

Ordinary Council Meeting



City of
Newcastle

DATE: Tuesday, 27 June 2023

TIME: Following the Extraordinary Development Applications Committee Meeting

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

22 June 2023

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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.

City of Newcastle
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- 10.1. **CONFIDENTIAL** NOTICE OF MOTION TO RESCIND A COUNCIL RESOLUTION - ITEM 10.3 - CON 23/05/23 - TENDER REPORT - MANAGEMENT OF INLAND SWIMMING CENTRES CONTRACT NO. 2022/137T

Refer Confidential Ordinary Council Meeting Agenda 27 June 2023 for Item 10.1.

[For documents marked 'Distributed under Separate Cover' refer to Council's website at http://www.newcastle.nsw.gov.au/](http://www.newcastle.nsw.gov.au/)

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

6. CONFIRMATION OF MINUTES

6.1. MINUTES - BRIEFING COMMITTEE 16 MAY 2023

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 230516 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

Attachment A

Minutes

Briefing Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday 16 May 2023 at 6.03 pm.

1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), P Emmett (Development Assessment Section Manager), D McGovern (Acting Executive Manager Community and Recreation), N Kaiser (Interim Executive Manager Media Engagement Economy & Corporate Affairs), M Brooks (Corporate Planning & Performance Manager), A Jones (Director & Interim Manager Waste Services), M Murray (Chief of Staff), L Barnao (Councillor Services/Meetings Support), Warren Haddock (AV/Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. PRAYER

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

4. APOLOGIES / LEAVE OF ABSENCE / REQUEST TO ATTEND BY AUDIOVISUAL LINK

Nil apologies.

MOTION

Moved by Cr Barrie, seconded by Cr McCabe.

The request to attend by audio visual link submitted on behalf of Councillor Wood be received and granted.

Carried

5. DISCLOSURES OF INTEREST

Lord Mayor, Cr Nelmes

The Lord Mayor, Councillor Nelmes declared a non-pecuniary significant interest in item 6.2 – Inland Pools Strategy 2043 stating that she had been invited to the Asset Advisory Committee meeting on Thursday 18 May where an update on the tender for the management of that process will occur. If the briefing moves into discussion about the tender for the operation of the pools, she would manage the interest by leaving the Chamber.

6. REPORTS

6.1. HUNTERNET BRIEFING – INDUSTRY CLUSTERS

Ivan Waterfield, Chief Executive Officer, HunterNet, briefed Council on its background and continued business advocacy and key industry clusters which include Defence, Energy, Manufacturing, Infrastructure, Environment, Export, Medtech and Agriculture.

6.2. INLAND POOLS STRATEGY 2043

Donna McGovern, Acting Executive Manager Community and Recreation, presented findings from community and stakeholder consultation on the draft Inland Pools Strategy 2043 – Our plan for protecting and improving Newcastle's public pools for the next 20 years.

The meeting concluded at 7.15pm.

6.2. MINUTES - ORDINARY COUNCIL MEETING 23 MAY 2023

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 230523 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

Attachment A:

Minutes

Ordinary Council Meeting

Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 23 May 2023 at 6:08pm.



1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), K Hyland (Acting Executive Director Creative and Community Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), A Jones (Director and Interim Waste Services Manager), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Acting Manager Major Events and Corporate Affairs), L Duffy (Acting Executive Director Creative and Community Services), D McGovern (Acting Executive Manager Community & Recreation), B McCall (Commercial & Recyclables Delivery Manager) M Murray (Chief of Staff), L Zoneff (Media Adviser), L Barnao (Councillor Services/Minutes/Meeting Support), K Sullivan (Councillor Services/Minutes/Meetings Support) and Warren Haddock (AV/Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. PRAYER

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

4. APOLOGIES / LEAVE OF ABSENCE / ATTENDANCE BY AUDIO VISUAL LINK

MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

The apologies submitted on behalf of Councillors Mackenzie and Church be received and leaves of absences granted.

Carried

Nil requests for attendance by audio visual link.

5. DISCLOSURES OF INTEREST

Councillor Nelmes

Councillor Nelmes declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T. She stated that she would be making the same declaration as she had a week earlier during the Council public briefing. She said that in accordance with the Code of Conduct, she would be managing that conflict by leaving the meeting and not participating in the deliberations of that matter. She would however be participating in the discussion of the 20 year Inland Pools Strategy to ensure CN's commitment to the protection and enhancement of these vital public assets is delivered.

She said she didn't declare her conflict lightly and had considered her position thoroughly. Having consulted the Code of Conduct, accompanying ICAC Guidelines on Lobbying Local Government Officials, and having sought legal advice, she felt she was left with no option but to recuse herself from the discussion.

She said that she did this on the basis that on multiple occasions since last year she has been instructed privately and publicly how to vote on the tender by a more senior local politician. This instruction was made without any understanding of the potential impacts on other services operated by the City, or the costs to ratepayers.

She said that ultimately, this senior politician had sought to create a predetermined outcome to the tender. Notably this same politician also a former Councillor, was part of a council that tried to close Mayfield Pool and a failed strategy that deliberately reduced the funding of CN's local pools, that allowed a previous conservative council to then try and close Beresfield Pool. She said that she fought hard to protect these community owned pools and kept them both open and accessible and that commitment remained.

She said that bullying tactics had been relentless, included attempting to ban her from meetings with other elected members, speaking at local meetings in response to motions on the operation of local pools, and forcing the Deputy Lord Mayor to leave a room while motions naming him and her, about Council owned pools, were debated. She said that some of her colleagues had been threatened, in tears and verbally abused via phone.

She noted that until tonight, no report has come to Council for consideration regarding the operation of pools.

She said that due this conduct, in the media, direct phone calls to Councillors, and even a statement under Parliamentary Privilege, a perception had been created that her vote on Pool Operations had been predetermined.

She said that she has sought the appropriate advice to manage this conflict. Given the nature of the declaration, she was required to leave the chamber when Item 10.3 was discussed and cannot lawfully participate in this decision.

She said that she was extremely disappointed that she had been put in such a position but that she would not compromise on the high standards of probity and good governance that ratepayers expect.

Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Nelmes to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a significant, non-pecuniary interest in item 8.7 - Adoption of Planning Proposal, Draft Development Control Plan and Draft Planning Agreement for 23 Merewether Street and 8 Lingard Street, Merewether, Lingard Planning Proposal due to being a representative on the Hunter and Central Coast Regional Planning Panel. She managed the interest by removing herself from the Chamber for discussion on the item.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. She stated that she wanted it noted that she did not participate in the briefing that occurred Thursday 18 May 2023.

Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Winney-Baartz to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Clausen

Councillor Clausen declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Clausen to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Duncan

Councillor Duncan declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling

Councillor Duncan to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Richardson

Councillor Richardson declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Richardson to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Wood

Councillor Wood declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Wood to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Adamczyk

Councillor Adamczyk declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Adamczyk to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - PUBLIC VOICE COMMITTEE 26 APRIL 2023

6.2. MINUTES - ORDINARY COUNCIL MEETING 26 APRIL 2023

MOTION

Moved by Cr Barrie, seconded by Cr Duncan

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

Carried

7. LORD MAYORAL MINUTE

7.1. WOMEN'S WORLD CUP LIVE SITE - GO MATILDAS!

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes the FIFA Women's World Cup (WWC) 2023 is to be played in Australia and New Zealand from 20 July to 20 August 2023, being the first tournament to feature the expanded format of 32 teams from the previous 24.
2. Acknowledges the incredible success and community support for CN's public screening of the Socceroo's vs Argentina World Cup Game on 4 December 2022 in Wheeler Place which attracted thousands of attendees with only a few days' prior notice.
3. Commits to investigating options for hosting live site public screenings in Wheeler Place of all Matilda's games during the WWC, including but not limited to the following dates:
 - a. Thursday, 20 July: Australia v Republic of Ireland
 - b. Thursday, 27 July: Australia v Nigeria
 - c. Monday, 31 July: Australia v Canada.
4. Reiterates our strong support for amplifying women's sport because of the incredible range of health, wellbeing and social outcomes delivered by seeing talented female athletes show their skills, which has a proven track record of increasing local female participation and significantly boosting crowd number at locally hosted events.

Carried unanimously

7.2. IPART EMERGENCY SERVICES LEVY

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, resulting in additional financial stress, with the unexpected cost hit due to absorb almost all IPART-approved rate rise for this year and in some cases absorb more than 100%, for many councils. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation, and wage increases.

2. Notes IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in Council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure. Further, the previous NSW Government had not accounted for any further subsidies in their forward estimates, which IPART needed to consider as a part of their determination.
3. Acknowledges that for our organisation the ESL has increased by \$2,100,000 for 2023/24, bringing the total Council contribution to \$5,100,000. This amounts to 33% of the expected increase in rate income for 2023/24. If the NSW Government's decision is not reversed, the potential impacts on Council's services, infrastructure maintenance and delivery include:
 - Deterioration of the city's road and stormwater infrastructure
 - Reduction in the number of community programs run from our public halls and libraries
 - No ability to deal with emergent environmental issues.
4. Notes the previous NSW Government had not accounted for any further subsidies in their forward estimates, which IPART needed to consider as a part of their determination.
5. Notes the timing of this development is particularly challenging for local Councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.
6. Acknowledges that all Councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are Councillors and Council staff). However, it is essential that these services be supported through an equitable, transparent, and sustainable funding model.
7. Writes to the Chair of the Independent Pricing and Regulatory Authority (IPART), calling on them to note the financial sustainability impacts of the ESL on the Local Government sector, and to work towards an appropriate solution to ensure the ongoing financial sustainability of local councils.

Carried unanimously

8. REPORTS

8.4. TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 FEBRUARY TO 30 APRIL 2023

MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Council:

1. Notes the tabling of the Register of Disclosures of Interest (for the period 1 February to 30 April 2023) by the Chief Executive Officer.

Carried

8.5. PROPOSED ROAD CLOSURE AND SALE - ROAD RESERVE ADJOINING 34 ROBERT STREET WICKHAM

8.6. PROPOSED SALE OF OPERATIONAL LAND - 55 COWPER STREET WALLSEND

PROCEDURAL MOTION

Moved by Cr Adamczyk, seconded by Cr Pull

The matters lay on the table due to issues raised at the Asset Advisory Committee on Thursday 18 May 2023, which are still being investigated.

Carried unanimously

8.7 ADOPTION OF PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT PLANNING AGREEMENT FOR 23 MEREWETHER STREET AND 8 LINGARD STREET, MEREWETHER, LINGARD PLANNING PROPOSAL

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

MOTION

Moved by Cr McCabe, seconded by Cr Adamczyk

That Council:

1. Endorses the planning proposal (**Attachment A**) and authorises the Interim Executive Director Planning & Environment to make the Local Environmental Plan for the Lingard Hospital Precinct, Merewether.
2. Adopts Section 6.16 Lingard Hospital Precinct to amend Newcastle Development Control Plan 2012 (**Attachment B**).
3. Endorses the Planning Agreement and Explanatory Note (**Attachment C**) and authorises the Interim Executive Director Planning & Environment to execute it.
4. Receives and notes the submissions (**Attachment D**) made during exhibition of the draft Development Control Plan and draft Planning Agreement.

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

Against the Motion: Nil

Carried

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

8.8. VARIATIONS TO DEVELOPMENT STANDARDS (REPORTING FROM 1 JANUARY 2023 TO 31 MARCH 2023)

MOTION

Moved by Cr Pull, seconded by Cr Barrie

That Council:

1. Receives the report on approved development variations between 1 January 2023 and 31 March 2023 at **Attachment A** in accordance with the Department of Planning and Environment's concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

Carried unanimously

8.9. MARCH QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

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

Carried unanimously

8.10. QUARTERLY PERFORMANCE REPORT ON THE 2022-2026 DELIVERY PROGRAM

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

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

Carried unanimously

8.11. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Pull

That Council:

1. Receives the Executive Monthly Performance Report for April 2023.

Carried unanimously

8.1. ADOPTION OF DELIVERING NEWCASTLE 2040

MOTION

Moved by Cr Nelmes, seconded by Cr Clausen

That Council:

1. Adopts the 2023-2024 Delivering Newcastle 2040 as at **Attachment A**.
2. Adopts the 2023-2024 Fees and Charges Register as at **Attachment B**.

Carried unanimously

In carrying the motion, Council noted their thanks.

