

Ordinary Council Meeting



DATE: Tuesday, 23 May 2023

TIME: 6:00pm

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

18 May 2023

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

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

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

6. CONFIRMATION OF MINUTES

6.1. MINUTES - PUBLIC VOICE COMMITTEE 26 APRIL 2023

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

ATTACHMENTS

Attachment A: 230426 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

Minutes

Public Voice Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Wednesday, 26 April 2023 at 6:10pm.

1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church, D Clausen, C Duncan, J Mackenzie, C McCabe, C Pull, D Richardson, K Wark, P Winney-Baartz (*arrived 6.28pm*) and M Wood.

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Director Community and Creative Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), B Harvey (Acting Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), P Emmett (Development Assessment Section Manager), R Dudgeon (Executive Manager Project Management Office), M Murray (Chief of Staff), L Barnao (Council Services/Meetings Support), K Sullivan (Councillor Services/Meetings Support), C Urquhart (AV/Information Technology Support), Warren Haddock (AV/Information Technology Support) and Daniel Silcock (AV/Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. PRAYER

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

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

Nil apologies.

MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

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

Carried unanimously

5. DISCLOSURES OF INTEREST

Nil.

6. REPORTS

6.1. 317 WHARF ROAD NEWCASTLE - MA2022/00238 - SEC 4.55(2) MODIFICATION TO DA2013/1236 - DEMOLITION OF BUILDINGS, ERECTION OF EIGHT (8) STOREY HOTEL AND CONFERENCE CENTRE - CHANGES TO DESIGN

Diane Mignanelli and Bobby Suminoski addressed Council and outlined concerns and objections to the development application. Joshua Palmer and Eli Gescheit addressed Council in support of the development application.

The meeting concluded at 7.01pm.

6.2. MINUTES - ORDINARY COUNCIL MEETING 26 APRIL 2023

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

ATTACHMENTS

Attachment A: 230426 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

Minutes

Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Wednesday, 26 April 2023 at 8.21pm.

1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Executive Director Community and Creative Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), B Harvey (Acting Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), P Emmett (Development Assessment Section Manager), N Kaiser (Interim Executive Manager Media Engagement Economy & Corporate Affairs), M Murray (Chief of Staff), K Sullivan (Councillor Services/Minutes), L Barnao (Councillor Services/Meetings Support), C Urquhart (AV/Information Technology Support), W Haddock (AV/Information Technology Support) and D Silcock (AV/Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

Read at previous meeting on night.

3. PRAYER

Read at previous meeting on night.

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

MOTION

Moved by Cr Barrie, seconded by Cr Duncan

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

Carried

5. DISCLOSURES OF INTEREST

Councillor Church

Councillor Church declared a significant pecuniary interest in Item 8.3 – Adoption of Draft Section 6.04 Renewal Corridors of Newcastle DCP stating that he had property in the Broadmeadow precinct and as stated in previous declarations would manage the interest by leaving the Chamber for discussion on the item.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 28 MARCH 2023

MOTION

Moved by Cr Mackenzie, seconded by Cr Pull

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

Carried

7. LORD MAYORAL MINUTE

7.1. 150TH ANNIVERSARY OF MUNICIPAL GOVERNMENT IN WALLSEND

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges that 2024 marks 150 years since Wallsend became a municipality in 1874 following its gazettal by then-Premier Sir Henry Parkes.
2. Acknowledges the Indigenous traditional custodians of the land now known as Wallsend, notes their sovereignty has never been ceded and recognises the ongoing research and commitment to celebrate and elevate the rich culture and history of traditional Aboriginal owners of the land.
3. Notes the significant contribution that Wallsend has made to the City of Newcastle and the broader region through the coal mining industry and the many contributions by members of the community in areas such as music, politics, sport and incredible bravery in the armed forces.
4. Provides support and financial assistance to the community of Wallsend to prepare for their planned celebratory events marking this historic occasion.
5. Congratulates the people of Wallsend on this proud occasion and looks forward to working with the community to mark 150 years of municipal government in Wallsend.

Carried unanimously

7.2. LOCAL GOVERNMENT SUMMIT

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges the appointments of The Honourable Ron Hoenig MP as Minister for Local Government, and The Honourable Paul Scully MP as the Minister for Planning and congratulates them on their promotion to these critically important positions.
2. Notes the many financial and legislative impediments facing the local government sector and the concern amongst local government representatives right across the state.
3. Writes to the Minister for Local Government and the Minister for Planning requesting they hold a Local Government Summit to allow constructive discussions of these issues directly with the Ministers, their respective offices and departments.

Councillor Mackenzie proposed that point three be amended to include an additional sentence and read as follows:

3. Writes to the Minister for Local Government and the Minister for Planning requesting they hold a Local Government Summit to allow constructive discussions of these issues directly with the Ministers, their respective offices and departments. Writes at a minimum to the councils of the Hunter Joint Organisation informing them of this decision and inviting them to pass a similar motion by their councils.

The Lord Mayor accepted Councillor Mackenzie's proposal to the motion.

The motion was put to the meeting.

Carried unanimously

8. REPORTS

8.2. ADOPTION OF LOCAL SOCIAL STRATEGY

PROCEDURAL MOTION

Moved by Cr Adamczyk, seconded by Cr Mackenzie

The matter lay on the table as the attachments for Item 8.2 could not be finalised with sufficient time for Councillor review prior to this evening's meeting.

Carried unanimously

8.4. ADOPTION OF THE REVISED PRIVACY MANAGEMENT PLAN

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts City of Newcastle's Privacy Management Plan at **Attachment A**.

Carried unanimously

8.6. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

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

Carried unanimously

8.1. INLAND POOLS STRATEGY 2043

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

- 1 Notes that CN is currently consulting with stakeholders and the community regarding the draft Inland Pools Strategy 2043 - Our plan for protecting and improving Newcastle's public pools for the next 20 years (**Attachment A**).
- 2 Receives a report for adoption of the Inland Pools Strategy 2043 following consultation.

Carried unanimously

8.3. ADOPTION OF DRAFT SECTION 6.04 RENEWAL CORRIDORS OF NEWCASTLE DCP

Councillor Church left the Chamber for discussion on the item.

PROCEDURAL MOTION

Moved by Cr McCabe, seconded by Cr Adamczyk

Council adjourn for a short recess to consider a memo circulated prior to the meeting in respect of this item.

Carried

Council adjourned at 9.15pm and reconvened at 9.25pm.

MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

That Council:

- 1 Adopts Section 6.04 Renewal Corridors (**Attachment A**) of Newcastle Development Control Plan 2012.
- 2 Receives and notes submissions (**Attachment B**) made in response to the exhibition of the draft Development Control Plan.

At this stage of the meeting Councillor McCabe declared a non-significant non-pecuniary interest in Item 8.3 – Adoption of Draft Section 6.04 Renewal corridors of Newcastle DCP stating that she lived in Tighes Hill.

Councillor McCabe requested the mover and seconder remove Figure 27 - Plan of Landscape requirements for entry to corridor in Tighes Hill on page 167 of the consolidated attachments document (*refer Figure 27 - Attachment A – Section 6.04 Renewal Corridors of NDCP 2012*).

Councillors Duncan and Adamczyk agreed to have the diagram removed from the high-level document.

The motion moved by Councillor Duncan and seconded by Councillor Adamczyk, noting the removal of Figure 27, was put to the meeting.

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

Against the Motion: Nil.

Carried

Councillor Church returned to the Chamber at the conclusion of the item.

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

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Barrie

Council extend the time of the meeting to conclude at the conclusion of business.

Carried

8.5. ADVISORY COMMITTEES' ANNUAL REPORTS

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Receives Advisory Committee Annual Reports for the 2022 calendar year from:
 - i) Access Inclusion Advisory Committee
 - ii) Asset Advisory Committee
 - iii) Community and Culture Advisory Committee
 - iv) Guraki Aboriginal Advisory Committee
 - v) Infrastructure Advisory Committee
 - vi) Liveable Cities Advisory Committee
 - vii) Strategy and Innovation Advisory Committee
 - viii) Newcastle Youth Council Advisory Committee

Carried

8.7. TENDER REPORT - NEWCASTLE ART GALLERY EXPANSION - CONSTRUCTION WORKS 2023/033T

MOTION

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

That Council:

- 1 Accept the tender of Hansen Yuncken Pty Ltd in the amount of \$43,840,386 (excluding GST) for Newcastle Art Gallery Expansion - Construction Works for Contract No. 2023/033T.
- 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.

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

Part B

Council writes to the State and Federal Government seeking indexation of their \$5m grants for the Art Gallery Expansion, noting the significant increase in construction costs for this project since grant funds were awarded, and the revaluation of the Art Gallery collection to more than \$126 million.

The Lord Mayor stated she was pleased to include Part B to the motion.

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

Carried unanimously

9. NOTICES OF MOTION

9.1. BUZZING WITH LIFE: A POLLINATOR-FRIENDLY NEWCASTLE

MOTION

Moved by Cr Adamczyk, seconded by Cr Duncan

That City of Newcastle:

- 1 Notes that ecological services provided by pollinators (including native bees, insects, and butterflies) are necessary for healthy, secure and resilient ecosystems and food systems;
- 2 Notes with concern that the decline of pollinator populations and habitat in cities, including due to urbanisation, urban pollution and neonicotinoids, is endangering biodiversity, crop yields, and food security; and in 2022 and 2023 tens of thousands of local honeybees were killed after the varroa virus was detected in our city;
- 3 Notes that many cities have adopted pollinator-friendly policies, including limiting neonicotinoids and working to support businesses and residents to take steps to ensure that no plants, seeds or products containing neonicotinoids are used in the city; and that in June 2019 City of Newcastle committed to phasing out the use of glyphosates in pesticides and use alternative products where possible;
- 4 Resolves to communicate to our community the significance of participating in the local pollinator census during Australian Pollinator Week 11-19 November 2023; and
- 5 Commits to incorporate an urban pollination programme as part of CN's Environment Strategy to create vibrant pollinator corridors in our city by integrating pollinator ecosystem support into city fabric, plans and infrastructures and collaborating with community to raise awareness of the myriad benefits of adopting pollinator-friendly practices in public and private spaces.

Carried unanimously

At the conclusion of the meeting the Chief Executive Officer read the resolution of the partial confidential report (*refer resolution at 8.7*).

The meeting concluded at 10.23pm.

7. LORD MAYORAL MINUTE

To be tabled at meeting.

8. REPORTS

8.1. ADOPTION OF DELIVERING NEWCASTLE 2040

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

PURPOSE

To adopt the 2023-2024 *Delivering Newcastle 2040* and the 2023-2024 *Fees and Charges*, following public exhibition.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 3 Section 404 of the Local Government Act 1993 (Act) requires City of Newcastle (CN) to have a Delivery Program (DP) detailing how it will achieve the objectives in its Council adopted Community Strategic Plan ('*Newcastle 2040*'). Section 405 of the Act requires CN to have an Operational Plan that is adopted each financial year outlining the planned activities and services to be delivered.
- 4 The Delivery Program and Operational Plan are combined into *Delivering Newcastle 2040* as at **Attachment A**.
- 5 Section 608 of the Act enables CN to apply fees for services provided. CN's 2023-2024 Fees and Charges Register is at **Attachment B**.
- 6 *Delivering Newcastle 2040* and the Fees & Charges were publicly exhibited for 28 days from 30 March 2023 to 27 April 2023. CN received 46 submissions during the public exhibition period. Details of the submissions received are outlined in the Public Exhibition Report at **Attachment C**.
- 7 *Delivering Newcastle 2040* turns CN's shared vision of a liveable, sustainable, inclusive, global city as set out in CN's Community Strategic Plan, *Newcastle 2040*, into action.

- 8 CN has continued its commitment to financial sustainability in *Delivering Newcastle 2040* by maintaining a net operating surplus, renewing and maintaining assets in a sustainable range and utilising evidence-based decision making to underpin its financial sustainability.
- 9 Delivering Newcastle 2040 proposes a budget for 2023-24 which will deliver an operating \$6.9m surplus, providing the financial capacity to maintain services and meet community commitments, as well as a small buffer to respond to unexpected circumstances (eg natural disasters) during the year.
- 10 Highlights of *Delivering Newcastle 2040* include replacement of the Boscawen Street Bridge to reduce the risk of flooding in Wallsend as well as \$6.9 million towards urban and city centre revitalisation including Hunter Street Mall works and Local Centre upgrades at New Lambton, \$7.5 million towards citywide road resurfacing, \$5 million towards Foreshore Park playground and Gregson Park playground, \$22.5 million towards the expansion of Newcastle Art Gallery as well as continued work to increase our capabilities for recycling and reuse of waste products. 2023/24 will also see CN continue to deliver initiatives from the Cycling Plan, Parking Plan, Climate Action Plan and Economic Development Strategy.
- 11 CN's forecast financial performance is consistent with or exceeds that of our neighboring councils. While our Domestic Waste Management Service Charge remains the lowest. This has been achieved despite CN's significant investment in environmental and service improvements to the Summerhill Waste Management Centre over recent years.

| | CN | Lake Macquarie | Maitland | Port Stephens* | Cessnock | Central Coast |
|--|---------------|----------------|----------------|----------------|----------------|---------------|
| Key Income & Expenditure Statement Values | | | | | | |
| Total Income from continuing operations (\$'000) | 422,467 | 350,921 | 153,668 | 190,279 | 109,547 | 732,618 |
| Total Expenses from continuing operations (\$'000) | 376,920 | 286,166 | 139,736 | 154,635 | 92,588 | 653,574 |
| Operating result from continuing operations | 45,547 | 64,755 | 13,932 | 35,644 | 16,959 | 79,044 |
| Capital grants (\$'000) | 38,626 | 63,403 | 15,174 | 30,294 | 21,379 | 76,231 |
| Net operating result before capital grants | 6,921 | 1,352 | (1,242) | 5,350 | (4,420) | 2,813 |

Note* - PSC report an underlying result which excludes their share of the Newcastle Airport and significant one off items

| Rates and Annual Charges | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
| Income from Rates and Annual Charges (\$'000) | 219,236 | 207,741 | 106,796 | 75,284 | 47,522 | 421,456 |
| DWMSC Charge | \$ 507.00 | \$ 535.00 | \$ 575.75 | \$ 520.00 | \$ 670.00 | \$ 520.00 |

| Works Program | | | | | | |
|----------------------|----------|----------|---------|---------|---------|----------|
| Works Program Value | \$137.3m | \$113.4m | \$24.3m | \$30.2m | \$67.3m | \$236.8m |

| OLG Performance Ratios | | | | | | |
|---|-------------------|--------|--------|--------|--------|--|
| | Benchmark per OLG | | | | | |
| Operating performance ratio | > 0.00% | 2.87% | 0.47% | -0.90% | 2.70% | |
| Own source operating revenue ratio | > 60% | 85.71% | 74.16% | 78.70% | 88.00% | |
| Unrestricted current ratio | > 1.5x | 1.95 | 6.46 | 2.22 | 2.32 | |
| Debt service cover ratio | > 2x | 6.9 | 4.1 | 2.4 | 4.4 | |
| Rates, annual charges outstanding ratio | < 10% | 3.26% | 3.88% | 5.42% | 3.06% | |
| Cash expense cover ratio (months) | > 3 months | 6.5 | 10.0 | 15.7 | 5.7 | |

FINANCIAL IMPACT

- 12 The 2023-2024 budget has been developed in accordance with CN's Long Term Financial Plan (LTFP) and our objective of delivering a net operating surplus whilst maintaining services for the community.
- 13 The operating result before capital grants and contributions is forecast to be \$6.9m in 2023-24, compared to a surplus before capital grants and contributions of \$1.3m in 2022-23 as per the adopted budget.
- 14 CN has budgeted to receive \$38.6m in grants and contributions for capital purposes in 2023/24, compared to \$33.8m this year. The sources of capital grants include \$15.1m to facilitate expansion of the Newcastle Art Gallery, \$9.2m from Developer Contributions, \$6.5m in infrastructure dedications, and \$4.2m in transport upgrades. \$2.2m is expected to be received for recreation and culture projects and \$1.5m to support waste management projects. Before accounting for these capital grants and contributions, CN's draft operating result from continuing operations for 2023/24 is a surplus of \$45.5m compared to \$35m in 2022/23.
- 15 The 2023/24 works program is \$137.2m. This includes \$41.2m to be invested in four City Shaping projects, expansion of the Newcastle Art Gallery, remediation of the former landfill at Sandgate, and construction of waste diversion facilities at Summerhill Waste Management Centre. CN is also investing in new and renewal projects across its on-going programs of work. \$22.3m is budgeted to be spent on our libraries, parks, aquatic centres and civic sites. \$9.2m will be invested revitalising our coast, city and urban centres. \$13.5m will be used to support 64 environment sustainability projects at locations including Blackbutt Reserve (\$1.05m), as well as for our Bushland & