



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:** 23 November 2021

**TIME:** 6.00pm

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

J Bath  
Chief Executive Officer

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

Thursday 18 November 2021

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<b>ORDINARY COUNCIL MEETING</b> <b>23 November 2021</b>
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**CONFIDENTIAL REPORTS - Nil**

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

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 19 OCTOBER 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 211019 Public Voice Committee

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

**Attachment A**

**CITY OF NEWCASTLE**

**Minutes of the Public Voice Committee Meeting held via Audio visual platform Zoom on Tuesday 19 October 2021 at 6.16pm.**

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**PRESENT**

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

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), H Sexton (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), L Duffy (Manager Parks and Recreation), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and D Barlass (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 Luke, seconded by Cr Mackenzie

That Council:

1. Notes the current Public Health Orders applicable to all of NSW;
2. Notes tonight's Public Voice Committee meeting is livestreamed on Council's website providing for access to members of the public;
3. Notes the unprecedented public health risks facing the community and in the interests of public health and safety, permits all Councillors to attend the Public Voice Committee meeting of 19 October 2021 by audio visual means.

**Carried**

**APOLOGIES**

Nil.

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

Nil.

**PUBLIC VOICE SESSIONS**

**ITEM-1 PV 19/10/21 - ERECTION OF BASKETBALL COURTS ON NATIONAL PARK**

Mr Carl Boyd and Ms Sue Outram addressed Council on behalf of Friends of National Park and highlighted the community groups concerns surrounding the lack of open green spaces and the re-purposing of existing open spaces within National Park.

Ms Lynn Duffy, Manager Parks and Recreation addressed Council providing an overview of the current works in the north west section of National Park permissible under the current National Park Plan of Management (PoM) 2012, and its commenced review.

**ITEM-2 PV 19/10/21 - 42 GEORGETOWN ROAD, GEORGETOWN - DA2021/00197 - SERVICE STATION AND ANCILLARY FOOD AND DRINK PREMISES INCLUDING DEMOLITION OF EXISTING STRUCTURE**

Ms Louise Roach and Ms Roberta Colombo addressed Council and outlined concerns and objections to the development application. Mr Wade Morris and Mr Lee Bateman from GWH Build Pty Ltd addressed Council in support of the development application.

**The meeting concluded at 8.07pm.**

**MINUTES - BRIEFING COMMITTEE 19 OCTOBER 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 211019 Briefing Committee Minutes

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

**Attachment A**

**CITY OF NEWCASTLE**

**Minutes of the Briefing Committee Meeting held via Audio visual platform Zoom on Tuesday 19 October 2021 at 8.07pm.**

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**PRESENT**

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

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), H Sexton (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), L Duffy (Manager Parks and Recreation), P McCarthy (Urban Planning Section Manager), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and D Barlass (Information Technology Support).

**ATTENDANCE VIA AUDIO VISUAL MEANS**

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Mackenzie

That Council:

1. Notes the current Public Health Orders applicable to all of NSW;
2. Notes tonight's Briefing Committee meeting is livestreamed on Council's website providing for access to members of the public;
3. Notes the unprecedented public health risks facing the community and in the interests of public health and safety, permits all Councillors to attend the Briefings Committee meeting of 19 October 2021 by audio visual means.

**Carried**

**APOLOGIES**

Nil.

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

**Councillor Winney-Baartz**

Councillor Winney-Baartz declared a non-pecuniary non-significant conflict in Item 1 – Lingard Hospital – History and Overview of Planning Proposal and Key Outcomes for the Site as she resided in the area and managed the conflict by remaining in the meeting for discussion on the item.



**BRIEFING COMMITTEE REPORTS**

**ITEM-1 BR 19/10/21 - LINGARD HOSPITAL - HISTORY AND OVERVIEW OF PLANNING PROPOSAL AND KEY OUTCOMES FOR THE SITE**

The City of Newcastle received a briefing from Mr Warwick Crosby, CEO Lingard Hospital and Mr Patrick Quinlan, Principal SLR.

**The meeting concluded at 8.40pm.**

**MINUTES - ORDINARY COUNCIL 26 OCTOBER 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 211026 Ordinary Council Meeting Minutes

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

**Attachment A**

CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held via audio visual platform Zoom on Tuesday 26 October 2021 at 7.04pm.**

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**PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors J Church, D Clausen, C Duncan, J Dunn, B Luke (*retired 7.08pm*), J Mackenzie, A Robinson (*retired 9.30pm*), A Rufo, E White and P Winney-Baartz.

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), K Hyland (Interim Director Strategy and Engagement), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), H Sexton (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), L Duffy (Manager Parks and Recreation) S Gately (Manager Libraries and Learning), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and D Barlass (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 Dunn, seconded by Cr Duncan

That Council:

1. Notes the current Public Health Orders applicable to all of NSW;
2. Notes tonight's Ordinary Council meeting is livestreamed on Council's website providing for access to members of the public;
3. Notes the unprecedented public health risks facing the community and in the interests of public health and safety, permits all Councillors to attend the Ordinary Council meeting of 26 October 2021 by audio visual means.

4. Notes that at the advertised start time of 6.00pm, the Ordinary Council meeting of 26 October 2021 was quorate and that the opening of the meeting was delayed to 7.00pm due to technical issues.

**Carried**

Councillor Luke considered it inappropriate for the meeting to take place due to the delay and retired from the meeting at 7.08pm following an explanation from the Chief Executive Officer that the delay was not a breach of the Code of Meeting Practice.

## **APOLOGIES**

Nil.

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

### **Councillor Church**

Councillor Church declared a less than significant non-pecuniary interest in Item 103 - Recommendation for City of Newcastle to be Planning Proposal Authority for 505 Minmi Road, Fletcher Gateway stating this was consistent with previous declarations due to his employment in the property industry and would leave the Chamber for discussion on the item.

### **Councillor Clausen**

Councillor Clausen declared a non-significant non-pecuniary interest in Item 95 - NSW Land and Housing Corporation Memorandum of Understanding stating that Minister Pavey who was required to sign the document had responsibility for his employer and while not an executive decision making role would remain in the Chamber for discussion on the item.

### **Councillor Clausen**

Councillor Clausen declared a less than significant non-pecuniary interest in Item 100 - Endorsement of Planning Proposal and Development Control Plan for Community Infrastructure Incentives at Wickham stating that he had a friend who lived in the Wickham area and would remain in the Chamber for discussion on the item.

### **Councillor Dunn**

Councillor Dunn declared a less than significant non-pecuniary interest in Item 100 - Endorsement of Planning Proposal and Development Control Plan for Community Infrastructure Incentives at Wickham stating that clients owned property in the vicinity of the plan and would leave the Chamber for discussion on the item.

### **Councillor White**

Councillor White declared a less than significant non-pecuniary interest in Notice of Motion Item 36 - Siev-X Memorial Plaque stating employment conditions and would leave the Chamber for discussion on the item.

### **Lord Mayor, Cr Nelmes**

The Lord Mayor declared a non-pecuniary significant interest in Item 103 - Recommendation for City of Newcastle to be Planning Proposal Authority for 505 Minmi Road, Fletcher Gateway stating that she was contacted by email by a family

member many years ago on the subject matter and would remove herself from the Chamber for discussion on the item.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - EXTRAORDINARY PUBLIC VOICE COMMITTEE 21 SEPTEMBER 2021**

**MINUTES - ORDINARY COUNCIL MEETING 28 SEPTEMBER 2021**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried**

**LORD MAYORAL MINUTE**

**ITEM-25 LMM 26/10/21 - SUPPORTING ALFRESCO DINING IN NEWCASTLE**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the NSW Government has announced a new policy, and grant funding, to support local businesses to expand their footprint to new outdoor spaces through the Alfresco Outdoor Dining initiative, aimed at supporting local businesses with the recovery from the economic effects of the COVID-19 global pandemic;
- 2 Enacts the appropriate measures through our Regulatory, Planning and Assessment Team to allow local businesses to take advantage of the Alfresco Outdoor Dining initiative;
- 3 Expedites the public consultation notification process, from 14 days to 7 days (in line with other local Councils), if required, to ensure that small businesses can take advantage of the scheme in a timely manner;
- 4 Notifies local businesses about our support for the Alfresco Outdoor Dining initiative, providing information about how we can assist in the recovery from the pandemic, including facilitating the implementation of expanded alfresco outdoor dining policy.

**Carried  
unanimously**

**ITEM-26 LMM 26/10/21 - BASKETBALL COURTS AT NATIONAL PARK**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes that a key principle of the current 2012 National Park Plan of Management (PoM) is to provide sporting, recreation, and leisure facilities to meet the current and future needs of the community and that the former tennis courts site is categorised as 'sportsground' under the current PoM, with the objective of sportsground land being to 'encourage, promote and facilitate organised and informal sporting activities and games';
2. Endorses the provision of 4 new basketball courts, currently under construction, following the success of the construction of 2 basketball courts in September 2020, noting that a Review of Environmental Factors has stated that **the project aligns with the intention of the National Park Plan of Management 2012**, and that a management action of the PoM states that *If management of the tennis courts is no longer viable/economic during the life of this Plan, Council may investigate and implement alternative uses*;
3. Acknowledges that since the adoption of the 2012 PoM, the conversion of the former Life Without Barriers site has provided an additional 9750m2 of green space not previously accessible to the public, which has been rehabilitated for passive recreation;
4. Notes that the provision of the four new basketball courts returns this space to the public, aligns with the 2012 PoM, while providing an additional 1250m2 of green space surrounding the new courts, and significantly updating public amenity including the provision of new shelters, seating, a drinking water station and brand-new playing surfaces;
5. Commends our Parks and Recreation Team for revitalising this desolate, black-asphalted eyesore and unused section of National Park and returning it back to the community, for local people and families to enjoy; and
6. Notes that the exhibition of an updated National Park Plan of Management will occur in 2022.

**PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr Church

Move dissent against the Lord Mayor's ruling.

**Defeated**

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

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

**Against the Motion:** Councillors Church, Mackenzie, Robinson and Rufo.

**Carried**

## REPORTS BY COUNCIL OFFICERS

### ITEM-99 CCL 26/10/21 - SPECIAL FLOOD CONSIDERATIONS CLAUSE - NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

#### MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Confirms to the NSW Department of Planning, Industry and Environment (DPIE) that it wishes to have the 'special flood considerations' clause (**Attachment A**) inserted into the NLEP 2012.

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

**Against the Motion:** Nil.

**Carried**

### ITEM-102 CCL 26/10/21 - ADOPTION OF SECTION 7.11 AND SECTION 7.12 DEVELOPMENT CONTRIBUTION PLANS

#### MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Section 7.11 Development Contributions Plan (**Attachment A**) and Section 7.12 Development Contributions Plan (**Attachment B**).
- 2 Adopts a delayed commencement date of the Section 7.11 Development Contributions Plan and Section 7.12 Development Contributions Plan so they come into force on 1 January 2022.
- 3 Repeals the current Section 7.12 Local Infrastructure Contributions Plan 2019 (update 2020) with unspent funds to be spent for the purpose for which they were collected.

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

**Against the Motion:** Nil.

**Carried**

**ITEM-105 CCL 26/10/21 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - ANNUAL REPORT**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (Register) (for the financial year 2020/2021) by the Chief Executive Officer (CEO).

**Carried**

**ITEM-106 CCL 26/10/21 - PUBLIC EXHIBITION OF THE DRAFT ALCOHOL REGULATED AREAS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Place the proposed amendments to Alcohol Free Zones (AFZ) and Alcohol Prohibited Areas (APA), collectively termed Alcohol Regulated Areas (ARA) at **Attachment A**, on public exhibition for 30 days.

**Carried  
unanimously**



**ITEM-107 CCL 26/10/21 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES**

**MOTION**

Moved by Cr Rufo, seconded by Cr Dunn

That Council:

- 1 Approves the temporary suspension of the AFZs in the eastern car park at Queens Wharf Hotel, Wharf Road Newcastle, from 6am to midnight on Saturday 11 and Sunday 12 December 2021 for the purpose of the event, QWH Presents Playback, subject to the organiser, Queens Wharf Hotel, meeting all necessary requirements of the Newcastle Police Local Area Command (LAC) and City of Newcastle (CN).
- 2 Approves the temporary suspension of the AFZs in Car Parks 1 & 2 Nobbys Beach, Wharf Road and Pasha Way Newcastle East , from 6am to midnight on Saturday 18 December 2021 for the purpose of the event, Lunar Electric 2021 subject to the organiser, Intensive Events Pty Ltd, meeting all necessary requirements of the LAC and CN.

**Carried**

**ITEM-108 CCL 26/10/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Dunn

That Council:

- 1 Receives the Executive Monthly Performance Report for September 2021 at **Attachment A.**

**Carried**

**ITEM-94 CCL 26/10/21 - SUSPENSION OF COUNCILLOR KATH ELLIOTT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Note the Office of Local Government has reprimanded Councillor Kath Elliott and suspended her from civic office for a period of six weeks, commencing 18 October 2021 and ending 29 November 2021.

**For the Motion:**

Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz.

**Against the Motion:**

Councillors Church, Robinson and Rufo.

**Carried**

**ITEM-95 CCL 26/10/21 - NSW LAND AND HOUSING CORPORATION -  
MEMORANDUM OF UNDERSTANDING**

**MOTION**

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

That Council:

- 1 Endorses the Memorandum of Understanding with the NSW Land and Housing Corporation as provided in **Attachment A**
- 2 Delegates authority to the Lord Mayor to sign the document on its behalf.
- 3 Notes that a separate and binding funding agreement will be developed by the parties, which will be submitted for Council endorsement.

Councillor Clausen stated that paragraph 15 of the Officer's report referenced the intention for the Chair of the Liveable Cities Advisory Committee to represent City of Newcastle on the governance committee. He proposed that the committee be expanded to include the Chair of the Affordable Living Working Party.

The Lord Mayor accepted Councillor Clausen's addition to the motion.

The motion moved by the Lord Mayor and seconded by Councillor Mackenzie, as amended, was put to the meeting.

**Carried  
unanimously**

**ITEM-96 CCL 26/10/21 - QUARTERLY BUDGET REVIEW - SEPTEMBER 2021**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

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

**For the Motion:**

Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz.

**Against the Motion:**

Councillors Church, Robinson and Rufo.

**Carried**

**ITEM-97 CCL 26/10/21 - ADOPTION OF THE HOUSING POLICY**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Housing Policy at **Attachment A**.

**Carried  
unanimously**

**ITEM-98 CCL 26/10/21 - PUBLIC EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN**

**MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Place the draft Disability Inclusion Action Plan 2021-2025 (DIAP) provided at Attachment A on public exhibition for 28 days.

**Carried  
unanimously**

**ITEM-100 CCL 26/10/21 - ENDORSEMENT OF PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR COMMUNITY INFRASTRUCTURE INCENTIVES AT WICKHAM**

Councillor Dunn left the meeting for discussion on the item.

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Endorse the Planning Proposal (PP) (**Attachment A**) to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to implement actions of the Wickham Masterplan 2021 Update (WMP 2021).
- 2 Forwards the Planning Proposal to the Minister for Planning, Industry and Environment for 'Gateway Determination' pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 3 Endorses draft Section 6.03.06 Community Infrastructure Incentives in Wickham, of the Newcastle Development Control Plan 2012 (NDCP 2012) for public exhibition (**Attachment B**).
- 4 Publicly exhibits the Planning Proposal, subject to Gateway Determination, for a minimum of 28 days together with the following:

- i) Section 6.03.06 Community Infrastructure Incentives in Wickham of the draft NDCP 2012.
  - ii) The draft Incentive Gross Floor Area (GFA) Rate for Wickham, within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22 (**Attachment C**).
- 5 Receives a report on submissions following public exhibition and considers any amendments made in response to submissions and make a final determination on the Planning Proposal and draft Section 6.03.06 of the NDCP 2012.

**PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr White

The matter lay on the table until the accompanying NDCP 2012 amendments can be brought back to Council simultaneously with changes to the NLEP 2012.

**For the Procedural Motion:**

Lord Mayor, Cr Nelmes and Councillors Church, Clausen, Duncan, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

**Against the Procedural Motion:**

Nil.

**Carried**

Councillor Dunn returned to the meeting at the conclusion of the item.

**ITEM-101 CCL 26/10/21 - REQUEST FOR INTERIM HERITAGE ORDER - ST COLUMBAN'S CHURCH MAYFIELD**

**MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1 Requests the Heritage Council of NSW place an Interim Heritage Order over St Columban's Church, Mayfield (refer site map at **Attachment A**).

**For the Motion:**

Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz.

**Against the Motion:**

Councillors Church, Robinson and Rufo.

**Carried**

**ITEM-103 CCL 26/10/21 - RECOMMENDATION FOR CITY OF NEWCASTLE TO BE PLANNING PROPOSAL AUTHORITY FOR 505 MINMI ROAD, FLETCHER GATEWAY**

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

The Deputy Lord Mayor took the Chair.

