



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 24 May 2022

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

19 May 2022

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**ORDINARY COUNCIL MEETING
24 May 2022**

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 (DSIGN AND PLACE) 2021 (D&P)

CONFIDENTIAL REPORTS Nil

**FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO
COUNCIL'S WEBSITE AT www.newcastle.nsw.gov.au**

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - BRIEFING COMMITTEE MEETING 12 APRIL 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 220412 Briefing Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Briefing Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 12 April 2022 at 6.03pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), K Hyland (Interim Director Strategy and Engagement), E Kolatchew (Manager Legal), S Moore (Manager Finance), M Bisson (Manager Regulatory, Planning and Assessment), A Abbott (Manager Community Strategy and Innovation), K Sullivan (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support), W Haddock (Information Technology Support) and U Bansal (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

The Deputy 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.

Council formally acknowledged the passing of former Councillor and Deputy Lord Mayor Paul Scobie.

REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Pull, seconded by Cr Adamczyk

The request submitted by Councillors Mackenzie, Winney-Baartz and Wood to attend by audio visual link be received and leave granted.

**Carried
unanimously**

APOLOGIES

MOTION

Moved by Cr Richardson, seconded by Cr Barrie

The apologies submitted on behalf of the Lord Mayor, Cr Nelmes and Councillors Church and McCabe be received and leave of absence granted.

**Carried
unanimously**

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

BRIEFING COMMITTEE REPORTS

**ITEM-1 BR 12/04/22 - WICKHAM VILLAGE HUB - 44-47 THROSBY STREET
WICKHAM PLANNING PROPOSAL**

Kirsten Drysdale, Greater Lifestyles of Wickham (GLOW), briefed Council on a planning proposal at 41 and 47 Throsby Street, Wickham and the Village Hub as described in the Wickham Masterplan 2021.

Amanda Wetzel, GYDE Consulting, presented the applicant's proposal to Council.

The meeting concluded at 6.39pm.

MINUTES - ORDINARY COUNCIL MEETING 26 APRIL 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 220426 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 26 April 2022 at 6.08pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), E Kolatchew (Manager Legal), M Murray (Chief of Staff), M Meehan (Senior Media Advisor), A Knowles (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support), R Garcia (Information Technology Support) and W Haddock (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

City of Newcastle noted the passing of former Deputy Lord Mayor Paul Scobie, who served the City as a Councillor between September 1999 and September 2008 and Jack Newton OAM, Australian golfing legend, Australian Sporting Hall of Fame member, philanthropist and junior golf advocate and mentor.

Both were exemplary Novocastrians who would be missed by many in the community.

PRAYER

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

REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Richardson, seconded by Cr Duncan

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

Carried

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a less than significant non-pecuniary interest in Item 14 – 505 Minmi Road, Inclusion in NSW National Parks Estate stating this was consistent with previous declarations due to his employment in the property industry and managed the conflict by leaving the Chamber for discussion on the item.

Lord Mayor, Cr Nelmes

Lord Mayor, Cr Nelmes had previously declared a conflict in relation to Item 14 – 505 Minmi Road, Inclusion in NSW National Parks Estate and managed the conflict by removing herself from the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - BRIEFING COMMITTEE MEETING 15 MARCH 2022

MINUTES - ORDINARY COUNCIL MEETING 22 MARCH 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

Carried

LORD MAYORAL MINUTE

ITEM-7 LMM 26/04/22 - KEEP BERESFIELD POOL PUBLIC AND LOW FEE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Recognises the unique, equitable and immensely important community service provided by Beresfield Pool to our western suburbs, particularly as local residents do not have the same ease of access to our free ocean pools;
- 2 Notes that in 2013, the Newcastle Independent Councillors tried to close and sell off Beresfield Pool and that when this was unable to be achieved due to significant community backlash, they attempted to reduce its opening hours and significantly increase entry fees;
- 3 Notes that Labor Councillors joined with the community to Save Beresfield Pool from closure in 2013, and have fought ever since to keep the entry fees at Beresfield Pool lower than any other swimming pool in the region, and maintain its opening hours for the community;
- 4 Notes that in the 2022/23 draft Budget, Beresfield Pool will join Mayfield and Wallsend Pools in receiving an updated Playground, as a part of our popular Playground Replacement Program;

- 5 Recommits to our longstanding commitment to the community to keep Beresfield Pool in public hands, and low fee, to ensure that families in our western suburbs have equitable access to a high-quality public pool.

For the Motion:

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

Against the Motion:

Councillor Church.

Carried

ITEM-8 LMM 26/04/22 - RESTORE OUR FINANCIAL ASSISTANCE GRANTS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Note that CN's operations are largely self-funded. 91.3% of CN's operational expenditure is from its own sourced operating revenue, with just 8.7% from external grants and contributions. This significantly exceeds the OLG benchmark, which requires all councils to be greater than 60% own sourced revenue.
- 2 Notes that CN has been excluded from numerous Government grant programs. Analysis by the University of Newcastle found that Newcastle, based on share of Gross State Product, could have received additional grants of up to \$170 million from these programs had the City been eligible to apply (UON's HRFC found that CN was systematically excluded from applying for \$5.86 Billion in funding due to inconsistent regional/metropolitan classifications).
- 3 Notes that all Australian Councils have received some revenue from the Commonwealth Government via the Financial Assistance Grants (FAGs), first introduced in 1974.
- 4 Acknowledges the ongoing importance of the FAGs as a reliable annual source of revenue that supports CN's services and operations, including infrastructure delivery and road maintenance.
- 5 Notes CN's support for the Local Government NSW and the Australian Local Government Association's campaign to increase annual FAG funding to at least 1% of Commonwealth taxation revenue. In 2021-22, FAGs equated to 0.6% of Commonwealth taxation revenue. In the 2022-23 budget, this has fallen to just 0.55%.
- 6 Notes that the current Federal Liberal/National Government froze Financial Assistance Grants indexation in 2014-15 for three years, and funding levels have not been restored. This means that in real terms, the value of the grants has reduced over the last decade.

- 7 Notes with alarm that CN received correspondence from the Local Government Grants Committee advising that in 2023 CN's share of FAGs will be reduced in nominal terms by up to 4% (Attachment A). In addition to failing to keep pace with inflation, this would cut a further \$435,000 annually from CN's budgets.
- 8 Writes to the Prime Minister, NSW Premier and Local Government Grants Commission opposing the cut in Financial Assistance Grants, seeking a commitment to increase FAGs up to 1% of Commonwealth taxation revenue, and seeking a guarantee that no council will be worse off under the revised funding arrangements.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-30 CCL 26/04/22 - VARIATIONS TO DEVELOPMENT STANDARDS - 1ST QUARTER 2022

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the report on approved development variations between 1 January 2022 and 31 March 2022 at **Attachment A** in accordance with the Department of Planning and Environment's (DPE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

**Carried
unanimously**

ITEM-38 CCL 26/04/22 - TENDER REPORT - NEWCASTLE ART GALLERY MINE VOID REMEDIATION WORKS - CONTRACT NO. 2022/091T

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That the recommendation at Attachment A be adopted.

