



City of
Newcastle



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 23 August 2022

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

18 August 2022

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

**ORDINARY COUNCIL MEETING
23 August 2022**

CONTENTS

| Item | Business | Page |
|---|---|-------------|
| APOLOGIES/LEAVE OF ABSENCE | | |
| ORDERS OF THE DAY | | |
| DECLARATIONS OF PECUNIARY / NON-PECUNIARY INTEREST | | |
| | | |
| CONFIRMATION OF PREVIOUS MINUTES | | |
| | | 4 |
| MINUTES - ORDINARY COUNCIL MEETING 26 JULY 2022 | | |
| | | 4 |
| LORD MAYORAL MINUTE | | |
| ITEM-61 | CCL 23/08/22 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 MAY TO 31 JULY 2022 | 13 |
| ITEM-62 | CCL 23/08/22 - ADOPTION OF COUNCIL POLICIES | 15 |
| ITEM-63 | CCL 23/08/22 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2022 LOCAL GOVERNMENT NSW CONFERENCE | 18 |
| ITEM-64 | CCL 23/08/22 - ADOPTION OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 SECTION 6.03 WICKHAM | 42 |
| ITEM-65 | CCL 23/08/22 - VARIATION TO DEVELOPMENT STANDARDS - 2ND QUARTER 2022 | 47 |
| ITEM-66 | CCL 23/08/22 - AUTHORISATION FOR SIGNING OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022 | 53 |
| ITEM-67 | CCL 23/08/22 - DARBY STREET, COOKS HILL - ADOPTION OF THE TRIAL TRAFFIC CALMING INFRASTRUCTURE CONCEPT PLAN | 57 |
| ITEM-68 | CCL 23/08/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT | 62 |
| ITEM-69 | CCL 23/08/22 - WRITE-OFF OF SUNDRY DEBT | 65 |
| NOTICES OF MOTION | | |
| | | 69 |
| ITEM-25 | NOM 23/08/22 - DELIVERING REGIONAL LEVEL PLAYGROUNDS | 69 |
| ITEM-26 | NOM 23/08/22 - USING RECYCLED PLASTIC PRODUCTS IN CITY OF NEWCASTLE PROJECTS | 72 |
| ITEM-27 | NOM 23/08/22 - YOUTH MOCK COUNCIL | 74 |

CITY OF NEWCASTLE

Ordinary Council Meeting 23 August 2022

Page 3

ITEM-28 NOM 23/08/22 - REINVESTIGATING THE WALLSEND-MAYFIELD
ARTERIAL ROAD PROJECT 86

REPORT ON NOTICE OF MOTION - NOM 23/08/22 - REINVESTIGATING THE
WALLSEND-MAYFIELD ARTERIAL ROAD PROJECT 92

ITEM-29 NOM 23/08/22 - AVAILABILITY AND AFFORDABILITY OF FLOOD
INSURANCE FOR RESIDENTS AND BUSINESSES IN LOW LYING
AREAS

(distributed under separate cover)

REPORT ON NOTICE OF MOTION - NOM 23/08/22 - AVAILABILITY AND
AFFORDABILITY OF FLOOD INSURANCE FOR RESIDENTS AND
BUSINESSES IN LOW LYING AREAS

(distributed under separate cover)

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 - ORDINARY COUNCIL MEETING 26 JULY 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 220726 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 remotely via audio visual platform Zoom on Tuesday 26 July 2022 at 6.03pm.

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

D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), D Manderson (Acting Director Infrastructure and Property), L Duffy (Acting Director City Wide Services), K Hyland (Interim Director Strategy and Engagement), A Jones (Director & Interim Manager Waste Services), S Moore (Manager Finance), M Bisson (Manager Regulatory Planning and Assessment), E Kolatchew (Manager Legal), A Knowles (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support) and R Garcia (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

ATTENDANCE VIA AUDIO-VISUAL MEANS

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Council:

- 1 Notes tonight's Ordinary Council meeting is livestreamed on Council's website providing for access to members of the public;
- 2 Permits all Councillors to attend the Ordinary Council meeting of 26 July 2022 by audio visual means.

Carried

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Mackenzie

Councillor Mackenzie declared a non-pecuniary, non-significant interest in Item 24 – Notice of Motion - William Street Pedestrian Crossing stating that he lived in the neighbourhood and would manage the conflict by remaining in the meeting for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 14 JUNE 2022
MINUTES - ORDINARY COUNCIL MEETING 28 JUNE 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

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

Carried

LORD MAYORAL MINUTE

ITEM-15 LMM 26/07/22 - NEW COLOMBO PLAN SCHOLARS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Acknowledges the New Colombo Plan Scholarship Program (NCPSP), whose scholars have achieved great success across the political, business, housing, development, transport and other spheres, benefiting many citizens around the world.
- 2 Notes the presentation made to, and induction of, six worthy NCPSP scholars to City of Newcastle's Ambassador Program with a Key to the City on 26 July 2022 in Singapore before many distinguished guests, including Australian High Commissioner to Singapore, the Hon. William Hodgman, and the NSW Minister for Enterprise, Investment and Trade, Minister for Tourism and Sport, the Hon. Stuart Ayres MP.
- 3 Notes the purpose of the City of Newcastle Ambassador Program is to highlight the efforts of Novocastrians, both born and adopted, who reside in Newcastle and other parts of Australia and the world.
- 4 Recognises the recipients and their achievements as follows:
 - a. Professor Cheong Koon Hean

Professor Cheong was the CEO of Singapore's Housing and Development Board from 2010-2020, overseeing the development and management of over 1 million public housing flats.

Professor Cheong was also the CEO of the Urban Redevelopment Authority (URA) from 2004-2010, and has extensive experience in strategic land use planning, conservation of built heritage and the real estate market.

Professor Cheong holds a First-Class Honours degree and University Gold Medal in Architecture and a Doctor of Architecture *honoris causa* conferred by the University of Newcastle; a Master's degree in Urban Development Planning from University College London and has completed the Advanced Management Programme in Harvard Business School.

b. Dr Khaw Boon Wan

Dr Khaw is a former politician who served as Minister for Health from 2003-2011, Minister for National Development from 2011-2015, and Minister for Transport from 2015-2020.

A member of the governing People's Action Party, he was a Member of Parliament representing Tanjong Pagar GRC from 2001-2006, and Sembawang GRC from 2006-2020.

During his career, he was noted for being appointed to ministerial portfolios dealing with issues such as housing and transport.

Dr Khaw completed a Bachelor of Engineering degree in Industrial Engineering with Honours Class I as well as a Bachelor of Commerce. He was also awarded the University Medal for academic excellence. In 2002, the University presented a Doctor of Engineering *honoris causa* to Dr Khaw. He is also recognised as a Patron of the University of Newcastle's Alumni Chapter in Singapore.

c. Dr Peter Tay Buan Huat

Dr Tay is a Corporate Advisor, engaging in business development and coaching budding business leaders. He serves on the boards of companies involved in food and education and writes on management issues in international food publications.

For 17 years, from 1989-2006, Mr Tay was the President and CEO of Singapore Food Industries Ltd (SFI), a publicly listed food distribution and manufacturing company in Singapore. Under his leadership, SFI expanded internationally from its base in Singapore to include operations in the United Kingdom, the Republic of Ireland, China and Australia.

Dr Tay graduated with Bachelor's degrees in both Engineering (Honours) and Economics from the University of Newcastle. In 1986, he obtained an MSc in Management (Sloan Fellows Program) from the Massachusetts Institute of Technology. He is a Fellow of the Chartered Institute of Management Accountants, United Kingdom, and a Member of the Institution of Engineers, Australia.

d. Dr Tan Chin Nam

Dr Tan has 33 years' service in the Singapore Public Service holding various key appointments before completing his term as a Permanent Secretary in 2007. He held various top public leadership positions and played a leading role in the information technology, economic, tourism, manpower, library, media, arts and creative industries development of Singapore.

Dr Tan completed a Bachelor of Engineering degree in Industrial Engineering with Honours Class I as well as a Bachelor of Arts degree majoring in Economics. In 1998, Dr Tan was awarded a Doctor of Engineering *honoris causa*.

e. Mr Bill Chua

Mr Chua has served on local and foreign boards for the past 20 years.

Mr Chua retired from United Overseas Bank as the Managing Director and Head Global Financial Institution Group in November 2014 after 34 years in the financial services sector. He was awarded the Public Service Medal (PBM) in 2004, and the Public Service Star (BBM) in 2016 by the Government of Singapore.

Mr Chua holds a Bachelor of Arts, and a Bachelor of Engineering Hons Class 1 from the University of Newcastle, Australia. He is a Fellow at the Singapore Institute of Directors, and at the Institution of Engineers, Singapore.

f. Mr Jaspal Singh

Mr Singh started his career with the Singapore Government Administrative Service (1978-2004), serving in the Ministries of Transport, Finance and Trade & Industry and on the boards of various statutory bodies and Government-linked corporates.

He was awarded the Public Administration Medal (Silver) in 1998 and the Long Service medal in 2003 for 25 years of service.

He received a Colombo Plan scholarship at the University of Newcastle, Australia and completed post-graduate studies, sponsored by the Singapore Government, at Harvard University.

He currently serves as the High Commissioner to the Republic of Rwanda for Singapore Ministry of Foreign Affairs.

5 Congratulates each of our new Keys to the City recipients.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-58 CCL 26/07/22 - ADOPTION OF COUNCIL POLICIES

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council:

- 1 Adopts the Planning Agreements Policy at Attachment C.
- 2 Adopts the Community Infrastructure Incentives Policy at Attachment D.
- 3 Places the Newcastle Heritage Policy and the Public Voice and Public Briefings Policy, at Attachment A and B respectively, on public exhibition for a period of 28 days and receives a report on community submissions prior to adoption.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Pull

That the motion be dealt with in seriatim.

Carried

PART 1

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council:

Adopts the Planning Agreements Policy at Attachment C.

**Carried
unanimously**

PART 2

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council:

Adopts the Community Infrastructure Incentives Policy at Attachment D.

Carried

PART 3

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council:

Places the Newcastle Heritage Policy and the Public Voice and Public Briefings Policy, at Attachment A and B respectively, on public exhibition for a period of 28 days and receives a report on community submissions prior to adoption.

Carried

**ITEM-59 CCL 26/07/22 - ADOPTION OF WICKHAM MASTERPLAN 2021
(2022 AMENDMENT)**

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

1 Adopts the Wickham Masterplan 2021 (2022 Amendment) as at **Attachment A**.

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

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

Carried

**ITEM-60 CCL 26/07/22 - TENDER REPORT - HIRE OR PURCHASE
OUTRIGHT OF HEAVY PLANT AT SUMMERHILL WASTE
MANAGEMENT CENTRE - CONTRACT NO. 2022/101T**

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

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

1 Council accept the tender of Liebherr Australia in the amount of \$2,848,089 (excluding GST) for hire of heavy plant at Summerhill Waste Management Centre for Contract No. 2022/101T.

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**

NOTICES OF MOTION

ITEM-24 **NOM 26/07/22 - WILLIAM STREET PEDESTRIAN CROSSING, TIGHES HILL**

In moving the motion, Councillor Mackenzie stated he was moving an additional Part B that being the officer's recommendation as outlined in the business papers.

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

PART A

That the City of Newcastle

- 1 Notes the concerns raised by residents regarding the pedestrian crossing on William Street in Tighes Hill.
- 2 Notes that the crossing is used by hundreds of children and their families each day due to its proximity to the local school, and that issues regarding kerb and guttering treatment, lighting and signage make this crossing a potential hazard for users.
- 3 Acknowledges the urgency of this matter due to the risks to children in our community walking and riding to school, and for people with a disability who are unable to use this crossing safely.
- 4 Prioritise the repair and upgrade of the William Street Tighes Hill pedestrian crossing in the forward works program, with consideration given to including the installation of a compliant kerb ramp, improved drainage and flood mitigation, and upgraded street lighting, signage and road markings.

PART B

That Council:

- 1 Notes the William Street Tighes Hill pedestrian crossing is scheduled for planning and design in CN's 2022/23 transport program.
- 2 Notes that once design and approvals are finalised, the project will be listed for consideration under CN's forward Capital Works program, including exploring opportunities for external funding support through eligible grant programs.

**Carried
unanimously**

A question from Councillor Duncan as to whether School Infrastructure NSW had been consulted in relation to this project was taken on notice by the Director Governance.

A question from the Lord Mayor seeking an update around the process of obtaining collective feedback and receiving online petitions from residents was taken on notice by the Director Governance.

At the conclusion of the meeting the Director Governance reported the resolution of the partial confidential report.

The meeting concluded at 6.43pm.

REPORTS BY COUNCIL OFFICERS

ITEM-61 **CCL 23/08/22 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 MAY TO 31 JULY 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 May to 31 July 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 May to 31 July 2022) by the Chief Executive Officer (CEO).

KEY ISSUES

- 2 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 other CN staff designated because of their exercise of CN functions.
- 3 The CEO is required keep a Register 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

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.2 Trust and Transparency

4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 24 May 2022, Council noted the tabling of the Register (for the period 1 February 2022 to 30 April 2022).

CONSULTATION

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

BACKGROUND

- 10 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

Codes of Conduct

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

ATTACHMENTS

Item 61 Attachment A: Register of Disclosures of Interest to be tabled.

ITEM-62 CCL 23/08/22 - ADOPTION OF COUNCIL POLICIES

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

PURPOSE

To adopt three Council policies.