8.2. ADOPTION OF INLAND POOLS STRATEGY 2043

In moving the motion, Councillors Winney-Baartz and Wood moved an additional Part B.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

Part A:

That Council:

1. Adopts the Inland Pools Strategy 2043 - Our plan for protecting and improving Newcastle's public pools for the next 20 years (**Attachment A**).
2. Receives the Inland Pools Strategy 2043 – Engagement Report (**Attachment B**).
3. Endorses establishment of the Inland Pools Reserve Fund to set aside funding as part of the annual budget process to enhance the city's five publicly owned inland swimming centres over the next 20 years.

Part B:

1. Notes that the social value achieved through programs/services delivered at aquatic centres is estimated at \$3.8 billion per year across Australia.
2. Notes the aging nature of these assets, with many community pools constructed in the 1960s following the Melbourne Olympics
3. Notes the extremely high-cost of building new aquatic centres and replacing aging pool infrastructure for local councils, with costs exceeding \$50-100m per pool.
4. Notes that local government provides on average 60 to 70% of upfront capital costs of most aquatic facility development and that this is not sustainable.
5. Notes that NSW state government funding under the Coalition has been ad hoc, without a consistent and transparent set of criteria to underpin funding decisions, with many communities deprived from even being able to apply for pool funding grants.

6. Writes to Local Government and Sports Ministers and requests the newly elected State Government establish a competitive, transparent Pool Infrastructure Fund that: -
 - a. Recognises the substantial social, health and economic benefits of public aquatic facilities,
 - b. Develops a consistent and transparent set of criteria for funding new and replacement public aquatic facilities,
 - c. Supports local councils in renewing aging community pool assets across NSW.

PROCEDURAL MOTION

Moved by Cr Wark, seconded by Cr Barrie

That the matter lay on the table over concerns about Memorial Pools.

Defeated

Councillor Pull moved an additional Part C to the motion.

Part C:

That City of Newcastle:

1. Notes that CN will require significant investment from State and Federal Governments in order to achieve the objectives of the strategy.
2. Further notes Newcastle's inconsistent classification when it comes to NSW Grants' Programs.
3. In our discussions and briefing of local MPs regarding the strategy, including with the new Minister for the Hunter Tim Crakanthorp MP, request they address Newcastle's classification issues and exclusion from grants programs, in line with CN's stated position in our advocacy document, to assist CN in funding the objectives of our inland pools strategy.

Councillors Winney-Baartz and Wood accepted Part C to the motion.

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

Carried unanimously

8.3. PUBLIC EXHIBITION OF DRAFT COMMUNITY ENGAGEMENT STRATEGY

MOTION

Moved by Cr Duncan, seconded by Cr Wood

That Council:

1. Places the Draft Community Engagement Strategy at **Attachment A** on public exhibition for a minimum of 28 days.

Carried

8.12. TENDER REPORT - LAMBTON POOL GRANDSTAND UPGRADE 2023/065T

MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

At Attachment A:

That Council:

1. Accept the tender of Precise Build Pty Ltd in the amount of \$1,815,332 (excluding GST) for the Lambton Pool Grandstand Upgrade for Contract No. 2023/065T.
2. The confidential attachments relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried unanimously

8.13. TENDER REPORT - MATERIAL RECOVERY FACILITY - CONSTRUCTION WORKS 2023/049T

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

MOTION

Moved by Cr Clausen, seconded by Cr Richardson

Part A:

At Attachment A:

1. Subject to the satisfactory resolution of all outstanding commercial, technical and contractual matters, Council accepts the tender from iQRenew Pty Ltd to Design, Construct, Operate and Maintain (DCOM) a Material Recovery Facility (MRF) at Summerhill Waste Management Centre on the basis that the:
 - a. total cost to Design and Construct the MRF is \$56.7 million (excluding GST); and
 - b. contract to Operate and Maintain the MRF (which is an annexure to the Design and Construct Contract) will be executed by the parties subject to (see clause 66 of the Design and Construct Contract):
 - i. iQRenew completing the design and construction of the MRF in accordance with the Design and Construct Contract; and
 - ii. the satisfactory resolution of all relevant commercial, technical and contractual matters.
2. This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Part B:

1. Noting the positive forecast return on investment, and the environmental improvements, Council explores financing of this project including an internal loan through the CN Future Fund, external financing through TCorp, and external financing through the Clean Energy Finance Corporation, to better match financing costs with the receipt of forecast returns, and minimise any financial impacts on Newcastle ratepayers.

Carried unanimously

9. NOTICES OF MOTION

9.1. REQUEST TO RELEASE CLIMATE SECURITY REPORT

In seconding the motion, Councillor Clausen moved additional points 4 and 5.

Councillor McCabe accepted these to the motion.

MOTION

Moved by Cr McCabe, seconded by Cr Clausen

That City of Newcastle:

1. Notes that the Office of National Intelligence has prepared a Climate Security Report.
2. Notes that the climate crisis is the biggest security threat to our nation and that last month, former defence leaders called on the federal government to release this report.
3. Notes that the US Pentagon (Department of Defence) and the UK governments have released similar climate security assessments.
4. Acknowledges that the report by the Office of National Intelligence was initiated by the new Commonwealth Government, in recognition of the security implications of the climate crisis, and notes that similar assessments have been declassified and released in due course.
5. Welcomes the announcement on Saturday 20 May of the inclusion of climate action and associated security as the third key strategic pillar of the Australian-United States relationship.
6. Writes to the Prime Minister, Anthony Albanese, and the Minister for Defence, the Honourable Richard Marles, requesting that the government urgently releases the declassified version of the Report.

Carried unanimously

9.2. NEWCASTLE CITY CBD – VANDALISM - GRAFFITI ATTACKS- CRIME PREVENTION - BUSINESS RETENTION - REVIEW OF MAINSTREET ECONOMIC DEVELOPMENT THROUGHOUT CITY CONSTRUCTION – 3 YEARS - 2023-2026

In moving the motion, Councillor Barrie advised that she was moving the Officer's recommendation as circulated, with additional points 6 and 7.

ORIGINAL MOTION - Councillor Barrie

1. That City of Newcastle write to property owners in the Hunter Street Mall precinct and throughout the Newcastle City "Special Business Rated" commercial area requesting for them to remove unsightly graffiti and to clean their shop/business/building premises and request regular ongoing cleaning of footpaths throughout the central business area. There will be approximately a 3-year construction timeframe of major development and disruption causing more dirt, dust and debris in this high profile area which will need constant maintenance schedules in a collective and collaborative approach to ensure the iconic inner city area is regularly visited by tourists, day and night-time visitors, shoppers, and for the benefit and well-being of Newcastle residents who live in the City and City East precincts.
2. Notes City of Newcastle writes to Telstra, Ausgrid and other organisations who have utilities that have been attacked in the Hunter Street Mall and Central Business District to remove all graffiti.
3. Notes City of Newcastle Economic Development investigate options to assist business development to retain existing businesses, retailers, cafes throughout the next 3-year period when major city shaping projects are constructed to prevent retail leakage. In April, three retailers closed their doors in the mall, reducing foot traffic to the area. Review past retail shop front place activation strategies for example the Renew Newcastle project to stimulate and re-activate empty premises.
4. Notes write to Tim Crakanthorp MP, Minister for the Hunter to request information on available funding for a business retention survey and for place activation and wayfinding projects due to the high visitation in this area regularly from tourists and day visitors into the area from Queens Wharf, overseas and national visitors off Cruise Ships, Conference delegates, and residents who have invested in new apartments and are currently living and looking at a very ugly city streetscape.
5. Notes Iris Capital has boarded up and painted black vacant shops in the Hunter Street Mall owned by Iris Capital. These properties will be demolished in the future to begin works on Stage 3 of the East End Development.
6. Notes on Sunday 21 May, the footpaths were lined with leaves in the Hunter Street Mall precinct and a seat was covered in debris. The City CBD appearance has begun to evolve into the construction phase and will require all stakeholders to ensure existing businesses including retail and hospitality are well supported throughout Hunter Street Mall and City CBD areas over the next three-to-four-years.

MOTION

Moved by Cr Barrie, seconded by Cr Pull

That Council:

1. Notes City of Newcastle staff are currently reviewing opportunities to align stages 2, 3, 4 and 5 of its revitalisation of the Hunter Street Mall with public

domain works required by Iris Capital as part of its current stage 2 development, and future stage 3 and 4 developments.

2. Notes City of Newcastle staff are currently reviewing opportunities to focus resources specifically on development of the Hunter Street public domain to not only bring forward the beautification of Hunter Street but bring forward the economic benefits for retailers in preparation for completion of Iris Capital's future stage 3 and 4 developments.
3. Welcomes CN's investment of more than \$8.5 million in events and activation programs developed to support local City Centre businesses since 2018.
4. Notes that CN has provided approximately \$126,000 in financial support to the Business Centre since 2015, including \$50,000 in 2020 for the City Taskforce's COVID-19 Industry Response Program's Small Business Recovery Project.
5. Notes that individuals and businesses can apply for funding in August this year to deliver projects and programs that activate and promote the City Centre as part of a \$900,000 program funded via the Special Business Rates levy.
6. Notes City of Newcastle writes a letter to be included in with selected Rate Notices by CN's contracted Security Printer/Mailing House at minimal cost. Letters are to be finalised by 7 July 2023 in order to be sent with the next quarterly rates notice. Due to one quarter of property owners receive their Rates Notice by email and limitations of the current City of Newcastle platform do not permit another letter to be sent within their Rates Notice email. Instead, these are to be manually processed as separate emails by staff, and with no certainty that graffiti exists on the properties of those being written to. The cost of this would be \$1.10 in postage, plus letter, envelope and staff labour.
7. Notes City of Newcastle writes to Telstra, Ausgrid and other organisations who have utilities that have been attacked in the Hunter Street Mall and Central Business District to remove graffiti.

Following discussion, Councillor Barrie withdrew point 6.

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

Carried

10. CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Adamczyk

That Council move into confidential session as per the reasons outlined in the Business Papers.

Carried

Council resolved into confidential session at 9.12pm.

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

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Richardson

To extend the meeting until conclusion of business.

Carried unanimously

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That Council move out of confidential session.

Carried

Council reconvened at 10.31pm and the Chief Executive Officer reported the resolutions of the partial confidential reports (refer resolutions at 8.12 and 8.13) and confidential items below.

10.1. PROPOSED SALE OF 16 CABINS - STOCKTON BEACH HOLIDAY PARK

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

1. Endorses the sale of 16 relocated cabins from Stockton Beach Holiday Park, including fixtures, fittings and furniture, by public auction, for an amount no less than \$1,200,000 (plus GST).
2. Authorises the Chief Executive Officer or his delegate to execute all relevant documentation to effect the sale.
3. Endorses the sale revenue be transferred to City of Newcastle's 'Works Program: Specific Projects' internally restricted reserve to be used addressing coastal erosion at Stockton.
4. This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried

10.2. PROPOSED ACQUISITION OF PROPERTY

MOTION

Moved by Cr Barrie, seconded by Cr Richardson

That Council:

1. Endorses City of Newcastle making bids at public auction to acquire the Property, up to a maximum of 20% above market valuation (plus GST).

2. Resolves to acquire the Property if City of Newcastle's highest bid is successful in the public auction process.
3. Grants authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the auction and sale.
4. Publicly notify the proposal to classify the acquired land as operational land in accordance with section 34 of the Local Government Act 1993.
5. Classify the Property as operational land if no public submissions are received objecting to the proposed classification.
6. Note this confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried unanimously

10.3. TENDER REPORT – MANAGEMENT OF INLAND SWIMMING CENTRES – CONTRACT NO 2022/137T

Resolution passed in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors which provides as follows:

Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

1. Delegates to the Chief Executive Officer authority to determine the award or otherwise of the tender for Contract No. 2022/137T for the lease and operation of five CN owned Swimming Centres.
2. The confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

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

Against the Motion: Councillors Barrie, McCabe, Pull and Wark

Carried

The meeting concluded at 10.36pm.

7. LORD MAYORAL MINUTE

To be tabled at the meeting.

8. REPORTS

8.1. ACCEPTANCE OF OFFER – NEWCASTLE ART GALLERY EXPANSION – TELSTRA ASSET RELOCATION WORKS – CONTRACT NO. 2023/156T

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

PURPOSE

To accept a contract proposal for the relocation of existing telecommunication assets which fall within the proposed footprint of the Newcastle Art Gallery Expansion.

Tenders were not called for the contracted works, due to extenuating circumstances. Under Section 55(3)(i) of the *Local Government Act 1993* (Act), a Council resolution is required to approve an exemption.