- 1 Council accept the tender of BFG Daracon Pty Ltd in the amount of \$3,172,652.73 (excluding GST) for Newcastle Art Gallery Expansion Mine Void Remediation Works for Contract No. 2022/091T.
- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

ITEM-31 CCL 26/04/22 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

In moving the motion, Councillor Adamczyk stated she was moving the officers recommendation as outlined in the business papers and amended as follows:

MOTION

Moved by Cr Adamczyk, seconded by Cr Clausen

That Council:

PART A

- 1 Places the draft NDCP 2012 Section 4.02 Bush Fire Protection (**Attachment A**), Section 4.03 Mine Subsidence (**Attachment B**), Section 4.04 Safety and Security (**Attachment C**) and Section 7.03 Traffic, Parking and Access (**Attachment D**) on public exhibition for 28 days.
- 2 Prior to exhibition of Section 7.03 F - Electric Vehicle Parking amends as follows:

Replace with an updated section that reflects the best practice controls from the Woollahra Development Control Plan 2015 (Chapter E1.11 - **Attachment 1**). These controls are to require new development that involves parking in the Newcastle LGA (including residential alterations and additions over \$200,000 in value) to be 'EV-Ready'.

'EV Ready' involves ensuring the installation of appropriate electrical circuitry to allow for future electric vehicle charging points, by pre-wiring. This does not require the installation of a charging point.

For a dwelling house, the NSW Government's Energy Saver program estimates that the cost of being EV Ready at construction is approximately \$50-300 per car parking space, substantially less than future retrofitting, and enables EV charging for future occupants including tenants.

In addition to 'EV Ready' requirements, where parking is being provided, all new residential and non-residential development (other than for dwelling houses, semi-detached dwellings, secondary dwellings or dual occupancies) must provide at least 1 car parking space, or 5% of all car parking spaces - whichever is greater - with a minimum 'Level 2' electric vehicle charging point installed.

- 3 Receives a report on submissions following the public exhibition.

PART B

- 1 Establishes a DCP Working Party, under the Liveable cities Committee, with interested councillors (including Crs Adamczyk and Wood) to support and guide the development of the remaining sections of the DCP for the duration of the review, including the changes proposed in Council's previous resolutions of 26 October 2021 and 22 March 2022.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Part A and Part B be dealt with in seriatim.

Defeated

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

**Carried
unanimously**

ITEM-32 CCL 26/04/22 - ADOPTION OF COUNCIL POLICIES

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Adopt the Asset Management Policy at **Attachment A**.
- 2 Adopt the Sponsorship Policy at **Attachment C**.
- 3 Adopt the Media Policy at **Attachment D**.

AMENDMENT

Moved by Cr Mackenzie, seconded by Cr Church

That Council revert back to wording contained in the Media Policy dated 2018, Section 4 (Official spokespersons) in the Media Policy, that is:

4 Official spokespersons

- 4.1 As the elected leader of the City, the Lord Mayor is CN's official spokesperson. In the absence of the Lord Mayor, the Deputy Lord Mayor will be CN's spokesperson.
- 4.2 The CEO can also act as CN's official spokesperson.

For the Amendment:

Councillors Barrie, Church, Mackenzie, McCabe, Pull and Wark.

Against the Amendment:

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

Defeated

A question from Councillor Church seeking clarification and advice in relation to Clause 8.3.2 of the Sponsorship Policy was taken on notice by the Chief Executive Officer.

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

Carried

ITEM-33 CCL 26/04/22 - PUBLIC EXHIBITION OF CODE OF MEETING PRACTICE

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Places the Code of Meeting Practice at **Attachment A** on public exhibition for a period of 28 days in accordance with section 361 of the *Local Government Act 1993*.

**Carried
unanimously**

ITEM-34 CCL 26/04/22 - ADOPTION OF COMMUNITY STRATEGIC PLAN

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Adopt Newcastle 2040 at **Attachment A**

**Carried
unanimously**

ITEM-35 CCL 26/04/22 - ADOPTION OF THE PLANNING PROPOSAL FOR 41 THROSBY STREET, WICKHAM

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Endorses the amended Planning Proposal (**Attachment A**) for land at 41 and 47 Throsby Street, Wickham.
- 2 Endorses the Planning Agreement (**Attachment B**) for land at 41 and 47 Throsby Street, Wickham and authorises the Chief Executive Officer (CEO) to execute the Planning Agreement.
- 3 Receives and notes the community submissions received during the public exhibition period (**Attachment C**).
- 4 Forwards the amended Planning Proposal to the DPE for finalisation.

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

Against the Motion: Councillors Barrie, Church, Mackenzie, McCabe and Wark.

Carried

ITEM-36 CCL 26/04/22 - PUBLIC EXHIBITION OF DRAFT DELIVERING NEWCASTLE 2040

MOTION

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

That Council:

- 1 Resolves to publicly exhibit the draft 2022-2023 Delivering Newcastle 2040 as at **Attachment A**, draft 2022-2023 Fees and Charges as at **Attachment B** and draft 2022-2023 Long Term Financial Plan as at **Attachment C** for 28 days prior to the final consideration by Council.
- 2 Resolves to apply to the Independent Pricing and Regulatory Tribunal (IPART) for a one-off Additional Special Variation (ASV) of 2.5% for the 2022-2023 financial year following concerns raised by the NSW Minister for Local Government, and for this to be a permanent increase retained within the rate base.
- 3 Notes that should the ASV be approved by IPART, the total rate increase for 2022-2023 will be 2.5%; consistent with the Long-Term Financial Plan.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Church

That the matter be dealt with in seriatim.

Defeated

The motion moved by Lord Mayor, Cr Nelmes, seconded by Councillor Richardson was put to the meeting.

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

Against the Motion: Councillors Church, Pull and Wark.

Carried

ITEM-37 CCL 26/04/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

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

Carried

NOTICES OF MOTION

ITEM-13 NOM 26/04/22 - SUPPLY AND MAINTENANCE OF STREET FURNITURE AND OUT-OF-HOME MEDIA

MOTION

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

- 1 Notes that City of Newcastle currently owns and maintains thousands of items of street furniture, including more than 1,800 bus shelters, public toilets, billboards, and street bins.
- 2 Notes that City of Newcastle is ineligible for state funding assistance, including the Country Passenger Transport Infrastructure Grants Scheme.
- 3 Notes that other metropolitan councils (including City of Sydney and Inner West Council) have formed long-term partnerships with the private sector to deliver street furniture and out of home media.
- 4 Investigates the viability of partnering with a private partner to allow advertising on street furniture (including for example, bus shelters, public toilets, or appropriately placed billboards) in exchange for asset upgrades or revenue to defray the direct cost to the community of providing high quality and high standard street furniture.
- 5 Notes the need for this work to be undertaken in partnership with the community and business, and seeks to balance between public expression and private advertising; ensuring space for local neighbourhood notices (e.g. about community events and activities and classes and lost animals); increases available smart city amenity for residents across the LGA (for example, providing Wi-Fi and smart hubs); and increases the dissemination of public information (e.g. emergency services broadcasting, city-wide programs).

For the Motion:

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

Against the Motion:

Councillors Mackenzie and McCabe.

Carried

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council extend the meeting until the conclusion of business.