RECOMMENDATION

That Council:

- 1 Adopts the Effective Communication between Councillors and Staff Policy at **Attachment A**.
- 2 Adopts the Art Gallery Acquisitions and De-Accessioning Policy at **Attachment B**.
- 3 Adopts the Social Media Policy at **Attachment C**.

KEY ISSUES

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

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

4 Achieving Together

4.2 Trust and Transparency

4.2.1 Genuine engagement

4.2.2 Shared information and celebration of success

4.2.3 Trusted Customer Experience

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 11 At the Council Meeting on 11 December 2018, Council resolved to adopt the Effective Communication between Councillors and Staff Policy.
- 12 At the Council Meeting on 28 August 2018, Council resolved to adopt the Art Gallery Acquisitions and De-Accessioning Policy.

CONSULTATION

- 13 Details of the consultation undertaken in relation to each of the specific policies is included in the summary document accompanying Attachments A – C.

BACKGROUND

- 14 A number of revised policies will be presented to Council for consideration during the first 12 months of the Council term.

OPTIONS

Option 1

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

Option 2

- 16 Council does not adopt the recommendations as at Paragraphs 1 to 3. This is not the recommended option.

REFERENCES

Office of Local Government's Model Councillor and Staff Interaction Policy (April 2022)

<https://www.olg.nsw.gov.au/wp-content/uploads/2022/04/Model-Councillor-Staff-Interaction-Policy.docx>

ATTACHMENTS

Item 62 Attachment A: Effective Communication between Councillors and Staff Policy

Item 62 Attachment B: Art Gallery Acquisitions and De-Accessioning Policy

Item 62 Attachment C: Social Media Policy

Attachments A - C distributed under separate cover

ITEM-63 **CCL 23/08/22 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2022 LOCAL GOVERNMENT NSW CONFERENCE**

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

PURPOSE

To endorse motions for submission to the 2022 Local Government NSW (LGNSW) Annual Conference (Conference).

RECOMMENDATION

That Council:

- 1 Endorse the motions for submission to the 2022 LGNSW Annual Conference as set out at **Attachment A**.

KEY ISSUES

- 2 The Conference is scheduled to be held at Lovedale in the Hunter Valley from Saturday 23 to Monday 25 October 2022. City of Newcastle (CN) is a LGNSW member and as such is entitled to participate, submit motions and vote at the Conference.
- 3 Thirteen motions have been submitted for consideration and endorsement as set out at **Attachment A**. Endorsed motions are required to be submitted to the Conference by 29 August 2022 in accordance with the LGNSW requirements.
- 4 CN is entitled to seven votes on motions. Council has delegated authority to the Lord Mayor to determine who will exercise CN's voting rights from among the Councillor attendees.

FINANCIAL IMPACT

- 5 Attendance at the Conference is provided for in the approved Councillor Expenses and Facilities Policy and in the approved Our Budget 2022/23.

NEWCASTLE 2040 ALIGNMENT

- 6 Endorsement of Motions for Submission to the 2022 LGNSW Conference is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Creative Newcastle

3.4 City-shaping partnerships

- 3.4.1 Optimise city opportunities
- 3.4.2 Government relations and advocacy

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 Motions endorsed by Council will be submitted to the Conference in line with LGNSW requirements.

RISK ASSESSMENT AND MITIGATION

- 8 Council contribution to statewide local government policy making demonstrates transparent and accountable leadership and is a key control in CN's risk mitigation.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 18 January 2022, Councillors endorsed the submission of three motions for consideration at the 2022 LGNSW Special Conference. These related to property developers and real estate agents in local government, remove crippling rate pegging in NSW and re-establishing fixed 4-year terms for local government.

CONSULTATION

- 10 Nil.

BACKGROUND

- 11 The Conference is convened by LGNSW. The Conference is the annual policy making event for LGNSW members and is designed for local councillors to come together to share ideas and debate issues that shape the way LGNSW is governed.

OPTIONS

Option 1

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

Option 2

- 13 Council adopts an alternative recommendation. This is not the recommended option.

REFERENCES

LGNSW Annual Conference 2022 Program

<https://lgnswconference.org.au/program/>

LGNSW Annual Conference 2022 Motions Submission Guide

https://www.lgnsw.org.au/Common/Uploaded%20files/Annual%20Conference%20documents/2022/2022_Motions_submissions_guide.pdf

LGNSW Policy Platform

https://www.lgnsw.org.au/Public/Policy/Policy_Platform.aspx

Councillor Expenses and Facilities Policy

<https://www.newcastle.nsw.gov.au/getmedia/64873b72-40fd-4b8e-8a76-092bd82f077f/Councillor-Expenses-and-Facilities-Policy>

ATTACHMENTS

Item 63 Attachment A: Proposed motions for endorsement for submission to the 2022 LGNSW Annual Conference

Item 63 Attachment A Proposed motions for endorsement for submission to the 2022 LGNSW (LGNSW) Annual Conference

MOTION 1: PROPERTY DEVELOPERS AND REAL ESTATE AGENTS IN LOCAL GOVERNMENT

That LGNSW:

- 1 Notes that in November 2021, the NSW Legislative Council successfully passed a Bill to amend the Local Government Act to disqualify real estate agents and property developers from holding elected positions on local councils;
- 2 Notes that City of Newcastle supported a motion on 27 July 2021, that endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office;
- 3 Notes that the now NSW Treasurer, the Hon. Matt Kean MP, likened allowing property developers to be elected as local Councillors to “putting Dracula in charge of the blood bank” due to the planning decisions taken by Councils;
- 4 Writes to the Premier, the Treasurer and the Minister for Local Government requesting their support to amend the Local Government Act to prohibit property developers and real estate agents from running for elected local government positions.

BACKGROUND

Councils in NSW have an important role in land use planning and development approval. Councils assess local development and are able to grant approval, grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development. In 2020 Environment Minister Matt Kean likened allowing property developers to be elected as local Councillors to “putting Dracula in charge of the bloodbank” due to the planning decisions taken by Councils.

In April 2019, the City of Newcastle endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office, and ensuring a well-resourced Independent Commission Against Corruption. Due to the innate bias in planning decision of property developers, real estate agents and their close associates, allowing them to serve as local Councillors erodes the ability of Council to make independent decisions on planning matters.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 2: REMOVE CRIPPLING RATE PEGGING IN NSW

That LGNSW:

Reiterates the long-held position that Rate Pegging is crippling Councils in NSW, and that this problem has been further exacerbated by the recent IPART baseline rate cap of just 0.7% (rising for Councils experiencing population growth), which is lowest rate cap in more than 20 years and is a kick in the guts to local Councils who are already working hard to help their communities recover from the economic and social impacts of the ongoing COVID-19 pandemic;

Notes that City of Newcastle's 1.2% (accounting for population growth) cap, will have significant repercussions on local services to the community and will leave NSW's second largest city with a reduction in compounded income of more than \$15 million over the next ten years.

Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel, while further noting that IPART has also decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to Council workers for 2022, leaving local Councils even further out of pocket as yet more costs are shifted to local government;

Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging include the loss of an estimated \$15 billion in rate revenue, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;

Writes to the new Minister for Local Government, advocating for the removal of universal Rate Pegging in NSW, allowing duly elected Councils to set rates, in consultation with their communities, noting that the baseline rate cap of just 0.7% in 2022 is set to have a devastating economic and social impact for many local Councils and the communities they serve.

BACKGROUND

- <https://www.lgnsw.org.au/Public/News/2021-Media/1213-rate-cap-puts-councils-at-risk.aspx>
- https://lgnsw.org.au/Public/Public/News/Articles/2020-media-releases/0821_rate-pegging.aspx

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 3: COMPULSORY UNIVERSAL SUPERANNUATION FOR ELECTED MEMBERS

That LGNSW:

- 1 Note that in some jurisdictions, Councillors, Mayors and Lord Mayors are not automatically entitled to the Superannuation Guarantee Contribution, despite Councillors being paid the appropriate superannuation entitlements in other jurisdictions;
- 2 Note that in some jurisdictions, Councillors, Mayors and Lord Mayors have the option of "opting-in" to receive the Superannuation Guarantee Contribution only following the successful passing of a motion requiring same, allowing the issue to be politicised in council meetings.
- 3 Note that this sets a poor community standard and sends the wrong message to the community, given that superannuation should be a universal mandatory system to support all workers in Australia; and
- 4 Rationalise the Superannuation system for elected representatives from the local government level and mandate that all Councillors across Australia automatically receive the Superannuation Guarantee Contribution.

BACKGROUND

22-04 PAYMENT OF COUNCILLOR SUPERANNUATION

| | |
|-----------------------------|---|
| Circular Details | 22-04/ 15 March 2022/ A811265 |
| Previous Circular | <u>21-07 Commencement of Local Government Amendment Act 2021</u> |
| Who should read this | Councillors / General Managers / Council Governance Staff |
| Contact | Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au |
| Action required | Information / Council to Implement |
| PDF Version | <u>22-04 Payment of councillor superannuation</u> |

What's new or changing

- Following an amendment to the Local Government Act 1993 (the Act) last year, councils may make payments as a contribution to a superannuation account nominated by their councillors, starting from the financial year commencing on 1 July 2022.

- The making of superannuation contribution payments for councillors is optional and is at each council's discretion.

What this will mean for your council

- To exercise the option of making superannuation contribution payments for their councillors, councils must first resolve at an open meeting to make superannuation contribution payments for the councillors.
- Where a council resolves to make superannuation contribution payments for its councillors, the amount of the payment is to be the amount the council would have been required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act 1992* as superannuation if the councillors were employees of the council.
- As of 1 July 2022, the superannuation guarantee rate will be 10.5%. The rate will increase by half a percent each year until 1 July 2025 when it reaches 12%.
- The superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to councillors.
- To receive a superannuation contribution payment, each councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates. The superannuation account nominated by councillors must be an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth Superannuation Guarantee (Administration) Act applies.
- Councils must not make a superannuation contribution payment for a councillor if the councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates.
- Individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing.
- Councils **must not** make superannuation contribution payments for councillors during any period in which they are suspended from their civic office or their right to be paid any fee or other remuneration, or expense, is suspended under the Act.
- Councillors are also not entitled to receive a superannuation contribution payment during any period in which they are not entitled to receive their fee under section 254A of the Act because they are absent.

Where to go for further information

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Melanie Hawyes
Deputy Secretary, Crown Lands and Local Government

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 4: DISASTER MITIGATION & RECOVERY FUNDING

That LGNSW:

- 1 Notes the devastating natural disasters which have ravaged the state over the past number of years as a result of increased natural disasters.
- 2 Acknowledges that the increased occurrence of these disasters is largely as a result of climate change.
- 3 Calls on the NSW and Federal Governments to work cooperatively and urgently establish a Local Government Natural Disaster Fund which provides local governments with the resources needed to mitigate the current and longer-term impacts of extreme weather events on local physical and social infrastructure.
- 4 Calls on the NSW Government to formally recognise we are in a state of climate emergency.
- 5 Calls on the NSW Government to appoint a Minister for Climate Change to work collaboratively with whole of government, particularly with the Minister for Emergency Services and Resilience, Minister for Environment and Minister for Local Government to champion climate change mitigation and natural disaster recovery efforts across the state.

BACKGROUND

Australia has been profoundly impacted by natural disasters in the past few years, and the impacts of climate change will result in more frequent and more severe disasters in the future.

Communities need support to take preventative mitigation measures to limit the severity of disasters, as well as appropriate and adequate support to recover from these events. Natural disasters have claimed many lives and impacted hundreds of thousands of people.

Less than five percent of disaster funding in Australia goes towards mitigation and community resilience measures. This figure needs to rise to ensure that communities – particularly those where exposure to fires and floods is greatest – are better prepared for climate change. Protecting communities from the impacts of bushfires, floods, and sea-level rise – and helping them adapt to climate change – are priorities for local government. Not only does effective disaster mitigation reduce Commonwealth and state and territory expenditure on recovery after an event, but it is also important in reducing the risks faced by communities and preparing for increased future risks.

It is critical that communities are prepared for the impacts of climate change and adopt complementary strategies for reducing (mitigation) and managing (adaptation) these impacts.

Local governments and their communities are on the frontline when dealing with the risks and impacts of climate change. Councils need to prepare for the unavoidable impacts of climate change (through adaptation) and play a significant role in reducing Australia's carbon footprint by mitigating the CO₂ emissions from their assets and supporting emission reduction efforts by their local communities. They need to work with their communities to transition them to a low carbon future.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 5: HOUSING AFFORDABILITY

That LGNSW:

- 1 Calls on the NSW Government to increase its investment in social and affordable housing, working in partnership with all levels of government to meet local demand and deliver post-pandemic economic stimulus.
- 2 Calls on the State Government to increase investment in affordable housing, including measures to prevent housing stress and vulnerability for very low-income earners.

BACKGROUND

Previously, former Premier Gladys Berejiklian said that housing affordability was "the biggest issue people have across the state".

The shortage and rising costs of rental properties and affordable home ownership are having significant social and economic impacts in cities and towns across Australia, including rural and regional communities. This is due to a range of factors including changes to recent migration patterns, cheap finance and labour and material shortages in the construction sector. The impacts on local governments and communities includes housing stress for individuals and families, difficulty in attracting and housing key workers and an increase in homelessness. Whilst the provision of affordable housing is not a local government responsibility, councils often facilitate affordable housing within their communities, operating within state/territory planning, financial and other legislation requirements. For councils looking to drive a locally led economic recovery and create new jobs in their communities, an appropriate supply and mix of housing to suit diverse community needs is crucial.