RECOMMENDATION

That Council:

- 1 Not invite tenders for Contract 2023/156T - Newcastle Art Gallery Expansion Telstra Asset Relocation Works. A satisfactory result would not have been achieved through the calling of tenders as the network assets are owned by Telstra Corporation Limited (Telstra) who have exclusive rights to carry out any modifications to their network.

KEY ISSUES

- 2 To facilitate construction of the Newcastle Art Gallery expansion, the existing Telstra network within the development footprint is required to be relocated into the footpath along Darby Street.
- 3 Telstra provided City of Newcastle (CN) with a proposal to relocate the telecommunication network at a cost of \$480,168.67 including GST. Section 55 of the Act typically requires CN to undertake a tender process for a contract of this value. However, Section 55(3)(i) allows for an exemption from this in circumstances where a satisfactory result would not be achieved by inviting tenders.
- 4 As Telstra own the affected portion of the telecommunications network and will manage and oversee the works to relocate their asset, calling tenders would not have served any meaningful purpose.

FINANCIAL IMPACT

- 5 The cost for the asset relocation works is considered value for money and is in line with the initial cost estimate included in the 2022/23 project budget.

NEWCASTLE 2040 ALIGNMENT

- 6 The Telstra asset relocation works are necessary to progress the Newcastle Art Gallery Expansion Project which aligns with the following Newcastle 2040 strategic directions:

Liveable

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Great Spaces
 - 1.1.2 Well-Designed Places
- 1.2 Connected and fair communities
 - 1.2.1 Connected communities

Creative

- 3.1 Vibrant and Creative City
 - 3.1.3 Tourism and Visitor Economy

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 Under Section 55 of the Act, a Council must call tenders before entering into any contracts over \$250,000 in value. However, the Act lists a range of exceptions to this requirement. In this case a relevant exception is applicable in Section 55(3)(i) of the Act which states:

a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

- 8 As Telstra own the affected portion of the telecommunications network, it is solely the decision of Telstra as to who undertakes the relocation works. They own exclusive rights in undertaking any modifications to it and therefore CN is unable to seek competitive tenders.

RISK ASSESSMENT AND MITIGATION

- 9 The telecommunications asset relocation works are a planned integral component of the Art Gallery expansion project and are required to achieve timely completion of the project by the end of 2024. Should the asset relocation works not commence, or be delayed in commencement, additional costs will be incurred and introduce risk of reputational damage and delay to the overall Gallery Expansion.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held 26 April 2022, Council awarded contract 2022/091T for the Newcastle Art Gallery expansion Stage One mine void remediation works to BFG Daracon Pty Ltd.
- 11 On 26 April 2023, Council awarded contract 2023/033T for the Newcastle Art Gallery Expansion construction works to Hansen Yuncken Pty Ltd.

CONSULTATION

- 12 CN has been in liaison with Telstra regarding the asset relocation works. Telstra will manage any notifications with their customers relating to proposed network cutover periods. Any notifications related to general construction works will continue to be managed by CN's Principal Contractor BFG Daracon, who will remain on site until completion of the mine grouting and Telstra relocation works.

BACKGROUND

- 13 The Newcastle Art Gallery Expansion Project will provide modern facilities such as multiple exhibition spaces including dedicated permanent collection displays, a café, retail shop, multi-purpose program space and a secure international standard loading dock.

OPTIONS

Option 1

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

Option 2

- 15 Council does not proceed with the Telstra relocation proposal. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

8.2. SUPPLEMENTARY REPORT – PROPOSED SALE OF OPERATIONAL LAND – 55 COWPER STREET WALLSEND

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

PURPOSE

To provide further information regarding the recommended sale of Land at 55 Cowper Street Wallsend after the matter was laid on the table at the May Ordinary Council meeting.

RECOMMENDATION

That Council:

- 1 Endorses the sale of the Land, Lot 33 DP 575660, known as 55 Cowper Street Wallsend, shown in **Attachment A** to the owner of the adjoining property, 6 Newcastle Road, Wallsend, for an amount not less than 90% of the updated valuation.
- 2 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to affect the dealings.
- 3 Endorse the sale revenue be transferred to City of Newcastle's 'Works Program: Specific Projects' internal reserve.

KEY ISSUES

- 4 A previous review of the valuation undertaken for the proposed sale did not anticipate the value uplift to the adjoining property, should the Land and the adjoining property be consolidated.
- 5 The valuation has been revised to include the value that the Land would add to the adjoining property if consolidated and sold on a highest and best use basis as a development site.
- 6 The revised valuation, which includes this uplift in value, has been determined at \$90,000. The additional value uplift reflects the premium payable by an adjoining owner should they consolidate the Land with theirs.
- 7 The adjoining owner has not yet confirmed agreement to the revised value proposed sale price.

- 8 The sale of the Land will not have any impact on any future road widening of Cowper Street at this location.

FINANCIAL IMPACT

- 9 CN proposes to sell the Land for an amount not less than 90% of the updated valuation. If so, CN would receive no less than \$81,000 (plus GST) from the sale. All costs including legal, survey and service relocation will be borne by the applicant.
- 10 The income received from the sale of the land is proposed to be transferred to CN's 'Works Program: Specific Projects' internal reserve.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 Nil

RISK ASSESSMENT AND MITIGATION

- 12 Nil

BACKGROUND

- 13 Council resolved on 23 May 2023 to lay the matter on the table until further information could be provided in relation to the valuation.

OPTIONS

- 14 The recommendation as at Paragraph 1 – 3.

Option 2

- 15 Council resolves not to consent to the proposed sale of the Land, known as 55 Cowper Street Wallsend. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Attachment A:** Report to Council 23/05/23 – Proposed Sale of Operational Land – 55 Cowper Street Wallsend

Attachment A – Original Report to Council 23 May 2023

**SUBJECT: CCL 23/05/23 – PROPOSED SALE OF OPERATIONAL LAND
– 55 COWPER STREET WALLSEND**

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

PURPOSE

To seek a Council resolution to sell a parcel of redundant Operational Land, being 55 Cowper Street Wallsend (Land), to the adjoining owner at 6 Newcastle Road Wallsend (Applicant).

RECOMMENDATION

That Council:

- 1 Endorses the sale of the Land, Lot 33 DP 575660, known as 55 Cowper Street Wallsend, shown in **Attachment A** to the owner of the adjoining property, 6 Newcastle Road, Wallsend, for an amount of \$65,000.
- 2 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the dealings.
- 3 Endorse the sale revenue be transferred to City of Newcastle's 'Works Program: Specific Projects' internally restricted reserve.

KEY ISSUES

- 4 The Land is classified as Operational Land under the Local Government Act 1993. It was created for road widening purposes and is no longer required.
- 5 The owner of adjoining property at 6 Newcastle Street Wallsend approached City of Newcastle (CN) requesting to purchase the Land.
- 6 CN confirm that the land is no longer required for road widening purposes and is considered surplus to CN's needs.
- 7 CN engaged a valuer who has determined the market value of the land to be \$65,000.
- 8 Vehicle access to the land from Cowper Street would not be supported, therefore sale the land to the adjoining owner for consolidation into their property is the only disposal option.

FINANCIAL IMPACT

- 9 CN will receive \$65,000 (plus GST) from the sale and all costs including legal, survey and service relocation will be borne by the applicant.
- 10 The income received from the sale of the land is proposed to be transferred to CN's 'Works Program: Specific Projects' internally restricted reserve.

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 Nil

RISK ASSESSMENT AND MITIGATION

- 13 Sale of the land relies on approval by the Crown and Ministerial Consent. Whilst due process will be followed, these approvals are outside CN's control. The Applicant will pay all costs associated with the sale, so CN is not financially exposed.

RELATED PREVIOUS DECISIONS

- 14 Nil

CONSULTATION

- 15 NIL

BACKGROUND

- 16 The land is approximately 134sqm and is classified as Operational Land. It is a residual parcel that was retained by CN for a possible road widening along Cowper Street, however the land is no longer required for the project.
- 17 An adjoining residual parcel has previously been sold and amalgamated with 53 Cowper Street Wallsend, leaving an inconsistent boundary line due to the residual parcel in question.
- 18 The owner of 6 Newcastle Road Wallsend approached CN proposing the purchase of the land.

OPTIONS

Option 1

19 The recommendation as at Paragraph 1 – 3.

Option 2

20 Council resolves not to consent to the proposed sale of the Operational Land, 55 Cowper Street Wallsend. This is not the recommended option.

REFERENCES

ATTACHMENTS 23 MAY 2023

Attachment A: Aerial site diagram Cowper Street Wallsend

Attachment A



Key
Red: Land
Blue: Applicant

8.3. STAGE 1 OF HUNTER ESTUARY COASTAL MANAGEMENT PROGRAM (CMP) COMPLETED

REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: INTERIM EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT / EXECUTIVE MANAGER ENVIRONMENT AND SUSTAINABILITY

PURPOSE

To endorse the Hunter Estuary Coastal Management Program (CMP) Scoping Study.

RECOMMENDATION

That Council:

- 1 Endorse the Hunter Estuary CMP Scoping Study (see **Attachment A**).

KEY ISSUES

- 2 The preparation of the Hunter Estuary CMP is being led by Maitland City Council, in collaboration with the City of Newcastle (CN), Port Stephens Council, Cessnock Council, Dungog Shire Council, Hunter Water and the Hunter Local Land Service (LLS). Together, these government entities have formed the Hunter Estuary Alliance (HEAL), which provides a platform for stakeholders to work together to improve the health and resilience of the Hunter Estuary and to balance the multiple demands of the Hunter River.
- 3 The Hunter Estuary CMP Scoping Study (the Scoping Study) was prepared in accordance with the NSW *Coastal Management Act 2016* and the 2018 *NSW Coastal Management Manual*, which provides mandatory requirements and guidance for the preparation of a CMP. The Scoping Study represents the completion of Stage 1 of the five-stage management process for the preparation and implementation of the Hunter Estuary CMP. The Scoping Study is being tabled at each of the five Councils in the HEAL for endorsement.
- 4 The purpose of a CMP is to set the long-term strategy for the coordinated management of a defined coastal zone, with a focus on achieving the objectives of the NSW Coastal Management Act 2016. The process of developing and implementing the Hunter Estuary CMP is an important opportunity for members of HEAL to work together. The HEAL aims to achieve shared objectives and overcome key constraints to the coordinated and sustainable management of the Hunter Estuary for the social, cultural and economic wellbeing of the community now and into the future.

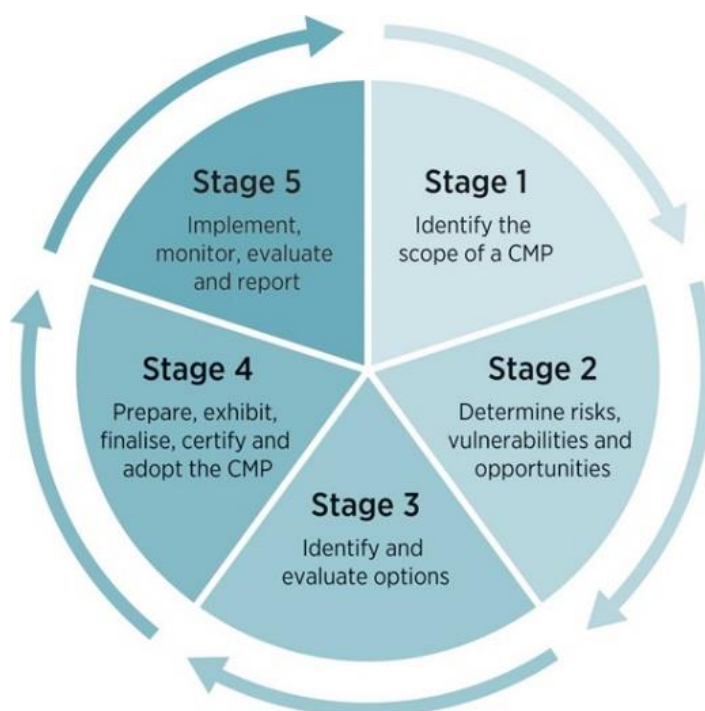


Figure 1. Stages in preparing and implementing a CMP ([OEH 2018](#))

5 The Scoping Study outlines the:

- current state of the Hunter Estuary and its catchments
- values of the Hunter Estuary
- key estuarine management issues and risks
- research projects required for Stage 2 of the Hunter Estuary CMP
- preliminary business case for preparing the Hunter Estuary CMP
- Community and Stakeholder Engagement Strategy for Stages 2 to 4 of the Hunter Estuary CMP.