Carried

ITEM-14 NOM 26/04/22 - 505 MINMI RD - INCLUSION IN NSW NATIONAL PARKS ESTATE

The Lord Mayor and Councillor Church left the meeting for discussion on the item.

The Deputy Lord Mayor took the Chair.

MOTION

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

- 1 Notes that Council resolved on 8 December 2020 to nominate 505 Minmi Road for inclusion in the NSW National Parks Estate, following correspondence from then Minister for the Environment Matt Kean MP, requesting the identification of suitable sites within the Newcastle LGA;
- 2 Notes that 505 Minimi Road forms part of the Green Corridor, which is essential for the flourishing habitat of listed threatened species which are present in the Newcastle LGA including the Squirrel Glider, Koala, Regent Honeyeater and Swift Parrot; and
- 3 Notes that the Green Corridor has recreational and health benefits for the people of Newcastle by providing proximate green spaces to sub-urban and urban areas.
- 4 Notes that City of Newcastle Council is awaiting a formal written response from the NSW Minister for Environment; and that on 21 December 2021 Minister James Griffin was appointed as NSW Minister for Environment and Heritage. Former Minister Kean previously commented positively on considering the nomination in the Newcastle Herald.
- 5 Writes to new Minister Griffin, and DPE, requesting that the Government includes 505 Minmi Road into the National Parks estate, noting the property's strategic importance to the 23,000-hectare arc Green Corridor, an arc of undeveloped land stretching inland from the Stockton Bight, west and south to the Watagan Mountains, and its proximity to the existing Blue Gum Hills Regional Park and Hexham Wetlands National Park; critical for its health and habitable benefits for flora and fauna and humans in the Newcastle LGA and surrounds.

AMENDMENT

Moved by Cr Mackenzie

PART B

That Council:

- 1 Write to request a digital version of the Blue Gum Hills Regional Park: Plan of Management (2007) from NSW National Parks and Wildlife Services for review by Councillors and community.

The mover and seconder accepted Councillor Mackenzie's amendment into the motion.

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

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

Against the Motion: Councillor Pull.

Carried

The Lord Mayor and Councillor Church returned to the meeting at the conclusion of the item and the Lord Mayor resumed the Chair.

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

The meeting concluded at 9.59pm.

REPORTS BY COUNCIL OFFICERS

ITEM-39 **CCL 24/05/22 - COMPULSORY ACQUISITION OF COMMUNITY LAND BY TRANSPORT FOR NSW - NEWCASTLE INNER CITY BYPASS**

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

PURPOSE

To make a determination on the compensation proposed by Transport for NSW (TfNSW) for the acquisition of land in Lambton and New Lambton.

RECOMMENDATION

That Council:

- 1 Rejects the compensation offer made by TfNSW for the compulsory acquisition of eight parcels of Community Land (Land) as shown at **Attachment A**.
- 2 Endorses seeking a determination by the Valuer General on the compensation payable.
- 3 Endorses entering into a Deed of Release at a compensation value determined by the Valuer General.
- 4 Grants authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.
- 5 Endorses entering into a licence for access to the Land while compensation is being determined.

KEY ISSUES

- 6 TfNSW require the Land as shown at **Attachment A** for the Jesmond to Rankin Park section of the Newcastle Inner City Bypass.
- 7 City of Newcastle (CN) has received an offer of \$1,155,000 (Offer) for the Land from TfNSW. The independent valuation obtained by CN for the Land is \$1,950,000.
- 8 CN does not believe TfNSW's Offer is market value, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (Act) and would not provide value for money for ratepayers if accepted.

- 9 On 1 March 2022, TfNSW formally issued a Proposed Acquisition Notice (PAN), which will result in the Land transferring to TfNSW on 1 June 2022 (after 90 days).
- 10 The Act allows the parties to attempt to agree a compensation figure during this period. If the parties agree, a Deed of Compensation will be entered into between the parties.
- 11 Despite numerous attempts by CN to further negotiate the compensation, TfNSW have advised its Offer will not be amended.
- 12 If the parties do not agree to a compensation figure prior to the transfer, any compensation payable by TfNSW can be assessed by the Valuer General.
- 13 It is estimated that the transfer of the land will occur in accordance with the Act on or around 10 June 2022.
- 14 Once the Valuer General provides their determination, the parties will enter into a Deed of Release for the land to fully transfer to TfNSW.
- 15 In addition, CN are seeking approval to enter into a Licence with TfNSW in the interim to occupy the land until the acquisition is finalised.
- 16 Based on the current CN valuation and a yield of 7%, CN propose an annual rent of \$135,000, pro-rated for the period up to transfer of the land which has been agreed by TfNSW.

FINANCIAL IMPACT

- 17 If CN accept TfNSW's Offer, CN will receive \$1,155,000.
- 18 If CN does not accept the Offer, the Valuer General will determine the compensation payable.
- 19 If CN enter into a licence for early access to the Land, CN will receive an estimated \$45,000.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 20 This report aligns with the following Newcastle 2040 Community Strategic Plan priority:

Achieving Together

- 4.1 Inclusive and Integrated Planning
- 4.1.1 Financial Sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 21 The plan of acquisition will be registered at the Land Registry Service, a Government Gazette notice will be published, and the land will be vested to TfNSW.

RISK ASSESSMENT AND MITIGATION

- 22 The Valuer General may assess the compensation to be lower than the Offer. CN will provide copies of both of CN's valuations to the Valuer General showing the methodology and justification for the compensation being sought.

RELATED PREVIOUS DECISIONS

- 23 Nil.

CONSULTATION

- 24 On 21 April 2022, the matter was tabled to CN's Asset Advisory Committee. The Committee endorsed continued negotiations with TfNSW in an effort to achieve the most positive outcome for ratepayers, and requested the proposed acquisition be reported to Council.

BACKGROUND

- 25 CN and TfNSW have been in discussion for several years regarding proposed land acquisitions for the completion of the Jesmond to Rankin Park section of the Newcastle Inner City Bypass, adjacent to John Hunter Hospital.
- 26 In April 2021, the formal six-month negotiation process required under section 10A of the Act commenced.
- 27 CN obtained a valuation of the Land, totalling \$2,600,000, with TfNSW offering \$418,000.
- 28 After both parties' valuers met to discuss their methodologies, CN's valuer revised the valuation to \$1,950,000.
- 29 TfNSW has not provided any further valuation, however, have revised their offer to \$1,155,000.
- 30 TfNSW has now issued the formal PAN which allows independent assessment of the compensation by the Valuer General. The PAN allows 90 days for both parties to agree on compensation, however, after the 90-day period, the compulsory acquisition will be published in the Government Gazette and CN's interest in the land will be extinguished. This does not affect the compensation payable as determined by the Valuer General.
- 31 TfNSW have also requested a Licence from CN to access the Land prior to the compensation determination. 28 days public notification period for the proposed Licence is required in accordance with the *Local Government Act*.