In moving the motion, the Deputy Lord Mayor stated he was moving an alternate motion.

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

**PART A**

That Council:

1. Resolves to be the Planning Proposal Authority (PPA) for the Planning Proposal for 505 Minmi Road, Fletcher and advise the Hunter and Central Coast Regional Planning Panel (Panel) accordingly.
2. As the PPA, prepares the Planning Proposal under section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), and consistent with the Panel's determination, noting the Panel's requirement for the applicant to provide substantial additional information.
3. Requests the Gateway determination include a condition authorising Council to be the Local Plan Making Authority.

**PART B**

That Council:

Review and addresses the inaccuracies identified in the Planning Proposal Document by the Green Corridor Coalition, in its two-part submission to the Hunter and Central Coast Regional Planning Panel (received by the Council on 25 May 2021, attached) and further submission received by all Councillors today (26 October 2021, attached).

**For the Motion:**

Deputy Lord Mayor, Cr Clausen and Councillors Duncan, Dunn, Mackenzie, Rufo, White and Winney-Baartz.

**Against the Motion:**

Councillor Robinson.

**Carried**

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

Councillor Robinson left the meeting at 9.30pm.

At 9.34pm, the following procedural motion was moved.

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

The meeting be extended to conclude all business on the agenda.

**Carried**

**ITEM-104 CCL 26/10/21 - ADOPTION OF THE 2020/21 ANNUAL FINANCIAL STATEMENTS**

**MOTION**

Moved by Cr Duncan, seconded by Cr Dunn

That Council

- 1 Receives and adopts CN's Financial Statements and accompanying notes, in respect of the year ended 30 June 2021, together with the Auditor's Report (**Attachment A**).

**For the Motion:**

Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz.

**Against the Motion:**

Councillors Church and Rufo.

**Carried**

**ITEM-109 CCL 26/10/21 - TENDER REPORT - BIENNIAL CIVIL CONSTRUCTION AND MAINTENANCE HEAVY PATCHING - 2022/001T**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

That Council:

- 1 Accept the following tenders for heavy patching (flexible pavement) for Contract No. 2022/001T:
  - i) ANA Industries Pty Ltd,
  - ii) Ian Rich Asphalt Pty Ltd,
  - iii) Mr Diggitt Pty Ltd, and
  - iv) QC Asphalts P/L.

- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried  
unanimously**

**ITEM-110 CCL 26/10/21 - TENDER REPORT - NEWCASTLE OCEAN BATHS  
UPGRADE STAGE 1 - 2021/877T**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

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

That Council:

- 1 Accept the tender of Daracon Pty Ltd in the amount of \$12,456,681 (excluding GST) for the Newcastle Ocean Baths Upgrade Stage 1 for Contract No. 2021/877T.
- 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-34 NOM 26/10/21 - DEVELOPMENT CONTROL PLAN REVIEW**

**MOTION**

Moved by Cr Duncan, seconded by Cr Clausen

That City of Newcastle:

1. Notes the scheduled review of CN's Development Control Plan (DCP) is currently in progress.
2. As part of the review, ensures consideration is given to the following issues:
  - a. Car stackers - Notes increasing use of car stacker technology in developments in the city. As part of the DCP review, investigate current best practice regarding car stackers and considers appropriate implementation in CN's DCP.

- b. Sustainability of buildings - Notes that the City is an Australian leader in sustainability and environmental issues. Council has resolved on numerous occasions to seek opportunities to improve the efficiency of built infrastructure, including receiving presentations from the Property Council. As part of the DCP review, consider and undertake consultation on best practice building sustainability measures including renewable energy generation (and reasonable access rights for rooftop solar PV generation), green walls and green roofs, best practice water efficiency in addition to BASIX, and opportunities to incorporate Sustainability Performance Statement, Green Star rating report and/or an Energy Commitment Agreement under the National Australian Built Environmental Rating Scheme (NABERS) in commercial development.
- c. Access - Notes an issue inconsistent with our Access and Inclusion aims in that legacy issues relevant to lack of accessibility do not currently require addressing during change of use. Explore best practice on ensuring opportunities to improve accessibility are considered when a property undergoes a change of use and consider how CN may improve the City's position on this issue.
- d. Service stations - incorporates best practice for the location of new service stations in the DCP or future revisions to the LEP, to ensure they are located on main roads only, not to be located in local or neighbourhood centres or off local roads.

**Carried**

**ITEM-35 NOM 26/10/21 - CHARTER OF COMMITMENT HONESTY**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council

- 1 Notes that the Commonwealth and NSW Government offer a Parliamentary Budget Office to all members to ensure that election commitments are properly costed;
- 2 Notes that unlike Parliamentary systems, all councillors (regardless of party affiliation) have equal access to Council budget documents and access to Council's Chief Financial Officer, Manager Finance and senior staff;
- 3 Notes that in 2012 the City's finances were described by a previous General Manager as heading towards insolvency;
- 4 Notes that responsible decisions by the current Council have led to the City of Newcastle's finances has been designated by the Office of Local Government as 'Financially Fit for the Future';



- 5 Notes that the City's finances are audited annually by the NSW Auditor General. The most recent audit opinions have confirmed a clean bill of health;
- 6 Establishes a City of Newcastle Charter of Budget Honesty for all candidates contesting the 2021 Local Government Election; and
- 7 Calls on all candidates contesting the 2021 Local Government Election to ensure any election commitment are properly costed, budgeted, or any new expenditure is offset by savings or additional revenue.

**Carried  
unanimously**

**ITEM-36 NOM 26/10/21 - SIEV-X MEMORIAL PLAQUE**

Councillor White left the meeting for discussion on the item.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That the City of Newcastle

- 1 Note with the sadness the 20<sup>th</sup> anniversary of the SIEV-X tragedy, when the SIEV-X sank on its way to Australia, resulting in the drowning of 146 children, 142 women and 65 men, on 19<sup>th</sup> October 2001.
- 2 Note the historical leadership of Newcastle Council on refugee and multicultural issues, including as the second city in Australia to declare itself a "refugee welcome zone" in 2004. Further, that Council note the recommitment to that declaration on 28 May 2015.
- 3 Install a commemorative plaque in remembrance of the SIEV-X at an appropriate foreshore location.
- 4 The matter be referred to the Community and Culture Committee and Public Art Reference Group to review and provide recommendations on implementation.

**Carried  
unanimously**

Councillor White returned to the meeting at the conclusion of the item.

**CONFIDENTIAL REPORTS**

Nil.

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

**The meeting concluded at 10.46pm.**

**LORD MAYORAL MINUTE**

**ITEM-27                      LMM 23/11/21 - NEWCASTLE SAYS NO TO SYDNEY'S TOXIC  
WASTE FROM NORTHERN BEACHES LINK PROJECT**

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**MOTION**

That City of Newcastle:

- 1     Notes with concern that on 15 November 2021, the NSW Government, through Transport for New South Wales (TfNSW), announced plans to ship toxic waste from the construction of the Northern Beaches Link to Newcastle, advising that the material would be stored at the Port of Newcastle, before being trucked to an unnamed Waste Management facility;
- 2     Notes this announcement was not discussed with City of Newcastle (CN) staff or the elected Council, and was not discussed with the Port of Newcastle;
- 3     Commends the Port of Newcastle who subsequently advised that they give *"no guarantee that the material proposed will be accepted, or is suitable, for unloading at the Port. Furthermore, if it was to be accepted, the Port has specified that the material could not be stored at Port of Newcastle for any period."*
- 4     Notes that there is no agreement for CN to take waste from Sydney with TfNSW, and that only one meeting between CN and TfNSW has occurred, where TfNSW were advised that in order for any waste to be considered for landfill disposal at the Summerhill Waste Management Facility it must meet our strict requirements set under the EPA's Waste Classification Guideline for General Solid Waste and that CN Officers stressed that any waste would need to be independently tested to confirm that it meet our strict licensing requirements. No further meetings have occurred between CN and TfNSW since this initial meeting;
- 5     Raises serious concern about the handling of this matter by the NSW Government and the unnecessary distress that has been caused in the community given the complete lack of community consultation, or consultation with City of Newcastle prior to the media announcement;
- 6     Writes to the Premier, the Hon. Dominic Perrottet MP, and Minister for Planning and Public Spaces and Minister for Transport and Roads, the Hon. Rob Stokes MP, advising that City of Newcastle will not accept toxic sludge from the Northern Beaches Link project at Summerhill Waste Management Centre.

**BACKGROUND**

**City of Newcastle: Summerhill Waste Management Facility Statement**

15 Nov 2021

There is no agreement to take any waste from Sydney with Transport for NSW (TfNSW). TfNSW contacted City of Newcastle (CN) in September requesting a meeting to discuss future waste from the Northern Beaches Link project.

At that meeting we explained that in order for any waste to be considered for landfill disposal at the Summerhill Waste Management Facility it must meet our strict requirements set under the EPA's Waste Classification Guideline for General Solid Waste.

We also stressed that any waste would need to be independently tested to confirm that it meet our strict licensing requirements.

TfNSW undertook from that meeting to come back to us when they knew with more confidence about the makeup of the waste. To date we haven't heard anything more.

A decision regarding the disposal of any material offshore would be made by the Federal Department of Agriculture, Water and the Environment.

**Statement from the Port of Newcastle:**

**MEDIA STATEMENT**  
**Transport for NSW Northern Beaches Link**  
**Preferred Infrastructure Report**

Port of Newcastle was engaged by Transport for NSW in respect to its submission of its Preferred Infrastructure Report (PIR) to Department of Planning, Industry and Environment for its Northern Beaches Link Project. Transport for NSW managed all engagement for its PIR submission.

The Transport for NSW Preferred Infrastructure Report (PIR) for the project includes a number of potential sites, including Port of Newcastle.

Port of Newcastle has provided no assurances at this time as to the access to, or availability of, any referenced Port site, or the granting of any required approvals.

The use of M4 berth, or any other berth in the Port, is conditional on berth availability, and satisfying the customary operational, commercial, planning, environmental, and safety requirements of the Port of Newcastle and all other relevant regulatory bodies.

As part of its response to the Preferred Infrastructure Report (PIR) submission, Port of Newcastle has raised its concerns and advised clearly that the Port gives no guarantee that the material proposed will be accepted, or is suitable, for unloading at the Port. Furthermore, if it was to be accepted, the Port has specified that the material could not be stored at Port of Newcastle for any period.

Port of Newcastle has strong ESG credentials and as Australia's only port to achieve EcoPort status is committed to driving the principles of sustainability throughout its operations and culture.

**ATTACHMENTS**

Nil

**REPORTS BY COUNCIL OFFICERS**

**ITEM-111                    CCL 23/11/21 - COUNCILLOR KATH ELLIOTT STAY OF  
SUSPENSION**

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

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**PURPOSE**

To note the stay of suspension of Councillor Kath Elliott from civic office, pending a decision by the NSW Civil and Administrative Tribunal (NCAT) expected on 13 December 2021.

**RECOMMENDATION**

That Council:

- 1     Notes the stay of suspension of Councillor Kath Elliott from civic office, in accordance with the Orders issued by the NSW Civil and Administrative Tribunal (NCAT) on 4 November 2021; and
- 2     Notes the NCAT will hear Councillor Elliott's appeal against her suspension from civic office by the Office of Local Government (OLG) on 13 December 2021.

**KEY ISSUES**

- 3     At its meeting on 26 October 2021, Council noted the OLG had reprimanded Councillor Kath Elliott and suspended her from civic office for a period of six weeks, commencing 18 October 2021 and ending 29 November 2021.
- 4     On 4 November 2021, the NCAT issued Orders, including that the decision of the OLG of 8 October 2021 be stayed until further orders of the NCAT (as set out at **Attachment A**).
- 5     This means that Cr Elliott has resumed the full duties and obligations of civic office, in accordance with the Act, until such time as NCAT determines the outcome of Cr Elliott's appeal against the OLG decision to suspend her.
- 6     On 5 November 2021, City of Newcastle (CN) wrote to Cr Elliott confirming:
  - (i) the re-commencement of the payment of councillor fees, and the acceptance of claims for expenses incurred by Cr Elliott in her capacity as a councillor, in accordance with the Act;

- (ii) services and facilities supporting the performance of civic functions were reinstated; and
- (iii) Cr Elliott is entitled to attend CN events in her official capacity as a councillor.

**FINANCIAL IMPACT**

- 7 There is no additional financial impact as councillor fees and claims for reimbursement are provided for in the 2021/22 budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 8 The noting of the stay of suspension is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

**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.

**Open and Transparent Governance Strategy**

- 3.5 Open and transparent disclosures.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 CN has undertaken all administrative requirements to support Cr Elliott's stay of suspension from civic office. This includes the restarting of councillor fees and access to CN systems. Cr Elliott may contact CN staff in her capacity as a Councillor.

**RISK ASSESSMENT AND MITIGATION**

- 10 CN is taking all necessary steps to ensure compliance with the Orders, which are binding and legally enforceable.

**RELATED PREVIOUS DECISIONS**

- 11 At the Ordinary Council Meeting held 26 October 2021, Council noted that the OLG had reprimanded Cr Elliott and suspended her from civic office for a period of six weeks, commencing 18 October 2021 and ending 29 November 2021.

**CONSULTATION**

- 12 The stay of suspension of Cr Elliott from civic office is an Order of the NCAT and therefore no consultation was required to be undertaken.

**BACKGROUND**

- 13 Cr Elliott has been the subject of censure by the elected Council on three occasions in this Council term. The OLG's suspension did not relate to a Code of Conduct matter considered by the Council, or any previous censure imposed by the Council. Rather the suspension related to an investigation by the OLG regarding the leaking of a confidential report, and as requested by Cr Elliott's legal representation in a written request to the CN CEO.

**OPTIONS**

**Option 1**

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

**Option 2**

- 15 Council does not adopt the recommendation. This is not the recommended option.

**REFERENCES**

Nil.

**ATTACHMENTS**

- Item 111 Attachment A:** Orders issued by the NSW Civil and Administrative Tribunal (NCAT) on 4 November 2021

**Item 111 Attachment A:** Orders issued by the NSW Civil and Administrative Tribunal (NCAT) on 4 November 2021



**NCAT**  
NSW Civil &  
Administrative  
Tribunal

Quote the number below for all enquiries  
**Case number 2021/00302693**

Kath Elliott  
c/- SPARKE HELMORE LAWYERS  
Attn: Julien Eligio Castaldi  
Julien.Castaldi@sparke.com.au

**ORDER**

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Case title Kath Elliott v Coordinator General, Planning Delivery and Local Government  
Application under Local Government Act 1993

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On 4 November 2021 the following orders (and/or directions) were made:

- 1 By consent, pursuant to s 50 of the Civil and Administrative Tribunal Act 2013 (NSW), a hearing of the applicant's application to stay the decision of the respondent of 8 October 2021 is dispensed with.
- 2 By consent, the decision of the respondent of 8 October 2021 is stayed until further order of the Tribunal.
- 3 The name of the respondent is amended to Coordinator General, Planning Delivery and Local Government.

R Titterton, Senior Member

Issued: 4 November 2021



For further information about your rights and obligations in relation to this order please read NCAT's Rights and Obligations Guideline available on the NCAT website at [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).



**ITEM-112 CCL 23/11/21 - CODE OF CONDUCT ANNUAL STATISTICS**

**REPORT BY: EXECUTIVE MANAGEMENT**  
**CONTACT: COMPLAINTS COORDINATOR**

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**PURPOSE**

To report City of Newcastle's (CN) annual Code of Conduct complaints statistics for the period 1 September 2020 to 31 August 2021 in accordance with Office of Local Government (OLG) requirements.

**RECOMMENDATION**

That Council:

- 1 Notes City of Newcastle's Code of Conduct Complaints Statistics Report for the period 1 September 2020 to 31 August 2021 at **Attachment A**.

**KEY ISSUES**

- 2 Part 11 of CN's Procedure for the Administration of the Code of Conduct (Procedure) requires the Complaints Coordinator (Manager Legal) to report the following to Council and the OLG for the period 1 September to 31 August each year:
  - i) the total number of Code of Conduct complaints made about Councillors and the Chief Executive Officer under the Code of Conduct in the year to September;
  - ii) the number of Code of Conduct complaints referred to a Conduct Reviewer;
  - iii) the number of Code of Conduct complaints finalised by a Conduct Reviewer at the preliminary assessment stage, and the outcome of those complaints;
  - iv) the number of Code of Conduct complaints investigated by a Conduct Reviewer;
  - v) without identifying particular matters, the outcome of investigations completed under the Procedure;
  - vi) the number of matters reviewed by the OLG and, without identifying particular matters, the outcome of those reviews; and
  - (vii) the total cost of dealing with Code of Conduct complaints made about Councillors and the Chief Executive Officer in the year to September, including staff costs.

**FINANCIAL IMPACT**

- 3 The total cost of dealing with Code of Conduct complaints, including staff costs, for the period 1 September 2020 to 31 August 2021, was \$48,115.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 4 The Code of Conduct Statistics Report is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

**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.

7.4d Maintain a high-quality workforce that is committed to delivering on our communities' and Council's vision and goals.