6 The following research projects will be undertaken in Stage 2 of the Hunter Estuary CMP:

- A business case to establish a lead project group for the ongoing management of the Hunter Estuary
- A map of inundation and impacts to the Hunter Estuary catchment from predicted climate change
- Habitat mapping and prioritisation of rehabilitation projects, informed by climate change data
- Sub-catchment evaluation of water quality and prioritising actions for those catchments that will provide greatest water quality benefit to the Hunter Estuary
- Catchment review for prioritised streambank erosion and user education
- Alignment of catchment management controls across all Hunter Estuary coastal councils
- Socio economic analysis to inform the values of the Hunter Estuary

- An evaluation of risk from carp and the effectiveness of current carp management plans.

FINANCIAL IMPACT

- 7 In 2021, CN agreed to contribute \$60,000 to support a grant from the Department of Planning and Environment (DPE) for the development of the Hunter Estuary CMP. All members of the HEAL provide financial and/or in-kind support towards the development of the Hunter Estuary CMP. Endorsement of the Scoping Study will not result in any financial impact above this existing contribution.

NEWCASTLE 2040 ALIGNMENT

- 8 The Scoping Study is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Liveable

- 1.1 Enriched neighbourhoods and places
 1.1.1 Great spaces

Sustainable

- 2.1 Action on climate change
 2.1.3 Resilient urban and natural areas
- 2.2 Nature-based solutions
 2.2.1 Regenerate natural systems
 2.2.2 Expand the urban forest
 2.2.3 Achieve a water-sensitive city

Achieving Together

- 4.3 Collaborative and innovative approach
 4.3.1 Collaborative organisation.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 Stage 2 of the Hunter Estuary CMP will commence with the research projects outlined in paragraph 5. The research projects are funded through the secured grant and the partner councils' supporting contributions. Maitland City Council will lead the delivery of the research projects.

RISK ASSESSMENT AND MITIGATION

- 10 The Scoping Study has been prepared in accordance with the NSW *Coastal Management Act 2016* and the 2018 NSW Coastal Management Manual. There are no risks arising from endorsement of the Scoping Study.

RELATED PREVIOUS DECISIONS

- 11 The *Hunter Estuary Coastal Zone Management Plan* was adopted by Council on 27 February 2018. The Hunter Estuary CMP will be repealed and replaced by this plan, once finalised.

CONSULTATION

- 12 Consultation undertaken during the development of the Scoping Study is outlined in Section 7 of the Scoping Study (see **Attachment A**) and includes the formation of an inter-agency Steering Committee and Project Management Group, hosting of an estuary seminar, and multiple agency briefings.
- 13 A Community and Stakeholder Engagement Strategy for Stages 2 to 4 of the CMP has also been developed (see Appendix 3 of **Attachment A**).

BACKGROUND

- 14 CN previously partnered with Maitland City and Port Stephens Councils to develop and adopt the 2018 *Hunter Estuary Coastal Zone Management Plan*. The Hunter Estuary CMP is being prepared under the NSW *Coastal Management Act 2016* to replace and repeal the 2018 *Hunter Estuary Coastal Zone Management Plan*. The completion and certification of the Hunter Estuary CMP will allow CN to apply for funding through DPE's Estuary Grant Program, to implement actions from the CMP.

OPTIONS

Option 1

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

Option 2

- 16 That Council does not endorse the Hunter Estuary Coastal Management Program Scoping Study. This would be inconsistent with the approach being undertaken by the other four Councils in the HEAL. This is not the recommended option.

ATTACHMENTS

Attachment A: Hunter Estuary Coastal Management Program Scoping Study

Attachment A distributed under separate cover

8.4. MAKING OF THE RATE AND CHARGES FOR 2023/24

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

PURPOSE

To make the Rates and Charges for the period 1 July 2023 to 30 June 2024 in accordance with sections 532 – 535 of the *Local Government Act 1993* (Act).

RECOMMENDATION

That Council:

- Makes the following Rates and Charges for the 2023/24 financial year:

RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
Ordinary Rates					
Residential	Nil	0.163421	851.89	50	115,195,719
Farmland	\$1,176.70	0.201123	Nil	Nil	21,402
Business	\$1,176.70	1.012511	Nil	Nil	47,086,110
Business Sub-Categories					
Major Commercial Shopping Centre - Kotara	\$1,176.70	4.302395	Nil	Nil	1,720,958
Major Commercial Shopping Centre – Jesmond	\$1,176.70	3.462694	Nil	Nil	675,225
Major Commercial Shopping Centre – Waratah	\$1,176.70	3.830839	Nil	Nil	475,024
Major Commercial Shopping Centre – Wallsend	\$1,176.70	4.310374	Nil	Nil	478,451
Major Commercial Shopping Centre – The Junction	\$1,176.70	2.948649	Nil	Nil	253,879
Major Commercial Shopping Centre – Inner City	\$1,176.70	0.940369	Nil	Nil	253,900
Major Commercial Shopping Centre (Inner City-East)	\$1,176.70	1.269487	Nil	Nil	96,100

Suburban Shopping Centre – Hamilton	\$1,176.70	1.363555	Nil	Nil	65,996
Suburban Shopping Centre – Inner City	\$1,176.70	1.544077	Nil	Nil	128,158
Suburban Shopping Centre	\$1,176.70	2.456441	Nil	Nil	226,729
Suburban Shopping Centre – Mayfield	\$1,176.70	1.643699	Nil	Nil	202,175
Kotara – Homemaker’s Centre	\$1,176.70	0.946484	Nil	Nil	324,590
Kotara – Homemaker’s Centre - South Zone	\$1,176.70	1.553338	Nil	Nil	352,608
Kooragang Industrial Coal Zone	\$1,176.70	1.346175	Nil	Nil	737,042
Kooragang North Industrial Coal Zone	\$1,176.70	2.007323	Nil	Nil	1,646,005
Kooragang Industrial Centre - Walsh Point	\$1,176.70	1.447121	Nil	Nil	2,468,904
Kooragang Industrial Centre	\$1,176.70	1.262646	Nil	Nil	1,156,877
Mayfield West Storage Units	\$588.35	1.317984	Nil	Nil	51,451
Mayfield West Industrial Centre	\$1,176.70	0.703175	Nil	Nil	28,127
Mayfield North Heavy Industrial Centre	\$1,176.70	0.785322	Nil	Nil	672,000
Mayfield North Industrial Centre	\$1,176.70	1.036230	Nil	Nil	539,830
Mayfield North Industrial Centre - Future Development	\$1,176.70	1.246126	Nil	Nil	411,221
Carrington Industrial Port and Coal Zone	\$1,176.70	2.553828	Nil	Nil	1,034,300
Carrington Industrial Centre	\$1,176.70	1.447440	Nil	Nil	1,570,954
Carrington Industrial Port Operations Use	\$1,176.70	1.879549	Nil	Nil	930,565
Broadmeadow Industrial Centre	\$1,176.70	2.107581	Nil	Nil	180,620
Hexham Industrial Centre	\$1,176.70	1.013997	Nil	Nil	1,117,193
Special Rates					
Hunter Mall	Nil	0.134128	Nil	Nil	83,725
Mayfield Business District	Nil	0.068342	Nil	Nil	85,389
Hamilton Business District - Zone A	Nil	0.123164	Nil	Nil	100,117
Hamilton Business District - Zone B	Nil	0.061582	Nil	Nil	36,287
Hamilton Business District - Zone C	Nil	0.030791	Nil	Nil	14,740
Wallsend Business District - Zone A	Nil	0.278807	Nil	Nil	123,116
Wallsend Business District - Zone B	Nil	0.139404	Nil	Nil	15,910
Wallsend Business District - Zone C	Nil	0.209105	Nil	Nil	23,211

New Lambton Business District	Nil	0.072397	Nil	Nil	16,343
City Centre - City East	Nil	0.173930	Nil	Nil	191,185
City Centre - Darby Street	Nil	0.039820	Nil	Nil	36,403
City Centre - City West (Close Zone)	Nil	0.061057	Nil	Nil	262,378
City Centre - City West (Distant Zone)	Nil	0.030529	Nil	Nil	16,620
City Centre – Tower	Nil	0.173930	Nil	Nil	184,888
City Centre – Mall	Nil	0.173930	Nil	Nil	114,433
City Centre – Civic (Close Zone)	Nil	0.090390	Nil	Nil	111,447
City Centre – Civic (Distant Zone)	Nil	0.045195	Nil	Nil	6,737
TOTAL					181,525,042

- 2 An Ordinary Rate of zero point one six three four two one (0.163421c) in the dollar with a 50% base amount of eight hundred and fifty one dollars and eighty nine cents (\$851.89) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.

- 3 An Ordinary Rate of zero point two zero one one two three cents (0.201123c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.

- 4 An Ordinary Rate of one point zero one two five one one cents (1.012511c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre – Hamilton, Major Commercial Shopping Centre (Inner City-East), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Mayfield West Storage Units, Mayfield West Industrial Centre, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.

- 5 An Ordinary Rate of four point three zero two three nine five cents (4.302395c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in

CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m²), providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.

- 6 An Ordinary Rate of three point four six two six nine four cents (3.462694c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
- 7 An Ordinary Rate of three point eight three zero eight three nine cents (3.830839c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
- 8 An Ordinary Rate of four point three one zero three seven four cents (4.310374c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.
- 9 An Ordinary Rate of two point nine four eight six four nine cents (2.948649c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - THE JUNCTION**, apply to all rateable

land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.

- 10 An Ordinary Rate of zero point nine four zero three six nine cents (0.940369c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, National Park, King and Steel Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
- 11 An Ordinary Rate of one point two six nine four eight seven cents (1.269487c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY-EAST)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, Steel, King and Ravenshaw Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City-East).
- 12 An Ordinary Rate of two point four five six four four one cents (2.456441c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m² which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Major Commercial Centres (Inner City-East), Suburban Shopping Centre – Mayfield or Suburban Shopping Centre - Hamilton. This land is categorised as Sub-category Business - Suburban Shopping Centres.
- 13 An Ordinary Rate of one point five four four zero seven seven cents (1.544077c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West situated on a site of greater than four thousand and nine hundred square metres (4,900m²) which operates as a Supermarket

excepting the land categorised as Major Commercial Centres (Inner City) or Major Commercial Centres (Inner City-East). This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.

- 14 An Ordinary Rate of one point three six three five five five cents (1.363555c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – SUBURBAN SHOPPING CENTRES – HAMILTON**. This sub-category applies to all rateable land within the centre of commercial activity defined by the land bounded by Hudson, Swan Donald and Bennett Streets, Hamilton which operates as a Supermarket. This land is categorised as Sub-category Business - Suburban Shopping Centres – Hamilton.
- 15 An Ordinary Rate of one point six four three six nine nine cents (1.643699c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – SUBURBAN SHOPPING CENTRE – MAYFIELD** apply to all rateable land within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m²) with a minimum 4,000m² of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 16 An Ordinary Rate of zero point nine four six four eight four cents (0.946484c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker's Centre.
- 17 An Ordinary Rate of one point five five three three three eight cents (1.553338c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre - South Zone.
- 18 An Ordinary Rate of one point three four six one seven five cents (1.346175c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.

- 19 An Ordinary Rate of two point zero zero seven three two three cents (2.007323c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 DP 1207051, and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.
- 20 An Ordinary Rate of one point four four seven one two one cents (1.447121c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 1 and 3 DP 234288, Lot 3 DP 1117013, and Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 DP 271222, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1 DP 57567, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lots 3 DP 858206, Lots 2, 4, 5 DP 1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lots 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 123/1223462. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.
- 21 An Ordinary Rate of one point two six two six four six cents (1.262646c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land not used primarily as a service station and categorised as Business in terms of Section 518 of the Act which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.

- 22 An Ordinary Rate of zero point seven eight five three two two cents (0.785322c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lots 224, 225 DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.
- 23 An Ordinary Rate of one point zero three six two three zero cents (1.036230c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 Lots 5, 6 and 7 DP 1204575, Lot 4 DP 1095751 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 24 An Ordinary Rate of one point two four six one two six cents (1.246126c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE - FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982, Lots 51, 52, 53 and 54 DP 1229869 and Lot 332 DP 1176879. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 25 An Ordinary Rate of one point three one seven nine eight four cents (1.317984c) in the dollar with a minimum rate of five hundred and eight eight dollars and thirty five cents (\$588.35) named **BUSINESS – MAYFIELD WEST STORAGE UNITS** apply to all rateable land in CN LGA within the centre of activity defined by all lots contained within Strata Plan 99055. This land is categorised as sub-category Business - Mayfield West Storage Units.
- 26 An Ordinary Rate of zero point seven zero three one seven five cents (0.703175c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – MAYFIELD WEST INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield West Industrial Centre.
- 27 An Ordinary Rate of two point five five three eight two eight cents (2.553828c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199 and the land contained within Railway Land Lease reference

number 115/75/2261. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.