OPTIONS

Option 1

32 The recommendation as at Paragraphs 1 to 5. This is the recommended option.

Option 2

33 CN accept TfNSW's offer of \$1,155,000, and grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transactions. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 39 Attachment A: Land Acquisition Maps

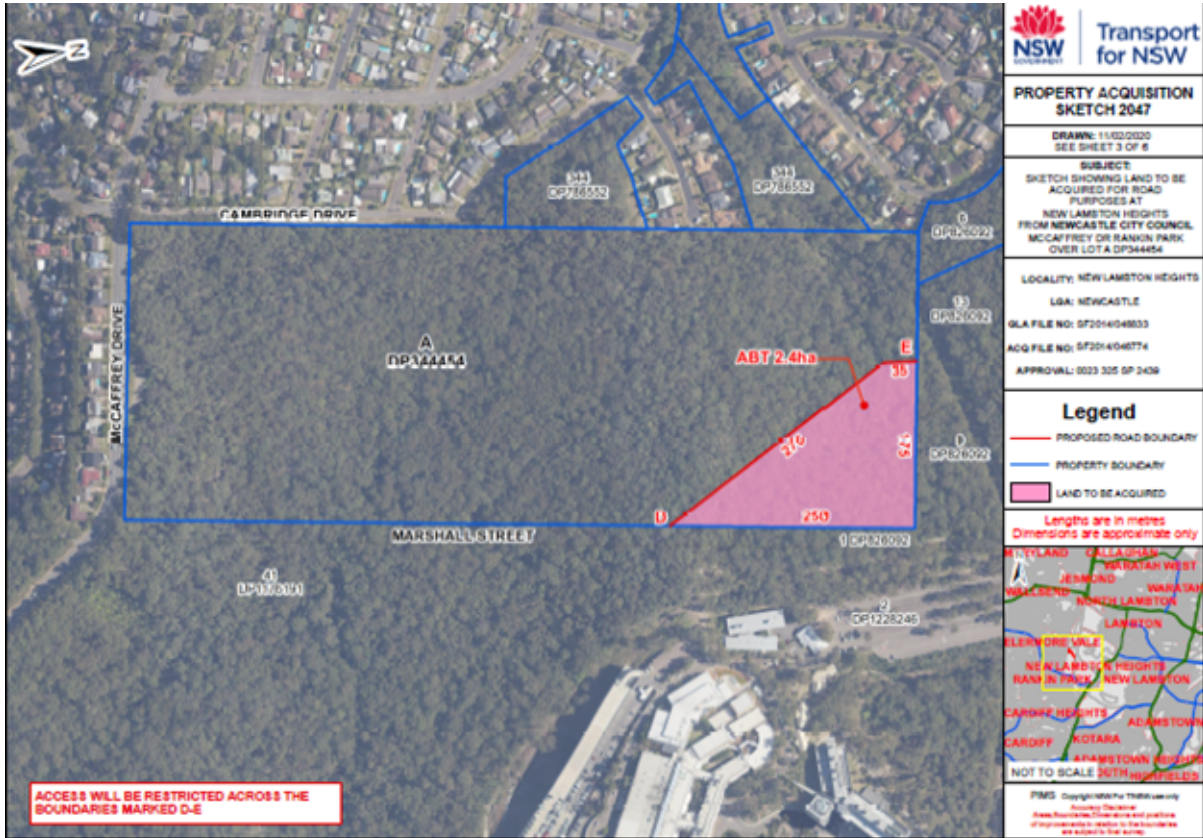
Item 39 Attachment A: Land Acquisition Maps



CITY OF NEWCASTLE

Ordinary Council Meeting 24 May 2022

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ITEM-40 CCL 24/05/22 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 FEBRUARY TO 30 APRIL 2022

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER LEGAL

PURPOSE

To table the Register of Disclosures of Interest (Register) for the period 1 February to 30 April 2022 received from designated persons in accordance with the Code of Conduct for Staff.

RECOMMENDATION

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 February to 30 April 2022) by the Chief Executive Officer (CEO).

KEY ISSUES

- 2 City of Newcastle's (CN) Code of Conduct for Councillors requires councillors to lodge a Disclosure of Interests (Disclosure) within three months of becoming a councillor or of becoming aware of a new interest that must be disclosed.
- 3 CN's Code of Conduct for Staff requires designated persons to lodge a Disclosure within three months of becoming a designated person or of becoming aware of a new interest that must be disclosed. Designated persons include the CEO, senior staff, or CN officers designated because of the exercise of CN functions.
- 4 The CEO is required keep a register of Disclosures which may be accessed in accordance with the Government Information (Public Access) Act 2009 (GIPA Act). The CEO is required to table all lodged Disclosures at the first Ordinary Council Meeting held after the lodgment date.

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.2 Trust and Transparency

4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

- 8 Tabling of the Register supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 22 February 2022, Council noted the tabling of the Register (for the period 1 November 2021 to 31 January 2022).

CONSULTATION

- 10 No consultation was required as this is a statutory process under the Codes of Conduct for Councillors and for Staff.

BACKGROUND

- 11 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

Codes of Conduct

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

ATTACHMENTS

Item 40 Attachment A: Register of Disclosures of Interest to be tabled.

ITEM-41 CCL 24/05/22 - NSW LAND AND HOUSING CORPORATION FUNDING DEED

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER

PURPOSE

To endorse a Funding Deed with NSW Land and Housing Corporation (LAHC).

RECOMMENDATION

That Council:

- 1 Endorses the Funding Deed with the NSW Land and Housing Corporation as provided at **Attachment A**.
- 2 Delegates authority to the Chief Executive Officer to sign the Funding Deed.

KEY ISSUES

- 3 In October 2021, Council unanimously endorsed the Memorandum of Understanding (MoU) with the LAHC (a copy of the MoU is provided at Schedule A, Attachment A). The MoU confirms City of Newcastle (CN) and LAHC's commitment to work together to deliver improved outcomes for the residents of the Newcastle Local Government Area (LGA), particularly in relation to the provision of social and affordable housing.
- 4 The Funding Deed outlines the purpose, amount, timing, reporting, and other responsibilities of CN and LAHC in relation to funding under the MoU.
- 5 The LAHC & CN Steering Committee is responsible for overseeing the MoU and has considered a range of projects suitable for funding to deliver a net increase in social and affordable housing in the Newcastle LGA over the three-year term. The Steering Committee endorsed the proposed Funding Deed for the consideration of Council at its meeting on 12 April 2022.

FINANCIAL IMPACT

- 6 CN will provide LAHC with three payments equivalent to the rates paid to CN for its portfolio of properties in the Newcastle LGA. An initial payment of \$1,668,442 will be made upon execution of the Funding Deed. Two additional payments will be made in financial years 2024 and 2025 equivalent to the annual rates paid by LAHC for its portfolio of properties in the Newcastle LGA.
- 7 It is anticipated that CN's total contribution under the Funding Deed will be approximately \$6 million over the three-year period. At a minimum, matching funds will be contributed by LAHC.

NEWCASTLE 2040 ALIGNMENT

- 8 The Funding Deed is consistent with the priorities of the Newcastle 2040 Community Strategic Plan.

Inclusive Community

- 1.2 Connected and fair communities
 - 1.2.1 Inclusive communities
 - 1.2.3 Equitable communities

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The MOU and Funding Deed will assist in the implementation of CN's Newcastle Local Housing Strategy and Local Strategic Planning Statement to grow housing by some 19,500 homes to 2041.
- 10 A Steering Committee, involving two Councillors, the Chief Executive Officer and Director Governance from CN, and two senior representatives of LAHC, is responsible for overseeing the MoU and the Funding Deed. **Attachment B** outlines the key components of both instruments.

