainable Waste Strategy – Strategic Framework (**Attachment A**), White Paper (**Attachment B**) and Delivery Plan (**Attachment C**) on public exhibition for 42 days and to receive a report on submissions following the public exhibition.
- 17 At the Ordinary Council Meeting held on 28 June 2022 Council endorsed the Newcastle 2040 Community Strategic Plan with the vision that Newcastle will be a liveable, sustainable, inclusive global city.
- 18 Within CSP theme of Sustainable Newcastle and Priorities of Action on Climate Change and Circular Economy CN will:

Objective – Towards net zero emissions

- i) Achieve net zero emissions by increasing energy and waste efficiency reducing emissions from buildings, transport, infrastructure, and supply chains
- ii) Encourage clean technology and future energy initiatives and industries

Objective - Design out Waste

- i) Create sustainable material cycles through the city's economy
- ii) Establish resource recovery industries and circular economy precincts
- iii) Increase recycling and productive use of organics

CONSULTATION

- 19 The community engagement element of the Strategy, sought to be as far reaching as possible across the local government area. Broad scale engagement approaches were utilised including traditional media, mailed newsletters to all households, and targeted stakeholder approaches that aimed to engage those likely to be most interested and impacted by the Strategy. Particular attention was paid to those residents living in the suburbs adjacent to the Summerhill Waste Management Centre, which is the centrepiece of the Strategy.

- 20 Extensive consultation and engagement was undertaken with key stakeholders both prior to and during the public exhibition period to inform the Strategy. Briefings were provided to:
- i) Councillors
 - ii) City of Newcastle Leadership Team
 - iii) Strategy and Innovation Advisory Committee
 - iv) Infrastructure Advisory Committee
 - v) Liveable Cities Advisory Committee
 - vi) Community and Culture Advisory Committee
 - vii) Newcastle Youth Council
 - viii) Guraki Aboriginal Advisory Committee
- 21 A Communications and Engagement Program specifically developed to support the Strategy included a Close the Loop Art competition for school engagement, as well as an Industry and Stakeholder event and multiple Community Events for the community to discuss the Strategy and have their say on the topic of waste and circularity.
- 22 The Strategy was placed on public exhibition for 42 days and promoted through CN's website and social media sites allowing for submissions from internal and external stakeholders.
- 23 The opportunity to provide comment was promoted through channels including the Newcastle Herald, LinkedIn, Facebook and industry specific newsletters. The Engagement Report at **Attachment D** provides a list of promotional details.
- 24 Direct Engagement with the Strategy measured 19,818 proactive interactions with a total reach of 450,230 unique people who heard of the Strategy. Forty five individual submissions were received from industry stakeholders community members and/or community groups.

BACKGROUND

- 25 CN has developed The Strategy to provide waste minimisation and recycling solutions to the community while ensuring the long-term sustainability of its waste and resource recovery operations. CN will achieve this by Summerhill Waste Management Centre being an innovative resource recovery hub creating enduring value for customers, community and the environment.

OPTIONS

Option 1

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

Option 2

- 27 Council resolves not to adopt The Strategy. This is not the recommended option.

ATTACHMENTS

Item 93 Attachment A: Our Sustainable Waste Strategy – Strategic Framework

Item 93 Attachment B: Our Sustainable Waste Strategy – White Paper

Item 93 Attachment C: Our Sustainable Waste Strategy – Delivery Plan

Item 93 Attachment D: Our Sustainable Waste Strategy – Engagement Report

Item 93 Attachments A-D distributed under separate cover

ITEM-94 CCL 22/11/22 - ADOPTION OF NEWCASTLE CULTURAL PRECINCT CONCEPT MASTERPLAN

REPORT BY: CREATIVE & COMMUNITY SERVICES
CONTACT: ACTING EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES

PURPOSE

To adopt the Newcastle Cultural Precinct Concept Masterplan (the **Masterplan**).

RECOMMENDATION

That Council:

- 1 Adopts the Newcastle Cultural Precinct Concept Masterplan at **Attachment A**.

KEY ISSUES

- 2 The Masterplan responds to a Council resolution from October 2020 to explore the creation of a formal 'Civic Cultural Precinct', to ensure long-term planning for protection of the city's cultural institutions as well as ways of enhancing and better activating the precinct.
- 3 The purpose of the Masterplan is to define a precinct of appropriate size for Newcastle's Civic cultural institutions and the streets and public spaces that connect them, for cultural and economic development and protection of heritage within the area.
- 4 A vision statement was developed during Masterplan consultation *to grow the visitor economy in Greater Newcastle by creating a nationally significant platform for arts, culture, festivals and expression. This will be achieved by unifying the strengths and ambitions of existing cultural institutions, and then connecting these institutions along corridors of complementary economic activity (a north-south axis and an east-west axis).*
- 5 The Masterplan aligns with Newcastle 2040, the NSW Cultural Infrastructure Plan 2025 and the Greater Newcastle Metropolitan Plan 2036 and acknowledges recent and historical concepts and planning outcomes that have shaped parts of the precinct.
- 6 A key objective of the Masterplan is to articulate existing and emerging opportunities. Rather than designing a new destination, the Masterplan focuses on and maximises the relationships and lines of sight that exist between institutions, businesses and the public domain – creating an opportunity to see familiar places through fresh eyes.

- 7 While the precinct does not have hard borders it can be defined as being at the confluence of distinct areas that are locally defined as Honeysuckle (north), the Civic (central), Laman Street, Tower Cinemas, and the edge of the Hunter Street Mall (East).
- 8 The Masterplan will assist in placing a cultural lens over works and activities in the precinct, providing a framework for planned and activated public domain that contributes to the social fabric, liveability and local character.
- 9 The Masterplan provides a 'roadmap' for enhancing a vibrant Cultural Precinct – the Newcastle Arts Precincts Axes (NAPA). It identifies five 'Big Moves' that will reshape the precinct along with a series of smaller actions that take place within the main strategic intervention and are presented in the Action Plan.
- 10 The NAPA is loosely defined by the institutions and public spaces adjacent to: a north-south corridor between Honeysuckle Drive and Newcastle Art Gallery, and an east-west corridor between Perkins Street and the University of Newcastle's Q Building at the corner of Honeysuckle Drive and Worth Place.
- 11 A needs analysis identified five issues impacting arts and culture infrastructure in Newcastle's CBD including:
 - i) lack of precinct-wide vision to support requests for State and Federal funding;
 - ii) fragmented and inconsistent visitor experience within the precinct;
 - iii) limited collaboration between cultural institutions, tourism operators and small business;
 - iv) permeability and connectivity issues within and around the precinct; and
 - v) escaped expenditure from the Newcastle Local Government Area on arts and culture.
- 12 Delivery of the Masterplan requires ongoing collaboration between City of Newcastle (CN), its cultural institutions, the University of Newcastle, small businesses, landowners and the community.

FINANCIAL IMPACT

- 13 There are no immediate financial costs associated with adopting the Masterplan. Future CN activities and projects in the area will reference the Masterplan to ensure the NAPA and identified interventions are considered in relevant planning, grant funding opportunities and budget processes.

NEWCASTLE 2040 ALIGNMENT

- 14 The Newcastle Cultural Precinct Concept Masterplan is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Liveable Newcastle

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Great spaces
 - 1.1.2 Well-designed places
 - 1.1.3 Protected heritage places

- 1.2 Connected and fair communities
 - 1.2.1 Connected communities
 - 1.2.2 Inclusive communities
 - 1.2.3 Equitable communities
 - 1.2.4 Healthy communities

Creative Newcastle

- 3.1 Vibrant and creative city
 - 3.1.1 Vibrant events
 - 3.1.2 Bold and challenging programs
 - 3.1.3 Tourism and visitor economy
 - 3.1.4 Vibrant night-time economy

- 3.3 Celebrating culture
 - 3.3.1 Nurture cultural and creative practitioners
 - 3.3.2 Promote Newcastle as a major arts and cultural destination
 - 3.3.3 Culture in everyday life

- 3.4 City-shaping partnerships
 - 3.4.1 Optimise city opportunities
 - 3.4.2 Advocacy and partnership

Achieving Together

- 4.1 Inclusive and integrated planning
 - 4.1.2 Integrated planning and reporting

IMPLEMENTATION PLAN/IMPLICATIONS

- 15 Implementation of the Masterplan links with key regional planning documents including Create in NSW: NSW Arts and Cultural Policy Framework; NSW Visitor Economy Strategy 2030; the NSW Cultural Infrastructure Plan 2025; and the Greater Newcastle Metropolitan Plan 2036.

- 16 The Masterplan aligns with CN's Draft Local Social Strategy, Destination Management Plan 2021 and the Economic Development Strategy 2021.

- 17 Implementation will require ongoing collaboration across CN, and between CN and external stakeholders including University of Newcastle, small businesses, landowners and the community. Creation of a Precinct Steering Committee will be considered to oversee and evolve delivery of the Masterplan.

- 18 The Draft Special Business Rate (SBR) policy includes assessment criteria that includes how projects support the outcomes of the Newcastle 2040 Community Strategic Plan and relevant CN plans and strategies. The SBR may be an avenue to support better activation within the Newcastle Cultural Precinct Concept Masterplan.

RISK ASSESSMENT AND MITIGATION

19 There are no foreseen risks with the adoption of the Masterplan.

RELATED PREVIOUS DECISIONS

20 Council resolved a Lord Mayoral Minute on 27 October 2020 with Part B of the resolution being:

Part B: City of Newcastle Civic Cultural Precinct

That City of Newcastle:

- i) Supports the Community and Cultural Advisory Committee and Chairperson Cr Carol Duncan who have resolved to explore the creation of a formal Civic Cultural Precinct to ensure appropriate long-term planning for the protection of the City's cultural institutions, including:
 - Newcastle Art Gallery
 - University of Newcastle's School of Music and Conservatorium
 - University House
 - City Hall
 - Civic Theatre
 - Civic Playhouse
 - Newcastle Region Library
 - Wheeler Place
 - Newcastle Visitor Information Centre
 - Newcastle Museum
 - Victoria Theatre
- ii) Includes City of Newcastle's support for the creation of a formal Civic Cultural Precinct, and the benefits of defining such a Precinct for economic development and protection of cultural heritage in Newcastle, in our submission to the Parliamentary Inquiry.

CONSULTATION

21 The Masterplan was developed with extensive stakeholder engagement in 2021 via interviews with 23 cultural institutions, community groups and local businesses.

22 The Masterplan was presented to the Community and Culture Advisory Committee in February and October 2022 and in November 2021.

23 A Councillor Workshop was held on 8 November 2022.

BACKGROUND

24 Two key cultural projects are currently underway and are significant anchors in the precinct, being the expansion of the Newcastle Art Gallery; and the revitalisation of the Victoria Theatre.

25 Other significant improvements and activity in the precinct include recent upgrades to City Hall, improvements to Hunter Street Mall, opening of two five-star hotels and the recent attraction of the Broadway production *Come from Away* to the Civic Theatre in February 2023.

- 26 The Masterplan is supported by an economic assessment that provides an estimated economic contribution of the Newcastle Cultural Precinct at full capacity, translating into direct and indirect positive economic impact including on household income, employment and overall value add.

OPTIONS

Option 1

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

Option 2

- 28 Council resolves not to adopt the Masterplan. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 94 Attachment A: Newcastle Cultural Precinct Concept Masterplan

Item 94 Attachment A distributed under separate cover

ITEM-95 CCL 22/11/22 - ENDORSEMENT OF 2021/2022 ANNUAL REPORT

REPORT BY: CORPORATE SERVICES
CONTACT: INTERIM EXECUTIVE DIRECTOR CORPORATE SERVICES /
MANAGER FINANCE, PROPERTY AND PERFORMANCE

PURPOSE

To endorse City of Newcastle's (CN) 2021/22 Annual Report (Report) in accordance with section 428 of the Local Government Act 1993 (Act) and clause 217 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

- 1 Endorses CN's 2021/22 Annual Report and its submission to the NSW Minister for Local Government by 30 November 2022.

KEY ISSUES

- 2 The Report details CN's achievements against the strategic objectives and performance measures outlined in the 2018-2022 Delivery Program and the 2021/22 Operational Plan, as required by the Act.
- 3 The Report addresses the seven key focus areas identified in the Newcastle 2030 Community Strategic Plan (CSP).
- 4 To comply with section 428 of the Act and clause 217 of the Regulation, CN must provide a copy of the Report to the NSW Minister for Local Government and place a copy on CN's website by 30 November 2022.

FINANCIAL IMPACT

- 5 Costs associated with preparing the Report were met from existing operational budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The Report outlines CN's performance against the seven strategic directions documented within the Newcastle 2030 CSP.
 - Integrated and Accessible Transport
 - Protected Environment
 - Vibrant, Safe and Active Public Places
 - Inclusive Community
 - Liveable Built Environment
 - Smart and Innovative
 - Open and Collaborative Leadership

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 Following endorsement, the Report will be submitted to the NSW Minister for Local Government and placed on CN's website by 30 November 2022.

RISK ASSESSMENT AND MITIGATION

- 8 CN is required to undertake planning and reporting activities in accordance with the Local Government Act 1993 and clause 217 of the Local Government (General) Regulation 2005.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 26 June 2018 Council endorsed the Newcastle 2030 Community Strategic Plan.
- 10 At the Ordinary Council Meeting held on 25 May 2021, Council adopted the 2021/22 Our Budget (2018-2022 Delivery Program and 2021/22 Operational Plan).
- 11 At the Ordinary Council Meeting held on 26 October 2022, Council adopted the audited 2021/22 Annual Financial Statements.
- 12 At the Ordinary Council Meeting held on 26 April 2022, Council adopted our new Community Strategic Plan, *Newcastle 2040*.

CONSULTATION

- 13 There is no requirement for public consultation for the Report.

BACKGROUND

- 14 The Report addresses all statutory requirements as outlined in the Act and the Regulations.
- 15 This Report is the last to evaluate against the *Newcastle 2030* CSP and its 7 strategic directions. Future annual reports will report against the new CSP, *Newcastle 2040*.

OPTIONS

Option 1

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

Option 2

- 17 Council resolves not to endorse the 2021/22 Report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 95 Attachment A: City of Newcastle 2021/22 Annual Report

Item 95 Attachment A distributed under separate cover

ITEM-96 CCL 22/11/22 - ADOPTION OF PLANNING AGREEMENT FOR 10 DANGAR STREET, WICKHAM

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

PURPOSE

To adopt the Planning Agreement for 10 Dangar Street, Wickham.

RECOMMENDATION

That Council:

- 1 Adopts the Planning Agreement for 10 Dangar Street, Wickham (**Attachment A**) and authorises the Chief Executive Officer (CEO) to execute the Planning Agreement.
- 2 Notes that City of Newcastle (CN) received no submissions on the draft Planning Agreement during public exhibition.

KEY ISSUES

- 3 DA2022/00448 was lodged with CN on 20 May 2022 seeking alterations and additions to an approved development (DA2018/01197.02) at 10 Dangar Street, Wickham. The current application includes an offer to enter into a Planning Agreement with CN.
- 4 The Planning Agreement proposes a monetary contribution of \$1,587,976.50 to CN in connection with the proposed development at the site. The contribution will be used towards the provision of local public amenities or infrastructure that support the implementation of the Wickham Masterplan 2021 (WMP 2021) and the Wickham Public Domain Plan (in progress).
- 5 The monetary contribution is based on the floorspace additional to that approved under DA2018/01197.02. It is consistent with the draft rate based on gross floor area (GFA Rate) in the Community Infrastructure Incentives Planning Proposal (\$518.10 per sqm of additional floorspace) which was endorsed by Council in March 2022.
- 6 CN exhibited the draft Planning Agreement and Explanatory Note from 29 September to 28 October 2022. CN did not receive any submissions during the public exhibition period.

FINANCIAL IMPACT

- 7 The Planning Agreement will assist CN in providing community infrastructure in Wickham not otherwise funded under section 7.11 or section 7.12 infrastructure contributions.

- 8 The Planning Agreement was amended post-exhibition to include a clause requiring the indexation of the monetary contribution at time of payment (prior to the issuing of an Occupation Certificate). This is consistent with the Community Infrastructure Incentives Policy for Wickham.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 9 The Planning Agreement is consistent with the Newcastle 2040 Community Strategic Plan and will contribute to implementing the following objectives:

1.1 Enriched neighbourhoods and places

1.1.1 Great spaces

1.1.2 Well-designed places

1.3 Safe, active and linked movement across the city

1.3.1 Connected cycleways and pedestrian networks

3.4 City-shaping partnerships

3.4.1 Optimise city opportunities

4.2 Trust and transparency

4.2.1 Genuine engagement

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 The Planning Agreement seeks to implement outcomes from the following adopted strategies, plans and policies of Council:

- i) Newcastle 2040 Community Strategic Plan, as identified above.
- ii) Newcastle Local Strategic Planning Statement, including the following planning priorities:
 - a) **Planning Priority 8:** Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.
 - b) **Planning Priority 9:** Sustainable, healthy and inclusive streets, neighbourhoods and local centres.
 - c) **Planning Priority 10:** Development responds to the desired local character of our communities.
 - d) **Planning Priority 14:** Enable the transition to new economy jobs and grow creative industries.

- iii) Wickham Masterplan 2021, including the following key priorities:
 - a) Improve accessibility and connectivity within Wickham and to adjoining areas.
 - b) Create safe, attractive and inclusive public spaces.
 - c) Ensure built environment is functional, responsive and resilient.
- iv) Community Infrastructure Incentives Policy.

RISK ASSESSMENT AND MITIGATION

- 11 An independent legal review of the Planning Agreement and Explanatory Note was undertaken prior to reporting and public exhibition.
- 12 The negotiation and preparation of the Planning Agreement is consistent with CN's Planning Agreements Policy and Planning Agreements Procedure. These documents outline how CN will consider, accept and implement offers made by developers when entering into Planning Agreements.
- 13 Adherence to the requirements of the *Environmental Planning and Assessment Act 1979* and associated Regulation reduces the risk to both CN and the applicant.
- 14 The Planning Agreement does not have any effect unless development consent for the proposed development (DA2022/00448) is granted.
- 15 The Planning Agreement is required to be registered on the title of the land prior to the issuing of a Construction Certificate for the proposed development.
- 16 The Planning Agreement requires the monetary contribution be paid to CN in full prior to the issuing of the Occupation Certificate for the proposed development.

RELATED PREVIOUS DECISIONS

- 17 At the Ordinary Council Meeting on 27 September 2022, Council resolved to place the Planning Agreement and Practice Note on public exhibition for 28 days.

CONSULTATION

- 18 The Planning Agreement and Explanatory Note was exhibited from 29 September to 28 October 2022.
- 19 The Planning Agreement and Explanatory Note was placed on CN's Have Your Say webpage inviting the community to provide comments through written submissions. Notification letters were sent to more than 500 adjoining landowners.
- 20 CN did not receive any submissions on the Planning Agreement during the public exhibition period.

- 21 CN met with representatives of the Greater Lifestyles of Wickham (GLOW) Community Group on 15 November 2022 to provide an update on the Planning Agreement and associated development application for the site.
- 22 DA2022/00448 was renotified concurrently with the Planning Agreement and Explanatory Note. CN is assessing this development application and any submissions made (three submissions) will be considered as part of its assessment.

BACKGROUND

- 23 DA2018/01197 was approved by the Hunter and Central Coast Regional Planning Panel (HCCRP) on 30 April 2019. The application sought the demolition of all structures and the construction of a 14-storey mixed-use development at 10 Dangar Street, Wickham (known as the Bowline Development).
- 24 DA2018/01197.02 sought to amend approved DA2018/01197 with an additional basement level, additional office space and other amendments. HCCRP approved this application on 6 May 2021.
- 25 DA2022/00448 lodged with CN on 20 May 2022 proposes to increase the Floor Space Ratio (FSR) from the approved 5.87:1 to 6.9:1 and increase the Height of Buildings (HOB) from the approved 47.65m to 58.75m through a variation to the controls in Newcastle Local Environmental Plan 2012.
- 26 These changes add approximately 3,065m² of GFA above that approved on the site. This would create three additional residential storeys above the approved fourteen storey development.
- 27 The variation is consistent with the adopted WMP 2021 and the Community Infrastructure Incentives Planning Proposal. In these documents the site has a maximum incentive HOB of 60m and a maximum incentive FSR of 7:1.

OPTIONS

Option 1

- 28 The recommendation as at Paragraphs 1 – 2. This is the recommended option.

Option 2

- 29 That Council does not endorse the Planning Agreement and authorise the Chief Executive Officer (CEO) to execute the Planning Agreement. This is not the recommended option.

ATTACHMENTS

Item 96 Attachment A: Planning Agreement – 10 Dangar Street, Wickham

Item 96 Attachment A distributed under separate cover

ITEM-97 CCL 22/11/22 - PUBLIC EXHIBITION OF PLANNING AGREEMENT FOR 30 AND 31 VISTA PARADE, KOTARA

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

PURPOSE

To place the Planning Agreement for 30 and 31 Vista Parade, Kotara (St James Primary School) on public exhibition.

RECOMMENDATION

That Council:

- 1 Places the Planning Agreement (**Attachment A**) and Explanatory Note (**Attachment B**) for 30 and 31 Vista Parade, Kotara on public exhibition for 28 days.
- 2 Considers a report on the Planning Agreement and Explanatory Note following public exhibition.

KEY ISSUES

- 3 DA2019/00966 was lodged with City of Newcastle (CN) on 30 August 2019 seeking approval for alterations and additions to the educational establishment (385 students increasing to 630 students), new childcare centre (79 places) and subdivision – Community Title (2 into 3 lots), associated site works, landscaping and signage, at 30 and 31 Vista Parade, Kotara (St James Primary School).
- 4 The Hunter & Central Coast Regional Planning Panel (HCCRPP) refused the application on 29 March 2021 based on the proposed development's impact on the surrounding road network.
- 5 CN's assessment of the application recommended it for refusal based on the development's impact on traffic, safety and residential amenity in the area.
- 6 DA2019/00966 is now subject to a Class 1 Appeal lodged in the Land and Environment Court by the applicant against the refusal from the HCCRPP.
- 7 The Planning Agreement requires the dedication of approximately 90m² of land to CN to widen Vista Parade, with the applicant to undertake road widening works and the construction of a roundabout and intersection upgrade works at the intersection of Princeton Avenue and Vista Parade at its cost. It also includes associated infrastructure, footpaths, signage and bus stop relocation. These works are required to manage the traffic impacts of the proposed development.
- 8 The Planning Agreement would not be subject to the Court proceedings and is a separate matter for CN to resolve.

- 9 The Explanatory Note provides a summary of the Planning Agreement in plain English, as required by clause 205 of *the Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). The Explanatory Note contains an assessment of the merits of the Planning Agreement and how it promotes the public interest.

FINANCIAL IMPACT

- 10 The Planning Agreement requires the dedication of land to CN to widen Vista Parade. The applicant will undertake the road widening works, construction of the roundabout and intersection upgrades at its cost.
- 11 The applicant will fund the preparation of the Planning Agreement and pay required fees to CN to conduct its legal review and public exhibition.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 12 The Planning Agreement is consistent with Newcastle 2040 Community Strategic Plan. It will contribute to implementing the following objectives:

1.3 Safe, active and linked movement across the city

1.3.1 Connected cycleways and pedestrian networks

1.3.2 Road networks

4.2 Trust and Transparency

4.2.1 Genuine engagement

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 The Planning Agreement seeks to implement outcomes from the Newcastle 2040 Community Strategic Plan, as identified above.
- 14 The Planning Agreement requires land be dedicated to CN prior to the issue of any Roads Act Approval.

RISK ASSESSMENT AND MITIGATION

- 15 An independent legal review of the Planning Agreement and Explanatory Note was undertaken prior to reporting and public exhibition.
- 16 The negotiation and preparation of the Planning Agreement is consistent with CN's Planning Agreements Policy and Planning Agreements Procedure. These documents outline how CN will consider, accept and implement offers made by developers to enter into Planning Agreements.
- 17 Adherence with the legislative framework outlined in the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the EP&A Regulation reduces the risk to both CN and the applicant.

RELATED PREVIOUS DECISIONS

18 Nil.

CONSULTATION

- 19 The exhibition period provides opportunity for public consultation on the Planning Agreement and Explanatory Note. Exhibition material will be placed on the CN website in accordance with the EP&A Regulation and consistent with CN's adopted Community Participation Plan.
- 20 DA2019/00966 was exhibited from 9 September 2019 to 25 September 2019. The 13 submissions had key concerns relating to congestion during peak hours, on-street parking and additional traffic resulting from the proposal.

BACKGROUND

- 21 DA2019/00966 was lodged with CN on 30 August 2019 seeking approval for a new childcare centre, additions to the existing education establishment to increase capacity from 385 to 630 students, community subdivision (two into three lots), associated site works, landscaping and signage at 30 and 31 Vista Parade, Kotara.
- 22 The applicant requested HCCRPP defer DA2019/00966 on 2 December 2020 to lodge a Traffic Plan of Management. At the Panel meeting on 29 March 2021, DA2019/00966 was refused due to impacts the development would have on the surrounding road network and the degree of intensification proposed for the site.
- 23 DA2019/00966 is subject to a Class 1 Appeal lodged in the Land and Environment Court by the applicant against the refusal of the application.

OPTIONS

Option 1

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

Option 2

- 25 That Council does not endorse the Planning Agreement and Explanatory Note for public exhibition. This is not the recommended option.

ATTACHMENTS

Item 97 Attachment A: Planning Agreement – 30 and 31 Vista Parade, Kotara

Item 97 Attachment B: Explanatory Note – 30 and 31 Vista Parade, Kotara

Item 97 Attachments A-B distributed under separate cover

ITEM-98 CCL 22/11/22 - SUPPLEMENTARY REPORT - ADOPTION OF NEWCASTLE HERITAGE POLICY

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

PURPOSE

To adopt the revised Newcastle Heritage Policy.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 Policies are key control documents for City of Newcastle (CN) that mitigate risk. Policies are most effective when they are regularly reviewed and updated.
- 3 It is recommended Council re-adopt all policies within the first 12 months of their new term. Benefits of re-adopting policies within the first 12 months of the new Council term include:
 - i) All policies are on a consistent review cycle;
 - ii) Councillors have assurance that all Council adopted policies are up to date;
 - iii) Councillors are aware of the policies early in the term which provides the opportunity to understand their application and content.
- 4 The revised policy (with tracked changes) and a summary of the Policy is at **Attachment A**.
- 5 At the Council Meeting on 26 July 2022, Council resolved to exhibit the policy for 28 days and receive a report on community submissions prior to adoption.
- 6 At the Council Meeting on 25 October 2022, Council resolved to lay the policy on the table so it can be reviewed by the Community and Culture Advisory Committee before coming back to the next Ordinary Council meeting.
- 7 The policy outlines CN's commitment to heritage conservation by identification, preservation, conservation, celebration and promotion of the city's rich cultural heritage. Council adopted the current policy on 22 June 2013, its review ensures alignment with CN's Heritage Strategy 2020-2030, adopted in October 2020.
- 8 CN exhibited the policy for 28 days from 15 August 2022 to 12 September 2022.

- 9 Five written submissions were received. Refer to **Attachment B** for the Summary of Submissions.
- 10 Overall, feedback supports the policy's vision and content. Some comments express concern CN needs to improve its protection and support for heritage conservation, and a few suggested minor amendments to the policy. This included the need to identify the components of Newcastle's heritage to preserve, and to encourage installation of solar panels in heritage conservation areas to curtail climate change. Such suggestions are comprehensively addressed in the policy. As such, the exhibited policy has not been further amended.
- 11 The policy was presented to the Community and Culture Advisory Committee for review on 31 October 2022. Overall feedback was supportive, and no changes were suggested.

FINANCIAL IMPACT

- 12 There is no budget implication in adopting the Council policy.

NEWCASTLE 2040 ALIGNMENT

- 13 Adopting the policy is consistent with the priorities of Newcastle 2040 Community Strategic Plan (CSP), including:

1 Liveable

1.1 Enriched neighbourhoods and places

1.1.3 Protected heritage places

3 Creative

3.3 Celebrating culture

3.3.3 Culture in everyday life

IMPLEMENTATION PLAN/IMPLICATIONS

- 14 Adopted Council policies are published on CN's website.

RISK ASSESSMENT AND MITIGATION

- 15 Reviewing policies regularly and in line with each Council term ensures that policies remain up-to-date and relevant.

RELATED PREVIOUS DECISIONS

- 16 At the Council Meeting on 22 June 2013, Council resolved to adopt the Newcastle Heritage Policy.
- 17 At the Council Meeting on 26 July 2022, Council resolved to exhibit the policy for 28 days and receive a report on community submissions prior to adoption.

- 18 At the Council Meeting on 25 October 2022, Council resolved to lay the policy on the table so it can be reviewed by the Community and Culture Advisory Committee before coming back to the next Ordinary Council meeting.

CONSULTATION

- 19 The policy was circulated for internal consultation with relevant staff.
- 20 CN exhibited the policy for 28 days, 15 August 2022 to 12 September 2022.
- 21 Five written submissions were received. Refer to **Attachment B** for the Summary of Submissions.
- 22 The policy was presented to the Community and Culture Advisory Committee for review on 31 October 2022 and overall feedback was positive.

BACKGROUND

- 23 Council adopted the current policy on 22 June 2013, its review ensures alignment with CN's Heritage Strategy 2020-2030, adopted in October 2020. Revised policies are ideally presented to Council to consider during the first 12 months of the Council term.

OPTIONS

Option 1

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

Option 2

- 25 Council does not adopt the recommendations as at Paragraph 1. This is not the recommended option.

REFERENCES

[Ordinary Council Meeting Agenda - 25 October 2022 - Item 84 Original report to Council](#)

ATTACHMENTS

Item 98 Attachment A: Adoption of Newcastle Heritage Policy
Item 98 Attachment B: Summary of Submissions –Newcastle Heritage Policy

Item 98 Attachments A-B distributed under separate

ITEM-99 CCL 22/11/22 - ADOPTION OF COMPLIANCE AND ENFORCEMENT POLICY

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

PURPOSE

To adopt City of Newcastle's (CN's) Compliance and Enforcement Policy (the Policy).

RECOMMENDATION

That Council:

- 1 Adopts City of Newcastle's Compliance and Enforcement Policy at **Attachment A**.

KEY ISSUES

- 2 The Compliance and Enforcement Policy was adopted in June 2019 (the current Policy) and provides a framework for internal and external stakeholders on CN's process for compliance and enforcement matters.
- 3 In December 2015, the NSW Ombudsman issued its Model Compliance and Enforcement Model Policy (Model Policy) which is intended to be used as a foundation for council policies.
- 4 Policies are key control documents for City of Newcastle (CN) that mitigate risk and are only effective when they are regularly reviewed and updated.
- 5 CN has a process that all policies are reviewed and re-adopted within the first 12 months of a new Council term. The benefits of re-adopting policies within the first 12 months of Council term include:
 - i. All policies are on a consistent review cycle;
 - ii. Councillors have assurance that all Council adopted policies are up to date;
 - iii. Councillors are aware of the policies early in the term which provides the opportunity to understand their application and content.
- 6 The current Policy has been reviewed and key changes include:
 - i) updated reference to CN's current related policies and procedures including risk assessment and prioritisation.
 - ii) updated reference to current related guidelines and legislation.
- 7 A tracked changes version of the Policy is at **Attachment A** for ease of reference

FINANCIAL IMPACT

8 There is no budget implication in adopting the Policy.

NEWCASTLE 2040 ALIGNMENT

9 The Policy is consistent with the strategic directions of the Newcastle 2040 Strategic Plan.

Liveable

1.1.3 Protected heritage places

1.2.4 Healthy communities

1.3.3 Managed parking

IMPLEMENTATION PLAN/IMPLICATIONS

10 There will be no significant change in CN's compliance and enforcement approach and no need for an implementation plan. Relevant staff will be informed of the adoption of the Policy and appraised of its content.

RISK ASSESSMENT AND MITIGATION

11 The Policy is consistent with and incorporates relevant elements of the Model Policy. The adoption and consistent implementation of the Policy will further reduce and mitigate risks to CN in the ongoing compliance and enforcement work undertaken whilst also allowing appropriate allocation of resources.

RELATED PREVIOUS DECISIONS

12 At the Ordinary Council Meeting on 25 June 2019, Council resolved to adopt the current Policy.

CONSULTATION

13 As the Policy is required to align with legislation, is aligned with the Model Policy and results in no significant change in CN's compliance and enforcement approach, publicly exhibiting the policy is not considered necessary.

BACKGROUND

14 The Compliance Policy was first adopted in September 2013, reviewed and adopted in its current form in June 2019.

OPTIONS

Option 1

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

Option 2

- 16 Council does not adopt the recommendations as at Paragraph 1. This is not the recommended option.

REFERENCES

- 17 NSW Ombudsman's Model Compliance and Enforcement Model Policy

ATTACHMENTS

Item 99 Attachment A: Compliance and Enforcement Policy (tracked changes)

Item 99 Attachment B: Compliance and Enforcement Policy (clean version)

Item 99 Attachments A-B distributed under separate cover

ITEM-100 CCL 22/11/22 - ADOPTION OF COUNCIL POLICIES

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

PURPOSE

To adopt Council policies.

RECOMMENDATION

That Council:

- 1 Adopts the Donations Program Policy at **Attachment A**.
- 2 Adopts the Procurement Policy at **Attachment B**.
- 3 Adopts the Public Voice and Public Briefings Policy at **Attachment C**.

KEY ISSUES

- 4 Policies are key control documents for City of Newcastle (CN) that mitigate risk. They are critical to supporting effective and evidence-based decision making and ensure CN complies with relevant legislation and guidelines. Policies are only effective when they are regularly reviewed and updated.
- 5 It is recommended that all policies adopted by the former Council be re-adopted by the new Council, ideally within the first 12 months of the new term. The benefits of re-adopting policies within the first 12 months of Council term include:
 - i. All policies are on a consistent review cycle;
 - ii. Councillors have assurance that all Council adopted policies are up to date;
 - iii. Councillors are aware of the policies early in the term which provides the opportunity to understand their application and content.
- 6 The revised policies (with tracked changes) and a summary of each policy is at Attachments A - C.

FINANCIAL IMPACT

- 7 There is no budget implication in adopting Council policies.

NEWCASTLE 2040 ALIGNMENT

- 8 Adopting these policies is consistent with the priorities of the Newcastle 2040 Community Strategic Plan.

4 Achieving Together

4.2 Trust and Transparency

4.2.1 Genuine engagement

4.2.2 Shared information and celebration of success

4.2.3 Trusted Customer Experience

IMPLEMENTATION PLAN/IMPLICATIONS

9 Adopted Council policies are published on CN's website.

RISK ASSESSMENT AND MITIGATION

10 Reviewing policies regularly and in line with each Council term ensures that policies remain up-to-date and relevant.

RELATED PREVIOUS DECISIONS

11 At the Ordinary Council Meeting held on 26 June 2018, Council adopted the Donations Program Policy.

12 At the Ordinary Council Meeting held on 10 December 2019, Council adopted the Procurement Policy.

13 At the Ordinary Council Meeting held on 26 July 2022, Council resolved to exhibit the Public Voice and Public Briefings Policy for 28 days and receive a report on community submissions prior to adoption.

CONSULTATION

14 Refer to the summary document included at Attachments A – C.

BACKGROUND

15 Nil.

OPTIONS

Option 1

16 The recommendation as at Paragraphs 1 – 3. This is the recommended option.

Option 2

17 Council does not adopt the recommendations as at Paragraphs 1 – 3. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 100 Attachment A: Donations Program Policy

Item 100 Attachment B: Procurement Policy

Item 100 Attachment C: Public Voice and Public Briefings Policy

Item 100 Attachments A-C distributed under separate cover

ITEM-101 CCL 22/11/22 - SEPTEMBER QUARTERLY BUDGET REVIEW

REPORT BY: CORPORATE SERVICES
CONTACT: INTERIM EXECUTIVE DIRECTOR CORPORATE SERVICES /
MANAGER FINANCE, PROPERTY AND PERFORMANCE

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 30 September 2022, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

That Council:

- 1 Receives the September Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein.

KEY ISSUES

- 2 The September Quarterly Budget Review Statement includes adjustments to the Adopted Budget to reflect trends identified in the actual operating performance to date for the 2022/23 financial year. The operational budget variations have a net favorable impact of \$0.7m on CN's operating position and forecasts an annual budget surplus of \$1.95m for the year ended 30 June 2023.
- 3 The adjustments recommended through the September Quarterly Budget Review Statement require CN to use \$6.3m less funds than previously predicted. CN is now forecasting to transfer \$25.6m to cash reserves for the full financial year 2022/23 and is forecast to maintain \$23.9m in unrestricted cash reserves at 30 June 2023.
- 4 The 2022/23 works program was reviewed as part of the September Quarterly Budget Review Statement and scheduling changes were made to projects to ensure CN was best placed to respond to community priorities. Overall, the scheduling changes result in a decrease in the total cost of the works program of \$0.3m. The works program for the full financial year is forecast at \$132.3m.

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving together

4.1.1 Financial Sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2022 - 2026 Delivery Program and 2022/23 Operational Plan in a cost effective and efficient manner.

RISK ASSESSMENT AND MITIGATION

- 8 Adoption by Council at the Ordinary Council Meeting to be held on 22 November 2022 will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council meeting held on 28 June 2022, Council adopted the 'Delivering Newcastle 2040' (2022 - 2026 Delivery Program and 2022/23 Operational Plan).

CONSULTATION

- 10 A workshop was conducted with Councillors on 15 November 2022 to provide detailed information and a forum to ask questions.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 101 Attachment A: September Quarterly Budget Review Statement

Item 101 Attachment A distributed under separate cover

ITEM-102 CCL 22/11/22 - SEPTEMBER QUARTERLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM

REPORT BY: CORPORATE SERVICES
CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES / MANAGER FINANCE, PROPERTY AND PERFORMANCE

PURPOSE

To report progress against the 2022-2026 Delivery Program for the September Quarter in accordance with the NSW Local Government Act 1993.

RECOMMENDATION

That Council:

- 1 Receives the 2022-2026 Delivery Program - September Quarterly Performance Report (Report) at **Attachment A**.

KEY ISSUES

- 2 Section 404(5) of the NSW Local Government Act 1993 (Act) requires councils to report at least every six months on the progress of the 'principle activities' detailed in its Delivery Program. City of Newcastle's (CN) quarterly updates are over and above the statutory requirement.
- 3 The Report outlines CN's achievements under the 2022-2026 Delivery Program (Delivering Newcastle 2040 - 2022-23) against the four key focus areas within *Newcastle 2040* (our Community Strategic Plan):
 - i) Liveable
 - ii) Sustainable
 - iii) Creative
 - iv) Achieving Together

FINANCIAL IMPACT

- 4 There are no financial implications arising from the report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 The Report outlines performance against *Newcastle 2040*.

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 The Report will be published on CN's website.

RISK ASSESSMENT AND MITIGATION

- 7 The Report fulfills CN's statutory reporting activities.

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 26 April 2022, Council adopted our new Community Strategic Plan, *Newcastle 2040*.
- 9 At the Ordinary Council Meeting on 28 June 2022 Council resolved to adopt the 2022-23 *Delivering Newcastle 2040* (2022-26 Delivery Program and 2022-23 Operational Plan).

CONSULTATION

- 10 There is no requirement for consultation on Quarterly Performance Reports.

BACKGROUND

- 11 CN's 2022-23 *Delivering Newcastle 2040* (2022-2026 Delivery Program) aligns with the CSP's four strategic directions adopted by Council on 26 April 2022.

The report is the first to report our progress against *Newcastle 2040* and *Delivering Newcastle 2040*.

- 12 A Delivery Program is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are required to be reviewed annually and adopted by 30 June.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 102 Attachment A: September Quarterly Performance Report on 2022-23 Delivering Newcastle 2040 (the 2022-2026 Delivery Program)

Item 102 Attachment A distributed under separate cover

ITEM-103 CCL 22/11/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

REPORT BY: CORPORATE SERVICES
CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES /
MANAGER FINANCE, PROPERTY AND PERFORMANCE

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2022/23 Operational Plan as at the end of October 2022.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993 (Act)*, submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 At the end of October 2022 the consolidated YTD actual operating position is a surplus of \$13m which represents a positive variance of \$13.3m against the budgeted YTD deficit of \$0.3m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full budget for 2022/23 is a surplus of \$1.3m.
- 3 The net funds generated as at the end of October 2022 is a surplus of \$26.8m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$21.1m to the YTD budgeted position of \$5.7m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of October 2022 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Achieving Together

- 4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

- 8 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 103 Attachment A: Executive Monthly Performance Report –
October 2022

Item 103 Attachment distributed under separate cover

NOTICES OF MOTION

ITEM-36 NOM 22/11/22 - RATES NOTICE PROPOSAL TO REDUCE VACANT HOUSING

COUNCILLOR: C MCCABE

PURPOSE

The following Notice of Motion was received on Thursday 10 November 2022 from the abovementioned Councillor.

MOTION

That City of Newcastle;

- 1 notes Priority 1.2.3 'Equitable Communities' of Newcastle 2040 Community Strategic Plan that affirms CN's commitment to 'supporting access to affordable, sustainable and inclusive housing, food, services, programs and facilities which improve quality of life and the strength of our community'.
- 2 notes that according to the 2016 Census, 6,499 or 9.8% of private dwellings in the Newcastle LGA were unoccupied.
- 3 notes that according to the 2021 Census,
 - a. 7.7% of Newcastle's private dwellings were empty (5,531 dwellings)
 - b. social housing stock in the Newcastle LGA contracted from 6.2% to 5.3% of total rental housing stock between 2016 and 2021.
- 4 notes that only a small percentage of empty dwellings would be for Short Term Rental Accommodation (like Airbnb) According to the NSW Dept for Planning, Industry and Environment, there were only 313 registered non-hosted Short Term Rental Accommodation (STRAs) in the Newcastle LGA in September 2022.
- 5 notes that a vacancy rate of 4% or less is considered a tight rental market and that the average vacancy rate for the past year has been 2.5% or lower in the Newcastle LGA.
- 6 Authorise the Lord Mayor to include a message on all future rate notices highlighting the housing crisis in Newcastle and to continue this until the rental vacancy rate improves to higher than 4%.
- 7 Suggests that the wording for the rates notice could be:

'Dear Newcastle ratepayer, our city is currently experiencing a housing crisis and Newcastle City Council is investigating all possible options to ensure that Newcastle remains an affordable place to live for everybody. If you own an unoccupied property, you might be able to assist by improving the extremely low rental vacancy rate. On the 2016 Census night there were 6,499 unoccupied private dwellings and on the 2021 census night there were 5,531. We encourage you to consider leasing any vacant housing to those who are looking for a home to rent. We also encourage you to consider leasing your home through a community housing provider who can lease your dwelling and use state government subsidies to make it affordable for those on low incomes and those escaping domestic violence. Please contact council staff if you would like to discuss these options further.'

and:

- 8 notes CN's commitment to investigate data collection and provision as a community service (see 3.2.4 of the Response to LMM 27/07/2021 Strategies to Ameliorate the Conditions of Those in Homelessness in Newcastle)
- 9 notes that CN already subscribes to Community Profile, Social Atlas and Population Forecast tools of the ID (Informed Decisions) website
- 10 Makes funds available to subscribe to the Housing Monitor, Economic Profile and Community Views tools of the ID website (<https://home.id.com.au/demographic-resources/>) to augment CN commitment to providing evidence based decision making social policy especially in regards to the housing crisis.

BACKGROUND

Housing is generally considered to be affordable if it costs up to 30% of household income. According to the [ANZ Core Logic Housing Affordability Report, May 2022](#) (attachment A) Renters in Newcastle and Lake Macquarie are paying 39.9% of their household income to rent a dwelling, which includes units. The figures to rent a house in Newcastle were reported as 41.1% of household income.

Across the Newcastle and Lake Macquarie local government areas, the proportion of rental households paying more than 30 per cent of their income on rent was 35.2 per cent, almost exactly the same as the state and Greater Sydney averages and above the national average of 32.2 per cent. ([Newcastle Herald 14.7.22](#) -attachment B)

Since these statistics were published, there have been [4 interest rate rises](#) (attachment C) and many reports of rents being pushed up as a result.

While a vacancy rate of 2.5% already indicates a very tight rental market, [the percentage of rental accommodation available to those on low to very low incomes is approaching zero](#) (Attachment D and E), particularly for multi-member families requiring more than 1 bedroom.

Crisis accommodation, short term and long term accommodation for those seeking to escape domestic violence is currently unable to meet demand in Newcastle and the Hunter. Family and domestic violence is the leading cause of homelessness for women and children (Attachment F). In the last two years there has been a significant increase of 13.3% in domestic violence related assault incidents in Newcastle. (Attachment G)

In compiling this Notice of Motion, consultation has been undertaken with Jenny's Place, Hunter Homeless Connect, Home in Place and Catholic Care Social Services Hunter Manning.

ATTACHMENTS

NOM Item 36 Attachment A:

<https://news.anz.com/posts/2022/05/anz-news-corelogic-housing-affordability-report-2022>

NOM Item 36 Attachment B:

<https://www.newcastleherald.com.au/story/7818466/mortgage-and-rental-stress-are-on-the-rise-in-the-hunter-as-wages-fail-to-keep-up/>

NOM Item 36 Attachment C:

<https://www.rba.gov.au/monetary-policy/int-rate-decisions/2022/>

NOM Item 36 Attachment D:

<https://www.anglicare.asn.au/wp-content/uploads/2022/04/Rental-Affordability-Snapshot-Regional-reports.pdf>] see page 147- 151

NOM Item 36 Attachment E:

<https://www.anglicare.asn.au/publications/rental-affordability-snapshot-2022/>

NOM Item 36 Attachment F:

<https://www.equityeconomics.com.au/report-archive/nowhere-to-go-the-benefits-of-providing-long-term-social-housing-to-women-that-have-experienced-domestic-and-family-violence>

NOM Item 36 Attachment G:

https://www.bocsar.nsw.gov.au/Pages/bocsar_crime_stats/bocsar_latest_quarterly_and_annual_reports.aspx

REPORT ON NOTICE OF MOTION - RATES NOTICE PROPOSAL TO REDUCE VACANT HOUSING

REPORT BY: CORPORATE SERVICES

CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES

DIRECTOR COMMENT

Section 127 of the *Local Government Act (General) Regulation 2021* prescribes detailed content which must be included on a Rates Notice. Due to these requirements, Rates Notices are not a suitable mechanism for promoting awareness of non-rating issues.

The Liveable Cities Advisory Committee established the Affordable Housing Working Party to provide strategic guidance on policies and initiatives to boost affordable housing in the Newcastle Local Government Area. The Working Party includes representatives of a range of stakeholder organisations with an interest in affordable housing.

To give the matter of vacant housing due consideration, it is proposed to refer it to the Affordable Housing Working Party, and to request that the Working Party explores options to promote awareness by both CN and other relevant housing providers and stakeholders of the issue of vacant housing and the rental housing crisis.

RECOMMENDATION

That Council:

1. Refers the matter of vacant housing and the rental housing crisis to the Affordable Housing Working Party to explore options to promote awareness, which could be undertaken by CN and other relevant housing providers and stakeholders.
2. Notes that CN will explore options to expand its ID (Informed Decisions) subscription to include the Housing Monitor, Economic Profile and Community Views tools.

ITEM-37 NOM 22/11/22 - STOCKTON EROSION

**COUNCILLORS: J MACKENZIE, C MCCABE, D CLAUSEN, C DUNCAN,
P WINNEY-BAARTZ, M WOOD, E ADAMCZYK,
D RICHARDSON, N NELMES, K WARK, J BARRIE AND
C PULL**

PURPOSE

The following Notice of Motion was received on Tuesday 15 November 2022 from the abovementioned Councillors.

MOTION

That Council:

- 1 Reiterates the urgency of addressing erosion at Stockton which is threatening public and private property. Erosion at Stockton is unique and is caused primarily by the NSW Government's breakwall which ensures the safe operation of the Port of Newcastle.
- 2 Notes that Stockton Beach is Crown Land, owned by the NSW Government.
- 3 Notes that significant work has been undertaken to understand the cause of erosion and beach recession, and gain community support for an evidence-based solution. The NSW Government certified the Stockton Coastal Management Plan in August 2020, which recommends mass sand nourishment via offshore sand extraction (2.4 million cubic metres of sand) as the long-term solution, with a cost estimate of \$21m for the initial sand nourishment, and \$12m in maintenance each decade following.
- 4 Notes that the City of Newcastle (CN) has already invested more than \$4.6m since the adoption of the Coastal Management Plan, towards the total CN commitment of \$27.5 million made in 2020. This covers CN's on-shore works which complement mass nourishment such as buried protection structures and emergency works.
- 5 Supports the successful application to the Federal Government's Coastal and Risk Mitigation Program, which will enable the Commonwealth and Council to co-fund \$6.2million to immediately source 300,000 cubic metres of sand from the entrance of the harbour to provide short-term relief to the current shoreline recession, ahead of mass sand nourishment. The jointly funded project will fund investigations and approvals for sand sources from the north arm of the Hunter River, as well as three suitable bodies of sand in the Stockton Bight, which were identified in the NSW Government's 2021 Stockton Offshore Sand Exploration Project.
- 6 Supports the application for this Federal fund that was submitted by the NSW Government, which identified that the Hunter Central Coast Development Corporation (HCCDC) would project manage the delivery of the grants.

- 7 Acknowledges that mining and offshore sand extraction is not the core business of local government, and is outside our expertise. It is unreasonable that Council would now be required to own a mining licence in order to ensure the survival of a state government asset at risk due to another state government asset (the break wall) that ensures the safe operation of the Port of Newcastle.
- 8 Calls on the NSW Government, which currently holds an Exploration Licence at Stockton, to use its expertise to ensure a planning pathway is secured for offshore extraction as per the NSW Government adopted Stockton CMP.
- 9 Notes that the Mining Licence is just one of the approvals required to extract sand from offshore. Offshore extraction has never before been undertaken in NSW, and there remains uncertainty on the planning pathway.
- 10 Resolves that a mass offshore sand nourishment delivery program must be led by the NSW Government. This will result in significant efficiencies and economies of scale. All extraction approval and licences should sit with this body as per current practise.
- 11 Calls on the NSW Government to honour the commitment it made in the Commonwealth Grant application by directing HCCDC to complete the nominated work to secure the mining licence and planning approvals, noting that funding has been secured from the Commonwealth and City of Newcastle.
- 12 Calls on the NSW Government to fund mass sand nourishment consistent with the Stockton Coastal Management Plan which it endorsed in 2020.

ATTACHMENTS

NOM Item 37 Attachment A:

- Stockton CMP - 2020:
<https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/environment/Our%20Coastline%20-%20Documents/Stockton%20Erosion%20Response%20-%20Documents/Stockton/4219-Stockton-CMP-Appendix-August2020-spreads-FINAL.pdf>

NOM Item 38 Attachment B:

- Monthly Stockton Updates: <https://newcastle.nsw.gov.au/living/environment/our-coastline/coastal-erosion-at-stockton/stockton-works-updates>

ITEM-38 NOM 22/11/22 - CITY NAMING POLICY

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Monday 14 November 2022 from the abovementioned Councillor.

MOTION

That the City of Newcastle

- 1 Notes the importance of geographical place names in our city for navigation and reference purposes, but also in terms of heritage, identity, values and aspirations.
- 2 Notes that geographical naming, especially for new Council assets, provides opportunity for recognising Aboriginal and Torres Strait Islander cultural heritage and history in the public domain, and for reflecting changing demographics and values of the city.
- 3 Notes that Council does not have a City Naming Policy to provide a framework to guide naming proposals for new assets and for changing a name of an existing Council asset.
- 4 Develop a draft Naming Policy to provide a principle-based approach to naming of city assets consistent with the policies of the NSW Geographical Names Board, including consideration of local heritage, diversity, community sensitivity and consultation.

BACKGROUND

The Geographical Names Board is the official body for naming and recording details of places and geographical names in NSW established under the Geographical Names Act 1966. The City of Newcastle has delegation for place naming for city assets, including parks, open spaces, roads and buildings owned or managed by Council. City of Newcastle place naming must be consistent with the legislation and with the Geographical Names Board Place Naming Policy (see attachments below)

In September 2013, Newcastle Council voted unanimously to endorse a proposal to the Geographical Names Board for Newcastle landmarks to be officially dual-named with their traditional Aboriginal names. This proposal was accepted by the GNB, and eight Newcastle Landmarks are officially dual-named. The names are based on Aboriginal references to the landmarks documented in maps, sketches and geological descriptions dating back to as early as 1798.

- Nobbys Head / Whibayganba
- Flagstaff Hill / Tahlbihn
- Pirate Point / Burrabihngarn
- Port Hunter / Yohaaba
- Hunter River (South Channel) / Coquun
- Shepherds Hill / Khanterin
- Ironbark Creek / Toohrnbing
- Hexham Swamp / Burraghinhbihng

ATTACHMENTS

NOM Item 38 Attachment A: Geographical Names Board Place Naming Policy, July 2019:

https://www.gnb.nsw.gov.au/data/assets/pdf_file/0017/220148/GNB_Place_Naming_Policy.pdf

ITEM-39 NOM 22/11/22 - CO-FUNDING AN AERIAL BUNDLED CABLING PROGRAM

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Monday 14 November 2022 from the abovementioned 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 ongoing collaborative relationship between Ausgrid staff, contractors and the City of Newcastle in managing both electrical line clearances and tree canopy to build a mutually beneficial forward plan, especially since January 2021. Outcomes from workshop sessions to date have included the identification of sites where Ausgrid's essential service lines and CN's significant tree stands co-exist, and scoped works options including engineering solutions such as bundled insulated cables.
- Supports Ausgrid's proposal for co-funding of Aerial Bundled Cable (ABC) upgrades in collaboration with Councils as part of their Draft Plan 2024-29.
- Writes a letter of 'in-principle' support to Ausgrid for their ABC program, specifically in support of the budget allocation of \$12.2 million to work with local governments to deliver more aerial bundled cable.
- Writes to the NSW Department of Planning and Environment to request funding to support councils with their contribution towards an ABC program.
- Scope and report to the elected council potential opportunities, in collaboration with Ausgrid, for local ABC upgrades in priority locations in the Newcastle LGA.

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.

However, there is a significant number of street trees in the LGA that 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.

Current practice for street tree maintenance and management under aerial powerlines includes 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. Aerial Bundled Cable (ABC) is an increasingly common engineering solution where overhead low voltage bare wire cables are upgraded to an insulated cable. As a result, trees can grow closer to the wires and can be more precisely pruned around the wires, allowing for larger trees and greater canopy cover.

As noted at the recent Local Government NSW Conference, in preparing for its Draft Plan 2024-29, Ausgrid consulted with Councils through various working groups. At the vegetation management and resilience groups, several councils asked for more aerial bundled cabling. Ausgrid is proposing working with Councils to co-fund upgrades to ABC, as part of a broader climate resilience program. The proposal includes a priority funding program for councils with low urban canopy cover and low proportions of ABC in their overhead network. Priority councils would receive a 70 per cent funding contribution from Ausgrid. It also includes a non-priority program which provides 50 per cent co-funding contribution.

Ausgrid is seeking a letter of 'in-principle' support from councils for the program in their Draft Plan 2024-29, in support of a budget allocation for fund which would see Ausgrid allocating \$12.2 million to work with local governments to deliver more aerial bundled cable.

ATTACHMENTS

Nil.