**Open and Transparent Governance Strategy**

2.1 Maintain a strong ethical culture and a high standard of conduct.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 5 The Code of Conduct statistics are submitted to the OLG and made publicly available on its 'Your Council' website.

**RISK ASSESSMENT AND MITIGATION**

- 6 Noting and submitting Code of Conduct statistics to the OLG supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements. Following these requirements reduces the risk of damage to public confidence in local government associated with complaints and breaches of the Code of Conduct.

**RELATED PREVIOUS DECISIONS**

- 7 At the Ordinary Council meeting held on 8 December 2020, Council noted the annual report on Code of Conduct complaints for the period 1 September 2019 to 31 August 2020.

**CONSULTATION**

- 8 No consultation was required as this is a statutory process under the Procedure.

**BACKGROUND**

- 9 CN's Code of Conduct for Councillors and associated Procedure are consistent with the Model Code of Conduct for Local Councils in NSW, produced by the OLG in accordance with the Local Government (General) Regulation 2005.

**OPTIONS**

**Option 1**

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

**Option 2**

- 11 Council does not adopt the recommendation. CN has a legislative obligation to lodge the report with the OLG and it is appropriate for Council to note this. This is not the recommended option.

**REFERENCES**

Procedure for the Administration of the Code of Conduct

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

**ATTACHMENTS**

- Item 112 Attachment A:** Annual report on City of Newcastle's Code of Conduct Complaints Statistics for the period 1 September 2020 to 31 August 2021.

**Item 112 Attachment A: Annual report on City of Newcastle’s Code of Conduct Statistics for the period 1 September 2020 to 31 August 2021**

Model Code of Conduct Complaints Statistics Newcastle City Council		
<b>Number of Complaints</b>		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	4
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	10
<b>Overview of Complaints and Cost</b>		
2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	1
b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
c	The number of code of conduct complaints referred to a conduct reviewer	3
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	2
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	6
g	The number of finalised complaints investigated where there was found to be no breach	1
h	The number of finalised complaints investigated where there was found to be a breach	5
i	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
j	The number of complaints being investigated that are not yet finalised	0
k	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	48,115

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action (clause 6.13(a) of the 2018 and 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">2</span>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">1</span>
e	To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">6</span>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach, in which the following recommendations were made:
a	That the council revise its policies or procedures <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
b	That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">1</span>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">2</span>
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">3</span>
6	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>

Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
a	General conduct (Part 3) <span style="float: right; border: 1px solid black; padding: 2px 10px;">5</span>
b	Non-pecuniary conflict of interest (Part 5) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
c	Personal benefit (Part 6) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
d	Relationship between council officials (Part 7) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
e	Access to information and resources (Part 8) <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>

**ITEM-113 CCL 23/11/21 - ADOPTION OF 2022 COUNCIL MEETING SCHEDULE**

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

**PURPOSE**

To amend the 2021 adopted meeting schedule and adopt the Council meeting schedule for 2022.

**RECOMMENDATION**

That Council:

- 1 Amends the 2021 adopted meeting schedule to vacate the December 2021 Committee and Ordinary Council meetings due to the rescheduling of the Local Government Election to 4 December 2021.
- 2 Adopts the following meeting schedule for 2022, with Meetings taking place on Tuesday commencing at 6.00pm:

i) For January 2022:

<b>Week 1</b>	No scheduled Meetings
<b>Week 2</b>	No scheduled Meetings
<b>Week 3</b>	Inaugural Council Meeting <i>to be held in former Council Chamber at City Hall</i>  Councillor Induction Program
<b>Week 4</b>	No scheduled Meetings – Councillor Induction Program

ii) For February 2022:

<b>Week 1</b>	No scheduled Meetings – Councillor Induction Program
<b>Week 2</b>	No scheduled Meetings – Councillor Induction Program Councillor Workshops (as required)
<b>Week 3</b>	Committee Meetings (as required): <ul style="list-style-type: none"> <li>• Public Voice Committee</li> <li>• Briefings Committee</li> <li>• Development Applications Committee</li> </ul> Councillor Workshops (as required)
<b>Week 4</b>	Ordinary Council Meeting

iii) For the period March, May, July, August, September, October and November 2022:

## CITY OF NEWCASTLE

Ordinary Council Meeting 23 November 2021

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<b>Week 1</b>		Advisory Committees (at least 4 times per calendar year)  Note: LGNSW Special Conference (28 February – 2 March 2022)
<b>Week 2</b>		Councillor Workshops (as required)
<b>Week 3</b>		Committee Meetings (as required): <ul style="list-style-type: none"> <li>• Public Voice Committee</li> <li>• Briefings Committee</li> <li>• Development Applications Committee</li> </ul> Councillor Workshops (as required)
<b>Week 4</b>		Ordinary Council Meeting
<b>Week 5</b>		No scheduled Meetings

iv) For April and June 2022:

<b>Week 1</b>	Advisory Committees (at least 4 times per calendar year)
<b>Week 2</b>	Committee Meetings (as required): <ul style="list-style-type: none"> <li>• Public Voice Committee</li> <li>• Briefings Committee</li> <li>• Development Applications Committee</li> </ul> Councillor Workshops (as required)
<b>Week 3</b>	No scheduled Meetings  Note: Australian Local Government Association National General Assembly (19-22 June 2022 <i>to be confirmed</i> )
<b>Week 4</b>	Ordinary Council Meeting

v) For December 2022:

<b>Week 1</b>	Committee Meetings (as required): <ul style="list-style-type: none"> <li>• Public Voice Committee</li> <li>• Briefings Committee</li> <li>• Development Applications Committee</li> </ul> Councillor Workshops (as required)
<b>Week 2</b>	Ordinary Council Meeting
<b>Week 3</b>	No scheduled Meetings
<b>Week 4</b>	No scheduled Meetings

- 3 Notes the location of all Meetings, with the exception of the January 2022 Inaugural Meeting, will be the City Administration Centre, 12 Stewart Avenue, Newcastle West, unless otherwise determined by the Chief Executive Officer (CEO) in consultation with the Lord Mayor.
- 4 Notes that for the purposes of the Instruments of Delegation to the Lord Mayor and CEO, Council's "Recess Period" commences from the date of the declaration of a new elected Council and ceases at midnight on Monday 17



January 2021. The "Recess Period" does not apply between the day of the last ordinary Council meeting and the date of declaration of a new elected Council.

**KEY ISSUES**

- 5 Section 365 of the *Local Government Act 1993 (NSW)* (the Act) provides that Council must meet at least ten times per year, with each meeting being in a different month.
- 6 Clause 5.2 of the Code of Meeting Practice (COMP) requires Council to adopt a meeting cycle by the first Council meeting of each calendar year.
- 7 In July 2021, the Minister for Local Government postponed the Local Government elections from September 2021 due to the COVID-19 pandemic and notified that the next Local Government elections will be 4 December 2021. As Councillor terms conclude on 3 December 2021, the meetings currently scheduled for December are unable to proceed. The final meeting for this term of Council will be the Ordinary Council meeting to be held on Tuesday 23 November 2021.
- 8 Meeting arrangements will comply with the requirements of Public Health Orders associated with the COVID-19 pandemic as they apply at the time.

**FINANCIAL IMPACT**

- 9 CN's adopted Budget 2021/22 provides for arrangements for Council meetings.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 10 Adopting an annual Council meeting cycle is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

**Open and Collaborative Leadership**

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.2b Provide timely and effective advocacy and leadership on key community issues.
- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.

**Open and Transparent Governance Strategy**

- 8a Clear line of communications between members of the public and Councillors.
- 8b Established system for the efficient, effective and orderly conduct of meetings.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 11 In accordance with the requirements of the Act and the COMP, Council meeting dates and times are advertised on CN's website.

**RISK ASSESSMENT AND MITIGATION**

- 12 Appropriately scheduled Council meetings support CN's Open and Transparent Governance Strategy and ensure CN complies with legislative requirements.

**RELATED PREVIOUS DECISIONS**

- 13 At the Ordinary Council Meeting held on 8 December 2020, Council adopted the Council meeting schedule for 2021.

**CONSULTATION**

- 14 No consultation is required as this is a statutory process under the COMP.

**BACKGROUND**

- 15 Not applicable.

**OPTIONS**

**Option 1**

- 16 The recommendations as at Paragraphs 1 - 4. This is the recommended option.

**Option 2**

- 17 Council does not adopt the recommendation. An alternative meeting schedule proposal for 2022 may be put forward by Councillors, provided that it allows for at least ten Council meetings, with each meeting being in a different month. Any increase in the number of meetings or significant change to the proposed meeting cycle would need to be considered in light of resourcing requirements. This is not the recommended option.

**REFERENCES**

Office of Local Government Circular 21-20 Postponement of the local government elections to 4 December 2021  
<https://www.olg.nsw.gov.au/council-circulars/21-20-postponement-of-the-local-government-elections-to-4-december-2021/>

**ATTACHMENTS**

Nil

**ITEM-114                    CCL 23/11/21 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 AUGUST TO 31 OCTOBER 2021**

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

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**PURPOSE**

To table the Register of Disclosures of Interest (Register) for the period 1 August to 31 October 2021 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 August to 31 October 2021) by the Chief Executive Officer (CEO).

**KEY ISSUES**

- 2 City of Newcastle's (CN) Code of Conduct for Staff requires:
  - i) Designated persons to lodge a Disclosure of Interest Return (Return) in the prescribed form within three months of:
    - a) becoming a designated person; or
    - b) becoming aware of an interest they are required to disclose that has not previously been disclosed; and
  - ii) The CEO to table all lodged Returns at the first Ordinary Council Meeting held after the lodgment date; and
  - iii) The CEO to keep a register of Returns which may be accessed in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).
- 3 Designated persons include:
  - i) CEO (General Manager);
  - ii) Senior staff; and
  - iii) CN officers designated because of the exercise of CN functions.

**FINANCIAL IMPACT**

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 5 The tabling of the Register is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan.

**Open and Collaborative Leadership**

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

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

**Open and Transparent Governance Strategy**

3.5 Open and transparent disclosures.

**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 supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements.

**RELATED PREVIOUS DECISIONS**

- 8 At the Ordinary Council Meeting held on 24 August 2021, Council noted the tabling of the Register (for the period 1 May to 31 July 2021).

**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 Returns 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**

Code of Conduct for Staff

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

**ATTACHMENTS**

**Item 114 Attachment A: Register of Disclosures of Interest to be tabled.**

**ITEM-116 CCL 23/11/21 - ADOPTION OF GREGSON PARK MASTERPLAN AND HERITAGE PLACES PLAN OF MANAGEMENT FOR GREGSON PARK**

**REPORT BY: CITY WIDE SERVICES**  
**CONTACT: DIRECTOR CITY WIDE SERVICES / MANAGER PARKS AND RECREATION**

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**PURPOSE**

To adopt the Gregson Park Masterplan and Heritage Places Plan of Management for Gregson Park.

**RECOMMENDATION**

That Council:

- 1 Adopts the Gregson Park Masterplan as amended following public exhibition (**Attachment A**).
- 2 Notes the verbal and written submissions received as part of Section 5 in the Public Hearing Report (**Attachment B**) for the Heritage Places Plan of Management.
- 3 Adopts the Heritage Places Plan of Management for Gregson Park (**Attachment C**) and retain the 'Sportsground' category over the southern section of the western tennis court.
- 4 Repeals the existing Heritage Places Plan of Management for Gregson Park.

**KEY ISSUES**

- 5 The Gregson Park Masterplan (Masterplan) will guide the future development and management of Gregson Park as a significant local heritage listed park in Hamilton.
- 6 Extensive community engagement was undertaken during Phase 1 from August 2020 to December 2020. Phase 1 provided the community a chance to have a say on their vision for the future of the Park and to inform the development of a draft Masterplan.
- 7 A draft Masterplan was prepared and placed on public exhibition for a period of 42 days from 25 August until 6 October 2021. The Heritage Places Plan of Management (PoM) was placed on exhibition for the same time period as the draft Masterplan proposed change to the use of different spaces within the park and re-categorisation was required to support the proposed change.
- 8 The full public exhibition report can be found at **Attachment D**.

- 9 A summary of submissions of key issues raised during the exhibition can be found in **Attachment E**.

**Masterplan feedback**

- 10 During the public exhibition period 216 submissions were received with broad support and an expressed desire for provision of activities for all ages. There was positive anticipation in the feedback for delivery of the Masterplan however some concern was raised due to the long term nature of the implementation over a ten year period.
- 11 Specific items of support included retention of the tennis courts and clubhouse; addition of a multi-activity hub with a bat ball wall, exercise equipment and half basketball court; the playspace upgrade; the large outdoor shelter for family, cultural and community events; additional seating and BBQs; amenities upgrade and a kiosk.
- 12 Feedback also supported the appreciation of the retention and restoration of heritage features including the cannons and park fencing.
- 13 A community garden; planting additional trees for shade; and diversification of flora including native plants that support local biodiversity were also supported by some submissions.
- 14 The repurposing of the gardener's work shed; the position of the wetland; the removal of gardens near the memorial; the partial removal of the circular rose garden and the loss of entry to the Park from the Samdon/Tudor St corner all had mixed submission views.
- 15 Incorporating feedback from the exhibition period the following amendments have been made to the Masterplan:
- i) Retention of the tennis clubhouse noting that a Tennis Strategy is being undertaken in accordance with the Strategic Sports Plan to provide further insight into tennis facilities across the City.
  - ii) Inclusion of a location for bike racks and bubblers (notation on plan).
  - iii) Visual location of fitness equipment on Masterplan (including notation on plan).
  - iv) Shifting the half-court basketball court slightly east and moving the tennis wall to the southern edge of the tennis courts, to create a multi-use space subject to detailed design.
  - v) Improving the seating configuration in south-western corner of park.

**PoM feedback**

- 16 During the exhibition period 169 submissions were received for the PoM in response to the question: *"Do you agree or not with the proposal to re-categorise parts of Gregson Park as Park, Sportsground, General Community Use, and Area of Cultural Significance as shown on Page 6 of the Heritage Places Plan of Management – Gregson Park Hamilton (August 2021)?"*

- 17 The proposed re-categorisation of part of the park received support with 55% of respondents agreeing to the proposal. An additional 25% respondents did not know; and 20% respondent did not agree.
- 18 Respondents that 'did not agree' with the proposal provided reasons based on issues they had with the draft Masterplan rather than the change in category of land within the park. Feedback indicated that respondents 'didn't know' if they agreed as they were not clear on the implications of the re-categorisation and/or had not read the background information document provided.
- 19 Under Section 40A of the *Local Government Act 1993* a public hearing is required to receive community submissions about categorising or re-categorising community land. Under the Act the public hearing must be chaired by an independent facilitator.
- 20 An online public hearing was held on Thursday 16 September 2021 with eight community members and one Councillor attending the hearing. The public hearing report at **Attachment B** outlines key issues in relation to the categorisation of the land.
- 21 The proposed re-categorisation of Gregson Park is intended to reflect the Final Masterplan for Gregson Park to allow a range of spaces and activities in the park to meet community needs. The *Area of Cultural Significance* category was supported as an 'overlay' applying to the whole park.
- 22 The final Masterplan (**Attachment A**) shows the tennis clubhouse and the tennis courts in their existing position, and a new multi-use half-court with hit wall and seating to the south of the tennis courts. It is noted that the new multi-use half-court sits primarily in the area proposed to change to the *Sportsground* category as indicated at the public hearing.
- 23 There is a small safety run off area that will be part of the court construction that extends slightly to the south into land categorised as *Park*. The runoff area is consistent with the informal recreation purpose of the *Park* category so no further change is required.
- 24 The Public Hearing report (**Attachment B**) from independent facilitator Parklands Planners recommends:
  - i) Note the verbal and written submissions made in Section 5 of the Public Hearing report.
  - ii) Re-categorise Gregson Park as publicly exhibited in August to October 2021, with the minor change of retaining the Sportsground category over the southern section of the western tennis court. (Figure 8 in the Report).
- 25 The whole of Gregson Park will continue to be categorised as area of cultural significance to reflect the significant landscape heritage value of the park. In addition, a minor amendment will be made in accordance with the Public Hearing report. The Heritage PoM has been updated to ensure it reflects the



vision of the Gregson Park Masterplan and the associated community input and the revised document is at **Attachment C**.

## **FINANCIAL IMPACT**

- 26 The estimated cost to implement the Masterplan over a ten-year period is approximately \$7.7 million (inc GST). Actions from the plan and key projects will be funded within CN's Our Budget and Long-Term Financial Plan. The Section 7.12 Contributions Plan identifies up to \$1.5 million for implementation of the Gregson Park Masterplan.

## **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 27 The Gregson Park Masterplan and PoM are consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

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

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.  
3.2 Culture, heritage and place are valued, shared and celebrated.