RISK ASSESSMENT AND MITIGATION

- 11 The Funding Deed provides clear responsibilities and accountabilities to enable CN's financial contributions to the partnership with LAHC via the MoU.
- 12 Nothing in the MoU or Funding Deed will influence the execution of CN's statutory functions and processes – including those of the elected Council.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 26 October 2021, Council unanimously endorsed the Memorandum of Understanding with the Land and Housing Corporation.
- 14 At the Ordinary Council meeting held on 27 July 2021, Council unanimously endorsed the Lord Mayoral Minute Strategies to ameliorate the conditions of those in homelessness in Newcastle.
- 15 At the Ordinary Council Meeting held on 24 November 2020, Council unanimously adopted the Newcastle Local Housing Strategy.

CONSULTATION

- 16 At the Steering Committee's meeting held on 11 May 2022, the Funding Deed was endorsed for consideration by Council.
- 17 A closed Councillor Workshop was held on 12 April 2022 to brief Councillors on the Funding Deed.

BACKGROUND

- 18 Housing affordability in the Newcastle LGA is at an acknowledged crisis point, with the most recent data confirming 10,700 housing stressed households.
- 19 The LAHC owns 4,317 dwellings across the Newcastle LGA. Properties are overwhelming of an aged condition with an average age of 56 years for houses and 44 years for apartments (as at June 20, 2021). Further there are 1,179 households on the published waitlist for social housing in the Newcastle LGA, and of these 98 have been identified as priority with an urgent need for housing.
- 20 The shared principles that underpin the MoU include:
- i. Commitment to provide a net increase in social housing across the Newcastle LGA, as well as more, high quality, and accessible social housing.
 - ii. Expedite the delivery of new and renewed social and affordable housing, including the exploration of a 'Make Room Project' in the Newcastle LGA; and
 - iii. Redevelopment opportunities place community outcomes at the centre of project design – considering and balancing issues such as environmental and social sustainability, public and private amenity, development of social capital, safety, walkability, and efficiency.

OPTIONS

Option 1

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

Option 2

- 22 Council does not endorse the Funding Deed. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 41 Attachment A:** Funding Deed (also includes the MoU)
Item 41 Attachment B: Outline of Memorandum of Understanding (MoU) & Funding Deed Key Components

Item 41 Attachments A-B distributed under separate cover

ITEM-42 CCL 24/05/22 - PUBLIC EXHIBITION OF COUNCILLOR EXPENSES AND FACILITIES POLICY

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER LEGAL

PURPOSE

To place the draft Councillor Expenses and Facilities Policy (draft Policy) on public exhibition.

RECOMMENDATION

That Council:

- 1 Places the draft Councillor Expenses and Facilities Policy, at **Attachment A**, on public exhibition for a period of 28 days in accordance with section 253 of the *Local Government Act 1993*.

KEY ISSUES

- 2 The purpose of a councillor expenses and facilities policy is to ensure transparency and accountability in the reimbursement of expenses and provision of facilities to the Lord Mayor and Councillors.
- 3 Sections 252 and 253 of the *Local Government Act 1993* (the Act) requires councils:
 - i) to adopt a councillor expenses and facilities policy within 12 months of each local government election; and
 - ii) prior to adoption, to place the policy on public exhibition for a period of at least 28 days during which submissions may be made.
- 4 The Office of Local Government (OLG) published a better practice Councillor Expenses and Facilities Policy template in 2017 (OLG policy template) at **Attachment B** to assist councils to adopt a policy that is consistent with the Act, the *Local Government (General) Regulation 2021* (the Regulation) and the OLG's Guidelines for the payment of expenses and provision of facilities for mayors and councillors in NSW (the Guidelines) at **Attachment C**.
- 5 The Guidelines and the OLG policy template require councils to set maximum expenditure limits for expenses and facilities. Expenditure limits included within CN's draft Policy have been reviewed and set against surrounding council's policies as well as against CN's previous expenditure to ensure the limits remain at appropriate levels. The proposed limits remain the same as the 2018 policy with no increases applied.

- 6 CN's current Councillor Expenses and Facilities Policy is provided at **Attachment D.**

FINANCIAL IMPACT

- 7 There is no budget implication in placing the draft Policy on public exhibition. The expenses proposed under the draft Policy are included in CN's draft 2022/23 budget.

NEWCASTLE 2040 ALIGNMENT

- 8 Placing the draft Policy on public exhibition is consistent with the priorities of the Newcastle 2040 Community Strategic Plan.

4 Achieving Together

4.2 Trust and Transparency

4.2.1 Genuine engagement

4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 Following the 28 day publication exhibition period, a report will be provided back to Council for consideration taking into account any submissions received, along with the final Councillor Expenses and Facilities Policy recommended for adoption.

RISK ASSESSMENT AND MITIGATION

- 10 Placing the draft Policy on public exhibition ensures CN complies with the Act.

RELATED PREVIOUS DECISIONS

- 11 At the Council Meeting on 28 August 2018, Council resolved to adopt the current Councillor Expenses and Facilities Policy.

CONSULTATION

- 12 Placing the draft Policy on public exhibition provides an opportunity for the community to make submissions to CN.

BACKGROUND

- 13 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 42 Attachment A: Draft Councillor Expenses and Facilities Policy (May 2022) for Public Exhibition

Item 42 Attachment B: Office of Local Government's Councillor Expenses and Facilities Policy – suggested template (June 2017)

Item 42 Attachment C: Office of Local Government's Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009)

Item 42 Attachment D: City of Newcastle's Councillor Expenses and Facilities Policy (August 2018)

Item 42 Attachments A-D distributed under separate cover

ITEM-43 CCL 24/05/22 - MARCH QUARTERLY BUDGET REVIEW

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER FINANCE

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 31 March 2022, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 The March Quarterly Budget Review Statement reflects economic factors from the on-going COVID-19 pandemic. City of Newcastle (CN) is delivering the Council approved Community and Economic Resilience Package 2.0 and boosted works program.
- 3 The March Quarterly Budget Review Statement includes adjustments to the Adopted Budget to reflect trends identified in the actual operating performance to date for the 2021/22 financial year. The operational budget variations have a net favorable impact of \$3.7m on CN's operating position and forecast an annual budget deficit of \$9.9m for the year ended 30 June 2022.
- 4 The 2021/22 forecast net operating position is favorably impacted by the Federal Government's decision without notice to pay 75% of next year's Financial Assistance Grant in advance to CN, which is reflected in the March Quarterly Budget Review Statement. This is a significant increase on the 50% portion historically paid in advance and adversely affects the draft 2022/23 net operating position currently on public exhibition.
- 5 The adjustments recommended through the March Quarterly Budget Review Statement require CN to use \$3.4m less funds than previously predicted. CN is now forecasting to use \$9.0m in cash reserves for the full financial year 2021/22 but is forecast to maintain \$23.6m in unrestricted cash reserves at 30 June 2022.
- 6 The 2021/22 works program was reviewed as part of the March Quarterly Budget Review Statement and scheduling changes were made to projects to ensure CN was best placed to respond to community priorities. Overall, the scheduling changes result in the total cost of the works program remaining steady. The works program for the full financial year is forecast at \$105.1m.

FINANCIAL IMPACT

- 7 The budget variations recommended through the March Quarterly Budget Review Statement are presented in **Attachment A**.

NEWCASTLE 2040 ALIGNMENT

- 8 The March Quarterly Budget Review is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Achieving Together

- 4.1 Inclusive and integrated planning
4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2018 - 2022 Delivery Program and 2021/22 Operational Plan in a cost effective and efficient manner.

RISK ASSESSMENT AND MITIGATION

- 10 Adoption by Council at the Ordinary Council Meeting to be held on 24 May 2022 will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council meeting held on 25 May 2021, Council adopted the 'Our Budget' (2018 - 2022 Delivery Program and 2020/21 Operational Plan).

CONSULTATION

- 12 A workshop was conducted with Councillors on 17 May 2022 to provide detailed information and a forum to ask questions.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 43 Attachment A: March Quarterly Budget Review Statement

Item 43 Attachment A distributed under separate cover

ITEM-44 CCL 24/05/22 - QUARTERLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM

REPORT BY: STRATEGY & ENGAGEMENT
CONTACT: INTERIM DIRECTOR STRATEGY & ENGAGEMENT / MANAGER COMMUNITY, STRATEGY & INNOVATION

PURPOSE

To report progress against the 2018-2022 Delivery Program for the March Quarter in accordance with section 404(5) of the NSW Local Government Act 1993.

RECOMMENDATION

That Council:

- 1 Receives the 2018-2022 Delivery Program - March Quarterly Performance Report (Report) at **Attachment A**.

KEY ISSUES

- 2 Section 404(5) of the NSW Local Government Act 1993 (Act) requires councils to report at least every six months on the progress of the 'principle activities' detailed in its Delivery Program. City of Newcastle's (CN) quarterly updates are over and above the statutory requirement.
- 3 The Report outlines CN's achievements under the 2018-2022 Delivery Program (2021-22 Our Budget) against the Newcastle 2030 Community Strategic Plan's (CSP) seven key focus areas:
 - i) Integrated and Accessible Transport,
 - ii) Protected Environment,
 - iii) Vibrant, Safe and Active Public Places,
 - iv) Inclusive Community,
 - v) Liveable Built Environment,
 - vi) Smart and Innovative and Open and,
 - vii) Collaborative Leadership.

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

- 5 The Report outlines performance against the CSP.

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

7 The Report fulfills CN's statutory reporting activities.

RELATED PREVIOUS DECISIONS

8 At the Ordinary Council Meeting on 25 May 2021 Council resolved to adopt the 2018-2022 Delivery Program and 2021-22 Operational Plan (2021-22 Our Budget).

CONSULTATION

9 There is no requirement for consultation on Quarterly Performance Reports.

BACKGROUND

10 CN's 2018-2022 Delivery Program (2021/22 Our Budget) aligns with the CSP's seven strategic directions adopted by Council on 26 June 2018.

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

OPTIONS

Option 1

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

Option 2

13 Council resolves not to receive the March Quarterly Performance Report on the 2018-2022 Delivery Program. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 44 Attachment A: March Quarterly Performance Report on the 2018-2022 Delivery Program (2021/22 Our Budget)

Item 44 Attachment A distributed under separate cover

ITEM-45 CCL 24/05/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER FINANCE

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 2021/22 Operational Plan as at the end of April 2022.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 At the end of April 2022 the consolidated YTD actual operating position is a surplus of \$1.2m which represents a positive variance of \$8.1m against the budgeted YTD deficit of \$6.9m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2021/22 is a deficit of \$13.5m.
- 3 The net funds generated as at the end of April 2022 is a surplus of \$30.9m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$27.9m to the YTD budgeted position of \$3m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures) and settlement of recent property disposals.
- 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 April 2022 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The Executive Monthly Performance Report is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Achieving Together

- 4.1 Inclusive and integrated planning
4.1.1 Financial sustainability

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 At the Ordinary Council Meeting held on 5 August 2021 Council unanimously adopted a resolution to increase the works program by at least \$10m and to support the Community and Economic Resilience Package 2.0 to help offset the adverse economic impact of the on-going COVID-19 pandemic and specifically the lockdown placed upon the Newcastle local government area on 5 August 2021.
- 11 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

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

BACKGROUND

- 13 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

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 45 Attachment A: Executive Monthly Performance Report –
April 2022

Item 45 Attachment A distributed under separate cover

ITEM-46 **CCL 24/05/22 - TENDER REPORT - ASTRA STREET LANDFILL CAPPING AND ENVIRONMENTAL MANAGEMENT WORKS - CONTRACT NO. 2022/055T**

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

PURPOSE

To accept a tender for Astra Street landfill capping and environmental management works in accordance with Contract No. 2022/055T.

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for Astra Street landfill capping and environmental management works for Contract No. 2022/055T.

- 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 contract is for the earthworks, capping and landscaping of the former Astra Street landfill site located in Shortland.

Contract Term

- 3 The contract period is 18 months.

Advertising of Tenders

- 4 Tenders were invited following completion of an Expressions of Interest (EOI) process.
- 5 The EOI was advertised in the Newcastle Herald on Saturday 12 September 2020, the Sydney Morning Herald on Tuesday 15 September 2020, and nationally on the Tenderlink website.
- 6 The EOI closed on Friday 9 October 2020. 13 submissions were received and assessed by a panel of City of Newcastle (CN) Project Managers against criteria including supplier diversity, methodology, previous experience, current works, and management and technical resources. Following completion of the assessment, tenders were invited from five contractors.

Tenders Received

- 7 Tenders closed at 2pm on Tuesday 15 March 2022. Tender submissions were received from four contractors:
- i) Robson Civil Projects,
 - ii) Daracon Group,
 - iii) Ford Civil Contracting, and
 - iv) CMA Contracting.

Evaluation Process

8 The tenders were assessed against the following criteria:

i) Tender Price	30%
ii) Program and Methodology	25%
iii) Technical Data	20%
iv) Proposed Project Team, Subcontractors and Consultants	10%
v) Workplace Health and Safety	10%
vi) Supplier Diversity	5%

9 The tenders were assessed by a panel consisting of two City of Newcastle (CN) Project Managers, and the Acting Program Delivery Coordinator. The panel was selected based on experience and knowledge of the project.

10 Probity oversight was provided by an external probity auditor, who was present during all panel meetings in accordance with CN's Procurement Policy.

Recommended Tenderer

11 The recommended tenderer is a locally based civil contractor that has extensive experience delivering similar projects and undertaking works on behalf of CN.

FINANCIAL IMPACT

12 The total estimated cost of this project including the proposed contract amount, allowances for project management, contingency and other associated project costs, is within the multi-year budgeted amount allocated for this project.

13 This project will have no impact on CN's income statement as a provision is held on the balance sheet for the full cost of remediating the former landfill site.

IMPLICATIONS

Policy Implications

14 The proposed contract aligns with the following Newcastle 2040 Community Strategic Plan directions:

Sustainable

2.3 Circular Economy

2.3.2 Localised supply chain and sustainable procurement

Achieving Together

4.1 Inclusive and Integrated Planning

4.1.1 Financial sustainability

Environmental Implications

- 15 The design has been developed in accordance with the requirements of the Voluntary Management Proposal (VMP), approved by the NSW Environment Protection Authority (EPA). All work will be completed in accordance with various management plans prepared for the project, which have been developed in accordance with the VMP.
- 16 CN will engage an independent environmental consultant to audit compliance by the principal contractor during remediation works.
- 17 The recommended tenderer has an environmental management system that is certified to the relevant Australian Standard and has demonstrated an ability to construct the works in a manner utilising best environmental management practices.

Ecological Sustainability

- 18 The recommended tenderer does not have a specific ecological sustainable development policy in place. The recommended tenderer has not been prosecuted for environmental offences, nor is it involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

IMPLEMENTATION

- 19 Implementation of the recommendation will require partial closure of the Newcastle Golf Practice Centre and the Hunter Wetlands Centre.
- 20 Delivery of this project will be managed by CN's Assets and Projects service unit.

CONSULTATION/COMMUNICATION

- 21 Consultation throughout the detailed design phase has been undertaken with the following property/asset owners and stakeholders:
 - i) Environmental Protection Authority,
 - ii) Hunter Wetlands Centre Australia,
 - iii) Newcastle Golf Practice Centre,
 - iv) National Parks and Wildlife Service,
 - v) Hunter Water Corporation,
 - vi) Australian Rail Track Corporation,
 - vii) Crawford Industries,
 - viii) NSW Department of Planning and Environment, and
 - ix) Shortland and Sandgate local residents.

BACKGROUND

- 22 The Astra Street former landfill was declared a remediation site by the EPA in 2007, following investigations that identified the site presented a significant risk of harm to the environment. CN subsequently developed a VMP to satisfy the remediation requirements imposed by the EPA. The VMP was approved by the EPA in 2017.
- 23 CN is currently required to complete the remediation works by 28 March 2023 in accordance with the VMP timeline, however CN has proposed a revised completion date of 30 June 2024. This is currently under review by the EPA.
- 24 The landfill capping and environmental management works will include:
- i) undertaking the remediation and maintenance requirements defined in the VMP,
 - ii) supplementing existing capping materials to minimise leachate generation in the surrounding wetlands and the escape of landfill gas,
 - iii) stabilising the landfill surface through placement of cover soils, revegetation, and landscaping, re-grading the site for drainage and minimising sediment and contamination run off, and
 - iv) implementing a post remediation maintenance and monitoring regime.
- 25 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

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

Option 2

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

Option 3

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

Option 4

- 29 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

30 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.

REFERENCES

ATTACHMENTS

Item 46 Attachment A: Confidential Recommendation

Item 46 Attachment B: Confidential Tender Evaluation Matrix – Summary

(Attachments A-B refer Confidential Council Meeting Agenda 24 May 2022)

ITEM-47 CCL 24/05/22 - TENDER REPORT - ELECTRICAL AND COMMUNICATIONS SERVICES - CONTRACT NO. 2022/075T

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

PURPOSE

To accept a tender for electrical contractors to provide electrical and communication installation, repairs, and maintenance services in accordance with Contract No. 2022/075T.

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for the provision of electrical and communications services for Contract No. 2022/075T.

- 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 provision of electrical services in the following two categories:
- i) Electrical and communication services, and
 - ii) Building control systems installation and maintenance services.
- 3 The current electrical services contract and schedule of rates expires on 30 June 2022.

Contract Term

- 4 The contract period is three years.

Advertising of Tenders

- 5 Tenders were advertised in the Newcastle Herald on Saturday 22 January 2022, Sydney Morning Herald on Tuesday 25 January 2022 and nationally on the Tenderlink website.

Tenders Received

- 6 Tenders closed at 2pm on Tuesday, 22 February 2022. Tender submissions were received from:

Electrical and Communication Services

- i) GDW Engineering Pty Ltd,
- ii) JAG Power & Data Solutions,
- iii) Novocastrian Electrical Contractors Pty Ltd,

- iv) M & L Carbone Pty Ltd t/as Powered Electrical & Data,
- v) REES Electrical Pty Ltd, and
- vi) Stowe Australia.

Building Control Systems Installation and Maintenance Services

- i) Hunter Electrical Services,
- ii) JAG Power and Data Solutions,
- iii) Novocastrian Electrical Contractors Pty Ltd,
- iv) GDW Engineering Pty Ltd, and
- v) M & L Carbone Pty Ltd t/as Powered Electrical & Data.

Evaluation Process

7 The tenders were assessed against the following criteria:

- | | |
|------------------------------|-----|
| i) Tender Price | 50% |
| ii) Local Resources | 15% |
| iii) Management and Business | 5% |
| iv) Previous Experience | 10% |
| v) Referees | 5% |
| vi) WHS | 10% |
| vii) Industrial Relations | 5% |

8 The tenders were assessed by a panel consisting of the following City of Newcastle (CN) officers: Electrical Services Coordinator, Electrical Projects Coordinator, and Building Trades Manager.

9 The Contracts Management Unit provided probity for the tender evaluation in accordance with CN's Procurement Policy.

Recommended Tenderer

10 The recommended tenderers were assessed as satisfying the requirements of CN. They have demonstrated a capability to undertake the work to a high standard and are located in the Newcastle area.

FINANCIAL IMPACT

11 The categories of works under this contract cover a range of budget line items. Funding is from the draft 2022/23 budget and will be included in the 2023/24 and 2024/25 budgets.

- 12 The total estimated expenditure under this contract over the three year period is \$4 million, which will be adjusted as required to fall within adopted budgets. Costs will be closely monitored to ensure budgets are not exceeded.
- 13 This contract is a standing offer arrangement. That is, costs to CN are only incurred when CN requests works during the contract period.

IMPLICATIONS

Policy Implications

- 14 The contract aligns with the following Newcastle 2040 Community Strategic Plan directions:

Sustainable

- 2.3 Circular Economy
 - 2.3.2 Localised supply chain and sustainable procurement.

Achieving Together

- 4.1 Inclusive and Integrated Planning
 - 4.1.1 Financial sustainability.

Environmental Implications

- 15 All recommended tenderers have an environmental policy in place.

Ecological Sustainability

- 16 The recommended tenderers do not have a specific Ecological Sustainability Design policy in place. The recommended tenderers have not been prosecuted for environmental offenses, nor have they been involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy, or timber harvesting.

IMPLEMENTATION

- 17 This contract will support CN in the delivery of timely electrical and communication installation, repairs, and maintenance services to enable delivery of CN's operational plan and delivery program.

CONSULTATION/COMMUNICATION

- 18 Nil.

BACKGROUND

- 19 For electrical and communications services CN's requirements can vary in terms of job type, size, and complexity. Therefore, CN requires a small number of businesses in this category to provide a pool of resources to be drawn on at the times required. The three recommended tenderers will give CN the flexibility and resources necessary to complete these works in a timely manner.