CN has been actively responding to Affordable Housing challenges in the Newcastle LGA. A Memorandum of Understanding (MoU) between the NSW Government – Land and Housing Corporation and CN was signed in late 2021. The objective of the MoU is to deliver improved outcomes in social and affordable housing for the people of Newcastle. An important feature of the MOU will see CN supporting LAHC's redevelopment program through the provision of an annual payment equivalent to the rates paid by LAHC in the Newcastle LGA for the next three years. The payment, which will be matched by LAHC, will be reinvested into funding new social housing in the region during the same period. CN calls on the Federal Government to lean into the Affordable Housing challenge too. CN continues to hold the view that a 25% Affordable Housing Mandate on government owned land should be supported, with land owned by the government that is fast-tracked for development having a 25% mandate of Affordable Housing. Likewise, CN supports the introduction of a 15% Affordable Housing Mandate on privately developed land. 15% of dwellings designated as Affordable Housing will be available for rental or sale to low to moderate income households.

Additional measures to support prevention of housing stress and an increase in access to and supply of affordable housing is critical to the wellbeing of the population.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 6: COASTAL EROSION MITIGATION AND SAND REPLENISHMENT

That LGNSW:

Notes coastal erosion along the eastern seaboard has expedited over the last couple of years, with Stockton Beach in the City of Newcastle identified as one of the first coastal erosion hotspot.

Notes that action and funding are desperately needed for a long-term solution to Stockton's ongoing erosion issues, and others in the state, with City of Newcastle calling for action at Stockton for more than a decade.

The increasing frequency of significant weather events that cause erosion damage to beaches along the NSW coastline will likely prompt local councils to include sand nourishment as a solution to managing coastal hazards as part of their individual Coastal Management Programs.

Calls on the NSW Government to plan strategically and develop a state-wide approach for a sustainable sand nourishment program to support Local Councils as they develop Coastal Management Programs under the NSW Government's coastal management framework.

BACKGROUND

Our coasts and beaches naturally move but their ability to continue to do so is affected by the natural and man-made facilities around them. This movement will be exacerbated under a climate change scenario with sea-level rise and increased storm severity and frequency significantly affect the character and our ability to utilise the coast. Adaptation responses will be needed in all coastal areas. Coastal Management Programs are the framework under which a long-term program of actions to adapt to immediate and future coastal changes are investigated, evaluated and delivered. The purpose being to set a sustainable, integrated and collaborative direction for environmental management, use and development across all coastal land tenure. They are costly to develop and deliver

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 7: WASTE MANAGEMENT & WASTE LEVY REINVESTMENT

That LGNSW:

- 1 Notes the various submissions made by councils to the Independent Pricing and Regulatory Tribunal (IPART) in response to the release of the Local Council Domestic Waste Management Charges (DWMC) Discussion Paper.
- 2 Notes that the NSW Government collects around \$800 million annually through its Waste Levy, which has grown by more than 250 per cent over the past decade.
- 3 Continues to raise concerns regarding councils, including City of Newcastle, receive as little as 0.5% of the levy returned to them for the purpose of funding vital resource recovery, waste management and waste and recycling education projects for their communities.
- 4 Calls on the NSW Government to adequately re-invest Waste Levy funds into the development of local waste management planning, waste avoidance technology, local procurement, education and local priority waste management infrastructure projects such as the City of Newcastle Organics Recycling Facility at Summerhill Waste Management Centre.

BACKGROUND

On 20 October 2020, City of Newcastle provided a detailed submission to IPART regarding the Waste Management Discussion Paper noting that IPART requires further in-depth analysis to understand the Domestic Waste Management market and current associated barriers.

The submission also notes the potential for significantly better outcomes the industry should a more considered and sophisticated response be adopted.

City of Newcastle notes that:

- The NSW Government collects around \$800 million annually through its Waste Levy, which has grown by more than 250 per cent over the past decade;
- Despite paying approximately \$37 million annually in Waste Levy contributions, only \$175,000 is returned to the Newcastle LGA.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 8: SUPPORT FOR LARGE-SCALE OFFSHORE WIND PROJECTS

That LGNSW:

- 1 Advocates to the new Federal Government to declare the Hunter Renewable Energy Zone an offshore wind zone, allowing for necessary forward planning, investment and development of projects.
- 2 Welcomes the recent emergence of large-scale offshore wind infrastructure as a viable renewable energy source with the potential to unlock \$30 billion of investment and create thousands of local, well paid jobs.
- 3 Notes that thousands of highly skilled workers that have traditionally been associated with the resources industry could see their jobs transferred directly into offshore wind, which has the potential to play a significant role in sustaining our state's future energy needs.
- 4 Notes that given the exceptional accessibility of the Port of Newcastle, and our existing local skills base, offshore wind provides a very real opportunity for an entirely new renewable energy infrastructure manufacturing industry to emerge in Newcastle and the Hunter, paving the way for our City to become a renewable energy hub of the entire Asia-Pacific region, providing environmental sustainability, local jobs and economic diversification.

BACKGROUND

CN has a long history of supporting and implementing renewable energy projects. CN requests Federal Government financial incentives, and an appropriate legislative and regulatory framework to enable the development of large offshore wind projects off the coast of Newcastle.

Two potential projects off the coast of Newcastle have been identified, which has the potential to unlock billions in new investment and play a significant role in sustaining our state's future energy needs.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

**MOTION 9: COUNCIL CLASSIFICATION & GRANT FUNDING
INEQUALITY**

That LGNSW:

- 1 Notes the long-standing frustration of City of Newcastle and Wollongong City Councils with inconsistent State Government classification, and resultant ineligibility for many grant programs.
- 2 Refers to the previous advocacy by those councils and subsequent submission to the Public Accountability Committee's Inquiry into the integrity, efficacy, and value for money of the NSW Government grant programs.
- 3 Notes that on 30 March 2021, the Public Accountability Committee tabled 15 recommendations as part of its first report into the integrity, efficacy, and value for money of NSW Government grant programs.
- 4 Acknowledges that the report found "it was unacceptable for large regional cities such as Newcastle and Wollongong to be excluded when complementary grants programs are designed for both metropolitan and regional areas", and called for the NSW Government to review and standardise eligibility classifications across grant programs.
- 5 Confirms the Committee also supported investigation into the creation of a third 'gateway city' classification category for regions, which would potentially include local government areas such as Newcastle and Wollongong.
- 6 Writes to the Minister for Local Government, Wendy Tuckerman MP advising of this inequity and requesting assistance in resolving the issue as a matter of urgency.

BACKGROUND

Attachment: CN Submission to Public Accountability Committee dated 21 August 2020

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 10: SUPPORT FOR LOCAL MANUFACTURING

That LGNSW:

- 1 Notes with disappointment that Sydney's new ferries, which were built in Indonesia, have been found to contain asbestos while docked at Carrington awaiting testing in Newcastle Harbour;
- 2 Reiterates that in 2016, the NSW Government gave a commitment in the NSW Parliament that it "will use its best endeavours" to source local content on transport infrastructure projects and that City of Newcastle passed a unanimous motion calling on the NSW Government to abandon its plans to offshore local manufacturing jobs;
- 3 Notes that since this commitment, the NSW Government has offshored the manufacturing of Newcastle Light Rail rolling stock, the NSW Intercity Fleet of trains that services the Newcastle to Sydney service and Sydney's ferries;
- 4 Calls on the NSW Government to commit to building the state's vital transport infrastructure in NSW, to avoid disastrous consequences such as billion dollar blow outs on trains that don't fit through tunnels on the intercity line and ferries that contain asbestos and are too tall for their planned routes.

BACKGROUND

<https://www.9news.com.au/national/cracks-found-in-emerald-class-manly-ferry-balmoral-sydney-transport/c7fcc0bb-760f-4a88-be65-2c8b352b780c#:~:text=The%20Emerald-class%20Balmoral%20ferry%20was%20built%20in%20China%2C,in%2012%20trams%20on%20Sydney%27s%20light%20rail%20network.>

Cracks found in brand new Emerald-class Manly ferry Balmoral

By Freya Noble • National Digital Chief of Staff

4:44pm Dec 7, 2021

A number of cracks have been found in the hull of one of Sydney's brand new Manly ferries.

Several welding defects have been discovered on the Emerald-class Balmoral, private ferry operator Transdev confirmed to 9News.

It said the cracks were found during an inspection but said they are small defects and will not affect the operation of the vessel.

One of the Emerald-class ferries passing the Sydney Opera House. (Dominic Lorrimer)

"The surveyor report confirmed that the welding defects are very minor, isolated, and do not compromise the overall structural integrity of the vessel," a Transdev spokesperson told 9News.

"Such welding defects are very common in aluminium boats and do not impact the Balmoral's operation. The vessel was trialled yesterday morning, Monday 6 December, and returned to service the same day.

"All the defects will be addressed as part of upcoming maintenance," the spokesperson said.

The Emerald-class Balmoral ferry was built in China, and last month it failed tests in larger swells, the Sydney Morning Herald reported.

A window in the passenger cabin broke and an issue with the rudder was identified during the test at the end of November.

It comes after cracks were discovered in 12 trams on Sydney's light rail network. The fleet is being repaired and buses are replacing the services across the inner west. Transport NSW said it will take more than a month to repair the full fleet.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 11: HOUSING ENERGY EFFICIENCY STANDARDS

That LGNSW:

- 1 Endorses the Joint Statement of Australian Councils (attached) calling on Building Ministers across the nation to increase energy efficiency standards to 7-Stars for new homes at the next Building Ministers Forum.
- 2 Acknowledges such an increase will achieve a reduction in costs of living, improve safe and healthy communities and will contribute to Australia meeting its carbon emission targets.
- 3 Notes that all levels of government should be working together to ensure higher energy efficiency standards and lower cost of living for home owners and tenants alike.
- 4 Writes to ALGA advising Conference's position and requesting their joint advocacy to relevant state and federal ministers, on behalf of the local government sector.

BACKGROUND

Joint Statement: Australian Councils call for stronger energy performance standards for new homes to cut cost of living and improve health and well-being – July 2022

Australian local governments are calling on Building Ministers around the country to approve the first increase in energy efficiency standards for new homes in over 12 years, when they come together for the next Building Ministers Forum.

The updated energy provisions proposed for the 2022 edition of the National Construction Code follow a collaborative 3-year process led by the Australian Building Codes Board (ABCB), consistent with the Trajectory for Low Energy Buildings agreed by all Commonwealth, state and territory energy Ministers in 2019.

The ABCB's proposals for new homes include raising the minimum thermal performance standard from 6 to 7 stars (NatHERS equivalent) and the introduction of a 'whole-of-home' energy budget for fixed appliances (heating and cooling, hot water, lighting, and pool and spa pumps). Better performing homes mean lower energy bills, healthy, resilient and safe homes for Australians and an easy and low-cost way to meet Australia's commitment to achieve net zero emissions by 2050.

The increase to 7-Stars is achievable, cost-effective and financially beneficial to residents.

Reduce Costs of Living

The introduction of the new energy provisions will protect households from current and future electricity price rises. Households can save on energy bills with the reduction of energy use. A 7-Star, all-electric house in any capital city in Australia saves money for residents from day one. We can future-proof and provide certainty for Australian households against increasing energy costs.

Safe and Healthy Communities

As the level of government closest to communities, Councils play an important role in creating safe and vibrant communities. Communities across Australia want energy efficient homes that keep warm in winter and cool in summer. By making our homes more comfortable and less reliant on electricity reduces the strain on the electricity grid during times of high demand benefiting the whole community. We also have a responsibility to protect our diverse communities from current and worsening impacts of climate change. People on a low income spend a disproportionate amount of energy to heat and cool their homes. We need to ensure social equity and protect our residents from poor performing buildings and extreme weather events.

Meet Australia's Carbon Emissions Target

Australia's, 10 million residential buildings are responsible for around 24% of overall electricity use and 12% of total carbon emissions nationally. Increasing the energy performance of new homes is a quick and easy way to achieve our net-zero targets.

No time to delay

It has been 12 years since the minimum standard was increased. In that time industry and technologies have greatly improved to build homes that are healthier, more energy efficient and resilient.

Councils are already working with industry to achieve higher performance outcomes than the mandatory construction code minimum standards. We have been successfully working with industry to support the market transition.

Councils are ready and look forward to working with government and industry to improve our future homes for the benefit of all Australians.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 12: NSW AUDIT OFFICE & OWNERSHIP OF RURAL FIRE SERVICE ASSETS

That LGNSW:

- 1 Writes to Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and Minister for Local Government the Hon Wendy Tuckerman MP:
 - a Expressing this conference's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b Advising of the impact of the Government's position on council finances of this accounting treatment;
 - c Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS;
 - d Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils; and
- 2 Writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a Advising Members of LGNSW's position, including providing copies of correspondence to NSW Government Ministers; and
 - b Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
- 3 Promotes these messages via its digital and social media channels and via its networks.
- 4 Continues advocating on behalf to affected councils to get clarification from the State Government about the accounting treatment of RFS assets.

BACKGROUND

A long-standing dispute over the financial accounting treatment of Rural Fire Service (RFS) mobile assets (known as the 'Red Fleet') has come to a head with the Auditor-General's 2021 Report on Local Government on 22 June 2022. The Audit Report reemphasises the State Government determination that RFS assets are the "property" of councils and must be recorded in Council's financial statements with Council required to therefore absorb all depreciation costs.

The *Audit Office Local Government Report* has reinforced the notion that RFS mobile and other fire-fighting assets can somehow be deemed to be council assets and applies more pressure on councils and the Office of Local Government (OLG) to conform with this determination, even though councils do not have effective management or control of these assets.

Councils across the State and Local Government NSW (LGNSW) refute this determination. Councils do not have any say in the acquisition, deployment, or disposal of these assets. Comparable assets held by Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES) are not vested anywhere other than with the organisations that purchase, use, maintain and dispose of them.

Councils and LGNSW have also raised concerns that the requirement breaches Australian Accounting Standards. The State Government's own *Local Government Accounting Code of Accounting Practice and Financial Reporting* provides for councils to determine whether to record RFS assets on their books as council assets. This position has been confirmed by the Secretary of the Department of Planning and Environment in his letter to the Auditor-General dated 7 June 2022, presented in Appendix 1 on page 47 of the 2021 Local Government Audit Report.

Council notes advice from LGNSW that many councils are refusing to comply with the Auditor General's instructions. Councils remained firm in 2021, resisting pressure to record RFS assets with the majority (68), choosing not to record the RFS mobile assets in accordance with the *Local Government Accounting Code*. This was the same number of councils as in 2020. LGNSW is encouraging councils to continue resisting pressure from the Audit Office and make their own determinations notwithstanding overtures that ongoing non-compliance with the Auditor General's instructions may result in future qualified financial reports.

The latest Audit Report has made further impositions on councils by:

- recommending Council undertakes a stocktake of RFS assets and records the value in Council's financial statements;
- warning that if Council does not recognise the assets, it will be found non-compliant and will have a high risk finding reported; and
- calling on the NSW Department of Planning and Environment (OLG) to intervene where councils do not recognise rural firefighting equipment.

The Government's blanket determination is not only nonsensical, but also inconsistent with the treatment of the comparable assets of other emergency service agencies such as Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES). There is no rational reason for maintaining this anomaly.

LGNSW has been advocating this position on councils' behalf and has written to the NSW Treasurer the Hon. Matt Kean MP, Minister for Emergency Services, the Hon. Steph Cooke MP, Minister for Local Government the Hon. Wendy Tuckerman MP and the Auditor-General, Ms Margaet Crawford to express the local government sector's strong objection to the NSW Government's determination, applied by the Auditor-General, that RFS assets are the property of councils for accounting purposes and amend the *Rural Fires Act 1997*.

LGNSW has advised it will continue its advocacy efforts on councils' behalf and is asking all affected councils in NSW to consider adopting a resolution advising the Audit Office that Council will not carry out the RFS stocktakes on behalf of the NSW Government and will not record RFS assets on Council's financial statements.

Although City of Newcastle does not have Rural Fire Service assets located within the LGA, this determination will no doubt have a detrimental impact on the financial viability and sustainability of or neighbouring councils across the Hunter region and the state more broadly, and it is important that City of Newcastle shows its support for them.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 13: NSW INFRASTRUCTURE CONTRIBUTION REFORMS

That LGNSW:

- 1 Notes the NSW Government introduced the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* (the Bill) into the Legislative Assembly on 22 June 2021.
- 2 Notes sector-wide concerns regarding the financial and planning implications on local councils and communities with calls made for the NSW Government to withdraw the Bill from the NSW Parliament.
- 3 Acknowledges that further amendments were made by the then Minister, with the support of LGNSW with assurances made at the time that "no council will be worse off under the proposed reforms", however subsequent modelling by some councils have shown this not to be the case (see attachment 3.)
- 4 Notes that the proposed amendments favour greenfield development scenarios, which do not reflect the infrastructure needs of urbanised areas, such as within the City of Newcastle, and may result in higher costs for infill development due to constraints and access in cities.
- 5 Notes the high expense of reform implementation required by councils, in addition to the engagement of specialist IT consultants to ensure compliance with the proposed legislation and regulations.
- 6 Continue advocating on behalf of the local government sector to ensure that any amendments do not adversely affect local councils or their communities.

BACKGROUND

https://lgnsw.org.au/Public/Public/Policy/Planning/Infrastructure_Contributions_Reform.aspx

Infrastructure Contributions Reform

JANE.PARTRIDGE@LGNSW.ORG.AU

The NSW Government is proposing reforms to the system of infrastructure contributions in New South Wales.

In late 2021, a detailed package of information was exhibited, which contained the following:

- EP&A Regulation amendments and explanatory paper
- Land value contribution explanatory paper
- Local contributions practice notes, explanatory paper and modules
- Regional Infrastructure Contribution discussion paper and Explanation of Intended Effect
- Regional Infrastructure Works in Kind and Governance and Prioritisation guidelines
- Ministerial Directions and draft practice note relating to Land Use Planning

LGNSW and a majority of councils across NSW have concerns that councils would be left worse off as a result of these proposals. See [LGNSW's submission](#).

In November 2021, LGNSW secured confirmation from (then) Planning Minister Rob Stokes that no council would be worse off under the reforms. The Minister also promised to:

- Seek financial assistance for councils struggling to provide local infrastructure, if developer contributions are withheld to the end of a project;
- Spend regional infrastructure contributions in the area from which they are collected, based on the applicable strategic planning; and
- Incorporate these commitments into the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021.

ATTACHMENTS:

1. CN NOM 24/05/21 – INFRASTRUCTURE CONTRIBUTIONS BILL
2. CN Submission to *Inquiry into Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* dated 11 July 2021
3. North Sydney Council Meeting Agenda item 8.14 NSW Government Infrastructure Contributions Reforms dated 21 February 2022.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

ITEM-64 **CCL 23/08/22 - ADOPTION OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 SECTION 6.03 WICKHAM**

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

PURPOSE

To adopt the Newcastle Development Control Plan 2012 Section 6.03 Wickham.

RECOMMENDATION

That Council:

- 1 Adopts the Newcastle Development Control Plan 2012 Section 6.03 Wickham at **Attachment A**.

KEY ISSUES

- 2 City of Newcastle (CN) placed the draft Newcastle Development Control Plan 2012 (NDCP 2012) Section 6.03 Wickham on public exhibition from 16 May 2022 to 12 June 2022.
- 3 CN received two submissions on the draft document during the public exhibition period. The submissions are summarised at **Attachment B** together with CN's response to matters raised.
- 4 Council adopted Wickham Masterplan 2021 Update (WMP 2021) on 28 September 2021. WMP 2021 includes actions to amend NDCP 2012 Section 6.03 Wickham to achieve the vision for Wickham.
- 5 Post-exhibition changes to NDCP 2012 Section 6.03 include new controls related to the public domain and minor amendments related to the associated technical manuals. New controls will require development to upgrade the public domain frontage to CN's specifications. This approach is consistent with the approach that is being taken as part of the comprehensive review of the NDCP 2012 and responds to community concerns regarding the public domain in Wickham.

FINANCIAL IMPACT

- 6 The preparation, exhibition and finalisation of NDCP 2012 Section 6.03 Wickham is funded under the CN 2021/22 and 2022/23 operational budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 NDCP 2012 Section 6.03 Wickham is consistent with Newcastle 2040 Community Strategic Plan and will contribute to the implementation of the following objectives:

1. Liveable Newcastle

1.1 Enriched neighbourhoods and places

1.1.1 Great spaces

1.1.2 Well-designed places

1.3 Safe, active and linked movement across the city

1.3.1 Connected cycleways and pedestrian networks

3. Creative Newcastle

3.4 City-shaping partnerships

3.4.1 Optimise city opportunities

4. Achieving Together

4.3 Collaboration and innovative approach

4.3.2 Innovation and continuous improvement

IMPLEMENTATION PLAN/IMPLICATIONS

8 NDCP 2012 Section 6.03 Wickham implements the outcomes of the following Council adopted strategies, plans and policies:

- i) Newcastle 2040 Community Strategic Plan, as identified above.
- ii) Newcastle Local Strategic Planning Statement, including the following planning priorities:
 - a) **Planning Priority 8:** Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.
 - b) **Planning Priority 9:** Sustainable, healthy and inclusive streets, neighbourhoods and local centres.
 - c) **Planning Priority 10:** Development responds to the desired local character of our communities.
- iii) Wickham Masterplan 2021, including the following actions:

- a) **Action 3:** Revise the place-based development controls for Wickham to provide further design guidance of the envisaged public-private interface based on the street setbacks identified in WMP, street profiles, character precinct, and land uses at ground-level.
- b) **Action 6:** Include a notation within NDCP 2012 for applicants of land in the Harbour Edge precinct to engage with Port of Newcastle prior to lodgement regarding the location and requirements for maintaining navigation aids in this locality to ensure the safe and efficient operation of the Port.
- c) **Action 7:** Amend NDCP 2012 to include a control for upper-level setbacks for development within the Village Hub Precinct (where the existing HOB within the LEP exceeds 10m), that any part of the development above HOB 10m is setback a minimum 6m from all street fronting boundaries and 8m to all side or rear boundaries of adjoining land that is also within the Village Hub Precinct.
- d) **Action 8:** Amend NDCP 2012 to include an additional control for upper-level setbacks for any development on land that adjoins the Village Hub Precinct, to require any part of the development above HOB 12m to be setback a minimum 6m from all street fronting boundaries and 8m to all side or rear boundaries that adjoin land within the Village Hub Precinct.
- e) **Action 9:** In addition to the amendment to NDCP 2012 outlined in Action 8, land within the Emerging Industry Quarter Precinct adjoining the Village Hub Precinct and located on the northern side of Bishopsgate Street has an increased upper-level setback above HOB 12m of no less than 15m from the property boundary to Bishopsgate Street. In the event of any inconsistency between actions, Action 9 will prevail over Action 8.

RISK ASSESSMENT AND MITIGATION

- 9 There are no risks to CN resulting from the adoption of NDCP 2012 Section 6.03 Wickham.
- 10 The process for amending NDCP 2012 is set out in the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021. This process has been followed including public exhibition for 28 days.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council meeting on 15 November 2011 Council adopted the Newcastle Development Control Plan 2011. It came into effect in June 2012 and became known as the Newcastle Development Control Plan 2012.
- 12 At the Ordinary Council meeting on 17 November 2017 Council adopted the Wickham Master Plan 2017.

- 13 At the Ordinary Council meeting on 23 October 2018 Council adopted Section 6.03 Wickham for inclusion as part of NDCP 2012. It was included in order to implement the endorsed Wickham Master Plan 2017. Wickham had previously formed part of Section 6.01 Newcastle City Centre before Section 6.03 was included in NDCP 2012.
- 14 At the Ordinary Council meeting on 28 September 2021 Council adopted the WMP 2021.
- 15 At the Ordinary Council meeting on 22 March 2022 Council resolved to exhibit the draft NDCP 2012 Section 6.03 Wickham.
- 16 At the Ordinary Council meeting on 26 July 2022 Council adopted the WMP 2021 (2022 Amendment). The changes contained in WMP 2021 (2022 Amendment) do not affect NDCP 2012 Section 6.03 Wickham.

CONSULTATION

- 17 CN exhibited the draft NDCP 2012 Section 6.03 Wickham from 16 May 2022 to 12 June 2022.
- 18 CN's Have Your Say webpage invited the community to comment on the draft NDCP 2012 Section 6.03 Wickham and people who made submissions previously on WMP 2021 were notified about the exhibition by email.
- 19 A Councillor Workshop was held on the draft NDCP 2012 Section 6.03 Wickham on 15 March 2022.
- 20 The draft WMP 2021 and related DCP amendments were referred to CN's Urban Design Consultative Group (now the Urban Design Review Panel) on 24 February 2021. The Consultative Group provided comments on the built form and heights proposed in relation to the Apartment Design Guide (ADG). Post-exhibition changes to the WMP 2021 included actions for additional upper-level setback controls to land within and adjoining the Village Hub Urban Precinct (i.e. Actions 7, 8 and 9 of WMP 2021). The actions have been reflected in NDCP 2012 Section 6.03 Wickham.

BACKGROUND

- 21 The WMP 2017 identified the vision and outlined the strategies and actions to guide CN's planning decisions and support urban renewal in the Wickham area. The WMP identified the opportunity to increase development densities based on land capacity and the envisaged future character.
- 22 The WMP 2021 responds to advice on mine subsidence risks and a review of development controls in Wickham. It provides greater certainty for strategic opportunities where redevelopment could accommodate increased densities and for improved community infrastructure delivery.

OPTIONS

Option 1

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

Option 2

24 That Council does not adopt NDCP 2012 Section 6.03 Wickham. This is not the recommended option.

ATTACHMENTS

Item 64 Attachment A: Newcastle Development Control Plan 2012 Section 6.03 Wickham

Item 64 Attachment B: Submissions table

Attachments A - B distributed under separate cover

**ITEM-65 CCL 23/08/22 - VARIATION TO DEVELOPMENT STANDARDS -
2ND QUARTER 2022**

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

PURPOSE

To report on development variations approved between 1 April 2022 and 30 June 2022.

RECOMMENDATION

That Council:

- 1 Receives the report on approved development variations between 1 April 2022 and 30 June 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).

KEY ISSUES

- 2 Under clause 55 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), consent authorities may be notified that they may assume the Secretary of DPE's (Secretary) concurrence for exceptions to development standards for applications made under clause 4.6 of the NLEP 2012. The Secretary has provided a concurrence to NSW Councils, subject to conditions, to vary development standards proposed in applications. That concurrence, and the reporting and record keeping requirements are outlined in Planning Circular PS 20-002 issued on 5 May 2020.
- 3 This report addresses the requirement that all variations approved under delegation must be tabled at a meeting of the Council at least once each quarter.
- 4 A total of 10 Development Applications (DA) were determined between 1 April 2022 and 30 June 2022 that proposed a variation to a development standard as outlined in Table One below.

Table One

| Variation to Development Standard | Required Determining Authority | Number determined between 1 April 2022 and 30 June 2022 |
|---|--|--|
| 10% or less | Under delegation | 8 |
| Greater than 10% or a variation to a non-numerical development standard | Council or where appropriate the Regional Planning Panel | 2 |
| Total | | 10 |

- 5 The concurrence issued by the Secretary, requires all DAs, Modifications to DAs and Requests for Reviews, with variations greater than 10%, to be determined by Council or where appropriate the Regional Planning Panel. All applications effected by this requirement are included in **Attachment A** and identified as being determined by Council under assumed concurrence.

FINANCIAL IMPACT

- 6 Nil

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Liveable Built Environment

- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

IMPLEMENTATION PLAN/IMPLICATIONS

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

- 9 A report is tabled to Council each quarter detailing all approved applications with a development variation, in accordance with the requirements of the Secretary's concurrence.

RISK ASSESSMENT AND MITIGATION

- 10 By implementing required reporting measures and record keeping arrangements, CN will comply with the requirements of the Secretary's concurrence.

RELATED PREVIOUS DECISIONS

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

Table Two

| Ordinary Council Meeting held | Period Contained in Report |
|--------------------------------------|-----------------------------------|
| 22 February 2022 | 1 October to 31 December 2021 |
| 23 November 2021 | 1 July to 30 September 2021 |
| 24 August 2021 | 1 April to 30 June 2021 |

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 65 Attachment A: Report on all approved development variations between 1 April 2022 and 30 June 2022

Item 65 Attachment A

| DA reference number | Lot number | DP number | Street number | Street name | Suburb | Postcode | Category of development | Environmental planning instrument | Zoning of land | Development standard to be varied | Justification of variation | Extent of variation | Determination by | Date DA determined |
|---------------------|------------|-----------|---------------|---------------|-------------|----------|-------------------------|-----------------------------------|----------------|-----------------------------------|---|---------------------|------------------|--------------------|
| DA2022/00339 | 1 | 44393 | 30 | Robert Street | Wickham | 2293 | ResiAltAdd | LEP2012 | R2 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 9.38% | Council | 22/06/2022 |
| DA2022/00266 | 0 | 44393 | 28 | Robert Street | Wickham | 2293 | ResiAltAdd | LEP2012 | R2 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 9.38% | Council | 22/06/2022 |
| DA2021/01547 | 150 | 1142599 | 11 | Bryant Street | Tighes Hill | 2297 | ResiAltAdd | LEP2012 | R3 | Building Height | Not have unreasonable impact on amenity of the area | 3.75% | Council | 7/06/2022 |
| DA2021/01547 | | | | | | | | | | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 133% | Council | 7/06/2022 |
| DA2021/01207 | B | 153408 | 16 | Pell Street | Merewether | 2291 | ResiSingle | LEP2012 | R2 | Building Height | Achieves underlying objectives of height control | 4.5% | Council | 19/05/2022 |
| DA2021/01207 | | | | | | | | | | Floor Space Ratio | Achieves underlying objectives of FSR control | 8.3% | Council | 19/05/2022 |
| DA2021/01206 | 2 | 271323 | 1/40 | Abel Street | Wallsend | 2287 | ResiMulti | LEP2012 | R2 | Floor Space Ratio | Achieves underlying objectives of FSR control | 3.3% | Council | 19/05/2022 |
| DA2022/00219 | 561 | 836022 | 104 | Janet Street | Merewether | 2291 | ResiSingle | LEP2012 | R2 | Building Height | Achieves underlying objectives of height control | 2.7% | Council | 6/05/2022 |

| | | | | | | | | | | | | | | |
|--------------|-----|---------|-----|------------------|-------------|------|------------|---------|----|-------------------|---|-------|---------|------------|
| DA2021/01583 | 100 | 1272868 | 45 | Moira Street | Adamstown | 2289 | SubdivOnly | LEP2012 | R2 | Lot Size | Compatible with established subdivision pattern | 12.4% | Council | 5/05/2022 |
| DA2021/01361 | 66 | 39450 | 124 | Macquarie Street | Merewether | 2291 | ResiSecOcc | LEP2012 | R2 | Floor Space Ratio | Achieves underlying objectives of FSR control | 4.66% | Council | 4/05/2022 |
| DA2021/00959 | 0 | 31978 | 335 | Lambton Road | New Lambton | 2305 | ResiMulti | LEP2012 | R2 | Floor Space Ratio | Achieves desired future character for the area | 8.3% | Council | 20/04/2022 |
| DA2021/01289 | 1 | 507310 | 17 | Heaton Street | Jesmond | 2299 | ResiMulti | LEP2012 | R3 | Building Height | Achieves desired future character for the area | 2.47% | Council | 5/04/2022 |

ITEM-66 **CCL 23/08/22 - AUTHORISATION FOR SIGNING OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**

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

PURPOSE

To authorise the signing of City of Newcastle's (CN) Statements by Councillors and Management as required for the Financial Statements for the year ended 30 June 2022.

RECOMMENDATION

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2022 is underway and upon completion they will be referred to CN's Auditors, NSW Audit Office, in accordance with Section 413(1) of the Local Government Act 1993 (Act).
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the Statements by Councillors and Management in accordance with Section 413(2) of the Act at the conclusion of the external audit (**Attachments A and B**).
- 3 Endorses publication on CN's website of the intention to present its audited Financial Statements and the date fixed for this Ordinary Council meeting, and determines that this meets the public notice requirements of Section 418 and Section 705(3) of the Act.

KEY ISSUES

- 4 CN is required under Section 413(1) of the Act to prepare Financial Statements each year and refer them for audit. Section 413(2) of the Act requires that the Financial Statements must include:
 - i) A General Purpose Financial Statement; and
 - ii) Any other matter prescribed by the regulations; and
 - iii) A statement in the approved form by the Council as to its opinion on the General Purpose Financial Statements and Special Purpose Financial Statements.

- 5 Attached to this report are the Statements by Councillors and Management which the Lord Mayor, a Councillor, the Chief Executive Officer and the responsible Accounting Officer must sign in accordance with Section 413(2)(c) of the Act, to confirm that the Financial Statements have been prepared in accordance with the applicable legislation, regulations, accounting standards and reporting codes.
- 6 The audit will commence on 5 September 2022. When the audit is finalised a report will be provided to Councillors, as soon as practicable, detailing all relevant findings together with the auditors' opinion on the 2021/22 Financial Statements.
- 7 In accordance with Section 418 of the Act, public notice will be given of the presentation of the 2021/22 Financial Statements. To meet the public notice requirements, notice must be given in a manner determined by the Council with the object of bringing the matter notified to the attention of as many people in its area as possible. In accordance with the recommendation at paragraph 3, Council has determined that publication on CN's website meets the public notice requirements.
- 8 In accordance with Section 419 of the Act, CN will present signed Financial Statements for the year ended on 30 June 2022 at the Ordinary Council Meeting to be held on 25 October 2022.
- 9 From 18 October 2022 to 25 October 2022, under Section 420 of the Act, members of the public can make submissions to CN with respect to CN's audited Financial Statements or CN's Auditors Report.
- 10 In accordance with Section 416(1) of the Act, a copy of the audited Financial Statements, together with Attachments A and B signed in accordance with the recommendation at paragraph 2 must be provided to the Office of Local Government by no later than 31 October 2022.

FINANCIAL IMPACT

- 11 CN's Operational Plan includes a budget amount of \$145,000 for the external audit of the 2021/22 Financial Statements. The current cost estimate provided by the auditors is \$138,100.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 12 This report aligns to Newcastle 2040 under the Achieving Together theme and priority of 'Inclusive and integrated planning' in particular:

4.1.1 Financial sustainability – Make sound financial decisions that are consistent with CN's risk management framework and long-term planning. Sustainably manage assets and revenue streams to meet community expectations.

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 The legislative deadlines and proposed timeline to complete the audit of the Financial Statements are as follows:
- i) 23 August 2022 – Council authorises the Statements by Councillors and Management to be signed in accordance with the recommendation at paragraph 2 above.
 - ii) 5 September 2022 – External audit commences.
 - iii) 6 October 2022 – Draft Financial Statements provided to Audit and Risk Committee for review.
 - iv) 11 October 2022 – Closed Councillor Workshop on draft Financial Statements for the year ended 30 June 2022 undertaken by CN officers with the external audit partner in attendance.
 - v) 25 October 2022 – Completed and signed Financial Statements and Audit Report for the year ended 30 June 2022 presented at the Ordinary Council Meeting.
 - vi) 31 October 2022 – Final date for the Financial Statements for the year ended 30 June 2022 to be submitted to the Office of Local Government and the Australian Bureau of Statistics in accordance with Section 417(5) of the Act.
- 14 CN's Auditors presented their schedule and an update on the audit plan and their progress to the meeting of the Audit and Risk Committee on 3 March 2022. The Auditors will provide a further update to the meeting of the Audit and Risk Committee on 6 October 2022. The draft Financial Statements will be presented to Councillors at a closed workshop to be held on 11 October 2022.

RISK ASSESSMENT AND MITIGATION

- 15 CN's Financial Statements are prepared in accordance with the relevant legislation and are referred to CN's Auditors, NSW Audit Office, in accordance with Section 413 of the Act.

RELATED PREVIOUS DECISIONS

- 16 At the Ordinary Council Meeting held on 27 July 2021, and annually in years past, Council resolved to authorise the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the relevant Statements in accordance with Section 413(2) of the Act at the conclusion of the external audit.

CONSULTATION

- 17 From 18 October 2022 to 25 October 2022, under Section 420 of the Act, members of the public can make submissions to CN with respect to CN's audited Financial Statements or CN's Auditors Report.

BACKGROUND

- 18 This report and its associated approval by way of Council resolution will ensure that the Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Act is approved and signed by the relevant parties in order to complete the process for lodgment of the audited Financial Statements with the Office of Local Government by 31 October 2022.

OPTIONS

Option 1

- 19 The recommendation as at paragraphs 1, 2 and 3. This is the recommended option.

Option 2

- 20 The recommendations as at paragraphs 1 and 2 are endorsed. The recommendation as at paragraph 3 is not endorsed. This is not the recommended option.

Option 3

- 21 The recommendations as at paragraphs 1, 2 and 3 are not endorsed. This will result in a breach of Section 413 of the Act. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 66 Attachment A: Statement by Councillors and Management made pursuant to Section 413(2) of the Act – General Purpose Financial Statements for the year ended 30 June 2022.

Item 66 Attachment B: Statement by Councillors and Management made pursuant to Section 413(2) of the Act – Special Purpose Financial Statements for the year ended 30 June 2022.

Attachments A - B distributed under separate cover

**ITEM-67 CCL 23/08/22 - DARBY STREET, COOKS HILL - ADOPTION OF
THE TRIAL TRAFFIC CALMING INFRASTRUCTURE CONCEPT
PLAN**

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

PURPOSE

To adopt a six-month trial of traffic calming infrastructure on Darby Street, Cooks Hill from October 2022 until March 2023.

RECOMMENDATION

That Council:

- 1 Adopts the Darby Street Trial Traffic Calming Infrastructure Concept Plan (Plan) as set out at **Attachment A**.

KEY ISSUES

- 2 Darby Street is a busy eat street and commercial precinct, and like many local centres has been impacted in recent years from competition from other entertainment precincts and the Covid-19 pandemic.
- 3 The existing speed limit is 40km/h within the proposed trial area, but it lacks traffic calming infrastructure. This, combined with high traffic volumes, results in a challenging environment for pedestrians and cyclists.
- 4 Traffic count data collected on Darby Street between Tyrrell and Council Streets in January 2022 indicates the following:
 - i) Average daily traffic – 9,046 vehicles per day;
 - ii) 85th percentile speed – 47.0 km/h (85% of traffic is at or below this speed);
 - iii) AM peak hour volume – 575 vehicles between 8am-9am; and
 - iv) PM peak hour volume – 687 vehicles between 5pm-6pm.
- 5 The implementation of a 30km/h zone is an objective of the Darby Street, Streets as Shared Spaces (SaSS) grant. It is dependent on the release of new guidelines which are currently under development by Transport for NSW (TfNSW).

- 6 On 24 May 2022, the Newcastle City Traffic Committee (NCTC) gave in-principle support for a 30km/h zone on Darby Street, between 59 Darby Street (Queen Street intersection) to 188 Darby Street (Bull Street intersection). It was noted that NCTC's TfNSW representative will advise when the 30km/h guidance note is officially released.
- 7 On 28 June 2022, the NCTC reviewed the outcomes of a public exhibition of the Plan at **Attachment A** and gave in-principle support for the project to be progressed to Council for determination of the installation of the proposed new traffic infrastructure. It was noted that:
- i) public consultation returned a strong level of support for the installation of traffic infrastructure, reduction of vehicle speeds, reduction in parking, and increasing pedestrian and cyclist safety;
 - ii) changes to the speed limit remains under TfNSW delegation and will be determined on submission to TfNSW to review; and
 - iii) the project is to be re-tabled to the NCTC once detailed design plans are completed.
- 8 The implementation of traffic calming infrastructure is not dependent on the approval of a 30km/h zone by TfNSW. The proposed traffic calming infrastructure will be effective in reducing vehicle speeds regardless of whether the assigned speed limit is 30km/h or 40km/h.

FINANCIAL IMPACT

- 9 The Darby Street SaSS trial will be delivered in 2022/23 using \$500,000 in NSW Government grant funding. City of Newcastle (CN) will contribute additional funds to cover operational costs including project management resourcing and the transfer of paid parking spaces. \$15,000 was allocated in the 2021/22 budget, and a further \$40,000 allocated in the adopted 2022/23 budget. The project will be delivered through the urban revitalisation program within the priority projects portfolio of the capital works program.

NEWCASTLE 2040 ALIGNMENT

- 10 The Darby Street SaSS trial is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan as follows:

Liveable

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Great Spaces
 - 1.1.2 Well-designed spaces

- 1.2 Connected and Fair Communities
 - 1.2.1 Connected communities
 - 1.2.2 Inclusive communities
 - 1.2.3 Equitable communities
 - 1.2.4 Healthy communities
- 1.3 Safe, active and linked movement across the City of Newcastle
 - 1.3.1 Connected cycleways and pedestrian networks

Creative

- 3.1 Vibrant and creative City
 - 3.1.4 Vibrant night-time economy

Achieving together

- 4.3 Collaborative and innovative approach
 - 4.3.2 Innovation and continuous improvement
 - 4.3.3 Data-driven decision-making and insights

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 Darby Street is a high priority for infrastructure renewal under the Local Centres Program. The SaSS trial offers a valuable opportunity to generate lived experience of streetscape upgrades and to research and investigate ways to improve aligning movement and place for better, safer, and healthier outcomes for the community. Data collected throughout the trial will inform a potential future renewal of the Darby Street precinct.

RISK ASSESSMENT AND MITIGATION

- 12 The implementation of trial traffic calming infrastructure (including a pedestrian crossing) is intended to mitigate existing pedestrian and cyclist safety issues and reduce the risk of placing a temporary outdoor dining extension in the existing parking lane. The proposed works will be undertaken in accordance with the relevant Australian Standards, Austroads, and TfNSW guidelines.
- 13 The Darby Street SaSS trial has already attracted strong community interest. If the project does not proceed, there is a risk of damage to CN's reputation with the community and the funding provider.

RELATED PREVIOUS DECISIONS

Nil.

CONSULTATION

- 14 In early 2022, TfNSW representatives gave verbal in-principle support for traffic calming and a trial 30km/h zone as part of the Darby Street SaSS trial, however the 30km/h component is dependent on the release of new guidelines.

- 15 In early 2022, targeted consultation was undertaken with local groups and directly affected businesses which found there was strong support for the project. Letters of support were provided (**Attachment B**) for the grant application by the following groups:
- i) The Makers and Traders;
 - ii) The Darby Street Traders; and
 - iii) The Newcastle Cycling Movement.
- 16 There was concern noted from some businesses about the proposed loss of on-street parking as part of the trial. To compensate for on-street parking losses CN has committed to providing an equivalent number of free 2-hour parking spaces to the rear of the Newcastle Art Gallery and City Library during the trial period. This is currently estimated to be 16 parking spaces, with the final number being determined at the detail design stage.
- 17 The Plan was placed on public exhibition from 16 May to 13 June 2022, with an online survey seeking community feedback on the proposed trial. The survey was advertised through distribution of Have Your Say flyers placed in local businesses, posters in the Darby Street precinct and via newspaper advertising and social media. Public exhibition materials are shown at **Attachment C**.
- 18 Community members submitted 274 responses via online survey and three submissions were made via email or mail.
- 19 The online survey was designed so that the community could provide agree/disagree/neutral responses to questions about the proposed trial. The table provided at **Attachment D** summarises community responses to questions on the key traffic calming proposals.
- 20 The survey results demonstrate a high level of community support for the proposed trial noting CN's position that the response 'Unsure' is neutral and means that the proposed measure(s) does not impact the respective participants.
- 21 In a written submission, a Cooks Hill resident objected to the outdoor dining deck and compensatory 2-hour parking due to a concern that commuters who currently park all day to the rear of Newcastle Art Gallery and City Library will seek parking in neighbouring residential streets. The SaSS six-month trial offers a valuable opportunity to collect data on alternative parking arrangements to the rear of the Newcastle Art Gallery and City Library.
- 22 On 26 July 2022 a meeting was held with local businesses to present information on the SaSS project and discuss how businesses can get involved. The meeting was positively received by attendees.
- 23 Further community consultation will be undertaken during the trial period and the results will be used to inform a future decision on whether the trial will be extended or removed.

BACKGROUND

- 24 The NSW Government has awarded CN \$500,000 in SaSS grant funding, to trial traffic calming infrastructure and activations in Darby Street. The \$20 million SaSS Round 2 grant program is designed to enable the creation of safe and enjoyable public spaces in the wake of the pandemic to make a positive difference to NSW cities and suburbs. The concept plan for Darby Street activations, which include an outdoor dining deck and a parklet is shown at **Attachment E**.
- 25 The high-level objectives of the Darby Street SaSS trial are as follows:
- i) more people able to play and participate;
 - ii) more people able to stay comfortably;
 - iii) increased walkability, accessibility and connectivity;
 - iv) improved social connection between people;
 - v) increased profitability of businesses within the precinct; and
 - vi) increased safety, including reduced risk of Covid transmission.

OPTIONS

Option 1

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

Option 2

- 27 Do not proceed with the trial of traffic calming infrastructure. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 67 Attachment A: CCL 23/08/22 - Darby Street Trial Traffic Calming Infrastructure Concept Plan

Item 67 Attachment B: CCL 23/08/22 - Letters of support

Item 67 Attachment C: CCL 23/08/22 - Public exhibition materials

Item 67 Attachment D: CCL 23/08/22 - Online Survey Results

Item 67 Attachment E: CCL 23/08/22 - Darby Street Activations Concept Plan

Attachments A - E distributed under separate cover

ITEM-68 CCL 23/08/22 - 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 2022/23 Operational Plan as at the end of July 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 July 2022.

KEY ISSUES

- 2 At the end of July 2022 the consolidated YTD actual operating position is a surplus of \$6.9m which represents a positive variance of \$4.3m against the budgeted YTD surplus of \$2.6m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full budget for 2022/23 is a surplus of \$1.3m.
- 3 The net funds generated as at the end of July 2022 is a surplus of \$13.0m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$5.2m to the YTD budgeted position of \$7.8m. This is primarily due to a timing variance in the delivery of CN's works program.
- 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 July 2022 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Achieving Together

- 4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 68 Attachment A: Executive Monthly Performance Report –
July 2022

Attachment A distributed under separate cover

ITEM-69 CCL 23/08/22 - WRITE-OFF OF SUNDRY DEBT

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

PURPOSE

To write off a Sundry Debt.

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.

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 \$164,043.32 (as detailed at **Attachment A**) in accordance with Clause 213 of *the Local Government (General) Regulation, 2005*.
- 2 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

- 3 On-going action by City of Newcastle's (CN) Debt Management Team and its contracted Mercantile Agent has been unable to recoup an outstanding materials debt. This debt related to the supply by CN of lighting smart poles to an electrical contractor.
- 4 The debt was primarily incurred in May 2019 under the direction of the Innovations and Futures team within CN and invoiced to the debtor in June 2019. Details of the debt are as identified at Attachment A.
- 5 The debtor company has no assets and significant debts outstanding. The sole Director of the debtor company is bankrupt. No commercial benefit will be derived from any further recovery action.
- 6 This report recommends the write-off of this sundry debt amount. In accordance with the provisions of Clause 213 of the *Local Government (General) Regulation, 2005*, this amount may be written-off only by resolution of the Council. Sufficient funds are available in the Provision for Doubtful Debts account to enable this action to occur.

FINANCIAL IMPACT

- 7 The amount outstanding of \$164,043.32 has been provided for in the Provision for Doubtful Debts. Writing-off this debt will impact CN's Balance Sheet, with a decrease in the value of CN's sundry debtors as well as a reduction in the Provision for Doubtful Debts.
- 8 Writing-off this sundry debt will have no impact on CN's 2022/23 operating result.

NEWCASTLE 2040 ALIGNMENT

- 9 The write-off of the 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

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

RISK ASSESSMENT AND MITIGATION

- 11 Debt Recovery action has been implemented in accordance with the processes within Council's Debt Management Guidelines.

RELATED PREVIOUS DECISIONS

- 12 Nil.

CONSULTATION

- 13 Nil.

BACKGROUND

- 14 In May 2019 the debtor incurred a debt through the purchase from CN of lighting smart poles for installation in the Civic Link precinct. Despite attempted negotiation with the debtor by CN's Debt Management and the Futures and Innovation team the invoice remains unpaid.
- 15 CN instigated subsequent legal action against the debtor through its Mercantile Agent in late 2019. To date recovery action has been unsuccessful.

- 16 Investigation of the debtor's affairs indicates the debtor was placed into external administration in September 2020. The debtor company's sole director was declared bankrupt in October 2020. CN's contracted Mercantile agent has advised no commercial benefit will result from any further legal action.
- 17 CN has subsequently revised its process so that it is paid for smart poles in advance of supplying stock to third parties. Further, it is anticipated that once existing smart poles supplies are reduced to a number that matches CN's scheduled public domain works in select areas of the local government area, third parties will be directed to smart pole manufacturers to secure product.

OPTIONS

Option 1

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

Option 2

- 19 Council does not resolve to write-off the sundry debt. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 69 Confidential Attachment A: Confidential Detail of sundry debt account

(Refer Confidential Council Agenda 23 August 2022)

NOTICES OF MOTION

ITEM-25 **NOM 23/08/22 - DELIVERING REGIONAL LEVEL PLAYGROUNDS**

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

PURPOSE

The following Notice of Motion was received on Thursday 11 August 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes that since 2018 we have completed three District level facilities including the \$2 million South Stockton Active Hub, the \$2.5 million Blackbutt Adventure Playground at Richley Reserve, and the \$1.2 million inclusive, all-abilities Playground at Stevenson Park, Mayfield West, delivering on a commitment to our community to provide new and upgraded high level playgrounds throughout the Newcastle Local Government Area (LGA);
- 2 Notes that the \$1.5 million Wallsend Active Hub is at an advanced stage of the construction phase, and is on track to be opened to the public in October 2022, while the multi-million dollar investment into the new Regional level inclusive playspace and waterplay park at the iconic Foreshore Park is currently undergoing final detailed design for delivery commencement under the 2022/23 Works Program;
- 3 Advises the community that our adopted 2022/23 Budget has allocated \$1 million for the commencement of the construction of the District level playground at Gregson Park in Hamilton, in line with the adopted Gregson Park Masterplan 2021, with construction scheduled to commence in the first quarter of 2023 and set to be completed by early 2024, subject to weather conditions.

BACKGROUND

City of Newcastle has invested more than \$9 million in playground projects during the past five years including construction of the inclusive playground at Stevenson Park at Mayfield, the Stockton and Wallsend Active Hubs and the adventure playground at Richley Reserve.

Our 2022/23 Budget has prioritised the renewal of public spaces, with the transformation of Foreshore Park and Gregson Park Playgrounds underpinning our commitment to working together with our community, stakeholders, and partners to create a liveable Newcastle.

Playground Replacement Program

While we are committed to building Regional and District level playgrounds across our City, we are also exceptionally proud of our successful Playground Replacement Program that cater for our Local level parks.

City of Newcastle has renewed four playgrounds across the City as part of the annual asset renewal program in 2021/22. Minmi Reserve playground was replaced with new features including a balancing trail, swings and sensory bridge, while new equipment at McCauley Park includes swings, slides, and climbing components. Kotara Park has also been refreshed with a new design while the neighbourhood playground at Bernborough Avenue in Maryland.

The 2022/23 annual asset renewal program will see the installation of new and upgraded equipment at Waratah Park, Highland County in Fletcher, Harold Myers Park at Birmingham Gardens, Vera Wilson Park in Beresfield and Avon Street Reserve at Mayfield.

Playgrounds are selected and identified from a biennial playground safety audit we undertook on all of our playground sites across the City. From this safety audit every playground is given a condition rating which determines its priority within our renewal program.

2022/23 Playground Replacements

- Waratah Park, Waratah
- Highland County, Fletcher
- Harold Myers Park, Birmingham Gardens
- Vera Wilson Park, Beresfield
- Avon Street Reserve, Mayfield

2021/22 Completed Playground Replacements

- Minmi Reserve, Minmi
- McCauley Park, Tarro
- Kotara Park, Kotara
- Bernborough Avenue, Maryland

2020/2021 Completed Playground Replacements

- Dangar Park, Mayfield
- Gross Street Reserve, Tighes Hill
- King Edward Park, Cooks Hill
- Novocastrian Park, New Lambton
- Stevenson Park, Mayfield West

2019/2020 Completed Playground Replacements

- Coldstream Reserve, Rankin Park
- Brickworks Park and Carrington Street Reserve, Wallsend
- Learmonth Park, Hamilton South
- Islington Park, Islington
-

2018/2019 Completed Playground Replacements

- Cressington Way Reserve, Wallsend
- Fletcher Street Reserve, Adamstown

2017/2018 Completed Playground Replacements

- Grahame Park, Carrington
- Bull and Tourle Street Reserve, Mayfield West
- Smith Park, Hamilton North
- Wallsend Park, Wallsend

ATTACHMENTS

Nil.

**ITEM-26 NOM 23/08/22 - USING RECYCLED PLASTIC PRODUCTS IN
CITY OF NEWCASTLE PROJECTS**

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

PURPOSE

The following Notice of Motion was received on Thursday 11 August from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes the month of July has been recognised as “Plastic Free July” since 2011, and recognises that July this year saw this campaign celebrate more than a decade of promoting plastic free alternatives;
- 2 Notes that the Plastic Free July campaign is a key initiative of the Plastic Free Foundation, which aims to see a world free of plastic waste;
- 3 Notes that reusing the plastic that already exists is key to reducing plastic waste;
- 4 Notes that some single use plastics are essential for some consumers who require modifications for accessibility reasons;
- 5 Notes City of Newcastle’s long standing commitment to sustainability initiatives, including diverting plastic waste from landfill through the Kerby soft plastics recycling scheme and the planned construction of a material recovery facility at Summerhill;
- 6 Notes that initiatives like these will support an emerging circular economy, and local manufacturers who are already manufacturing products out of recycled plastic; and
- 7 Investigates opportunities for City of Newcastle to incorporate recycled plastic products in City of Newcastle projects, where appropriate.

BACKGROUND

Annual global plastic production is around 380 million tonnes, and is trending upwards. 90 percent of this turns into waste. Re-using plastic that is already in circulation to manufacture new products helps divert this waste from landfill.

Already operating in this space are local manufacturers using recycled plastic to create things like furniture and building products.

91 percent of people support policies to reduce plastic waste in our community.

Local government is well placed to utilise recycled plastic products and in doing so sends a strong message to the private sector that recycled plastic products are a viable alternative and will help support demand for recycled plastic products and foster a growing market for the product produced by City of Newcastle Materials Recovery Facility, once it is operational.

City of Newcastle's Community Strategic Plan - unanimously adopted by councillors - commits to supporting a circular economy, with a localised supply chain and sustainable procurement.

Using recycled plastic products in City of Newcastle's own projects is consistent with earlier motions of CN's council, which included supporting local manufacturing using recycled plastic products.

ATTACHMENTS

<https://resourcefulliving.com.au/>

<https://www.plasticfreejuly.org/wp-content/uploads/2021/12/PFJ-Impact-Report-2021-screen.pdf>

<https://newcastle.nsw.gov.au/Newcastle/media/Documents/Council/Our%20Responsibility/Our%20Responsibilities/N2040-Web-Spreads.pdf>

<https://newcastle.nsw.gov.au/getattachment/2c381bf1-714f-460c-b7ee-487432440f99/Ordinary-Council-Meeting-Agenda>

ITEM-27 NOM 23/08/22 - YOUTH MOCK COUNCIL

COUNCILLORS: C PULL, C MCCABE AND D RICHARDSON

PURPOSE

The following Notice of Motion was received on Wednesday 3 August 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes and congratulates the Newcastle Youth Council on the Youth Mock Council held in July 2022;
- 2 Notes that the Youth Mock Council developed and adopted the following motions:
 - a. Youth Mental Health
 - b. Better Maintenance or the Renewal of Existing Public Facilities
 - c. Development of a Reusable Menstrual Products' Rebate Program
- 3 Shares these motions with the relevant Strategic Advisory Committees, Members of the Executive Leadership Team, Council officers and Government Agencies.
- 4 Requests a report be provided to councillors by the relevant council officers assessing the viability, cost, and merits of each proposal, if they were to be adopted as policy of the Council.

BACKGROUND

The Youth Council is a Standing Committee of Council for people aged 15 to 25 years which aims to provide strategic advice on issues relevant to young people to the Council.

The Youth Council hosts an impressive program of events and meetings across the year, including activities during Youth Week.

In 2022, the Youth Council organised and hosted a Youth Mock Council at Newcastle City Hall. The Youth Mock Council met to develop and consider public policy proposals and convened in the Old Council Chamber to debate their proposals.

Councillors Adamczyk, Mackenzie, McCabe, Pull and Richardson also attended workshops over the two days to help Mock councillors develop their notices of motion and participated workshops aimed at leadership development and understanding Local Government.

The respective motions are attached.

ATTACHMENTS

NOM Item 27 Attachment A: Youth Mock Council motions

NOM Item 27 Attachment A



YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 1

SUBJECT: YOUTH MENTAL HEALTH

COUNCILLORS:

A. MASENS, H. FINLEY, P. WASKIW, L. GROENENDYK, F. ZOHA, Z. HANWRIGHT

PURPOSE

The following Notice of Motion was received on XXXX from the abovementioned Councillors.

The purpose is to XXXX

MOTION

That City of Newcastle:

1. Notes the unique and complex mental health challenges faced by young people in Newcastle.
2. Notes the need to open conversation about the destigmatisation surrounding mental health in our youth.
3. Acknowledges the crisis regarding the lack of accessibility to mental health professionals for youth/teens.
4. Works towards delivering murals in each of the city's wards which help promote mental health support, depicts hidden adversity, challenges perceptions, portrays reality without stigmatising, avoids triggers, is inclusive and emphasises human experience.

BACKGROUND

1. Currently 40,000 young people within the Hunter Region suffer from a form of mental illness.
2. This project will involve a collaboration between the youth and artists of Newcastle to create a mural (s) promoting the destigmatisation of mental health, providing pathways to related services and educate the community on how to invite and articulate conversation. (achieved through QR codes with links to educational platforms).
3. More than 70% of young women and 80% of young men who need mental help/support do not receive it. Reiterating the crisis of professional mental health help accessibility facing our youth and outlining the importance of opening up conversation between friends, families and community members not as a substitution but as a necessity.

ATTACHMENTS



YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 1

SUBJECT: MOTION FOR BETTER MAINTENANCE OR THE RENEWAL OF EXISTING PUBLIC FACILITIES.

COUNCILLORS: JONAH SCOULAR, EMMA FISCHER, CRYSTAL LEIGH, JULIAN FOY, LUCY WILLIAMSON, DEXTER BRADLEY

PURPOSE

The following Notice of Motion was received on the Friday the 29th of July from the abovementioned Councillors.

The purpose is to ensure the renewal of current public facilities and to maintain a satisfactory hygienic standard. The Council notes that 90% of bathrooms are maintained to an adequate standard.

As of the "Delivering Newcastle 2040" programme currently in place, the council has dedicated \$2.1 million to the upkeep and establishment of community infrastructure and amenities. We put it to the council that this budget be mostly dedicated to building these accessible public facilities.

MOTION

That the City of Newcastle:

1. Undertakes the renewal of bathrooms to an acceptable hygienic standard and take into consideration other services in public facilities.
2. Notes that all local government owned facilities should be kept to a high standard, and that local recreational spaces should be available for people to comfortably use.
3. Works towards implementing showers in sporting grounds and some parks.
4. Works towards the installation of Sharps and Sanitary disposal units in all council owned public bathroom facilities, to help keep all members of the community safe.
5. Prioritises disability and family access by installing accessible ramps and specialised stalls with the addition of change tables for young children.

BACKGROUND

The renewal of bathrooms and other services within public services to an acceptable hygienic standard to help maintain the health, wellbeing, and use of these public services. This motion would improve the state of the facilities currently being used around the community and would provide people with a cleaner and safer range of public bathrooms or showers.



YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 2

Working towards the implementation of sharps and sanitary disposal in all council owned public restrooms can benefit the community through the hygienic standards and can increase the use of these facilities. This motion can eliminate the health and safety hazards posed by the current state of these facilities.

Access for disabled people in public facilities and toilet services in the City of Newcastle is necessary for the inclusion of all people in the community, and this motion supports inclusivity for all with disabilities.

The renewal of these local facilities can increase accessibility by community members who face housing insecurity, or who require public bathrooms for their hygiene. This motion would improve the accessibility that the homeless have to clean water and the possibility to maintain personal hygiene.

Ensuring that the facilities are maintained is critical to the success of this motion, as it enables people to continue using these spaces without being in a dangerous or hazardous environment.

ATTACHMENTS

- Image of public toilets within Newcastle from The National Public Toilet Map, created by the Department of Health and Aged Care.



The National Public Toilet Map: <https://toiletmap.gov.au/>

- Images of the public restrooms at *INSERT PARK NAME HERE*.
- Image of what the restroom could look like in the future.
- Delivering Newcastle 2040 Budget



YOUTH MOCK COUNCIL 2022
Notice of Motion

City of Newcastle Living Community Business Development Explore Council About Us

Our Responsibilities

Access to Information

Audit

Code of Conduct

Customer Service

Delegations and authorisations

Integrated Planning and Reporting

Delivering Newcastle 2040

Delivering Newcastle 2040

Delivering Newcastle 2040 is our commitment to our community and an action plan for achieving Newcastle 2040 priorities.

The City will invest \$424 million into Newcastle during the next financial year, delivering more than 300 projects and \$132 million for upgrades or new community infrastructure.

Program highlights include:

- \$18.6 million towards protecting the RAMSAR-listed Hunter Wetlands by remediating and improving environmental management of the former Astra Street landfill site in Shortland
- \$17.4 million to kick off construction of the Newcastle Art Gallery expansion
- \$6.7 million towards urban and city centre revitalisation, including Hunter Street Mall works and the Local Centres program with upgrades underway in New Lambton, Stockton and Shortland and planning underway for future works at Georgetown and Waratah
- \$4 million to enhance economic development, tourism, smart city initiatives and improve customer experience
- \$2.1 million for community infrastructure and amenities (public toilets, community buildings and caravan parks)

- Reviews of Foreshore Park public facilities.

Foreshore Park

32 What Rd, Newcastle East NSW

4.5 ★★★★★ 1,186 reviews

[Write a review](#)

fiona watson
Local Guide · 91 reviews · 3 photos
★ ★ ☆ ☆ ☆
Nice park heaps of room for everyone
Toilet on the other hand should be better
One **Toilet** only lock

Jacqui Dorman
4 reviews
★ ☆ ☆ ☆ ☆
Toilets disgusting no hand soap no sanitizer

- Reviews of King Edward Park public facilities.



YOUTH MOCK COUNCIL 2022
Notice of Motion

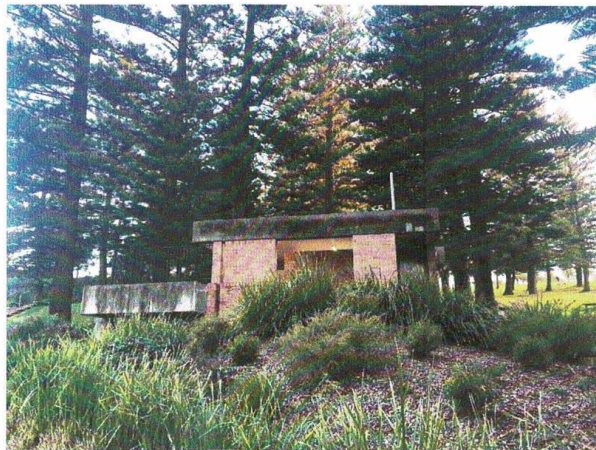
Page 4

King Edward Park
Reserve Rd, Newcastle NSW

4.7 ★★★★★ 431 reviews

Crystal Smith
4 reviews
★ 2 years ago
Park is amazing. I have been coming here for years BUT the **toilets** are absolutely disgraceful. they smell awful and the lighting is terrible and unsafe, completely ruins the reputation of the best park in Newcastle. I have been [More](#)

Ian Johnson
Local Guide
191 reviews, 5 photos
★★★★★ 1 year ago
The public **toilets** at King Edward Park are disgusting. It looks like they get hosed out but no detergent or disinfectant is used. They need a bit of elbow grease to bring back to an acceptable standard





YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 5



YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 6



YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 7



YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 8







YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 12



YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 14





YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 1

SUBJECT:

COUNCILLORS:

ARCHIE O'NEILL, BRADLINE AKELLO, IMALA CUSH, LEON DAVIS, CHELSEA YOUNG

PURPOSE

The following Notice of Motion was received on 29 / 7 / 2022 from the abovementioned Councillors.

The purpose is to increase environmental sustainability and social equality in the City of Newcastle

MOTION

That City of Newcastle, aligning with its history of strong climate action and commitment to sustainability,

1. Offers a 50% rebate on reusable menstrual products, capped at \$150 per household. The council will allocate \$5000 for a trial of the initiative, which will last until funds are exhausted.
2. Notes that 18,000 tonnes of disposable menstrual products are deposited in Australian landfills annually, taking 200-500 years to decompose. The council must also pay a fee to dispose of this waste in landfills.
3. Provide members of the community the opportunity for a rebate on reusable menstrual products, capped at \$150 per household, per two years.
4. The initiative will have a trial budget of \$5000, and a yearly budget will be allocated based on the response of the initial trial.
5. To facilitate the acquisition of the rebates, receipts could be given to Council through a website or in person. From there, claims could be launched to have the rebate given to the community member.
6. Such a project could save the City of Newcastle money. The more Novocastrians use the reusable products targeted, the less council will spend putting menstrual health products in landfill. Such an effort is estimated to cost council \$17 000 per year

BACKGROUND

This motion supports the delivery of:

1. The City of Newcastle acknowledges that approx. 18000 metric tons of menstrual products are discharged every year. These synthetic products take from 500 to 800 years to biodegrade, and the toll they have on the environment is considerable.
2. The Council also acknowledges that 90%+ of menstrual products in Australia are non-reusable, the city councils must pay for their discharge to landfill. Based on the



YOUTH MOCK COUNCIL 2022
Notice of Motion

Page 2

amount of menstrual waste Australia-wide and the size of the City of Newcastle council area, it is estimated that Council spends \$17 000 per year on the discharge of these products.

3. Council also understands that one person will use 5000-15000 disposable menstrual products in their lives, and that this a large cost for some members of the community. To support this, it is known that one in five Australians are using unsuitable alternatives to tampons to manage their periods (socks, toilet paper, etc), demonstrating that these members of the community are finding the costs of menstrual products a burden.
4. Other councils (such as Hornsby, Wollongong, Northern Beaches) have a rebate scheme in place where members of the community a returned 50% of the cost of a reusable menstrual product. These programs have seen success on a budget of \$10000/year. The Hornsby council also offers a 50% rebate capped at \$150 per household, except this initiative includes reusable nappies as well, a possibility is this motion is successful.
5. Note that different people have different experiences of menstruation. Council welcomes the input of relevant Advisory Committees (For example, Disability Inclusion Access Committee, Gurukai Committee).

ATTACHMENT

**Statistics about menstrual product usage – Clean Up Australia
Hornsby Shire Council Website – Example of similar rebate
EPA website – information about waste levy
Sustainable menstruation Australia – Amount of menstrual waste per year**

**ITEM-28 NOM 23/08/22 - REINVESTIGATING THE WALLSEND-
MAYFIELD ARTERIAL ROAD PROJECT**

COUNCILLOR: C PULL

PURPOSE

The following Notice of Motion was received on Thursday 11 August 2022 from the abovenamed Councillor.

MOTION

That City of Newcastle

- 1 Notes the longstanding issues with traffic congestion in our suburban streets.
- 2 Notes the work and investment by various levels of Government to alleviate traffic congestion and build vital links across our city and region.
- 3 Notes severe traffic congestion issues along Maud Street, Wilkinson Avenue, and Sandgate Road/Tillie Street.
- 4 Writes to the Minister for Regional Transport and Roads, the Hon. Sam Farraway MLC, Parliamentary Secretary for the Hunter, the Hon. Taylor Martin MLC, and the NSW Opposition Leader, Chris Minns MP, urging the NSW Government to reinvestigate the potential of the Wallsend-Mayfield Arterial Road project, in particular the potential link through Birmingham Gardens between University Drive and Cameron Street.

BACKGROUND

Currently many previously residential streets are being used, most unsuitably, as major link roads and connections. Some of the worst examples of this are Maud Street (Waratah), and Wilkinson Avenue (Birmingham Gardens).

The Wallsend – Mayfield Arterial Road Plan was shelved with the NSW Government decided to build the Inner-City Bypass, however congestion issues between the city's suburbs still remain.

Elements of the plan will need to be reworked due to modern additions to the landscape, and due to some of the land in the former corridor, particularly through the link between Warabrook and Callaghan, having since been sold off. The only immediate action required by the Department would be to restore the remaining land as road reservation.

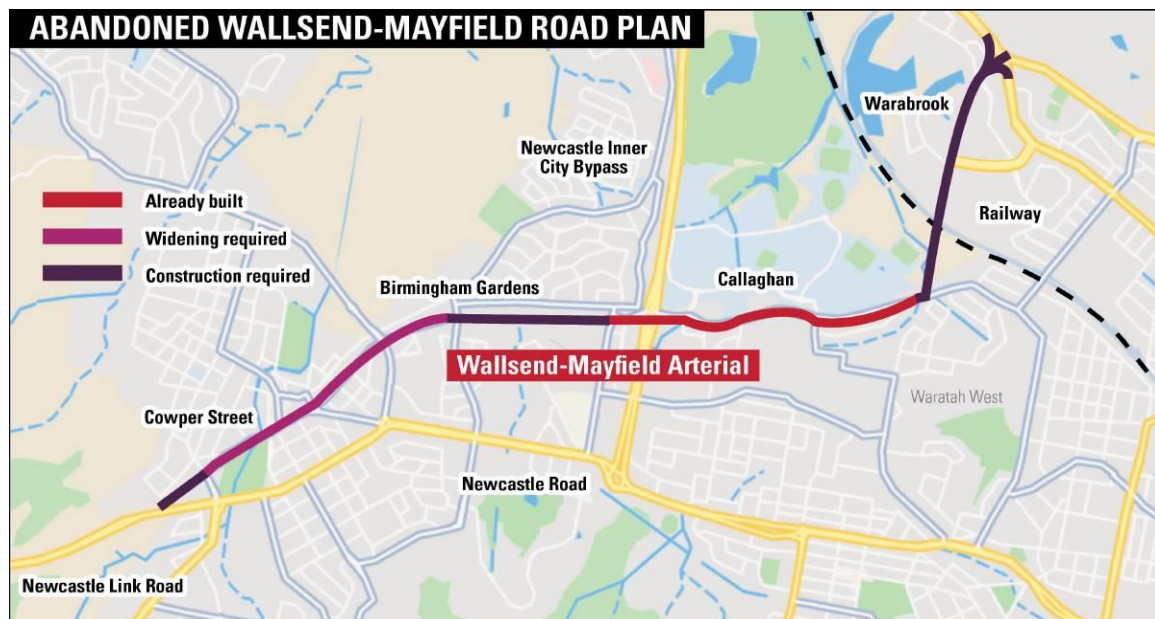
The link between University Drive and Cameron Street (Junction of Wallsend, Jesmond and Birmingham Gardens), would help to relieve traffic congestion on Wilkinson Avenue, which is a main link used by residents in the city's western suburbs, and would provide relief to residents whose homes face the busy street.

ATTACHMENTS

NOM Item 28 Attachment A: Explanation of the Link

NOM Item 28 Attachment A

From 'Four Lane Road from Wallsend to Mayfield Remains Possible', by Bradley Perrett, Newcastle Herald, 25 July 2021.



It's a fine thing that the NSW government has a transportation plan for Greater Newcastle that looks out to 2056. That's long-term thinking - just what we want governments to do.

But get this: the document has hardly anything to say about roads.

So far as the state government is concerned, the major roads that we have now are just about the only ones we'll ever have.

The government knows our population will rise; it acknowledges that in the document, which is called the Greater Newcastle Future Transportation Plan.

So, obviously, we'll want more road capacity for our cars. But the plan talks more about public transport (which hardly anyone wants to use) than cars (which just about everyone wants to use).

Actually, its "vision for 2056" has more to say about cycling than driving.

This article is one of a series about how we should be planning now to help later generations make the best of Greater Newcastle - which the state government defines approximately as the five Lower Hunter local government areas. An important theme of the series is providing for future arterial roads.

We can thank the state planners of the decades just after World War II for the big roads we have now. We'd be in a mess without them.

Just imagine what traveling in the Newcastle urban area would be like if we didn't have such roads as the divided carriageway from the city centre through Hamilton and Lambton to Wallsend; its southward extension, Lake Road; the widened Pacific

Highway from Swansea to Merewether; or the widened highway linking Mayfield and East Maitland.

All these roads and others that we depend on - and even more that have never been built - were planned after the war. The former Department of Main Roads did most of this work.

The department's planners and the politicians who backed them imagined a Newcastle of the future with a network of high-capacity arterial roads.

Today's NSW government looks to the future and imagines bicycles. So let's give its imagination some help.

The route from Newcastle City Centre to Wallsend has just about hit capacity, particularly along the section formed by Newcastle Road. This is largely because it now leads not just to Lake Road but also to the Pacific Motorway and the excellent Hunter Expressway.

But we could open a route to relieve pressure on Newcastle Road: we could build a road that was formerly planned and later abandoned. Its land is still there.

It was to be a heavy-truck route connecting Wallsend with Industrial Drive (another of our good post-war roads). The heavy-truck route would have run from Lake Road through Cowper and Cameron streets, Wallsend, then along a former railway alignment parallel to Wilkinson Avenue, Birmingham Gardens. From there it was to follow University Drive and turn north to pass through Warabrook and join Industrial Drive at Maitland Road. (See the map.)

In fact, we don't need to send heavy trucks through that part of Newcastle. A spokesperson for the council explains that the route was abandoned when the state decided to build the Newcastle Inner City Bypass. (Trucks can use Maitland Road when travelling between the bypass and Industrial Drive.)

Forget the trucks. The government should revive this reservation so it can eventually build a road along it for ordinary vehicles. Let's call it the Wallsend-Mayfield Arterial.

It could take traffic from Shortland, Callaghan, Waratah and Mayfield that would otherwise use Newcastle Road. And it would divert vehicles from narrow streets in Mayfield and Waratah that, most unsuitably, are serving as major roads. Maud Street is the worst example.

Why would governments prefer to overload those streets indefinitely instead of maintaining a reservation for a good, wide road that could properly cope with the traffic?

Because building a new road means upsetting someone, of course. From a politician's point of view, it's better to let the current sufferers continue to suffer (even if they include all of us when we have to use inadequate roads).

And future generations can neither make a fuss now nor vote in the next election.

The Wallsend-Mayfield route is not perfect for an arterial road, because it goes close to houses. It also divides Warabrook and runs through the commercial centre of Wallsend.

It's pretty good, though. Warabrook was designed to accommodate this route, so the houses there back onto it rather than face it, and about 40% of the path through that suburb is lined with light industry.

Immediately south of Warabrook there are no buildings along the route. Houses in Birmingham Gardens and Jesmond, and many in Wallsend, also back onto it.

At the Wallsend end, the former reservation even has a direct path to the Newcastle Link Road.

For our densest population zone, stretching from Wallsend to the ocean, building the Wallsend-Mayfield Arterial would greatly improve access to and from the Pacific Motorway, Hunter Valley and the urban area around the north and west of the lake. It would do that directly by serving some of the dense population zone itself, and indirectly by relieving pressure on Newcastle Road.

Inserting an arterial road into old, thickly populated suburbs is usually hard: it typically involves a lot of demolition and disruption. Yet here we have a path for one that is ready to go.

It might, in fact, be the last possible route for an arterial road for Newcastle's old suburbs (or maybe the second last, because there's an intriguing additional possibility that we'll cover in a later article in this series).

With a smaller catchment area, the Wallsend-Mayfield Arterial would not be as busy as Newcastle Road. Its traffic would probably be more like what we see on Turton Road at Waratah (and, yes, Turton Road is another contribution from post-war planners).

Because the entire alignment of the Wallsend-Mayfield Arterial is available now as open land, the only immediate action we need from the state government is restoring it as a road reservation. Construction can follow when traffic demands it and the state has the money.

Asked about the route, Newcastle City Council points out that the Wallsend and Birmingham Gardens sections are used for utilities and a key cycleway. (There are those bikes again.)

Well, utilities can be moved, at a price. And I don't see how a few people on bicycles have a better claim to a road alignment than a vastly larger number of people in cars.

Anyway, another path could be found for cycling. A cycleway is a simple thing to move.

When it comes to cycling, you can call me unfashionable and politically incorrect. I think you can also say that the great majority of people would agree that cycling ranks behind travelling in cars as a priority.

I should add that three new major roads do appear in the government's transportation plan - but without much discussion, presumably because they involve no pedalling. They are the last section of the Newcastle Inner City Bypass, the Pacific Motorway link between Black Hill and Raymond Terrace, and upgrading Nelson Bay Road.

Notice that none of those is politically difficult.

REPORT ON NOTICE OF MOTION - NOM 23/08/22 - REINVESTIGATING THE WALLSEND-MAYFIELD ARTERIAL ROAD PROJECT

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

DIRECTOR COMMENT

The Wallsend Mayfield Arterial Road Project from the Newcastle Link Road through to Industrial Drive was an option to divert truck haulage previously proposed by the NSW Government in the mid 20th century. This route was abandoned in 1981 with the proposal for the Newcastle Inner City Bypass from Jesmond to Sandgate, which opened in 1993. Further the ongoing upgrade of the A15 route along Newcastle Link Road through to Griffiths Road, coinciding with the Hunter Expressway opening in 2014, further supplemented road capacity along this route.

Additionally the closure of the BHP Steelworks and reduction in industrial operations along the southern side of the Hunter River in 1999 also reduced the demand for heavy vehicle haulage from the southern highways through to Mayfield. This significant shift in demand generation supported the ongoing development on the nominated east-west and north-south corridors developed by the NSW Government.

The section between Cowper Street Wallsend and Blue Gum Road Jesmond is used by City of Newcastle as a key cycling route to Newcastle University and a major utility corridor. The proposed route then follows the current University Drive. The section from Waratah West through the middle of Warabrook is the responsibility of Transport for NSW.

The NSW Government's decision to abandon the arterial road resulted in houses now backing immediately onto the road in parts of Birmingham Gardens, Jesmond and Wallsend. It is likely that conversion of what are now cycleways and utility corridors would require compulsory acquisition of a large number of residential properties.

The section of the proposed corridor along Cowper Street would also require significant widening within the Wallsend Flood Plain.