### **Inclusive Community**

- 4.1a Acknowledge and respect First Nations peoples.  
4.2a Ensure people of all abilities can enjoy our public places and spaces.

### **Liveable Built Environment**

- 5.1 A built environment that maintains and enhances our sense of identity.  
5.4b Plan, provide and manage infrastructure that continues to meet community needs.

### **Open and Collaborative Leadership**

- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 28 City of Newcastle's Parklands and Recreation Strategy (2014) identified a need to prepare Masterplans for the city's district level parks including Gregson Park. Gregson Park is a heritage listed park under Newcastle LEP 2012 and being community land, the Heritage Places PoM applies.

## **RISK ASSESSMENT AND MITIGATION**

- 29 In 2020 City of Newcastle demolished the former bowling club building due to significant building disrepair, vandalism and safety matters.

- 30 Extensive feedback was sought from the community on the draft Masterplan and incorporated into the final Plans.

**RELATED PREVIOUS DECISIONS**

- 31 At the Ordinary Meeting held on 24 June 2014 Council resolved:

*"that the draft amended Heritage PoM be adopted in accordance with the Local Government Act 1993.*

- 32 At the Ordinary Meeting held on 23 July 2019 Council resolved:

*That City of Newcastle:*

- i) *Notes the historical and cultural significance of Gregson Park, Hamilton, for local Hamilton residents and the broader community.*
- ii) *Recognises growing community interest in upgrades to Gregson Park, including the playground and open space areas, as well as the former Hamilton Bowling Club site.*
- iii) *Holds a Workshop for Councillors, to outline the Plan of Management process for Gregson Park, including opportunities for the community to provide feedback regarding upgrades and future uses of the park, as well as to advise Councillors of the implications of the Crown Land Management Act 2018 on Council managed parks and recreation spaces.*

- 33 At the Ordinary Council meeting held on 24 August 2021 Council resolved:

*That Council:*

- i) *Place the draft Gregson Park Masterplan on public exhibition for 42 days.*
- ii) *Place the draft amended Heritage Places Plan of Management (Heritage PoM) for Gregson Park on public exhibition in accordance with the Local Government Act 1993 (Act) for 28 days and to receive submissions for 42 days.*
- iii) *Hold a public hearing for the proposed re-categorisation of Gregson Park in the Heritage PoM, as required under the Act, during the public exhibition period.*
- iv) *Receive a report on the outcome of the exhibition period for the draft Gregson Park Masterplan and the amended Heritage PoM for Gregson Park.*

**CONSULTATION**

- 34 A Councillor Workshop was held on 8 October 2019 to outline opportunities for the community to provide feedback regarding upgrades and future uses of Gregson Park.
- 35 The Phase 1 Community Engagement on the Gregson Park Masterplan was undertaken from August to December 2020 and attracted significant interest from the community. This engagement process included online surveys and maps; park drop-in sessions; interviews with key stakeholders and school workshops. Phase 1 community engagement identified key findings to be considered as part of the Masterplan preparation.
- 36 A Councillor Workshop was held on Tuesday 17 August 2021 to outline how the Phase 1 consultation informed the draft Masterplan prior to it being placed on public exhibition for 42 days.
- 37 The draft Masterplan and PoM were placed on public exhibition from Wednesday 25 August to Wednesday 6 October 2021 through the following channels:
- All persons engaged in Phase 1 community engagement process were advised of the exhibition.
  - Flyers were distributed to 1000 residents surrounding Gregson Park.
  - On site signage installed in eight locations within Gregson Park.
  - Media release issued on 18 August 2021.
  - E-Newsletter distributed to 2384 members of CN's community panel on 27 August and 29 September 2021.
  - Dedicated CN Website 'Have your Say' page and Public Notice page.
  - Promotion on CN's Facebook page.
  - A Public Hearing for the PoM was held online on Thursday 16 September 2021 in accordance with Local Government Act 1993.

**BACKGROUND**

- 38 Gregson Park is a historic park with a 137 year history in the centre of Hamilton. It was designed by Alfred Sharp in 1884 as a major suburban park with many old plantings and a complex overlay of memorials and features, including gates, fountains, community service buildings and fixtures.
- 39 The aim of the Gregson Park Masterplan is to:
- Identify the role of Gregson Park in meeting local recreation needs and respecting the heritage significance of the park.
  - Identify the way in which Gregson Park can be most effectively utilised to help meet the broader recreation, sporting and community facility needs of the surrounding communities and the wider Newcastle region.

40 The Local Government Act 1993 requires all community land to be categorised as either park, sportsground, general community use, natural area or area of cultural significance. Uses and leases on community land are to be in alignment with the categorisation of the land and are to be expressly authorised within a plan of management.

**OPTIONS**

**Option 1**

41 The recommendation as at Paragraphs 1 – 4. This is the recommended option.

**Option 2**

42 Not adopt the Masterplan and amendments to the Heritage PoM. This is not the recommended option.

**ATTACHMENTS**

- Item 116 Attachment A:** Gregson Park Masterplan
- Item 116 Attachment B:** Public Hearing report for recategorisation of land at Gregson Park
- Item 116 Attachment C:** Heritage Places Plan of Management for Gregson Park
- Item 116 Attachment D:** Public Exhibition Report
- Item 116 Attachment E:** Summary of Submissions

**Item 116 Attachments A – E distributed under separate cover.**

**ITEM-117                    CCL 23/11/21 - PLANNING PROPOSAL - LINGARD PRIVATE HOSPITAL - ENDORSEMENT FOR PUBLIC EXHIBITION**

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

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**PURPOSE**

To commence the statutory process for amending the Newcastle Local Environmental Plan 2012 for the rezoning and expansion of the Lingard Private Hospital on land at 23 Merewether Street and 8 Lingard Street, Merewether.

**RECOMMENDATION**

That Council:

- 1 Endorse the Planning Proposal (**Attachment A**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to commence the process to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012), as follows:
  - i) Rezone the land at 23 Merewether Street, Merewether from R3 Medium Density Residential to SP2 Infrastructure (Health Service Facilities) and the land at 8 Lingard Street, Merewether from B5 Business Development to SP2 Infrastructure (Health Service Facilities).
  - ii) Increase the maximum Height of Building (HOB) standard from 10 metres to 18 metres at 23 Merewether Street and 8 Lingard Street, Merewether.
  - iii) Remove the maximum prescribed Floor Space Ratio (FSR) control (which is currently 0.9:1) at both 23 Merewether Street and 8 Lingard Street, Merewether.
- 2 Forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination pursuant to Section 3.34 of the EP&A Act, including a request that Council is authorised to make the proposed instrument pursuant to subsection 2(g).
- 3 Receive a report on the Planning Proposal following the exhibition period, undertaken in accordance with the Gateway Determination.
- 4 Requests the Gateway determination include a condition authorising Council to be the Local Plan Making Authority.

## KEY ISSUES

### Site

- 5 The site comprises land at 23 Merewether Street and 8 Lingard Street, Merewether (Refer to Figure 1 in Attachment A). The land at 23 Merewether Street has an area of approximately 1ha and consists of the existing Lingard Private Hospital. The land at 8 Lingard Street (referred to as the Kingsland Precinct) has an area of approximately 0.38ha and consists of a health services facility comprising four operating theatres and two consulting suites, and associated basement level carpark.

### Zoning

- 6 The land at 23 Merewether Street, Merewether is currently zoned R3 Medium Density Residential under the NLEP 2012, and the land at 8 Lingard Street, Merewether is zoned B5 Business Development. Although the current zones allow for the current use of the land, they are not specifically tailored to the purpose of health services facilities and the zone objectives therefore do not reflect the current and future use of the land. The proposed SP2 Infrastructure (Health Service Facilities) zone will better reflect the existing and future use of the land and will allow the continued use and expansion of 'health service facilities' with reasonable supporting development controls.

### Letter of intent to enter into a planning agreement

- 7 The proponent has submitted a 'letter of intent' to enter into a planning agreement with Council in conjunction with milestone development applications for each precinct, i.e., Lingard Private Hospital Precinct, Kingsland Precinct and Hopkins Street Precinct. The letter of intent is provided at **Attachment B**.
- 8 The letter notes the inherent community benefits of increasing health infrastructure and also states that Lingard Private Hospital is willing to provide further community benefits as part of a planning agreement including exploring opportunities not limited to, pedestrian paths from the hospital to Townson Oval, making the hospital car park available on the weekend to Townson Oval users and enhancing the oval with park furniture, signage and lighting.

### Development Controls / Height of Buildings and Floor Space Ratio

- 9 The proposed removal of the FSR standards and increasing the HOB standards will allow the Lingard Private Hospital to provide facilities in accordance with health-related State standards and obligations. For example, Health NSW stipulates minimum floor space requirements for operating theatres, corridors and support suites that may not be capable of adhering to the FSR standards in the NLEP 2012.
- 10 It is proposed that the bulk and scale of the Lingard Private Hospital is managed through building envelope controls. A Concept Plan is at Appendix 3

in Attachment A and outlines a vision for the health precinct, including indicative bulk and scale. However, the Concept Plan should only be utilised for reference and does not form part of the Planning Proposal.

### **Traffic and Parking**

- 11 The site is in a high amenity location, accessible to pedestrians and public transport with bus services operating from Union Street, The Junction.
- 12 The proposed expansion of the Lingard Private Hospital will increase traffic flow and loading services. Any future development of the site will therefore need to be designed to minimise noise impacts on the surrounding locality. The noise impact and proposed mitigation measures will be outlined in a Noise Impact Assessment which will be required as part of any future Development Application (DA).
- 13 There is the potential for a shared zone or pedestrian crossing along Merewether Street. The purpose of this would be to provide pedestrian connectivity between the two precincts (Lingard and Kingsland). The potential for either a pedestrian crossing or a shared zone will be considered in future designs for the site and supported by a Traffic Impact Assessment (TIA) as part of any submitted DA. It is noted that a recent development application (DA2021/01236) for a pedestrian footway bridge across Merewether Street to connect these two precincts has been lodged with CN and is currently being assessed.
- 14 At 23 Merewether Street, Merewether, a further development application (DA2021/01237) for alterations and additions to the building, including the construction of an additional level of health service facilities comprising, 15 consulting suites and other associated works has been lodged with CN and is currently being assessed.
- 15 It is not anticipated that the Planning Proposal will result in unreasonable traffic impacts. Potential traffic impacts would be dependent on the nature of any future proposal and the associated traffic generation rates. Furthermore, it should be noted that a previous TIA prepared in 2016 for the latest major development (Stage 5 development) of the Lingard Private Hospital concludes that considering the existing performance of the surrounding road network, the additional traffic generated by the Stage 5 development is not expected to impact on the function and operation of the surrounding roads and intersections, or parking areas in the immediate vicinity.
- 16 In addition, the TIA also states that existing servicing arrangements and vehicles are adequately accommodated and have sufficient capacity to accommodate the additional demand resulting from the Stage 5 development.
- 17 Any future DAs for the expansion of the site will take into consideration traffic impacts and will be accompanied by TIAs. These assessments will evaluate

access arrangements, parking and the existing and proposed operation and efficiency of the local road network.

**Flooding**

- 18 The land is located within a flood prone area. Previous flood assessments indicate that the flood risk for the site is minor and that a suitable development can be achieved subject to implementation of certain mitigation measures. Appropriate mitigation measures will be incorporated into the future design of the site and details and plans supplied as part of any future DA. These mitigation measures will take into consideration the potential isolation of the health services facilities during large flood events with appropriate management procedures put in place, as required. A Flood Emergency Response Plan will accompany a future DA for the expansion of the health service facility.

**Acid Sulfate Soil**

- 19 The site is identified in the NLEP 2012 as having Class 4 probability of Acid Sulfate Soils. The outcome of this Planning Proposal can be suitably addressed through future DAs for the intended use of the land. Moreover, it is anticipated that any future proposed development will be able to manage any risks associated with Acid Sulfate Soils.

**Mine Subsidence**

- 20 The site is located within a Mine Subsidence District. The Planning Proposal will be referred to Subsidence Advisory NSW for concurrence prior to commencing community consultation.

**Land Contamination**

- 21 The site is identified as having a history of contamination. However, the previous contaminating uses of the site are not likely to hinder the intended outcome of this Planning Proposal.
- 22 A validation report has been provided for 8 Lingard Street which is sufficient for the purposes of the proposed change of zoning to SP2 – Infrastructure, with the existing and proposed health services facility use of the land.
- 23 The land at 23 Merewether Street will require further investigation and remediation prior to any further development of the land, which, based on the information provided can occur at the DA stage. On this basis, this would not preclude the proposed change of zoning to SP2 – Infrastructure. In addition, we note that the land is already being used for a health services facility.

**Heritage**

- 24 The site has not been identified as a heritage item nor is it within a Heritage Conservation Area. The site is in proximity to the Townson Oval Pavilion –



Mitchell Park, which is a heritage listed item under the NLEP 2012 (Item no. 1318). The site is also located on Merewether Street, which is a site of a former railway line linking the Glebe Hill and Newcastle collieries in Merewether Heights with the Newcastle docks via The Junction, Cooks Hill and Civic Park.

- 25 While the Planning Proposal will enable the expansion of the existing hospital, it is noted that it does not seek to increase the existing development footprint and therefore the impacts on nearby heritage items including Merewether Street will be minimal. Moreover, further assessment of any potential heritage or archaeological impacts will be considered as part of any future DAs.

### **Summary**

- 26 The Planning Proposal will allow for the future expansion of the Lingard Private Hospital on land specifically zoned for health service facilities with development controls that are consistent with the requirements of a hospital land use.
- 27 The Planning Proposal is consistent with State and local strategies, including the Greater Newcastle Metropolitan Plan (GNMP) and the Newcastle Local Strategic Planning Statement (LSPS). Strategy 4 of the GNMP aims to grow health precincts and connect the health network, and identifies expansion of private hospitals, including Lingard Private Hospital, as supporting growth in health and medical research and future job opportunities.
- 28 The Planning Proposal demonstrates strategic merit, as it will increase the capacity of the Lingard Private Hospital to assist in meeting the significant increasing demand for health services from the growing and ageing population in the Newcastle Local Government Area and the Hunter Region more broadly.

### **FINANCIAL IMPACT**

- 29 The costs associated with the assessment and reporting of the Planning Proposal has been covered by relevant (Stage A and Stage B) fees payable by the proponent in accordance with City of Newcastle's (CN) Fees and Charges 2020/21.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 30 The Planning Proposal aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan (CSP):

#### **Inclusive Community**

- 4.1c Improve, promote and facilitate equitable access to services and facilities.

**Liveable Built Environment**

- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

**Smart and Innovative**

- 6.1a Recognise and strengthen Newcastle's role as a metropolitan capital and hub for education, health, tourism, creative, port and logistics industries.
- 6.1b Attract new business and employment opportunities.
- 6.2a Support and advocate for innovation in business, research activities, education and creative industries.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 31 The Planning Proposal seeks to implement the outcomes of the following adopted strategies, plans and policies of CN:
  - i) Newcastle 2030 – CSP 2018-2028, as identified above.
  - ii) Newcastle LSPS, including the following relevant Planning Priority:
    - a) Planning Priority 13: Grow our key health and education sectors.
- 32 The Planning Proposal is consistent with the GNMP which identifies “Lingard Merewether” as a major health precinct in Greater Newcastle.

**RISK ASSESSMENT AND MITIGATION**

- 33 The process of amending an LEP is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces risk to CN by ensuring that a Planning Proposal is consistent with relevant strategic planning documents and determined in an appropriate timeframe.

**RELATED PREVIOUS DECISIONS**

- 34 Planning Proposal 2013NEWCA\_007\_00 was gazetted on 26 September 2014. The LEP amendment changed the zoning of land bound by Lingard, Merewether, Mitchell and Union Streets from IN2 Light Industrial to B5 Business Development. This land includes 8 Lingard Street. The objective of the

Planning Proposal was to enable the establishment of a health services facility on the site.

**CONSULTATION**

- 35 Council received a briefing from Lingard Private Hospital on the future development of the site at the Briefing Committee meeting held on 19 October 2021.
- 36 Consultation with stakeholders (including the relevant State Agencies and the community) will occur in accordance with the Minister's requirements following Gateway Determination.
- 37 The Planning Proposal will be publicly exhibited in accordance with the Gateway requirements. It is anticipated that this will be for a minimum of 28 days.
- 38 Council will receive a report outlining the consultation outcomes prior to the plan being made.

**BACKGROUND**

- 39 Lingard Private Hospital has been operating at 23 Merewether Street since 1981. In 2016, the Hunter Joint Regional Planning Panel approved Development Application (DA) DA2015/10349 for alterations and additions to the Hospital, including construction of a two-storey building for additional operating theatres and private rooms at 23 Merewether Street Merewether.
- 40 In 2016, Council approved DA2016/00394 for a car parking structure with two Modifications, DA2016/00394.01 and D2016/00394.02 approved 2017 and 2018 respectively, for alterations and additions to include health services facilities and additional car parking.
- 41 In 2019, Council approved DA2019/00062 for alterations and additions to the approved health services facility including additional operating theatres, administrative areas, recovery areas and discharge rooms.