- 20 For building control systems installation and maintenance services the qualifications, competencies and experience of suppliers have a higher cost. The recommended tenderer will provide CN the necessary specialists to complete the services to the required standards.
- 21 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

REFERENCES

ATTACHMENTS

- Item 47 Attachment A:** Confidential Recommendation
Item 47 Attachment B: Confidential Tender Evaluation Matrix – Electrical and Communication
Item 47 Attachment C: Confidential Tender Evaluation Matrix – Building Control Systems

(Attachments A-C refer Confidential Council Meeting Agenda 24 May 2022)

ITEM-48 CCL 24/05/22 - WRITE-OFF OF SUNDRY DEBT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL
OFFICER / MANAGER FINANCE

PURPOSE

The balance of a Sundry Debt requires write-off. In accordance with the provisions of CI 213 Local Government (General) Regulation, 2005, this amount may be written off only by resolution of the Council.

REASON FOR CONFIDENTIALITY

The confidential attachment has been classified confidential in accordance with the provisions of the Local Government Act 1993 as follows:

Section 10A(2)(e) information that would, if disclosed, prejudice the maintenance of law

Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:

a - only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

and

b - the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

a - only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

and

b - the Council or Committee concerned 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) 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 attachment take place in a closed session, with the press and public excluded, for the following reasons:

A The matter relates to

Section 10A(2)(e) information that would, if disclosed, prejudice the maintenance of law

B The closed session involves

- only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

C The meeting will discuss commercial in confidence information that would prejudice the commercial position of a City of Newcastle (CN) customer and prejudice the maintenance of law if disclosed.

RECOMMENDATION

That Council:

- 1 Resolves to write off the sundry debt account totaling \$249,680.18 as per confidential **Attachment A**.
- 2 Notes that payment was subsequently recovered from CN's insurer and the write-off of the debt will have a negligible adverse financial impact on CN's net operating position.
- 3 This confidential attachment relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

KEY ISSUES

- 4 In August 2019 CN email systems were targeted and accessed fraudulently. As a result CN debtors were issued with and paid fraudulent invoices purportedly from CN.
- 5 A payment was made by the debtor to the fraudulent bank account. This resulted in CN's invoice remaining unpaid.
- 6 The proceeds from the debtor's payment were subsequently recovered through CN's insurer in March 2021. Legal costs were incurred in establishing the liability for the financial loss suffered.

- 7 The proceeds from the insurance claim were from CN's insurer and cannot be applied directly to the sundry debt account. This results in the debtor account having a balance of \$249,680.18, comprising \$233,365.18 in unpaid tipping fees and legal costs of \$16,315.00. Authority is requested to have this balance written off. Sufficient funds are available in the Provision for Doubtful Debts account to enable this action to occur.

FINANCIAL IMPACT

- 8 The write-off of the tipping fee debt of \$233,365.18 will have no financial impact as the funds have been recovered through CN's insurer. This adjustment is for accounting treatment purposes only.
- 9 CN's legal costs of \$16,315.00 is the only financial impact and has been provided for in the Provision for Doubtful Debts on CN's balance sheet

NEWCASTLE 2040 ALIGNMENT

- 10 The write-off of sundry debt is consistent 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 PLAN/IMPLICATIONS

- 11 Implementation of this report is consistent with Council's Debt Management Guidelines and CI 213 Local Government (General) Regulation, 2005.

RISK ASSESSMENT AND MITIGATION

- 12 Debt Recovery action has been implemented in accordance with the processes within Council's Debt Management Guidelines. CN holds appropriate insurances to deal with matters such as this.

RELATED PREVIOUS DECISIONS

- 13 Nil.

CONSULTATION

- 14 Nil.

BACKGROUND

- 15 The provisions of CI 213 Local Government (General) Regulation, 2005 allow the subject debt to be written off only by resolution of the Council.
- 16 The matter was reported to NSW Police.

OPTIONS

Option 1

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

Option 2

18 Council does not resolve to write-off the subject debt.

REFERENCES

ATTACHMENTS

Item 48 Attachment A: Confidential - Detail of sundry debt account

(Attachment A refer Confidential Council Meeting Agenda 24 May 2022)

NOTICES OF MOTION

ITEM-15 NOM 24/05/22 - HUNTER FIG TREES IN EAST END UPGRADE

COUNCILLORS: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 12 May 2022 from the abovenamed Councillor.

MOTION

That Council

- Notes the work proceeding on the East End Public Domain Stage 1 based on the plan adopted by Council in 2018 and commenced in May 2021.
- Notes that City of Newcastle, as a part of planning for all projects, assess all trees and looks to retain the urban forest canopy wherever possible, whilst improving public infrastructure.
- Receives a public briefing regarding plans for the four fig trees at the end of the Hunter Street Mall on the refuge island between Hunter and Scott Streets, on the basis that three of the figs are proposed to be removed due to their poor condition in 2023.

BACKGROUND

The East End Public Domain Plan - Stage 1 is based on The East End Stage One Streetscape Plan which was adopted in 2018 covering Hunter Street Mall and adjoining streets, with an additional upgrade for streets around the Mall approved by the elected Council in May 2020. The Plan is divided into nine phases. Phases 2 – 9 are currently in design.

Phase 1 (part of the broader East End Public Domain Plan - Stage 1) focuses on the block bound by Hunter Street, Wolfe Street, King Street and Perkins Street. Works will include new paving, landscaping and public amenity improvements.

The Plan is online at:

<https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/City%20Revitalisation/180305-Hunter-St-Mall-Streetscape-Plan.pdf>

ATTACHMENTS

Nil.

**ITEM-16 NOM 24/05/22 - STATE ENVIRONMENTAL PLANNING
POLICY (DESIGN AND PLACE) 2021 (D&P)**

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 12 May 2022 from the abovenamed Councillor.

MOTION

That the City of Newcastle

- Notes CN's support for the proposed State Environmental Planning Policy (Design and Place) 2021 (D&P SEPP) as articulated in Council's 24-page submission to the NSW Department of Planning and Environment on 28th February 2022.
- Notes that the D&P SEPP established a broad-ranging policy reform suite which set out a best practice planning principles approach to building liveable communities, good place outcomes and sustainable buildings, including a new Urban Design Guide, a revision to the state's Apartment Design Guide and an overhaul of the state's basic building sustainability rules (BASIX).
- Notes the extensive resources that CN dedicated to the development of the D&P SEPP, including submissions on the Explanation of Intended Effect (EIE) and the Draft Policy, and participation in the D&P SEPP Policy Working Group for Regional Councils facilitated by the Government Architect. Further, Council notes the resources committed to this reform by other councils, peak bodies and a diverse array of stakeholders across the state.
- Notes the announcement by the Minister for Planning and Minister for Homes Anthony Roberts on Tuesday 5 April 2022 that NSW Government will not introduce the State Environmental Planning Policy for Design and Place, without providing an explanation or rationale to planning stakeholders or the community.
- Writes to Minister for Planning and Minister for Homes Anthony Roberts to request a formal explanation for the decision to dispense with these important planning reforms, and reiterating Council's support for the reform package generally, and the specific reform recommendations as expressed in CN's submission on the draft D&P SEPP.

BACKGROUND

It is noted that all documentation about Design and Place SEPP have been deleted from the NSW Department of Planning's website, however these have been archived for reference at:

<https://thefifthestate.com.au/business/government/down-the-memory-hole-design-and-place-sepp-documents-pulled-from-government-websites/>

ATTACHMENTS

Nil.