- 28 An Ordinary Rate of one point eight seven nine five four nine cents (1.879549c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 8345723, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP 1187068, Lot 30 DP 1190075, Lots 8, 11 DP 1190231, Lots 13-16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91-93 DP 1193181, Lots 1-3 DP 1195231, Lots 219, 220 DP 1195310, Lots 1-3 DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.
- 29 An Ordinary Rate of one point four four seven four four zero cents (1.447440c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m²) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and including the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 30 An Ordinary Rate of two point one zero seven five eight one cents (2.107581c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 31 An Ordinary Rate of one point zero one three nine nine seven cents (1.013997c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham or Tarro. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.

- 32 A Special Rate of zero point one three four one two eight cents (0.134128c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the "Hunter Mall Town Improvement District" as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District. This rate applies to all properties within the defined area categorised as Business.
- 33 A Special Rate of zero point zero six eight three four two cents (0.068342c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "Mayfield Business District" as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District. This rate applies to all properties within the defined area categorised as Business.
- 34 A Special Rate of zero point one two three one six four cents (0.123164c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 35 A Special Rate of zero point zero six one five eight two cents (0.061582c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 36 A Special Rate of zero point zero three zero seven nine one cents (0.030791c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 37 A Special Rate of zero point two seven eight eight zero seven cents (0.278807c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.

- 38 A Special Rate of zero point one three nine four zero four cents (0.139404c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 39 A Special Rate of zero point two zero nine one zero five cents (0.209105c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 40 A Special Rate of zero point zero seven two three nine seven cents (0.072397c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "New Lambton Business District" as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District. This rate applies to all properties within the defined area categorised as Business.
- 41 A Special Rate of zero point one seven three nine three zero cents (0.173930c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City East" as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East. This rate applies to all properties within the defined area categorised as Business.
- 42 A Special Rate of zero point zero three nine eight two zero cents (0.039820c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - Darby Street" as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area - Darby Street. This rate applies to all properties within the defined area categorised as Business.
- 43 A Special Rate of zero point zero six one zero five seven cents (0.061057c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City West" as defined in **Attachment L** for the purpose of defraying

- the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 44 A Special Rate of zero point zero three zero five two nine cents (0.030529c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -City West” as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 45 A Special Rate of zero point one seven three nine three zero cents (0.173930c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower. This rate applies to all properties within the defined area categorised as Business.
- 46 A Special Rate of zero point one seven three nine three zero cents (0.173930c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall. This rate applies to all properties within the defined area categorised as Business.
- 47 A Special Rate of zero point zero nine zero three nine zero cents (0.090390c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 48 A Special Rate of zero point zero four five one nine five cents (0.045195c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area –Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone). This rate applies to all properties within the defined area categorised as Business.

- 49 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 50 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres (350m²) or part thereof, of land area capped at a maximum of \$5,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 52.
- 51 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m² or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$5,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 52 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m²) or part thereof, of land area capped at a maximum of \$2,500 for each non-strata property. This charge shall only apply where a business property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 53 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of five hundred and seven dollars and zero cents (\$507.00) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.
- 54 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and ninety eight dollars and zero cents (\$298.00) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

KEY ISSUES

- 55 This report formalises the specific rates in the dollar amounts to apply to CN's Ordinary and Special Rates for the period 1 July 2023 to 30 June 2024. Additionally, specific charge amounts for waste and stormwater management purposes are recommended.

FINANCIAL IMPACT

- 56 Making of the Rates and Charges is a statutory requirement to enable rates revenue to be raised and levied as detailed in the 2023/24 *Delivering Newcastle 2040* document. The estimated amount of levy to be raised is as per the totals shown in the table within paragraph 1 of this report.

NEWCASTLE 2040 ALIGNMENT

- 57 The making of Rates and Charges for 2023/24 aligns with CN's Newcastle 2040 Community Strategic Plan under the strategic direction of 'Achieving Together'.

Achieving Together

- 4.1 Inclusive and integrated planning
 - 4.1.1 Financial sustainability.

IMPLEMENTATION PLAN/IMPLICATIONS

- 58 In accordance with Section 405 of the Act Council must adopt the 2023/24 Operational Plan incorporating CN's Revenue Policy and Rating Structure by 30 June 2023. This Operational Plan must be adopted by Council prior to the making of the Rates and Charges.
- 59 Sections 532 and 535 of the Act, require Council to make the Rates and Charges by resolution for the period 1 July 2023 to 30 June 2024. These Rates and Charges must be made by 1 August 2023.
- 60 CN will continue the making, levying and collecting the Hunter Catchment Contribution on behalf of Hunter Local Land Services (LLS), at the rate set by Hunter LLS of 0.01046 of a cent in the dollar for the 2023/24 rating year on all relevant properties within the Newcastle LGA with a land value in excess of \$300 as per requirements of the Local Land Services Act 2013 and the Local Land Services Regulation 2014 (Regulation). The legislation permits Hunter LLS to enter into an annual Service Agreement with CN to levy the Hunter Catchment Contribution on its Rates and Charges Notices, and for Hunter LLS to pay a commission of five percent to CN for acting on their behalf in the levying and collecting of the Hunter Catchment Contribution.

RISK ASSESSMENT AND MITIGATION

- 61 Failure to make the 2023/24 Rates and Charges will prevent the service of the Rates and Charges Notices. Should these Notices not be served by 1 August 2023 the due date for payment of the Notices will be delayed until 30 November 2023.

RELATED PREVIOUS DECISIONS

- 62 At the Ordinary Council Meeting held on 23 May 2023 Council adopted *Delivering Newcastle 2040 (2023-24)*.
- 63 At the Ordinary Council Meeting held on 28 March 2023, Council resolved to place *Delivering Newcastle 2040* (incorporating the Operational Plan, Fees and Charges and the Delivery Program) on public exhibition for a minimum 28 days. The documents were subsequently placed on public exhibition from 30 March 2023 to 27 April 2023.
- 64 At the Ordinary Council Meeting held on 28 June 2022 Council adopted the 2022-23 rates and charges.

CONSULTATION

- 65 It is a requirement of the Act that CN must not make a rate or charge until it has given public notice of the draft 2023/24 Operational Plan and has considered any submission made concerning that plan.
- 66 *Delivering Newcastle 2040* (incorporating the 2023/24 draft Operational Plan) was placed on public exhibition from 30 March 2023 to 27 April 2023. This document incorporated details of the proposed rating structure for 2023/24.
- 67 During the public exhibition period an engagement webpage was provided to receive submissions. Social Media, print advertising, and media releases also promoted the proposed rating structure for 2023/24.
- 68 A Councillor workshop was held on 16 May 2023 to outline community feedback received during the public exhibition period.

BACKGROUND

- 69 The adoption of the rate structure contained within *Delivering Newcastle 2040*, satisfies the provisions of Section 532 of the Act and allows the making of the Rates and Charges for the period 1 July 2023 to 30 June 2024.

OPTIONS

Option 1

- 70 The recommendations as at Paragraphs 1 - 54. This is the recommended option.

Option 2

- 71 Council does not adopt the Rates and Charges as detailed in this report. Any delay in making the Rates and Charges may also delay the issuing of rate notices which may have a significant negative cash flow impact on CN. This also places CN in a position where it may breach the Act. This is not the recommended option.

REFERENCES

Nil.

ATTACHMENTS

Attachment A: Schedules A – Q

Schedule A - Hunter Mall
Schedule B - Mayfield Business District
Schedule C - Hamilton Business District - Zone A
Schedule D - Hamilton Business District - Zone B
Schedule E - Hamilton Business District - Zone C
Schedule F – Wallsend Business District - Zone A
Schedule G – Wallsend Business District - Zone B
Schedule H – Wallsend Business District - Zone C
Schedule I - New Lambton Business District - Zone A
Schedule J – City Centre - City East
Schedule K – City Centre - Darby Street
Schedule L – City Centre City West (Close Zone)
Schedule M – City Centre City West (Distant Zone)
Schedule N - City Centre – Tower
Schedule O - City Centre – Mall
Schedule P - City Centre - Civic (Close Zone)
Schedule Q - City Centre - Civic (Distant Zone)

Attachment A distributed under separate cover

8.5. INTEREST ON OVERDUE RATES AND CHARGES FOR 2023/24

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

PURPOSE

To establish the rate of interest to be charged by City of Newcastle (CN) in respect of overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive).

RECOMMENDATION

That Council:

- 1 Adopts the rate of 9.0% per annum on interest on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive).
- 2 Notes that interest is waived for ratepayers who on the basis of financial hardship, enter into an agreement to pay outstanding rates over a period of time.

KEY ISSUES

- 3 The *Local Government Act 1993* (Act) provides for interest charges to accrue on unpaid rates and charges at the interest rate resolved by Council.
- 4 Each year, CN is required to set the rate of interest in respect of overdue rates and charges. The rate set by CN must not exceed the limit specified by the Minister for Local Government (Minister). On 31 March 2023, the Minister advised that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2023 to 30 June 2024 is 9.0% per annum.
- 5 In order to maintain a sufficient deterrent to the late payment of rates and charges it is proposed to apply the maximum rates of interest allowable by the Minister to CN's overdue rates and charges. This rate is 9.0% per annum for the period 1 July 2023 to 30 June 2024. By comparison, the maximum rate set by the Minister for the 2022/23 year was 6.0% per annum with this rate resolved for use by Council at the Ordinary Council Meeting held on 28 June 2022.
- 6 CN provides a range of measures for ratepayers experiencing financial hardship including the waiving of interest on any overdue rates, flexible payment plans and the deferral of rates against their estate. Additionally, CN funds a rates voucher scheme which is administered by three appointed community welfare agencies and which are redeemed as payment of a ratepayer's rates and

charges. These agencies also provide free financial planning and counselling advice for those experiencing hardship.

FINANCIAL IMPACT

- 7 Imposition of interest on overdue rates and charges for the 2023/24 rating year will ensure cash flow is maintained and deter the deliberate late payment of debts. Estimated income from interest charges for the period 1 July 2023 to 30 June 2024 is \$250,000 based on existing and anticipated take-up of hardship assistance arrangements under the new rates.

NEWCASTLE 2040 ALIGNMENT

- 8 This report aligns with the following strategic directions of the Newcastle 2040 Community Strategic Plan:

Achieving Together

4.1 Inclusive and integrated planning

4.1.1 Financial sustainability.

IMPLEMENTATION PLANNING / IMPLICATIONS

- 9 CN will collect overdue rates and charges in accordance with relevant legislation, guidelines and approvals.

RISK ASSESSMENT AND MITIGATION

- 10 The *Local Government Act 1993* (Act) provides for interest charges to accrue on unpaid rates and charges at the interest rate resolved by Council. Provision is also made within the Act to allow special payment arrangements where ratepayer hardship exists.
- 11 If the rate of interest is set too low there is a risk that it may be considered as a relatively cheap form of finance thereby resulting in an increase in arrears. This situation would disadvantage the majority of ratepayers who pay their rates by the due date. Setting the interest rate at the maximum rate allowable by the Minister mitigates this risk. There are specific relief provisions available to pensioners and any ratepayers experiencing genuine financial hardship.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting held on 28 June 2022, Council adopted the rate of interest on overdue rates and charges for 2022/23.

CONSULTATION

- 13 The Minister annually establishes the maximum interest rate on overdue rates and charges in accordance with section 566 of the Act. All ratepayers are advised

of the applicable rate of interest on their annual Rates and Charges and quarterly Instalment Notices.

- 14 CN's *Delivering Newcastle 2040* was placed on public exhibition and included information regarding interest free payment periods and waiving of interest charges for ratepayers suffering financial hardship. No comment in regard to this was received.

BACKGROUND

Interest Charges

- 15 In respect of eligible pensioners, the current practice provides that interest on overdue rates and charges shall:
- i) Not be applied where the net rates and charges are paid in full in the current year or suitable arrangements to pay are entered into; and
 - ii) Be waived where arrears of net rates and charges are paid in accordance with an arrangement in a subsequent year, except as provided for postponement of rates and charges under section 585 of the Act.
- 16 The practice of waiving interest charges for eligible pensioners who make arrangements to pay their rate obligation remains unchanged.