**OPTIONS**

**Option 1**

- 42 The recommendation as at Paragraphs 1 - 4. These are the recommended options.

**Option 2**

- 43 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.

**ATTACHMENTS**

**Item 117 Attachment A:** Planning Proposal - 23 Merewether Street and 8 Lingard Street, Merewether

**Item 117 Attachment B:** Letter of Intent

**Item 117 Attachment A and B distributed under separate cover.**

**ITEM-118 CCL 23/11/21 - VARIATIONS TO DEVELOPMENT STANDARDS  
- 3RD QUARTER 2021**

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

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**PURPOSE**

To report on development variations approved between 1 July to 30 September 2021.

**RECOMMENDATION**

That Council:

- 1 Receives the report on approved development variations between 1 July to 30 September 2021 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

**KEY ISSUES**

- 2 Under Clause 64 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), consent authorities may be notified that they may assume the Secretary of DPIE'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 13 Development Applications (DA) were determined between 1 July to 30 September 2021 that proposed a variation to a development standard as outlined in Table One below.

**Table One**

<b>Variation to Development Standard</b>	<b>Required Determining Authority</b>	<b>Number determined between 1 July to 30 September 2021</b>
10% or less	Under delegation	10
Greater than 10% or a variation to a non-numerical development standard	Council or where appropriate the Regional Planning Panel	3
<b>Total</b>		<b>13</b>

- 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 DPIE 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**

<b>Ordinary Council Meeting held</b>	<b>Period Contained in Report</b>
23 February 2021	1 October and 31 December 2020
25 May 2021	1 January to 31 March 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 the 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 118 Attachment A:** Report on all approved development variations between 1 July to 30 September 2021



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Ordinary Council Meeting 23 November 2021

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### Item 118 ATTACHMENT A - Report on all approved development variations between 1 July to 30 September 2021

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/To w/n	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined
DA2021/00775	1210	755247	0	37	Rugby Road	New Lambton	2305	ResiMulti	LEP2012	R2	Building Height	Achieves underlying objectives of height control	5.2%	Council	22/09/2021
DA2020/00322	126	978906	0	120	Parry Street	Newcastle West	2302	ResiMulti	LEP2012	R4	Building Height	Not have unreasonable impact on amenity of area	20%	Council	21/09/2021
DA2021/00434	2	1171142	0	32	Coane Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	5.49%	Council	9/09/2021
DA2021/00547	2	57131	2	69	Frederick Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	9%	Council	30/08/2021
DA2021/00022	24	15732	0	8	Aldyth Street	New Lambton	2305	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	2.2%	Council	18/08/2021
DA2021/00486	78	81563	801	335	Wharf Road	Newcastle	2300	ResiAltAdd	LEP2012	B4	Floor Space Ratio	Achieves underlying objectives of FSR control	4.82%	Council	9/08/2021
DA2021/00545	20	19574	0	24	Dunkley Avenue	New Lambton	2305	ResiSingle	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of area	5%	Council	6/08/2021
DA2021/00238	14	1262053		167	Waterside Drive	Fletcher	2287	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	4.5%	Council	6/08/2021
DA2021/00225	5	1265104		50	Honeysuckle Drive	Newcastle	2300	SubdivOnly	LEP2012	B3	Lot Size	Consistent with the aims of Clause 4.1 of NLEP 2012	99%	Council	29/07/2021

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Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined
										B4					
										RE1					
DA2020/01382	7	2370		7	Fort Drive	Newcastle East	2300	ResidA&A	LEP2012	R3	Building Height	Achieves underlying objectives of height control	20%	Council	22/07/2021
										R3	Floor Space Ratio	Achieves underlying objectives of FSR control	68%	Council	22/07/2021
DA2021/00603	29	207081		89	Carolyn Street	Adamstown Heights	2289	ResiSingle	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of area	0.82%	Council	20/07/2021
DA2020/01524	1	519881		82	Parkway Avenue	Cooks Hill	2300	ResidOther	SEPP(ARH)	R3	Building Height	Achieves underlying objectives of height control	9.2%	Council	5/07/2021
DA2021/00117	68	38903		47	Hickson Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Building Height	Achieves underlying objectives of height control	8.3%	Council	1/07/2021

**ITEM-119                    CCL 23/11/21 - ENDORSEMENT OF THE 2020/21 ANNUAL REPORT**

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

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**PURPOSE**

To endorse City of Newcastle's (CN) 2020/21 Annual Report (Report) in accordance with section 428 of the Local Government Act 1993 (Act) and clause 217 of the Local Government (General) Regulation 2005 (Regulation).

**RECOMMENDATION**

That Council:

- 1 Endorses CN's 2020/21 Annual Report and its submission to the NSW Minister for Local Government by 30 November 2021.

**KEY ISSUES**

- 2 The Report details CN's achievements against the strategic objectives and performance measures outlined in the 2018-2022 Delivery Program and the 2020/21 Operational Plan, as required by the Act.
- 3 The Report addresses the seven key focus areas identified in the Newcastle 2030 Community Strategic Plan (CSP).
- 4 To comply with section 428 of the Act and clause 217 of the Regulation, CN must provide a copy of the Report to the NSW Minister for Local Government, and place a copy on CN's website by 30 November 2021.

**FINANCIAL IMPACT**

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

- Smart and Innovative
- Open and Collaborative Leadership

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 Following endorsement, the Report will be submitted to the NSW Minister for Local Government and placed on CN's website by 30 November 2021.

**RISK ASSESSMENT AND MITIGATION**

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

**RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council Meeting held on 25 May 2020, Council adopted the 2020/21 Our Budget (2018-2022 Delivery Program and 2020/21 Operational Plan).
- 10 At the Ordinary Council Meeting held on 26 October 2021, Council adopted the audited 2020/21 Annual Financial Statements.

**CONSULTATION**

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

**BACKGROUND**

- 12 The Report addresses all statutory requirements as outlined in the Act and the Regulations.

**OPTIONS**

**Option 1**

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

**Option 2**

- 14 Council resolves not to endorse the 2020/21 Report. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 119 Attachment A:** CN 2020/21 Annual Report

**Item 119 Attachment A distributed under separate cover.**

**ITEM-120 CCL 23/11/21 - SEPTEMBER QUARTERLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM**

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

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**PURPOSE**

To report progress against the 2018-2022 Delivery Program for the September Quarter in accordance with the NSW Local Government Act 1993.

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

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

**FINANCIAL IMPACT**

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 5 The Report outlines performance against the CSP.

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

**RISK ASSESSMENT AND MITIGATION**

7 The Report fulfills CN's statutory reporting activities.

**RELATED PREVIOUS DECISIONS**

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

**CONSULTATION**

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

**BACKGROUND**

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

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

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

**Item 120 Attachment A:** September Quarterly Performance Report on the 2018-2022 Delivery Program (2021/22 Our Budget)

**Item 120 Attachment A distributed under separate cover.**

**ITEM-121                    CCL 23/11/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

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

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**PURPOSE**

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

- a) Monthly financial position and year to date (YTD) performance against the 2021/22 Operational Plan as at the end of October 2021.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 2     The October YTD results reflect the September Quarterly Budget Review adopted by Council in October 2021, and implementation of the unanimous Council resolution from the August Ordinary meeting to increase the 2021/22 works program by at least \$10m which is fully funded by CN's existing cash reserves.
- 3     At the end of October 2021 the consolidated YTD actual operating position is a deficit of \$1.0m which represents a positive variance of \$4.1m against the budgeted YTD deficit of \$5.1m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2021/22 is a deficit of \$11.6m (not including grants for capital purposes).
- 4     The net funds generated as at the end of October 2021 is a surplus of \$7.3m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$7.1m to the YTD budgeted surplus position of \$0.2m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).

- 5 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**

- 6 The variance between YTD budget and YTD actual results at the end of October 2021 is provided in the Executive Monthly Performance Report.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 7 This report aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Open and collaborative Leadership**

- 7.4b Ensure the management of Council's budget allocations and funding alternatives are compliant with Council policy and relevant legislation to ensure the long-term financial sustainability of the organisation.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 8 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**

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

**RELATED PREVIOUS DECISIONS**

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



- 12 At the Ordinary Council Meeting held on 26 October 2021 Council adopted the September Quarterly Budget Review.
- 13 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**

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

### **BACKGROUND**

- 15 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**

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

#### **Option 2**

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

### **ATTACHMENTS**

**Item 121 Attachment A:** Executive Monthly Performance Report – October 2021

**Item 121 Attachment A distributed under separate cover**

**ITEM-122                      CCL 23/11/21 - SUPPLEMENTARY REPORT - TENDER  
REPORT - SUPPLY OF FOUR GREEN WASTE TRUCKS -  
2021/714T**

**REPORT BY:                      INFRASTRUCTURE AND PROPERTY  
CONTACT:                        ACTING DIRECTOR INFRASTRUCTURE AND PROPERTY  
/ INTERIM MANAGER DEPOT OPERATIONS**

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**PURPOSE**

To provide a supplementary report to Council following Item 71 - Tender Report - Supply of Four Green Waste Trucks - 2021/714T (**Attachment A**) being laid on the table at the Ordinary Council Meeting held on 29 June 2021.

**RECOMMENDATION**

That Council:

- 1     Resolves not to accept any tender for the Supply of Four Green Waste Trucks for Contract No. 2021/714T.
  
- 2     Endorses continued maintenance of the current green waste fleet until a business case is completed for options considering a transition to electric or alternative fuel vehicles to meet City of Newcastle's (CN) 2025 Climate Action Plan (CAP) commitments.

**KEY ISSUES**

- 3     CN's fleet replacement program schedule for waste trucks is based on historical data gathered by CN, as well as Original Equipment Manufacturers (OEM) guidelines, to establish whole-of-life costs which include:
  - i)     capital costs,
  - ii)    maintenance costs,
  - iii)   warranty and extended warranty periods,
  - iv)    wearable component rates,
  - v)     stand-down time for repairs,
  - vi)    operating costs (fuel, oil, tyres) and,
  - vii)   disposal return.

- 4 The current replacement timeframe for green waste (organics) trucks is four years, primarily due to high levels of wear experienced within compaction systems which can lead to major failures.
- 5 Proceeding with the scheduled procurement of four green waste trucks under the current replacement program guidelines may commit CN to vehicles that do not align with the findings of the fleet transition business case currently being developed as a pathway to achieving CAP commitments.
- 6 A key objective of the CAP is to support the transition to clean, efficient, emissions-free transport across CN as per the following actions:
  - 4.3 *Procure electric vehicles for all passenger fleet replacements where options are available and identify opportunities to accelerate removal of fossil-fuel based vehicles from operations.*
  - 4.4 *Transition all CN light trucks to electric options where available and monitor and trial improvements.*
  - 4.5 *Transition all CN heavy trucks including waste collection vehicles to electric options where available and monitor and trial improvements in technology.*

## **FINANCIAL IMPACT**

- 7 The estimated cost to maintain the four green waste trucks scheduled for replacement for an additional 36 months is \$220,000, which also includes certain components and systems being overhauled at 90% wear rate. It is estimated, based on current wear rates, that the four green waste trucks will require overhaul in the next six to twelve months, and take approximately three to four weeks per truck to complete. This mid-life overhaul will extend the operational life of the trucks to seven years.
- 8 Current auction pricing for used green trucks is elevated from supply demands due to the impact of the global pandemic on imports. Auction estimates are currently around \$73,000 per truck. If import markets improve disposal returns are expected to reduce to between \$20,000 to \$40,000 per truck (dependent on their condition).

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 The Liveable Cities Advisory Committee received a presentation at its meeting held on 2 November 2021 on reducing CN's corporate emissions to achieve net zero. During the presentation it was noted that CN will develop a Fleet Transition Plan to target zero emissions vehicles for 100% of the fleet by 2030, including a business case that outlines the technological and financial requirements for the transition.

- 10 A Fleet Transition Plan Working Group has been established to review current fleet operations in alignment with future low emissions technology options and preparation of the business case.
- 11 Transitioning waste collection vehicles to zero emissions fuel sources is a key initiative in the Waste and Resource Management Services Strategy currently in development.

### **RISK ASSESSMENT AND MITIGATION**

- 12 Waste truck failures are more common in aging fleet. Continuing to maintain rather than replace the current green waste vehicles may result in replacement costs and stand-down time for repairs. To limit this risk, CN will complete more frequent oil sample testing and decrease service intervals.
- 13 The green waste service collection may be impacted should the ageing trucks experience significant failures. Substitution with replacement vehicles in the same specifications is not available within CN's current fleet. Coverage to minimise impacts will require additional runs to support current services.
- 14 The current delivery timeframe for waste trucks configured to CN requirements is approximately nine months.

### **BACKGROUND**

- 15 Side loader green waste collection vehicles are required to ensure the effective operation of kerbside collections. Four collection vehicles are currently scheduled for replacement.
- 16 On 25 February 2020 Council considered a Notice of Motion in relation to the costs and benefits of transitioning the waste management vehicle fleet, including collection trucks, to electric vehicles.
- 17 On 24 November 2020 Council adopted the CAP.
- 18 On 29 June 2021 Council considered a report in relation to the purchase of four green waste trucks. Council resolved to lay the matter on the table pending a business case for the delivery of electronic vehicle garbage trucks, in part to meet CN's CAP commitments.

### **OPTIONS**

#### **Option 1**

- 19 The recommendation as at Paragraphs 1 and 2.

#### **Option 2**

- 20 Council resolves to lay the matter on the table until after the caretaker period, to allow Council to consider accepting the tender as outlined at **Attachment A** for

the Supply of Four Green Waste Trucks for Contract No. 2021/714T. This is not the recommended option.

**ATTACHMENTS**

**Item 122 Attachment A:** Original Tender Report

**Item 122 Attachment B:** Attachments A-B of CCL 29/10/2021 – Supply of Four Green Waste Trucks – 2021/714T (CONFIDENTIAL)

**Item 22 Attachment A:** Original Tender Report

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**SUBJECT:** CCL 29/06/21 – TENDER REPORT – SUPPLY OF FOUR GREEN WASTE TRUCKS – 2021/714T

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

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**PURPOSE**

To accept a tender for the supply and delivery of four side loading green waste collection vehicles.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for the Supply and Delivery of Four Green Waste Trucks for Contract No. 2021/714T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege, or security.
- 

## RECOMMENDATION

- 1 At **Attachment A**.

## KEY ISSUES

### Tender

- 2 The contract provides for the commissioning, delivery, and ongoing supplier support of fit for purpose side loading collection vehicles for City of Newcastle's (CN) kerbside pickups, and regulatory obligations for Summerhill Waste Management Centre (SWMC).

### Contract Term

- 3 The contract period is four years.

### Advertising of Tenders

- 4 The tender was advertised in the Newcastle Herald on Saturday 10 April 2021, the Sydney Morning Herald on Tuesday 13 April 2021, and nationally on the Tenderlink website.

### Tenders Received

- 5 Tenders closed at 2pm on Monday 3 May 2021. Tender submissions were received from:
- i) Auto Pool Pty Ltd – Gilbert & Roach,
  - ii) Penske Aust. – Option 1,
  - iii) Penske Aust. – Option 2,
  - iv) Volvo Commercial – Option A, and

- v) Volvo Commercial – Option B.

**Evaluation Process**

6 The tenders were assessed against the following criteria:

- i) Tender Price 10%
- ii) Supplier Diversity 5%
- iii) WHS (safety compliance) 10%
- iv) Whole of Life Cost 20%
- v) Operational Review 25%
- vi) Mechanical Review 20%
- vii) Parts & Supplier Support 10%

7 The tenders were assessed by a Tender Assessment Panel consisting of the following CN officers: Waste and Commercial Collection Manager, Manager Depot Operations, and Fleet Officer.

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

**Recommended Tenderer**

9 The recommended tender has been assessed as satisfying the requirements set out in the tender specification. The equipment has demonstrated the capability to undertake the high standard of specific operational work required for public kerbside pickups and fulfils all National Heavy Vehicle Regulator (NHVR) obligations.

**FINANCIAL IMPACT**

10 The total cost including allowances for project management, contingency, and other associated costs is \$1,843,899. Funding is allocated within the adopted 2020/21 and 2021/22 Our Budgets.

**IMPLICATIONS**

**Policy Implications**

11 This contract is consistent with the Newcastle Waste Avoidance and Resource Recovery Policy.

**Environmental Implications**

12 This tender recommendation will assist SWMC maintain CN’s Environment Protection Authority (EPA) licence and ability to comply with waste regulations.



- 13 The recommended tenderer complies with current Australian Vehicle Emission Standards and NHVR requirements.

**Ecological Sustainability**

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

**IMPLEMENTATION**

- 15 The contract enables the replacement of expiring waste collection vehicles within CN's fleet.

**CONSULTATION/COMMUNICATION**

- 16 Nil.

**BACKGROUND**

- 17 The side loader green waste collection vehicles required to ensure the effective operation of kerbside collections are due for replacement. Not replacing these high-volume units would impact operational budgets as wearable items reach failure points, leading to disruptions in service and missed collection runs.
- 18 The calling of tenders was in accordance with the requirements Section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

**OPTIONS**

**Option 1**

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

**Option 2**

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

**Option 3**

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

**Option 4**

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

**Option 5**

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

**ATTACHMENTS**

**Attachment A:** Confidential Recommendation

**Attachment B:** Tender Evaluation Matrix - Summary (CONFIDENTIAL)

**Attachments A and B distributed under separate cover.**

ATTACHMENT A

**NOTICES OF MOTION**

**ITEM-37                    NOM 23/11/21 - END OF TERM REVIEW - COUNCILLOR  
PRODUCTIVITY**

**COUNCILLORS:        D CLAUSEN, C DUNCAN, J DUNN, N NELMES, E WHITE  
AND P WINNEY-BAARTZ**

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**PURPOSE**

*The following Notice of Motion was received on 12 November 2021 from the abovenamed Councillors..*

**MOTION**

That Council:

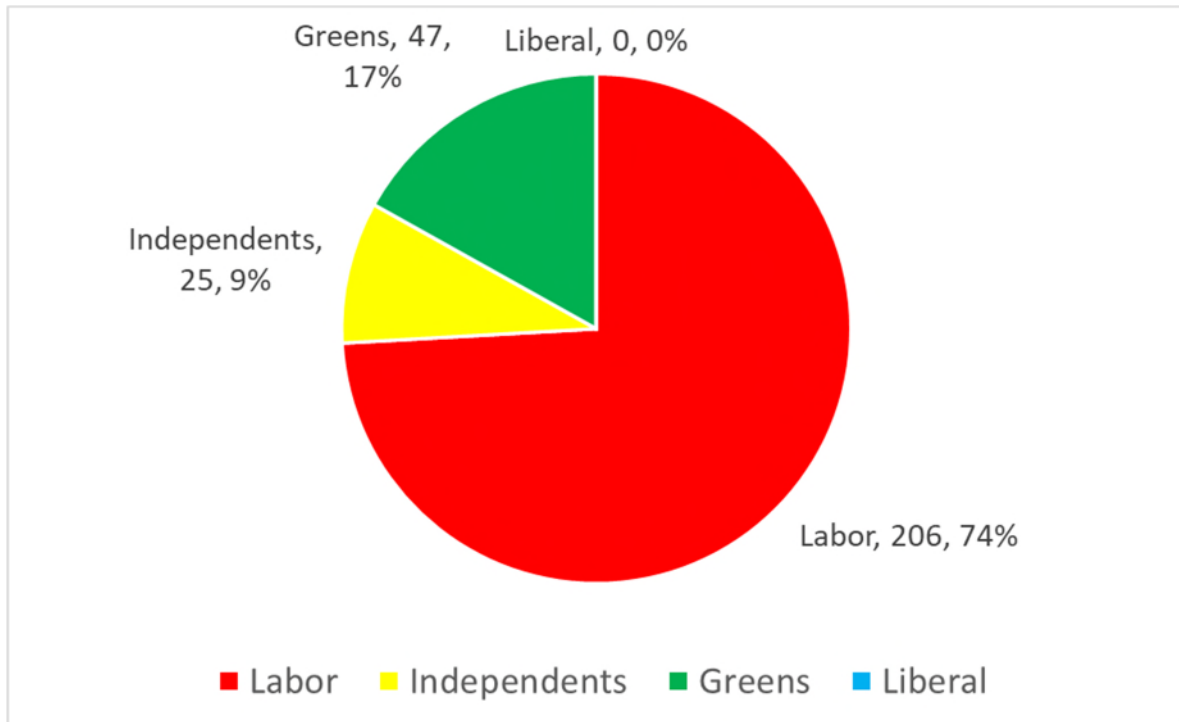
- 1 Acknowledges that the 23 November 2021 meeting is the final of the 2017-2021 term of Council.
- 2 Acknowledges that at this meeting, Council will receive the End of Term Report, summarizing its performance over the last 4 years.
- 3 Notes that under the Local Government Act, a Councillor's role is to set the direction and strategy of the Council, provide governance oversight of the organisation in its operations, and advocate on behalf of their communities.
- 4 Notes that Councillor initiated motions are one of the key mechanisms for Councillors to undertaking this role; and
- 5 Notes that during the 2017-2021 term of Council, there have been:
  - a 50 meetings of the council (ordinary and extraordinary meetings) where Councillor initiated motions have been considered
  - b Across these meetings 278 motions have been considered and debated
  - c 97% of these motions have been Carried. 68% of all motions were Carried Unanimously
  - d Labor Councillors developed and presented 74% of all Councillor initiated motions (206 motions), the Greens Councillor developed and presented 17% (47 motions), the 'Independent' block developed and presented 9% (25 motions), and the Liberal Councillor 0% (0 motions)
  - e These covered topics as important as:
    - Establishing an Apprenticeship Scheme (24/10/17)

- Extending Beresfield Pool's Hours (24/10/17)
- Developing a proactive Footpath Plan (27/03/18)
- Advocating for Our Fair Share of the Snowy Sale (Councillor Elliott against) (24/7/18)
- Supporting refugee community support programs (Cr Luke against) (28/8/18)
- Supporting the expansion of the Newcastle Art Gallery (25/09/18)
- Developing a Verge Garden Policy (23/10/18)
- Committing to a 'Buy Local' policy in procurement (11/12/18) & an Indigenous procurement policy (28/11/17)
- Developing an Affordable Housing Policy (Councillor Church left the Chamber) (26/03/19)
- Becoming the first Council to shift to 100% renewable energy, with a PPA that is now saving ratepayers money (opposed by Councillors Church, Elliott and Luke) (16/04/19)
- Advocating to ensure that elected local councillors retain responsibility for local planning decisions (opposed by Councillor Church) (16/04/19)
- Declaring a climate emergency (Councillors Church and Elliott left the Chamber) (28/05/19)
- Addressing Urban Heat Island effect (Cr Luke against) (23/7/19)
- Declaring Sexism and Homophobia inappropriate in the council workplace (Councillors Church, Elliott and Rufo left the Chamber) (24/09/19)
- Developing a Live Music Strategy (10/12/19)
- Responding to COVID through the development of the award-winning Community and Economic Resilience Package (24/03/20)
- Funding hardship support for ratepayers (opposed by Councillors Church, Elliott, Luke and Robinson) (26/05/20)
- New Annual Festival (Cr Church and Elliott against) (23/3/21)
- Housing Affordability Crisis in Newcastle (Cr Church and Luke against) (27/04/21)
- Best practice employment conditions for staff engaged on council projects (opposed by Councillors Church and Luke) (27/07/21)

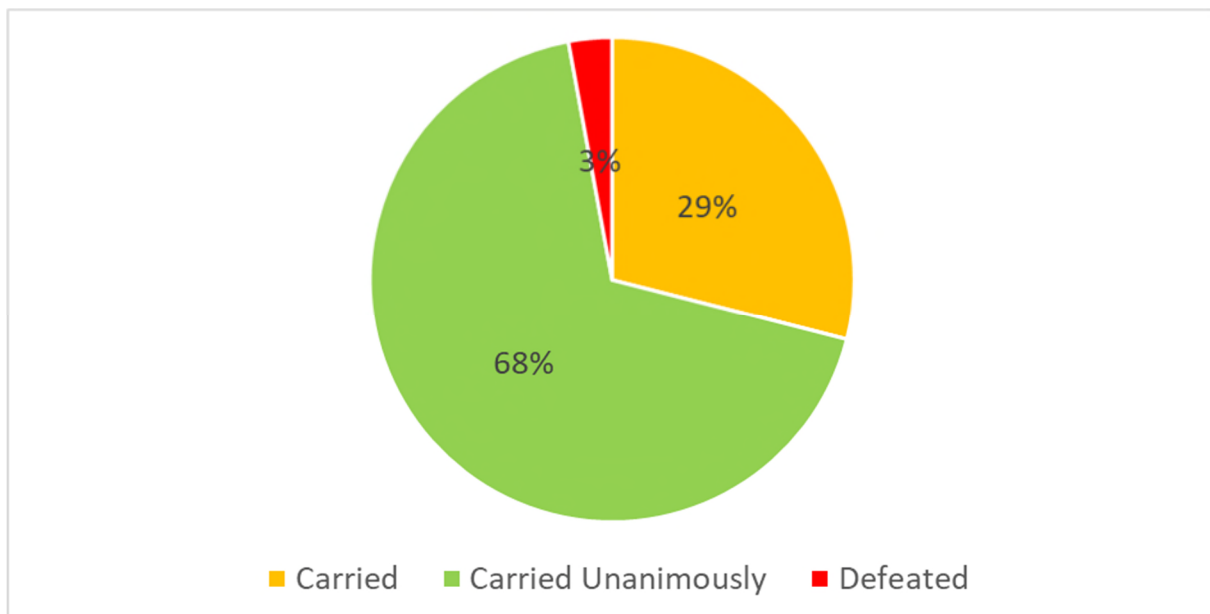
**BACKGROUND**

Word cloud highlighting topics considered:





**Outcome – Councillor initiated motions – 2017-2021**



**ATTACHMENTS**

Nil.

**ITEM-38                    NOM 23/11/21 - BUILDING ON LOCAL CENTRES PROGRAM SUCCESS**

**COUNCILLORS:        D CLAUSEN, C DUNCAN, J DUNN, N NELMES, E WHITE AND P WINNEY-BAARTZ**

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**PURPOSE**

*The following Notice of Motion was received on 12 November 2021 from the abovenamed Councillors.*

**MOTION**

That Council:

- 1    Once again commends our staff for the successful implementation of the Local Centres Program which has seen almost more than \$16 million invested into the delivery of infrastructure renewal at Beresfield (\$3 million), Carrington (\$3 million), Kotara (\$2 million), Merewether (\$2 million) James Street Plaza, Hamilton (\$1 million), Wallsend (\$3.3 million Tyrrell Street Bridge replacement, with an additional \$20.8 million committed for staged Wallsend Local Centre and Ironbark Creek Flood Mitigation strategy);
- 2    Notes that Local Centres Program projects are currently underway at Mitchell Street, Stockton; and Shortland Local Centre; while detailed design and community consultation at Orchardtown Road, New Lambton is underway, with planning for the next stages of delivery for the Wallsend Local Centre almost complete;
- 3    Notes that that Georgetown and Waratah Local Centres have been initiated following a successful Notice of Motion carried in May 2021;
- 4    Initiates detailed planning for Local Centre Upgrades at Maitland Road, Mayfield, in consultation with the recently re-formed Mayfield BIA, as the next Local Centre projects for delivery after Orchardtown Road New Lambton, and the Georgetown and Waratah local centres.

**BACKGROUND**

**City of Newcastle Local Centres Program**

The Local Centres Public Domain Program guides the infrastructure renewal works within the local and neighbourhood centres throughout the Newcastle Local Government Area. The aim is to ensure quality outcomes, as these centres play an important role in the community and local economy.

As stated in Newcastle's [Local Planning Strategy](#) (2015) 'commercial centres play an important role serving a more holistic function than just employment. They provide for the retail, entertainment, recreational, community and social needs of the community...'

Local centres are those centres zoned B2, and neighbourhood centres are those centres zoned B1 under the Newcastle LEP 2012. To avoid confusion, both local and neighbourhood centres will be referred to as 'local centres' in our communications with the community.

The Public Domain Plan for each centre aims to resolve streetscape, access and traffic issues and inform infrastructure renewal, such as footpaths, tree planting and street furniture.

### **Multimillion-dollar investment for a smarter, safer Beresfield**

Beresfield has received the first free Wi-Fi outside of the Newcastle city centre as part of a \$3 million investment to revitalise and beautify the area.

Newcastle Lord Mayor Nuatali Nelmes said the Beresfield upgrades, which include pedestrian-friendly footpaths, outdoor dining spaces, free public Wi-Fi and a more appealing streetscape, were driven by feedback from residents and businesses.



"We're listening to our residents across the City of Newcastle and investing in projects that are important to local communities," the Lord Mayor said.



“Our local centres program is delivering key infrastructure upgrades that respond to the needs and concerns of the community. In Beresfield, this has included a strong focus on both safety and beautification works by realigning and renewing roads, reducing speed limits, relocating and installing new pedestrian crossings and upgrading street lighting.

“We have also installed a series of smart poles in the Beresfield local centre, providing the first free public Wi-Fi from the City of Newcastle to any area outside of the CBD.

“Extensive tree and ground cover planting and raised garden planters have beautified the local centre while also having a cooling effect on the area in the warmer months.

“We have received positive feedback about the changes to date, with local residents and businesses now looking forward to the next stage of the project, which will include a new community public open space at the intersection of Beresford Avenue and Lawson Avenue.”



A community placemaking project is developing concepts for creative and heat-reducing elements for the space, with the public given the chance to vote for their favourite design later this year.

The work is part of City of Newcastle’s local centres program, which is investing millions of dollars in new and improved public infrastructure across the local government area. Infrastructure improvements completed to date at the Beresfield local centre include:

- A 40km/hr zone and pedestrian-friendly street design
- Road and pedestrian lighting upgrade, with additional lighting to the railway station
- Drainage renewal and installation of a rain garden, which will improve the quality of water run-off that enters Hexham Wetlands
- Street trees
- Seating, bike racks and bins
- New kerbs, gutters and footpaths
- Upgraded road pavement
- Free Wi-Fi via the installation of smart poles.

### **Carrington upgrade hailed in park celebration**

City of Newcastle and the local community have celebrated the revitalisation of Carrington following a \$3 million upgrade of its local centre.

Dramatic infrastructure improvements - to roads, pathways and parking - along Young Street and the addition of street trees, bike racks and bins will be followed by the installation of a smart bus shelter that will provide free Wi-Fi coverage.

The local centre overhaul was marked by the City staff and locals in Jubilee Park this morning.



***The Lord Mayor opening the upgraded Carrington Local Town Centre with the help of City staff, locals and students***

“I’m proud to say that after more than 12 months of construction, Young Street is looking brand new and has been future proofed with new drainage and infrastructure

to improve the amenity of the Carrington Local Centre," Lord Mayor Nuatali Nemes said.

"The City continues to deliver on our vision for city-wide urban renewal, setting the direction for growth and revitalisation.

"We want our city's local centres to reflect a sense of place and local character, and I'm particularly pleased with finishing touches like the stone inlays celebrating Carrington's heritage.

"Planning for this project included extensive community consultation on all aspects of the upgrades, including the choice of Brushbox and Tuckeroo street trees and the provision of more designated on street car parking."

"We have also chosen best practise drainage solutions tailored to the area, including permeable paving and rain gardens."



***Patrick Burgess, Sarah Horan and Chris Martin take a stroll across the revitalised Young Street***

The City consulted with locals to hear their ideas and ensure their feedback was incorporated into the public domain plan for the area.

The Young St Carrington renewal project included:

- Drainage renewal
- Permeable paving to improve stormwater capacity
- Water sensitive urban design

- New site appropriate street trees
- Pedestrian-friendly street design
- Existing street furniture retained where possible, and new bike racks and bins
- New kerb, gutter and footpath
- Renewed road surface
- Road and pedestrian lighting upgrade
- Improved pedestrian crossings at both ends

### **\$2.4 million makeover for Kotara unveiled**

City of Newcastle has completed a \$2.4 million upgrade of Joslin Street, Kotara with a safe and welcoming new public space created at the heart of the renewal.

The upgrade saw the replacement of drainage infrastructure, footpaths and road surfaces, installation of new street furniture and street planting, alongside pedestrian safety improvements including a pedestrian refuge to enable a safer crossing between Rae Crescent and the busy local shopping area.

The public open space at the corner of Joslin Street and Rae Crescent features a playful sandstone stack, stepping logs for children to explore and relax, seating areas, a drinking fountain and a dog drinking bowl.

The space was unveiled by Newcastle Lord Mayor Nuatali Nelmes, who encouraged the local community to visit the space and the nearby local businesses.

“When we spoke to the community about upgrading this busy local centre we heard of the desire for a safer, more vibrant space to gather and shop,” the Lord Mayor said.



“With \$2.4 million invested to completely overhaul the entire local centre, we’ve delivered a more modern and safe public space for local residents and visitors to Kotara.”

“We’re particularly proud of the new, innovative open space which is a great place to catch up with friends over a coffee or bite to eat from the fantastic local businesses.”

The Lord Mayor said that the local community had significantly shaped the new public spaces by providing the City with invaluable feedback through detailed community consultation.

“Input from the community and local business-owners has been critical in making these improvements to the area, which we hope will benefit the Kotara community both now and into the future.”

Sami Mamalis, owner of Joslin Street’s Schnitty City said the project has improved safety in the area, and that locals are enjoying the new space. “This is great for Joslin Street, it’s good to see people using the space and it gives our customers and visitors somewhere to sit and enjoy the area.”