Writing-off Accrued Interest

- 17 The Act provides that special payment arrangements may be implemented, and interest charges be waived where these charges cause hardship to the ratepayer, or where circumstances exist that the late payment of the outstanding rates and charges was caused by reasons beyond the control of the ratepayer. CN's practice is consistent with these requirements.

Defer Rates and Charges Against Estate

- 18 Ratepayers may, subject to annual written applications and assessment, be eligible to defer the payment of rates and charges, allowing them to accrue against their estates. Interest charges continue to accrue in this instance.

OPTIONS

Option 1

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

Option 2

- 20 Council resolves not to adopt the recommendations and adopts alternate interest rates or different practices for the charging of interest on overdue rates and charges owed by eligible pensioners. This is not the recommended option.

REFERENCES

Nil.

ATTACHMENTS

Nil.

8.6. EXECUTIVE MONTHLY PERFORMANCE REPORT

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

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 May 2023.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993 (Act)*, submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 At the end of May 2023 the consolidated YTD actual operating position is a surplus of \$27.1m which represents a positive variance of \$14.3m against the budgeted YTD surplus of \$12.8m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The forecast budget for 2022/23 is a surplus of \$13.4m.
- 3 The net funds generated as at the end of May 2023 is a surplus of \$51.1m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$27.3m. This is primarily due to a timing variance in the delivery of CN's works program impacting 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 May 2023 is provided in the Executive Monthly Performance Report.

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

- 4.1.1 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 Council to provide detailed information and a forum to ask questions.

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report – May 2023

Attachment A distributed under separate cover

8.7. TENDER REPORT - BIENNIAL HIRE OF PLANT TRUCKS AND EQUIPMENT - CONTRACT 2023/120T

REPORT BY: CITY INFRASTRUCTURE
CONTACT: EXECUTIVE DIRECTOR CITY INFRASTRUCTURE /
EXECUTIVE MANAGER CIVIL CONSTRUCTION AND
MAINTENANCE

PURPOSE

To accept tenders for the casual hire of plant, trucks, and small plant and equipment for a two year period, in accordance with Contract No. 2023/120T.

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for Biennial Hire of Plant, Trucks and Equipment for Contract No. 2023/120T.

- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 The tender is for the casual hire of plant (with and without operators), trucks (with and without drivers) and small plant and equipment for the contract term.

Contract Term

- 3 The contract period is for two years from 1 July 2023 to 30 June 2025, with the option for two 12 month extensions.

Advertising of Tenders

- 4 The tender was advertised in the Newcastle Herald on Saturday 15 April 2023, Sydney Morning Herald on Tuesday 18 April 2023, and nationally on the Tenderlink website.

Tenders Received

- 5 Tenders closed at 2pm on Tuesday 9 May 2023. Tender submissions were received from tenderers listed in **Attachment B**.

Evaluation Process

- 6 Given the nature of the tender and City of Newcastle's (CN) requirement for a diverse range of plant, trucks and equipment, a value for money assessment was not completed due to the inability to assess all submissions against each other with each of the tenderers offering a variety of types of plant and equipment. Instead, tenders were assessed on conformity to CN's specification and contract conditions. CN also considered the tendered rates (hourly rates, fees and charges) to ensure they were comparative in the current market. All recommended tenderers were deemed to have submitted market competitive prices.

- 7 CN's Contracts Management Unit and Executive Manager Civil Construction and Maintenance acted as probity advisors for this tender in accordance with CN's Procurement Policy.
- 8 At the point of determining the allocation of work for each specific requirement, financial assessment will be considered firstly, however, where marginal price difference is evident, non-financial rating is applied to give preference to the superior compliant suppliers. Noting also that the availability of equipment at the time a requirement arises is an overriding consideration in the allocation of work.
- 9 The tenders were assessed by a Tender Assessment Panel of CN subject matter experts with specialist knowledge of Civil Construction and Maintenance operations.

Recommended Tenderer

- 10 The majority of tenderers are local suppliers, being within the lower Hunter area. Most of the recommended tenderers have had previous experience with plant hire with CN. CN officers will continually assess the suitability of new supplier plant through the engagements.
- 11 The recommended tenders have been assessed as satisfying CN requirements as outlined in the tender documentation. Selected tenderers have demonstrated a capability to undertake the work to a high standard.

FINANCIAL IMPACT

- 12 The hire of plant and equipment is under a standing offer contract. Under a standing offer contract, CN has no financial commitment to any contractor and a cost to CN is only incurred when CN requests hire during the contract period. All expenditure under the proposed hired plant contracts will be funded from works approved under the adopted Operational Plan.
- 13 The current expenditure for hired plant, trucks and equipment is approximately \$4,500,000 (GST exclusive) per annum and is provided for in the annual budget process.

IMPLICATIONS

Policy Implications

- 14 This project aligns with the following Newcastle 2040 Community Strategic Plan objectives:

Liveable

- 1.3 Safe, active and linked movement across the city
 - 1.3.1 Connected cycleways and pedestrian networks
 - 1.3.2 Road networks

Achieving Together

4.1 Inclusive and Integrated Planning

4.1.1 Financial Sustainability

IMPLEMENTATION

- 15 In accepting the recommended tenders, CN will not be obligated to any fixed supply or cost but the contracts will facilitate the expedient supply of hired plant and equipment to complete works approved in adopted budgets. Plant is engaged as and when required and is subject to a value for money assessment prior to each engagement.

CONSULTATION/COMMUNICATION

- 16 Nil.

BACKGROUND

- 17 CN performs a range of civil works predominately to construct and maintain roads, footpaths and stormwater drainage assets. Civil works are also performed on other assets and facilities such as sporting ovals, parks and reserves.
- 18 The hire of plant and equipment may be to supplement CN's own plant and equipment or to provide short term hire of specialist plant and equipment not owned by CN.
- 19 In addition to civil works, CN required hired plant and equipment for other operational units such as building trades services and parks services.
- 20 This tender called for the casual hire of various mobile plant (with and without operators), the hire of trucks with drivers, and the casual hire of various items of small plant and equipment.
- 21 Tenderers were invited to make a standing offer for the casual hire of plant and equipment during the contract period (a standing offer contract). A condition of the standing offer contract is that all prices tendered remain fixed during the contract period.
- 22 By inviting tenders every two years, CN is able to establish continuity in its supplier base and fix the prices for the hired plant and equipment during the two-year contract period. This provides certainty in estimating the cost of CN's works.
- 23 The calling of tenders was in accordance with the requirements of Section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

Attachment A: Confidential Recommendation

Attachment B: Confidential List of Tenderers

(Refer Confidential Council Meeting Agenda 27 June 2023 for Attachments A and B)

8.8. TENDER REPORT - CONSTRUCTION OF OPERATIONAL AREA FOR RECYCLED MATERIALS TRANSFER AT SUMMERHILL WASTE MANAGEMENT CENTRE – CONTRACT NO. 2023/119T

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

PURPOSE

To accept a tender for the construction of an operational area for recycled materials transfer at Summerhill Waste Management Centre in accordance with Contract No. 2023/119T, enabling the existing operations to continue until the Materials Recovery Facility project is completed.

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for Construction of an Operational Area for Recycled Materials Transfer at Summerhill Waste Management Centre for Contract No. 2023/119T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to City of Newcastle (CN) by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in CN being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 The tender is for construction of the operational area for recycled materials transfer at Summerhill Waste Management Centre.

Contract Term

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

Advertising of Tenders

- 4 The tender was advertised nationally on the Tenderlink website on Friday, 21 April 2023.

Tenders Received

- 5 Tenders closed at 2pm on Tuesday, 23 May 2023. Tender submissions were received from:

- i) Ironbuilt infrastructure Pty Ltd, and
- ii) Symal Infrastructure Pty Ltd

Evaluation Process

- 6 The tenders were assessed against the following criteria:
 - i) Tender Price 40%

ii) Methodology	10%
iii) Referees	3%
iv) Construction Program	10%
v) Previous Experience	10%
vi) Supplier Diversity	5%
vii) Management and Staff	5%
viii) Sub-Contractors	5%
ix) Environmental Accreditation, Quality Assurance and Industrial Relations	2%
x) Work Health and Safety	10%

7 The tenders were assessed by a Tender Assessment Panel consisting of three CN Project Managers. The Panel was selected based on their relevant experience and knowledge of the project.

8 Probity oversight was provided by the Contact Management Unit in accordance with CN's Procurement Policy.

Recommended Tenderer

9 The recommended tenderer demonstrated a thorough understanding of the construction requirements of this contract, whilst offering a competitive price and ultimately best value for money outcome.

FINANCIAL IMPACT

10 The total cost of this contract including the proposed contract amount, allowances for project management, contingency and other associated project costs is within the 2023/24 budgeted amount allocated for this project.

IMPLICATIONS

Policy Implications

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

Liveable

- 1.2 Connected and fair communities
 - 1.2.4 Healthy communities

Sustainable

- 2.1 Action on Climate Change

- 2.1.1 Towards net zero emissions
- 2.1.2 Know and share our climate risk
- 2.3 Circular Economy
 - 2.3.1 Design out waste
 - 2.3.2 Localised supply chain and sustainable procurement

Creative

- 3.4 City-shaping partnerships
 - 3.4.1 Optimise city opportunities

Achieving Together

- 4.3 Collaborative and innovative approach
 - 4.3.2 Innovation and continuous improvement

- 12 This project supports the implementation of CN's strategic objective to reduce waste to landfill in accordance with the *Our Sustainable Waste Strategy* unanimously adopted by Council in November 2022.

Environmental Implications

- 13 The recommended tenderer has an ISO accredited environmental management system to address environmental risks associated with construction activities. All contractors are required to comply with CN's work health safety and environmental requirements during project delivery.

IMPLEMENTATION

- 14 Delivery of this project will not impact day-to-day operations at Summerhill Waste Management Centre or community service delivery.

CONSULTATION/COMMUNICATION

- 15 Public exhibition has been undertaken through the Recycled Materials Transfer development application review process.

BACKGROUND

- 16 The proposed Organics Processing Facility (OPF) is planned to be located on the site of the existing materials processing operations area. In advance of the OPF construction, relocation of the existing kerbside recycled materials transfer operations from its existing site is required.
- 17 The relocation of the kerbside recycled materials transfer operations provides continuity of the yellow bin collection service until the proposed Materials Recovery Facility becomes operational.
- 18 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the

Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

Attachment A: Confidential Recommendation

Attachment B: Confidential Tender Evaluation Matrix - Summary

(Refer Confidential Council Meeting Agenda 27 June 2023 for Attachments A and B)

9. NOTICES OF MOTION

9.1. PEDESTRIAN CROSSINGS

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

PURPOSE

The following Notice of Motion was received on 15 June 2023 from the abovementioned Councillors.

MOTION

That City of Newcastle

- 1 Notes Transport for NSW recently released a temporary delegation to Councils for minor works under the Roads Act 1993 and Road Transport Act 2013 to provide Councils with an alternative approval pathway for certain types of pedestrian works. Under the revised delegation, Councils can approve and implement selected pedestrian works without needing to seek concurrence, approval or input from TfNSW, nor approval from Local Traffic Committees (Fact Sheet at **Attachment A**)
- 2 Consistent with the new delegation and accompanying TfNSW pedestrian crossing guideline, Council develops a Newcastle Local Pedestrian Crossing Policy with the objectives of contributing to road safety outcomes, improving amenity for pedestrians and cyclists, supporting council's integrated public transport vision, supporting our placemaking vision, and delivering fair, transparent and consistent management of traffic for all road users
- 3 Notes feedback from the community about the need for pedestrian crossings in local areas across the City. Alongside the development of a Local Pedestrian Crossing Policy, explores the delivery of new crossings at:
 - a. Around the boundary streets of Newcastle High School (noting need for concurrence from School Infrastructure NSW)
 - b. Dixon Park, Cnr Livingston and Helen Streets, Merewether
 - c. Cnr of Berner and Ocean Street to meet the new footpath and connection with new pedestrian crossing on Frederick Street
 - d. Richardson Park, Cnr Chatham Rd and Donald St, Hamilton North
 - e. Centennial Park, Cnr Tooke St and Dawson St, Cooks Hill
 - f. Cnr Kerr St and Maitland Road Mayfield, raised pedestrian crossing and need for improved lighting

BACKGROUND

Nil

ATTACHMENTS

Attachment A: Fact Sheet

<https://www.transport.nsw.gov.au/system/files/media/documents/2023/guide%20to-councils-traffic-management-and-temporary-works-delegation.pdf>

9.2. NEWCASTLE INNER CITY BYPASS – FURTHER ADVOCACY

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

PURPOSE

The following Notice of Motion was received on 15 June 2023 from the abovementioned Councillors.

MOTION

That City of Newcastle

- 1 Notes that construction is underway on the long-awaited final stage of the Newcastle Inner City Bypass. The project is being primarily funded by the Commonwealth Government (80% funding) and delivered by the NSW Government (20% funding).
- 2 Notes the constructive advocacy role CN has played in the delivery of this project, including multiple motions of the elected council which were successful in protecting the East-West cycleway connections, removal of the proposed construction compound from Peatties Road, and ensuring the delivery of a full interchange at John Hunter Hospital.
- 3 Reiterates the need for further refinement to the project before it is completed including the need for a dedicated corridor for active transport, bus rapid transport and future light rail between the John Hunter Hospital and University of Newcastle as part of the project; and opportunities for refinements to minimise biodiversity and habitat losses.
- 4 Notes that it is not too late for these items to be included within the scope of the project, and that the costs of delivering this infrastructure now will be substantially less than attempting to retrofit into the future road.
- 5 Writes to the Member for Wallsend (Hon Sonia Hornery) calling on the newly elected NSW Government to urgently review these aspects of the project, to ensure the opportunity to deliver a meaningful active and public transport connection between two of the City's main catalyst sites (JHH and UON) is not lost due to the short-sightedness of the previous Coalition State Government.

BACKGROUND

Nil

ATTACHMENTS

Nil

9.3. NATIONAL PARKS ESTATE ADVOCACY - 505 MINMI ROAD

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

PURPOSE

The following Notice of Motion was received on 15 June 2023 from the abovementioned Councillors.

MOTION

That City of Newcastle

- 1 Reiterates the elected Councils' many previous resolutions calling for the protection of the Green Corridor and specifically on the importance of 505 Minmi Road within the Green Corridor to regional biodiversity, noting the opportunity to incorporate the land into the neighbouring Blue Gum Hills Regional Park with just terms compensation to the existing landowner.
- 2 Notes that development currently underway in this area was approved by the Land and Environment Court, not City of Newcastle, and reiterates the Council's longstanding advocacy for protecting the Green Corridor. The NSW Government's HCCRPP recently refused a development on land neighbouring 505 Minmi Road due, in part, to the impact on the road network.
- 3 Welcomes the election commitment of the new NSW Labor Government to investigate protecting 505 Minmi Road in perpetuity as part of the National Park Estate (Newcastle Herald, 24 March 2023 – **Attachment A**).
- 4 Publicly addresses the inaccurate information in responses to Council from the Department of Planning and Environment (dated 10 January 2023) regarding the inclusion of 505 Minmi Road in the Hunter Regional Plan 2041, and notes CN's comprehensive letter dated 26 May 2023 in response to the Amended Planning Proposal of 29 March 2023 (**Attachment B**).
- 5 Writes to the Member for Wallsend and Deputy Speaker of the Legislative Assembly, The Hon Sonia Hornery MP, calling for the urgent implementation of the Government's Election Commitment to investigate the protection of 505 Minmi Rd for conservation in the National Park Estate, reiterating the elected Council's strong support for this option to permanently protect the Green Corridor.

BACKGROUND

Nil

ATTACHMENTS

Attachment A:

Newcastle Herald, Friday 24 March 2023

Attachment B:

CN Information Request – 505 Minmi Road

Attachment B distributed under separate cover

Attachment A

Newcastle Herald, Friday 24 March 2023

Pressure on Labor to protect green link

NSW Labor has agreed to investigate if a parcel of land at Fletcher, considered essential to the Hunter green corridor project, can be added to its proposed expansion of the national and regional parks network.

Labor this week announced that, if elected, it would create five new national and regional parks across the state.

But, despite two decades of community advocacy, backed by the City of Newcastle, 505 Minmi Road was not on the list.

The 26-hectare parcel of

land, owned by Kingston Property, has been earmarked for housing since the late 1990s.

The developer's goal moved a step closer to reality late last year when it was classified as 'new residential land' in the *Hunter Region Plan 2041*.

Wallsend MP Sonia Horner has been a long-term advocate for conserving the land.

A spokesman for Ms Horner said a Labor government would look at using mechanisms of the environment and planning depart-

ment to conserve the land.

"It's not something we can commit to at the moment," he said.

Shadow environment minister Penny Sharpe confirmed the approach on Thursday.

"Labor will complete the National Parks Establishment Plan, which has not been updated since 2009, to identify key habitat, ecosystems and wildlife corridors throughout NSW to expand our protected areas into the future," she said.

"This process allows consideration of parcels of land

like Minmi Road."

City of Newcastle unsuccessfully approached former environment minister Matt Kean in 2020 regarding acquiring the land and adding it to the state's national parks register.

Ward 4 councillor Liz Adamczyk told the *Herald* that a solution, which she said should be acceptable for all parties, would be for the site to be acquired by National Parks and incorporated into the neighbouring Blue Gum Hills Regional Park.

"Protecting this critical part of the green corridor

in the National Park Estate has long had the support of the elected council, and the broader community," she said.

"I look forward to working with environment minister Penny Sharpe in a Minns Labor government to see this site secured in perpetuity.

"Without action I hold little hope that this land will be protected from over-development, the site will be lost forever, and our important green corridor will be fragmented and broken."

Green Corridor Coalition spokesman Brian Purdue

hoped the land could be conserved for biodiversity.

"At 26 hectares in size, the 505 Minmi Road site is a small but essential piece of the green corridor that connects the Hunter Estuary National Park to the Blue Gum Hill Regional Park," Mr Purdue said.

"For more than two decades, the Green Corridor Coalition has been battling to protect this site from housing planning proposals that would destroy this environmental connection and fragment the green corridor."

—MATTHEW KELLY

9.4. ENDOMETRIOSIS AND PELVIC PAIN CLINICS

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

PURPOSE

The following Notice of Motion was received on 15 June 2023 from the abovementioned Councillors.

MOTION

That City of Newcastle

- 1 Notes and applauds the announcement on 22 March 2023 that the Albanese Labor Government will be delivering Australia's first Endometriosis and Pelvic Pain Clinics across all states and territories as part of the Labor Governments \$58.3 million commitment to these clinics.
- 2 Notes that in New South Wales these first clinics were announced in Orange, Hunters Hill, Leichhardt, Mittagong, Milton and Coffs Harbour.
- 3 Writes to Federal Member for Newcastle and Deputy Speaker, Ms Sharon Claydon MP, The Hon Mark Butler MP, Minister for Health and Aged Care, and The Hon Ged Kearney MP, Assistant Minister for Health and Aged Care advocating for Newcastle to be included in any subsequent funding for further clinics.
- 4 Works with local health specialists to ensure that this advocacy is well supported by our world-renowned local health specialists.

BACKGROUND

One in nine women suffer from Endometrial and/or Pelvic Pain. Those who suffer endometrial and pelvic pain often suffer in silence for years without answers or adequate treatment.

The condition is complex and can often see patients shuffling from one practitioner to another in order to gain answers and relief.

Symptoms can be debilitating and can often affect the patient in a way that impedes the ability live day to day. They often suffer in silence for years undergoing many diagnostic tests without concrete answers or treatments that are effective. Other issues including infertility, mental health, pain and suffering are commonly associated and follow on.

“Pelvic pain conditions are estimated to cost the economy \$9.7 billion annually, with a study from Western Sydney University finding they cost individuals between \$24,000 to \$30,500 per year.”

In the 2022/23 Federal Budget, the Albanese Labor Government announced \$58.3 million to fund and initial roll out of Endometriosis and Pelvic Pain clinics all across Australia.

This funding comes as a result of much advocacy from group representing sufferers.

“Working in existing general practice, the clinics will strengthen what is often the first point of contact in the health system to reduce diagnostic delays and promote early access to multi-disciplinary intervention, care and treatment.

As well as directly helping patients, the clinics will raise awareness of endometriosis and pelvic pain, build professional knowledge and skills in this area, and improve access to information and care pathways.”

Newcastle is the second biggest city in NSW and is the seventh biggest metropolitan region in the country I believe many of our constituents and those of surrounding areas would benefit greatly from one of these clinics being located in Newcastle.

Women and girls in our region often face a choice between long wait times within the Public Health system and paying large sums of out of pocket expenses to deal with this issue and I believe successful advocacy would be a positive step towards effective treatment for all.

ATTACHMENTS

Attachment A: Department of Health and Aged Care

<https://www.health.gov.au/ministers/the-hon-ged-kearney-mp/media/australias-first-endometriosis-and-pelvic-pain-clinics-now-available-nationally>

Attachment B: ABC News

https://www.abc.net.au/news/2023-03-22/where-new-pelvic-pain-and-endometriosis-clinics-will-be/102126832?utm_campaign=abc_news_web&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web

9.5. SUPERCARS 500 AND CLIMATE CHANGE

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 17 June 2023 from the abovementioned Councillor.

MOTION

That City of Newcastle

1. Notes the preceding commitments by the City of Newcastle to addressing climate change, as demonstrated by the Newcastle Climate Action Plan 2021-2025 and the consensus Council commitment to the goal of 30% reduction in city-wide emissions by 2025.
2. Notes further the objective of the Newcastle Climate Action Plan 2021-25 to “create a resilient city that reduces its share of emissions to ensure a cleaner and more sustainable future”.
3. Notes the unanimous resolution of Council in November 2017 to “engage an independent, expert third party to undertake an evaluation and event impact assessment to assess the social, economic and environmental benefits and costs associated with Newcastle City Council’s support for the Newcastle 500 event.” To date, no event impact assessment has considered the environmental benefits and costs of the Newcastle 500.
4. Consistent with the commitment to action on climate change,
 - a. Assess the environmental impact on the Newcastle LGA of each of the Newcastle Supercar 500 events held so far, with specific consideration of the climate and air pollution impacts.
 - b. Ensure that consideration of the climate and air pollution impacts include:
 - The CO₂ emissions during all three phases of the event: bump-in, 3-day event, bump-out, including emissions from all associated vehicle movements and associated machinery required for the event such as generators; and
 - Emissions of other relevant air pollutants including particulates PM 2.5 and PM10, noxious gases such as nitrogen and sulfur oxides.
5. Include the assessment of environmental impacts of the Newcastle 500 event in the report to Councillors to inform the decision-making process for a potential

five-year extension of the Newcastle 500, which also includes the results from the community consultation.

ATTACHMENTS

Attachment A: Newcastle Climate Action Plan:
<https://www.newcastle.nsw.gov.au/getmedia/2b905379-0035-4856-9ff8-ea41f03afc8d/Climate-Action-Plan>

9.5.1. REPORT ON NOTICE OF MOTION - NOM 27/06/23 - SUPERCARS 500 AND CLIMATE CHANGE

REPORT BY: CREATIVE AND COMMUNITY
CONTACT: EXECUTIVE DIRECTOR CREATIVE AND COMMUNITY

EXECUTIVE DIRECTOR COMMENT

The 2023 Newcastle 500 was the final event under a five-year agreement. The Newcastle 500 was initiated by the NSW Government in 2016 and was facilitated by a legislative change from the NSW Parliament to the NSW Motor Sports Events Act, and subsequent approval by the elected Council.

Extensive consultation with the community about an extension is currently being finalised, consistent with City of Newcastle's (CN) detailed engagement plan. Any extension requires, in the first instance, a commitment from the NSW Government that Destination NSW intends to enter into a new contract with Supercars Australia. The elected Council would then be asked to consider if CN agrees to continue as the host city.

The NSW Department of Planning and Environment (DPE) manages the Air Quality Monitoring Network, a statewide air quality monitoring network that continuously measure particles (PM10, PM2.5), sulfur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂) and visibility. Wind speed and direction, air temperature and humidity are also recorded. The data is archived from 1994 onwards, and accessible to the public via the DPE website:

www.dpie.nsw.gov.au/air-quality/air-quality-maps/live-air-quality-data-lower-hunter-and-central-coast.

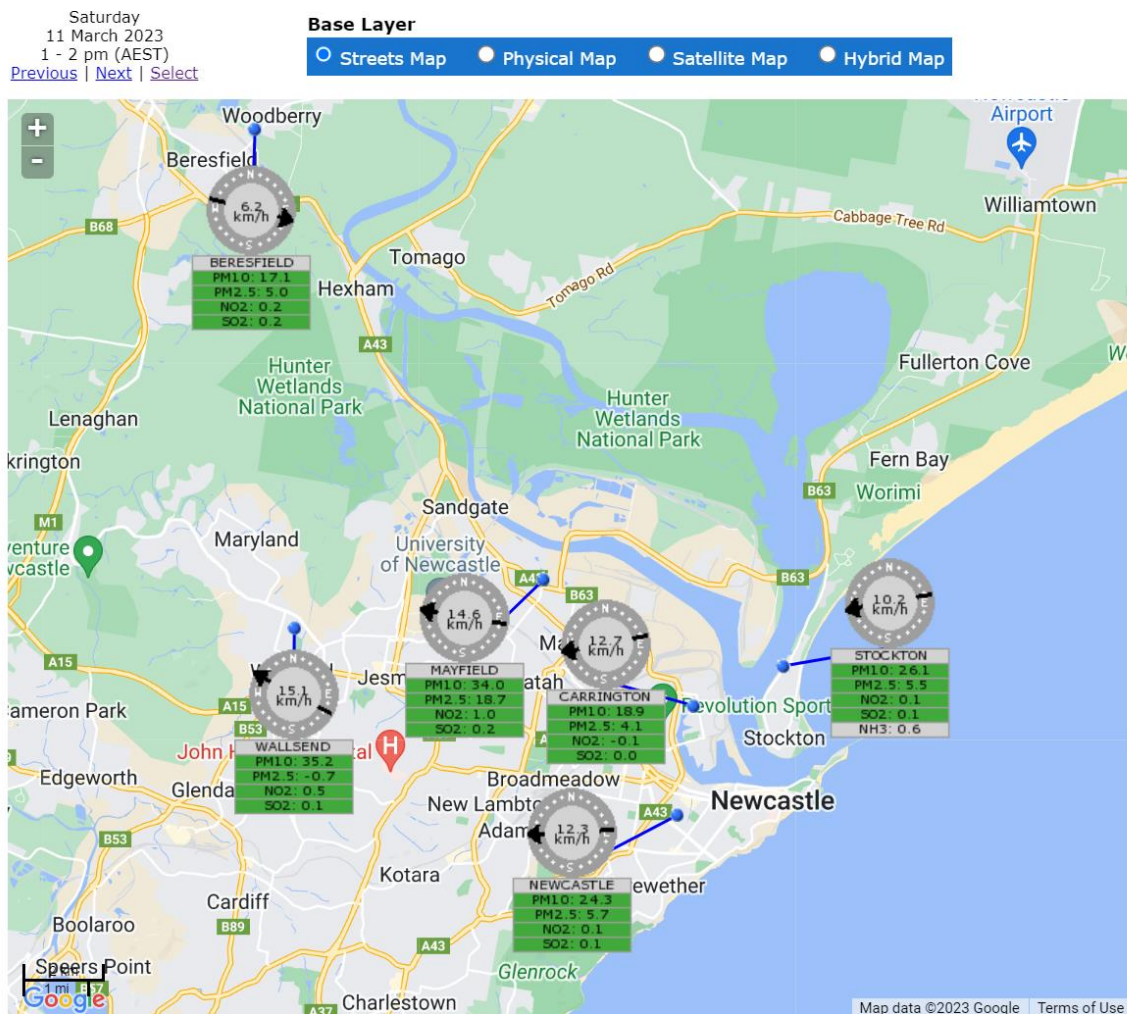
Air quality monitoring stations are located across the Newcastle Local Government Area (LGA), with data measured and reported daily in hourly intervals. This data is monitored by the NSW Environmental Protection Agency (EPA). There is an air quality monitoring station at Newcastle East where the Newcastle 500 has been staged since 2017.

Throughout the three-day event, the East End peninsula where the event is staged is otherwise closed to all usual traffic. A comparison of air quality using the EPA's reporting tool showed generally lower particulate / pollutant levels in Newcastle East than other monitoring stations in the LGA during the course of the Newcastle 500 event.

During racing, nitrogen oxides (NO_x) and sulphur oxides (SO_x) levels in the Newcastle East were lower than those elsewhere in the LGA. Below is a screenshot of air monitoring data on Saturday 11 March, during the race.

Saturday 11 March

Source: [NSW DPE air quality data](#)



The racing fuel utilised by Supercars for the Newcastle 500 in 2017, 2018, and 2019 was an E85 fuel blend. The Material Safety Data Sheet (MSDS) is **Attachment A**. Concerns have been raised by some in the East End community regarding the presence of benzene in fuel. The fuel contains Benzene at a proportion of <0.2% (w/w) which is lower than regular 91 unleaded fuel purchased at most service stations. For example, BP has a published benzene composition of <1% for its regular unleaded 91 fuel (**Attachment B**, BP Unleaded 91 Safety Sheet).

The 2023 Newcastle 500 debuted a new, lower carbon fuel known as E75 for all racing vehicles. The E75 race fuel is comprised of more than 80 percent second generation fuel components, including an advanced bio gasoline, which are sourced from renewable feedstocks, and blended with Premium 98 unleaded fuel.

The E75 racing fuel has also been formulated to help extend the range of the race cars compared to previous fuel, which means burning fewer litres of fuel for the same race.

Previously, the ethanol used in E85 was produced from the waste of sugar cane production. The E75 fuel is second-generation bio ethanol, derived from the waste products of wheat processing so it no longer impacts the grain's food stock.

CN hosts and supports a range of major events in the city which drive visitation and promote Newcastle as a destination. These events all have a level of environmental impact associated with the bump in, event operation and bump out. It is important to note that the vast majority of emissions associated with these events is attributable to the travel choices of attendees.

For example, more than 80,000 people attended the Van Gogh Alive event in 2022, also in the Newcastle East area. Data from ticket sales shows that all but a small percentage of attendees travelled into the area via a private motor vehicle.

Similarly, the Elton John concerts in January 2023 attracted 48,257 people, of which 77 percent were from outside of the Newcastle LGA, with the large majority also travelling to the events via private motor vehicle.

By comparison, Supercars attendees were far more likely to make use of public transport for their journey into the city, with dedicated 10-30minute express services from Stockton, Wallsend, Charlestown, Glendale and Swansea. While Supercars attracts a diverse demographic, previous studies including the EY Report confirms that the vast majority of attendees were domestic travellers, coming from across the Hunter and regional NSW to attend the event.

Beyond the data outlined above, it is not feasible to undertake a retrospective assessment of the previous Newcastle 500s over the three event phases. This would require an understanding of all vehicle and plant types and movements associated with Supercars, including their subcontractors, energy usage throughout the event period and ancillary impacts from visiting guests and third parties.

Any such retrospective attempt at modelling would be generic in nature and require significant resources to complete. With CN Councillors to be provided an opportunity to vote on the future of the Newcastle 500 as soon as the July Ordinary Meeting (should the NSW Government and Supercars first commit to an extension), the timeframe for completion of the research would not occur in time to be included in a report to Council.

ALTERNATE RECOMMENDATION:

That Council:

- 1 Notes the objective of the Newcastle Climate Action Plan 2021-25 to "create a resilient city that reduces its share of emissions to ensure a cleaner and more sustainable future" which includes a 'City Aspirational Goal for 2025' of a 30% reduction in city-wide emissions.
- 2 Notes that Destination NSW has not provided Council with a requested report prepared by an independent expert third party to undertake an evaluation and

event impact assessment to assess the social, economic and environmental benefits and costs associated with the 2017 Newcastle 500 event, as requested by the Council in October 2017."

- 3 Notes that the NSW Government and Supercars Australia are yet to commit to any extension of the Newcastle 500, with the final decision subject to Council endorsement.
- 4 Notes that Supercars has since 2009 been run on plant based E85 (85% ethanol, 15% unleaded petrol) and in 2023 moved to E75, which is second-generation bio ethanol, derived from the waste products of wheat processing that doesn't impact the grain's food stock.
- 5 Notes that the NSW Government via the EPA provides hourly air quality data for Newcastle, including Newcastle East, that measures particles (PM10, PM2.5), sulfur dioxide (SO2), carbon monoxide (CO), ozone (O3), nitrogen dioxide (NO2) and visibility. This data is publicly available via the EPA's website.
- 6 Further notes that data captured by the NSW Government confirms that during the Newcastle 500 on Saturday 11 March 2023, nitrogen oxides (NOx) and sulphur oxides (SOx) levels in Newcastle East were lower than those elsewhere in the LGA.
- 7 Notes Council's previous resolved support for the electrification of Supercars, and opportunity to utilise Supercars to promote the use of public transport and electric vehicles in the city.

ATTACHMENTS

Attachment A: Shell E85 fuel blend Material Safety Data Sheet (MSDS)
<https://www.dlra.org.au/safety-data-sheets/shell-e85-msds.pdf>

Attachment B: BP Unleaded 91 Safety Data Sheet
https://www.bp.com/content/dam/bp/country-sites/en_au/australia/home/products-services/data-sheets/regular-unleaded-petrol.pdf

9.6. INVITATION TO THE NSW LOCAL GOVERNMENT MINISTER

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 17 June 2023 from the abovementioned Councillors.

MOTION

That the City of Newcastle:

- 1 Notes with disappointment the comments made by the NSW Minister for Local Government The Hon. Ron Hoenig in the NSW Legislative Assembly on 30th May 2023 (attached below).
- 2 Notes the continuing achievement of excellence in the City of Newcastle's financial reporting, including the unqualified audit opinion for the last financial year as reported in the state-wide assessment by the NSW Audit Office, published 13 June 2023.
- 3 Writes to and invites The Hon. Minister Hoenig to a roundtable meeting of Councillors and financial management staff at the City of Newcastle to provide a full and complete account of the City's financial management and long-term financial planning, in the interest of a productive working relationship based on consultation and mutual respect.

BACKGROUND

Extract from Legislative Assembly Hansard – 30 May 2023 – Proof
(<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-131311/link/97>)

Mr RON HOENIG (Heffron—Minister for Local Government) (12:41): I am a great supporter of local government—that vital third tier of government in Australia. I left a little over 10 years ago, when I was elected to this House, with a high regard for many of my colleagues in local government and the work done by councils. But I regret to advise the House that I received a draft report from the Auditor-General a few weeks ago which, if not by now, will shortly be tabled in this House. It paints a frightening picture of local government in this State. When I subsequently met with the Auditor-General, she confirmed the gravity of the situation that local government has found itself in. Out of 128 councils, 43 of them have had qualified audit reports. The 2021-22 audit report discovered errors worth \$1.3 billion. Ninety-four out of the 128 councils reported high-risk audit findings, indicating weaknesses in their processes.

The issue that seems to currently have the attention of local government is the universal complaint about paying the emergency services levy. The local government

view is that the State should either pay the increases or, alternatively, yesterday Local Government NSW requested that I amend the Local Government Act and pass those increases onto their ratepayers. I remind the House that local government has been responsible for contributing to emergency services since 1884. They were reduced only 15 years ago to paying 11.7 per cent of the emergency services levy. There was an increase of 19 per cent in the previous Government's budget, which was higher than expected. That related to recent flooding disasters and other critical investments in emergency services in response to the 2022 flood inquiry and the 2019 bushfire inquiry.

Mayors from a variety of councils have been coming to see me and writing to me, talking about the financial sustainability of local government. I point out to them that financial sustainability is not about rate increases; it is about getting their own finances in order. It is about monitoring their own finances and making sure that they are accountable for their own expenses. They are democratically elected to do so. Judging by the Auditor-General's report, local government has got a long way to go to fix its own financial accountability. [*Extension of time*]

They are very good at putting their hand out and taking a 3½ per cent increase from the Local Government Remuneration Tribunal, and spending their time making submissions to upgrade their categories to earn more fees when we are putting through legislation to freeze our own salaries and that of senior public servants. They are quite happy to embark upon some egregious expenses. Kiama council put \$105 million into an aged-care facility, nearly sinking the council's financials in the process. Ryde council spent \$10,000 for a weekend for the mayor and councillors at the Hyatt Regency in Sydney CBD. In 2018 Tamworth council spent \$13,000 on overseas travel, including a trip by the mayor to Nashville, Tennessee. Liverpool council found \$350,000 to rename its council area to the City of Liverpool.

Those are examples of councils across the State. One council in Sydney is spending \$110 million on a new civic centre. Local government needs to face its own expenditure issues before it comes bleating to the State Government and asking for an allocation of funds when it is itself facing a \$180 billion deficit. When I see mayors this week, I am going to have their audit reports sitting in front of me. I am going to ask them about their financial accountability and their expenditure before they start asking the State to pay for the fire trucks going down their street, which they are responsible for paying for.

ATTACHMENTS

Nil.