Future plans for the space include a collaboration with nearby Kotara South Public School to gather themes and ideas for the decoration of an interactive artwork to be installed in the public open space – bringing a climbable caterpillar sculpture to life with colour and character created by local school children.

“We want the community to interact with the new space and key to this is ensuring that local children from Kotara South Public School will get to see their ideas and designs for the new interactive public art come to life,” the Lord Mayor said.

The Joslin Street upgrade was delivered under the City’s Local Centres program, which is delivering upgrades to suburban centres across the local government area including the recently commenced upgrade of Mitchell Street, Stockton, and upgrades due for delivery later this year at Shortland and at James Street Plaza, Hamilton.

**City delivers new local centre for Merewether**

City of Newcastle has delivered its \$2 million upgrade of Llewellyn Street, Merewether ahead of schedule and to budget, creating a safe, attractive space for the community to shop and enjoy.

The upgrade includes new street furniture and landscaping, alongside a range of pedestrian safety improvements including three new raised crossings, kerb extensions to reduce road crossing distances and upgraded footpaths.

City of Newcastle Lord Mayor Nuatali Nelmes said the project has made the area more accessible for people and has addressed safety and flooding issues along Llewellyn Street.

“This upgrade has completely revitalised this precinct and the improvements will benefit both the businesses and the community now and long into the future,” Cr Nelmes said.

“A highlight is the upgraded space at Dent Street which features new street furniture and an open space for locals and visitors to gather and enjoy a bite to eat and a coffee from the nearby café.”

Councillor Carol Duncan said the project has brought vibrancy and a sense of community to the small precinct.



“I’m really glad the project is now complete as it’s going to benefit a wide range of people. This was a streetscape in need of some love and it’s great to see what City of Newcastle crews have been able to deliver.”

Local business owner Kurt Banks said the upgrades have revitalised the space outside his café, Cuppa Joe’s, and significantly increased the appeal of outdoor dining for his patrons.

“This upgrade is good for the community and businesses and we are looking forward to the positives the new outdoor seating and upgraded footpaths will bring. Both will be great in getting more people to the space and increasing trade.”

The Llewellyn Street upgrade was delivered under the City’s Local Centres program, which is delivering upgrades to suburban centres across the local government area including the recently completed upgrade at Joslin Street, Kotara, the upgrade underway at Mitchell Street, Stockton, and upgrades due for delivery later this year at Shortland and at James Street Plaza, Hamilton.

To find out more about the Local Centres program visit:  
[newcastle.nsw.gov.au/localcentres](https://newcastle.nsw.gov.au/localcentres)

### Wallsend gets \$2 million overhaul

City of Newcastle is investing \$2 million to improve traffic and pedestrian conditions in Wallsend's local centre while opening the conversation on its long-term masterplan.



City staff will consult with the Wallsend community over the next month on local improvements ahead of a project to replace the busy Kokera/Cowper Street roundabout with traffic lights.

A joint public domain-flood mitigation program over the next 12 months includes design of the Boscawen and Nelson Street bridge replacements - to facilitate widening and naturalisation of the Hunter Water owned Ironbark Creek channel.

Flood mitigation work will also be completed on the channel within Wallsend Park, along with completion of a new shared pedestrian and cycle path.

Lord Mayor Nuatali Nelmes said the City's local centres program would increase safety for pedestrians, cyclists and motorists and improve the overall look and appeal of commercial centres.

"As we have shown with upgrades to the Beresfield and Carrington town centres, the work will significantly improve the appeal of Wallsend with high-quality infrastructure, such as new seating, street trees and landscaping," the Lord Mayor said.

"Wallsend is a suburb brimming with history and character, which is why it's so important we work with the community to determine what's important as we make long-term improvements in the area.

"I encourage everyone to take part in the community engagement program for Wallsend before future projects transform Cowper Street into a high pedestrian activity area with a reduced speed limit and safer connections."





In the past few months, City of Newcastle has completed the replacement of Tyrrell Street Bridge at a cost of \$3.3 million and committed \$20.7 million to reconstruct and raise the two other bridges as part of an overall flood-mitigation scheme.

Detailed design of upgraded traffic lights for the Nelson Street and Cowper Street intersection and a proposed roundabout at Cowper Street and Newcastle Road will also be carried out in the 2020/21 financial year.

Community members can have their say on the Wallsend upgrades from Tuesday 28 July at <https://www.newcastle.nsw.gov.au/YourSay>

The local centre overhaul is part of an \$8 million investment into the revitalisation of eight suburban commercial precincts in the 2020/21 financial year.

### **\$3.3 million Tyrrell Street Bridge opens in Wallsend**

Construction is complete on the new \$3.3 million Tyrrell Street Bridge, marking an important milestone in addressing flooding in Wallsend.

Lord Mayor Nuatali Nelmes said the finished project is part of a multi-million-dollar program of work underway in Wallsend with the City of Newcastle commencing a series of projects to improve public amenity and the suburb's resilience to floods.

"The replacement of Tyrrell Street Bridge is an important piece of work in an ongoing process of flood mitigation and renewal in Wallsend.

"The Wallsend community has been hit hard during the past decade from flash flooding. This is why we prioritised this \$3.3 million project in what is a long term, generational change project in Wallsend.



“This project saw the demolition of the former smaller and lower structure which was built in 1930. In its place is a 26.6-metre-long two-span, two-lane concrete plank road bridge, allowing more water to flow through Hunter Water’s drain during storm events.

“I thank the community for their patience and cooperation during the construction of the new bridge and am pleased the City is making progress in improving the suburbs resilience to flooding.”

Replacing Tyrrell Street Bridge forms part of the Ironbark Creek Flood Mitigation Plan, which proposes another two bridges at Boscawen Street and Nelson Street be replaced, increasing the flow capacity at the Cowper Street Bridge, and planning for how Hunter Water’s channel can be widened to allow better water flow during heavy rainfall.

Ward Four Councillor Jason Dunn said the project was also the starting point of a larger program of work to benefit residents, businesses, property owners and visitors to the suburb.

“A long-term vision for the renewal of the Wallsend local centre is starting to take place following the adoption of the Wallsend Local Centre Public Domain and Traffic Plan,” Cr Dunn said.

“The plan aims to increase safety for pedestrians, cyclists and traffic as well as improve amenity, accessibility and connectivity for the community.

“We’ll also be restoring aging infrastructure including roads, footpaths, lighting and drainage throughout the town centre.

“Wallsend’s flood mitigation project and public domain plan form one long term vision to allow the town centre to thrive as the population grows in our western suburb.”

**\$3.3 million upgrade to Stockton’s Mitchell Street**

A \$3.3 million facelift to Stockton’s Mitchell Street is underway with new footpaths, landscaping, street furniture, increased shade and improved pedestrian and cyclist safety set to be delivered as part of the City’s Local Centres program.

Lord Mayor Nuatali Nelmes said that upgrading Stockton’s main street will provide a range of benefits for locals and visitors.

“I’m pleased to see our teams commence work on this important upgrade which will create a safer, and more vibrant public space for the Stockton community to enjoy for generations to come,” Cr Nelmes said.

“The feedback from the community highlighted the need for improved spaces to shop, dine, and meet with friends.



“The Mitchell Street upgrade will include significant drainage improvements, new footpaths and street furniture, landscaping, raingardens, 40 new street trees and a reduction in speed limit to 40 km/hr to improve pedestrian and cyclist safety.

“In a nod to Stockton’s character and heritage, sandstone from existing kerbs will be retained and reused to frame garden beds and raingardens at three key intersections along Mitchell Street.”

City of Newcastle is delivering the Mitchell Street upgrade as part of its record capital works program designed to support the local economy in response to COVID-19.

The upgrade is one of 26 projects valued at more than \$17 million delivered in Stockton over the past five years, including coastal protection works and the much-loved Stockton Active Hub.

The City's Local Centres program is delivering upgrades to suburban centres across the local government area including those nearing completion at Llewellyn Street, Merewether and Joslin Street, Kotara.

This adds to earlier upgrades completed at Carrington and Beresfield and upgrades due for delivery later this year at Shortland and at James Street Plaza, Hamilton.

**Hamilton's James Street Plaza makeover complete**

City of Newcastle's transformation of James Street Plaza on Hamilton's Beaumont Street is complete after four months of construction.

During the final stages of the upgrade finishing touches were made to street furniture, artworks installed and landscaping and tree planting finalised.

Newcastle Lord Mayor Nuatali Nelmes said the changes to the space are impressive following the project which is aimed to attract more visitors, families, and shoppers. "In response to community feedback we have delivered a safer, more appealing place for people to spend time," Cr Nelmes said.



"Once COVID-19 restrictions lift, we will welcome the community back to gather and activate the space with music, markets and food."

Councillor Carol Duncan said that the transformed plaza delivers an attractive meeting place for the Hamilton community.

"You can really see the community's ideas and feedback brought to life, from the unique historical elements to new furniture and gardens," Cr Duncan said.

"I love the special details like the built-in drinking bowl for our canine companions in the water fountain and I can't wait to see the lighting display once it's launched in the coming months."

"The Plaza will be a vibrant, safe and inclusive space for our community during the day and at night."

In June the community was asked to vote on their favourite of three lighting designs put forward by the University of Newcastle's Future Art Science & Technology Lab (FASTLab), each celebrating a different aspect of Hamilton's history and character.

The "Microcosmic Mosaic" concept proved to be the favourite and was developed into a full-length animation which will be launched to light up the space at night, after COVID restrictions have eased.

In addition to the lighting display, the rich history of Hamilton is reflected in artworks in the renewed plaza, informed by the research of local historian Ruth Cotton, author of *Hidden Hamilton* and through collaboration with the Newcastle Museum.

### **Improved safety coming soon for Shortland Local Centre**

A more attractive and accessible local centre is on its way for Shortland, with City of Newcastle set to start construction on an upgrade to improve safety next month.

The upgrade will include the installation of a new pedestrian refuge and road cushions to reduce driver speeds on busy Sandgate Road, and the implementation of a 40km/hr High Pedestrian Activity Area.

A new Light Traffic Thoroughfare will also remove heavy vehicle traffic over 10 tonnes, between Wetlands Place and Vale Street.

City of Newcastle is now seeking community feedback on timed parking options for Shortland, to address concerns raised about availability of parking spaces near local businesses.

Newcastle Lord Mayor Nuatali Nelmes said access to safe and convenient parking is a priority for Shortland businesses and their customers.

"When we spoke to the community earlier this year we heard that safety was a key concern, but so was the ability to get a park near the shops at key times during the day," Cr Nelmes said.



“Shortland residents are passionate about supporting local businesses, so improvements to the Local Centre such as new footpaths, landscaping and seating will make it a more attractive place to visit.

“Increasing the turnover of parking spaces means it will be easier for people to get here and access shops and services.”

Ward Four Councillor Jason Dunn said that community feedback has been an important part of developing the Shortland Local Centre project.

“It was great so many people had their say to shape this project earlier this year, and I now encourage the community to provide feedback on the range of options for timed parking in the area,” Councillor Dunn said.

"In earlier consultation we heard concerns about access to parking, particularly on mornings when bins are put out for collection, and the options being presented to the community include a possible solution to this problem."

## **ATTACHMENTS**

Nil.

**ITEM-39                    NOM 23/11/21 - 2 YEAR ANNIVERSARY OF SUMMERHILL SOLAR FARM**

**COUNCILLORS:        D CLAUSEN, C DUNCAN, J DUNN, N NELMES, E WHITE AND P WINNEY-BAARTZ**

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**PURPOSE**

*The following Notice of Motion was received on 16 November 2021 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle:

**PART A**

- 1     Notes that this month marks the 2-year anniversary of the commencement of operations of our five-megawatt solar farm at Summerhill Waste Management Centre;
- 2     Acknowledges that the solar farm, constructed on top of a capped, disused landfill cell on the site of a former coal mine, contains 14,500 photovoltaic cells and produces enough clean, renewable energy to power the equivalent of around 1300 Newcastle households annually, is on track to save ratepayers around \$9 million, after costs, over its 25-year lifespan, and ensures City of Newcastle is meeting 100 per cent of its power supply through renewable energy sources;
- 3     Notes that because of the Summerhill Solar Farm, and our PPA with the Sapphire Wind Farm, we were able to become the first Council in NSW, and one of the first Councils in Australia, to move to 100% renewable electricity supply for all our City's operations; and
- 4     Commits to taking all further necessary actions required to meet our ambitious target of net zero emissions for City of Newcastle's operations by 2030, and sets interim targets to ensure net zero community emissions by 2040, as outlined in the adopted City of Newcastle Climate Action Plan 2021-2025 (**Attachment A**), including:
  - Ensuring best practice energy and water efficiency across all facilities.
  - Significantly reducing our emissions through the City's supply chains.
  - Ensuring that all of the City's street lighting is through LED or best practice equivalent by 2025.
  - Pursuing zero emissions transport across our operational fleet vehicles, with a commitment to halving our current level of liquid fuel use by 2025.

**PART B Photovoltaic Solar commitment**

- 1 Notes that Council now has more than 800 kilowatts of photovoltaic solar systems installed across 16 key sites including the City, Wallsend and New Lambton libraries, No.1 and No.2 Sportsgrounds, Newcastle Art Gallery, Newcastle Museum, the City Administration Centre at 12 Stewart Avenue, the Visitor Information Centre and the Works Depot;
- 2 Continues to deliver solar systems on the roofs of CN assets, including at Fort Scratchley, Summerhill Waste Management Centre and the Civic Theatre; and
- 3 Explores options to further increase our solar energy generation capabilities, at all available Council sites.

**BACKGROUND**

**Solar farm powering City operations and revenue**

City of Newcastle’s solar farm has exceeded expectations in its first six months of operation, generating almost twice the revenue it was expected to make annually.

The five-megawatt solar farm installed at the Summerhill Waste Management Centre generated more than \$420,000 in revenue between when it went live in mid-November and the end of April, well above original forecasts used in the business case’s projected average of \$250,000 a year.



***The City's Summerhill Solar Farm at dawn.***

Selling energy back into the electricity market, the solar farm further demonstrated its value during the January bush fires when the City supported the state’s damaged energy grid as a net exporter.

A renewable power purchase agreement with a wind farm that came into effect on 1 January, making the City the first NSW Council to be powered 100 per cent by renewables, saved a further \$30,000.



“The business case showed the solar farm would save rate payers around \$9 million, after costs, over its 25-year lifespan - and so far, it’s on track to do even better,” Newcastle Lord Mayor Nuatali Nelmes said.

“The solar farm helped us exceed our renewable energy goals under the Newcastle 2020 Carbon and Water Management Action Plan, which targeted 30 per cent of our electricity needs from low-carbon sources.

“By combining solar installations, battery storage and the purchase agreement to power all our operations, the City has created a resilient energy strategy that will protect us from future electricity price spikes.

“Working in concert with the power purchase agreement, these investments give us price stability, create financial savings for rate payers and have already enabled us to reduce our operational carbon emissions by 77 per cent, compared to the 2008 baseline.”

The Climate Council’s Cities Power Partnership Director David Craven said the solar farm was a “fantastic accomplishment by the City of Newcastle”.

“They have again stepped up as leader in renewables and as a leader amongst local governments taking significant action on climate,” Mr Craven said.

“Renewable energy is the cheapest form of new energy generation and is proving to save Novocastrians millions, while creating a healthy future for this community.”

The City is also paving the way to an electric transport future by converting fleet vehicles to electric and installing an electric vehicle charging network powered by solar panels and battery storage.

Meanwhile, the City is increasing solar-energy generation on its buildings.

“We recently added an additional 100-kilowatt roof top photovoltaic system to our Waratah Works Depot, doubling the capacity of the system installed onsite in 2013 and taking total generation of our 12 solar systems to almost 9 million kilowatt hours of renewable energy each year,” Councillor Nelmes added.

“Our five-megawatt solar farm and over 660 kilowatts of rooftop solar provide the equivalent energy needs of more than 1,770 Newcastle households a year with clean, renewable energy.”

For its commitment to renewables and reducing carbon emissions, the City won the prestigious Local Government Sustainability Award in 2019 and is currently a finalist for Environmental Leadership and Sustainability in the 2020 NSW Local Government Excellence Awards.

## City powers into sustainable new era

City of Newcastle confirmed itself as one of Australia's most environmentally progressive councils today when it opened a new \$6 million resource recovery facility and switched on an \$8 million five-megawatt solar farm.

With a 5,000sqm undercover sorting area, the Resource Recovery Centre (RRC) at the Summerhill Waste Management Centre is now offering Newcastle residents the chance to drop off pre-sorted recyclable materials free of charge.

The RRC will increase waste diverted from landfill each year by around 5,700 tonnes, the equivalent of more than 30 Boeing 747s in weight, thanks to a 30,000-tonne processing capacity, with around 20 per cent of materials recycled.

Summerhill's previous receival centre, by contrast, could process just 10,000-12,000 tonnes a year and saw just three per cent of dropped-off material recycled.

Newcastle Lord Mayor Nuatali Nelmes hailed the environmental win and the incentives offered by the RRC at today's official opening.



“Residents who separate their waste before arriving at Summerhill will benefit from the new ‘Sort & Save’ drop-off service,” Councillor Nelmes said.

“This allows them to place scrap metals, sorted yellow bin recyclables, paper and cardboard, clean untreated wood and soft plastics directly into the identified stockpiles at no charge.

“Businesses who pre-sort their loads for drop-off at the RRC will also benefit from reduced tip fees. Unsorted waste is also welcome but will continue to be subject to the normal fees that cover staff and equipment needed to extract recyclables from mixed loads.”

While at Summerhill, the Lord Mayor and Deputy Lord Mayor Declan Clausen also inspected a newly completed solar farm built to save ratepayers around \$9 million over its 25-year lifespan.

Covering an area the size of five football fields on a capped landfill that was once a coal mine, the solar farm's 14,500 photovoltaic cells are now producing 7.5 million-kilowatt hours of renewable electricity each year.

"The solar farm is generating enough energy to power the equivalent of 1,300 households, which is a significant environmental gain as well as reducing Council's electricity costs by millions of dollars," Councillor Clausen said.

"We will also become the first local government in NSW to move to 100 per cent renewables on January 1 thanks to our recent purchase-power agreement to source electricity from the state's largest windfarm.

"The solar and wind farm combination will mean enough clean energy will be put into the grid to power every sportsground floodlight, local library, park BBQ and every other facility the City operates."

The solar farm was partly funded with a \$6.5 million loan from Australia's Clean Energy Finance Corporation and \$1 million was granted from the NSW Government's Environmental Trust, through its Waste Less, Recycle More Initiative, to the RRC.

### **Building begins on City's solar farm**

13 Nov 2018

Construction on the region's biggest solar farm has begun after Lord Mayor Nuatali Nelmes turned the first sod today on a disused landfill site at the Summerhill Waste Management Centre facility.

The City of Newcastle's single largest investment in a renewable energy project follows eight other solar installations at its Waratah Works Depot, Art Gallery, City, Wallsend and New Lambton libraries, No.1 and No.2 Sportsgrounds and Newcastle Museum.

The five-megawatt solar farm will increase the City's renewable energy generation capacity tenfold and save rate payers around \$9 million over its 25-year lifespan.

"Today's sod turning is a major milestone for this City and another exciting step forward in the delivery of renewable energy for our region," the Lord Mayor said from Summerhill today.

"The solar farm will produce enough energy to run the equivalent of all the City of Newcastle's facilities during the day, which represents significant environmental returns for ratepayers and millions of dollars in savings."

Covering an area of around five football fields on a capped landfill once part of the Wallsend Borehole Colliery, the solar farm's 14,500 photovoltaic solar arrays will help dramatically reduce the city's \$4m annual electricity bill.



***Newcastle Lord Mayor Nuatali Nelmes and Deputy Mayor Declan Clausen turn the first sod at the solar farm.***

The City of Newcastle secured a \$6.5 million loan from Australia's Clean Energy Finance Corporation (CEFC) to help build the farm, which will comprise solar panels and infrastructure built by international property and infrastructure group Lendlease and EMC.

The new facility builds on one of Australia's most advanced renewable energy setups at a waste facility -- with a 2.2megawatt landfill gas generator and a small wind turbine already located at Summerhill.

The solar farm and the other rooftop installations already installed by the City are part of actions endorsed by the Cities Power Partnership, a Climate Council program in which cities and towns pledge key actions to reduce their climate impact.

"We are building sustainability into everything we do after reiterating our commitment last year to generate 30 per cent of our electricity needs from low-carbon sources and cut overall electricity usage by 30 per cent by 2020," Cr Nelmes said.

**ATTACHMENT**

**Attachment A:** [City of Newcastle Climate Action Plan 2021-2025](#)

**ITEM-40                    NOM 23/11/21 - LOCAL SPORTING FACILITY UPGRADES  
2017-2021**

**COUNCILLORS:        D CLAUSEN, C DUNCAN, J DUNN, N NELMES, E WHITE  
AND P WINNEY-BAARTZ**

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**PURPOSE**

*The following Notice of Motion was received on 12 November 2021 from the abovenamed Councillors.*

**MOTION**

That Council:

- 1    Notes that since 2017, City of Newcastle has invested more than \$87 million on the city's open spaces with \$21.3 million of improvements to our existing facilities delivered over this Council term between 2017-2021;
- 2    Notes that we have partnered with numerous local sporting organisations to deliver upgraded sporting facilities across the City;
- 3    Congratulates our City of Newcastle Parks and Recreation Staff for the delivery of more than \$21 million worth of capital works upgrades for local sporting facilities right across our city and suburbs over the last term of Council, including funding for:
  - Upper Reserve Wallsend – renew amenities building
  - Upper Reserve Wallsend – floodlight upgrade
  - Mitchell Park Merewether – Clark Stand upgrade works
  - Tuxford Park Upgrade
  - Wallsend Oval drainage
  - Darling Street Oval Floodlighting
  - Elermore Vale Sporting Complex Upgraded Floodlighting
  - Harry Edwards Oval, Lambton Park – Sporting field renewal
  - Ecofit Outdoor Exercise Program
  - No. 1 Redevelopment
  - No. 2 Sportsground Upgrades
  - Nesbit Park Resurfacing Sports Field, Kotara
  - Alder Park Storage, New Lambton
  - Harker Oval, New Lambton Amenities upgrades
  - Hudson Park, Kotara
  - Cook Park upgrades, Shortland
  - Thomas Percy floodlighting, Waratah West
- 4    Notes that significant capital is required to upgrade local amenities to help further facilitate the growth of women's sport in Newcastle, and that the NSW Government has made City of Newcastle **ineligible** to apply for any of the \$150

million dedicated fun to enhance women's sporting facilities, including change rooms, due to our City's classification.

- 5 Notes that when a further \$100 million of funding was announced in May 2021, following \$50 million previously announced in January 2021, to upgrade women's sporting facilities, the Lord Mayor wrote to the Deputy Premier outlining our disappointment at being ineligible to apply for any funding, despite an audit of our sporting venues finding that only one of our City's 63 sporting venues has identified female friendly change rooms to cater for high level sport. No response to this correspondence was ever received.
- 6 Writes to the new Deputy Premier, the Hon. Paul Toole MP, asking that the NSW Government provide fair and equitable access to the significant grant funding available throughout almost everywhere else in NSW to improve our female sporting facilities, including change rooms.

## BACKGROUND

### CITY OF NEWCASTLE INELIGIBLE TO APPLY:

# Female changerooms are top priority in \$100 million fund for regional NSW

[Published: 1 May 2021](#)



Female sporting teams across regional NSW will benefit from new and improved facilities and regional towns will soon see even more investment in community infrastructure and programs that will make a big difference to everyday life in the bush, thanks to the \$100 million Stronger Country Communities Fund.

Deputy Premier John Barilaro, Minister for Women Bronnie Taylor and Minister for Education and Early Childhood Learning Sarah Mitchell said applications are now open for Round Four and communities are encouraged to apply.

“Up to \$50 million is dedicated to the delivery of female sports facilities and programs, to encourage greater female participation in all levels and codes across regional NSW,” Mr Barilaro said.

“This NSW Government funding will make a big difference in the bush by delivering new and improved facilities as well as programs for female sports teams and is another step towards levelling the playing field for girls and women in remote, rural and regional communities.”

Ms Mitchell visited the Upper Hunter today to officially open the newly refurbished Scone netball courts at Bill Rose Sporting Complex and announced that applications for Round Four of the Stronger Country Communities fund are now open.

“A lack of adequate amenities, especially for females, can often be a barrier to participation. By improving and building purpose-fit facilities and developing programs, girls and women will feel more welcome, safe and encouraged to regularly participate in sports and active recreation,” Ms Mitchell said.

Mrs Taylor said getting facilities up to date, particularly women’s change rooms, will ensure all female athletes are supported to take part in a wide range of sports, including once male dominated codes.

“Facilities designed exclusively for women should be standard and this funding will help women all over rural and regional NSW overcome a major hurdle and feel empowered to play the sports they love with comfort and confidence,” Mrs Taylor said.

“We’re supporting female athletes of all ages and backgrounds to participate in sport, from grassroots to elite level and the Stronger Country Communities Fund is all about building a safer, stronger NSW for everyone.”

The Stronger Country Communities fund is part of the NSW Government’s \$2 billion Regional Growth Fund. Applications for Round Four open 1 May 2021 and close on 25 June 2021. For more information, go to: [www.nsw.gov.au/SCCF](http://www.nsw.gov.au/SCCF)

**CITY OF NEWCASTLE INELIGIBLE TO APPLY:**

# Regional women's sport a winner with \$50 million funding boost

[Published: 20 Jan 2021](#) - Released by: Deputy Premier

Sports facilities across regional NSW will benefit from new and improved women's change rooms and amenities thanks to \$50 million in funding from the NSW Government's \$2 billion Regional Growth Fund.

Deputy Premier John Barilaro and Acting Minister for Sport Geoff Lee today announced that Round Four of the \$100 million Stronger Country Communities Fund will have a regional sports focus, with up to \$50 million to be made available for the delivery and enhancement of women's sporting facilities, including change rooms.

Mr Barilaro said a lack of adequate facilities can be a barrier to female participation in sport and this funding will provide new and improved amenities to make it easier for girls and women to dominate on the field or courts.

"The NSW Nationals are building a safer and stronger regional NSW and these new facilities will increase participation and allow women and girls to receive the social and health benefits associated with sport," Mr Barilaro said.

"Women have been flying the flag for Australian sport with our international teams achieving incredible status on the world platform, and many of these athletes come from regional communities.

"Too many women participating in local soccer, AFL, rugby or cricket matches in rural and regional locations don't have access to suitable changing facilities so the NSW Government has committed this funding to level the playing field.

"Access to designated female change rooms will be of huge benefit to our future Matildas, Opals, Hockeyroos, Jillaroos and Wallaroos, as well as local athletes."

Mr Lee said the provision of new and improved female change rooms is a step that will encourage more women to step out on the court or field.



“Some of Australia’s best sporting talents are women from regional NSW, and we want to see more females showcasing their talent at a grassroots level,” Mr Lee said.

“In many areas of regional NSW there is a shortage of female dedicated change facilities and amenities which can be off-putting, so this funding will be a huge win for women and girls who would have otherwise been deterred from playing sport.”

Minister for Women and Regional Youth Bronnie Taylor said women have been proudly stepping up to the plate, pitch or pool for years now and this next round of the Stronger Country Communities Fund will address a barrier for females when it comes to entering local and regional sport.

“I know this funding will be warmly welcomed by female athletes in regional communities who will now face one less barrier to taking up a sport,” Mrs Taylor said.

“Clubs and community sport provide friendship, fitness and a lot of fun and I’m delighted that this funding has been made available as a means of boosting participation in women’s sport.”

The remaining \$50 million of the Stronger Country Communities Fund Round Four will be made available for further high quality community amenity and sports-related infrastructure projects to meet strong demand.

Applications for Round Four of the program will be open from 1 May. Guidelines and information about eligible applicants will be available on the Regional Growth Fund website in coming months.

## **ATTACHMENTS**

**Attachment A:** 24 April 2021 – Lord Mayor Letter to Deputy Premier asking for access to NSW Funding to upgrade female sporting facilities in Newcastle.

Attachment A



LORD MAYOR NUATALI NELMES  
CITY OF NEWCASTLE

24 May 2021

The Hon. John Barilaro MP  
Deputy Premier  
Minister for Regional NSW, Industry and Trade  
GPO Box 5341  
SYDNEY NSW 2001

Dear Deputy Premier

I write to you seeking clarification regarding eligibility for funding to support female participation in sport, through Round Four of the Stronger Country Communities Fund, which is a part of the Regional Growth Fund.

I understand that Round Four will see an additional \$100 million invested throughout NSW, specifically aimed at supporting projects and programs aimed at increasing female participation in sport. I commend you, and the Minister for Mental Health, Regional Youth and Women, the Hon. Bronnie Taylor MLC, for dedicating these funds into such an important initiative.

As you would be aware, City of Newcastle, like many Local Government Areas, has experienced a significant increase in female participation in sport. However, many local sporting clubs continue to raise concerns about the lack of supporting amenities for women at our sporting facilities. A recent audit of our local facilities undertaken during community engagement for the development of our *Strategic Sports Plan 2019* identified the lack of female-friendly change rooms as strong concern raised by sporting organisations from most codes, across the city.

The audit found that of City of Newcastle's 63 sporting venues across the city there is only one with identified female friendly changerooms at No. 2 Sportsground which caters to high level sport. Significant investment well in the millions of dollars is required to retrofit the remaining existing city-wide sporting infrastructure to support the growth in female participation and accommodate female friendly facilities that meet facility requirements of key sporting state bodies.

With this in mind, I was disappointed to note that City of Newcastle has been deemed ineligible to apply for any of the \$100 million Stronger Country Communities Fund to improve female sporting facilities and associated amenities.

I ask that you please clarify City of Newcastle's eligibility for this important fund, as well as any other streams of grant funding which may assist us to deliver much needed upgrades to our local sporting facilities in order to continue to grow female sport across our city.

In making this request, I reiterate our strong appreciation for your commitment to Newcastle, with recent successful grant applications through the Resources for Region Program Round Seven, seeing \$591,677 awarded for the Blackbutt Village Orchardtown Road Public Domain Revitalisation and \$500,000 for the Wallsend Active Hub at Federal Park Wallsend, as well as your strong support for action and ongoing commitment to address coastal erosion at Stockton Beach.

I look forward to hearing from you soon.

Yours sincerely

A handwritten signature in black ink, appearing to be 'N. Nelmes', written over a horizontal line.

Lord Mayor Nuatali Nelmes  
CITY OF NEWCASTLE

**ITEM-41                    NOM 23/11/21 - KOALA HABITAT**

**COUNCILLOR:        J MACKENZIE**

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**PURPOSE**

*The following Notice of Motion was received on Monday 15 November 2021 from the abovenamed Councillor.*

**MOTION**

That the City of Newcastle;

- 1     Notes that since 1990, NSW koala populations have declined by between 20% and 50%, to be in the range of 15,000 to 25,000 remaining. Local extinctions have already occurred and the species is projected to become extinct in the wild in NSW within 30 years.
- 2     Notes that Australian Koala Foundation announced in May 2019 that there are no more than 80,000 koalas in Australia, making the species “functionally extinct”.
- 3     Recognises the need for coordinated action across NSW to ensure future generations can see these iconic species in the wild.
- 4     Writes to the Premier, Minister for Planning & Public Spaces, Minister for Energy and Environment, and Minister for Agriculture urging them to:
  - a.     Maintain council dual consent provisions for Private Native Forestry in Local Environmental Plans, to account for the variability within regions, zoning objectives, site survey needs, traffic and infrastructure limitations, and consultation with adjoining land holders;
  - b.     Maintain council’s ability to regulate environmental zones to protect, manage and restore lands of high ecological, scientific, cultural or aesthetic values, particularly for the protection of core koala habitat;
  - c.     Provide planning certainty, resources and support for identifying core koala habitat and the development of Koala Plans of Management; and
  - d.     Allow for departures from the Koala Habitat Protection Guideline based on existing surveys, local circumstances or emerging technology where this is agreed to by the Department.

**BACKGROUND**

Nil

**ITEM-42                    NOM 23/11/21 - PROTECTING THE GREEN CORRIDOR**

**COUNCILLOR:        J MACKENZIE**

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**PURPOSE**

*The following Notice of Motion was received on Monday 15 November 2021 from the abovenamed Councillor.*

**MOTION**

That the City of Newcastle;

- 1     Notes that the Hunter Regional Plan, a 20-year strategic planning blueprint for the future of the Hunter region, is currently under review by the NSW Department of Planning, Industry and Environment, in order to extend the plan to 2041 and to reset priorities.
- 2     Notes that the 2006 Lower Hunter Regional Strategy established the 'Green Corridor' an intact ecological corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sand beds, Stockton Bight and Port Stephens. City of Newcastle further notes that the protection of the Corridor recognised the importance of large vegetated areas being linked via habitat corridors at a landscape scale.
- 3     Notes the regional conservation value of the Corridor was reiterated in Hunter Regional Plan 2036 (2016) and the Greater Newcastle Metropolitan Plan 2036 (2018), although being redesignated in the latter as the 'Blue and Green Grid'.
- 4     Notes the directive for Greater Newcastle Councils issued in the Greater Newcastle Metropolitan Plan 2036 to "prevent intensive urban development in the Blue and Green Grid" (p35).
- 5     Reiterates its commitment for the protection of the Green Corridor and the prevention of intensive urban development in the Corridor vicinity.
- 6     Endorses and advocates for the greater recognition and permanent protection, including through the inclusion of the remaining unprotected areas of the Green Corridor in the reserve estate, in the regional plan review.

**BACKGROUND**

Nil

**ATTACHMENTS**

Nil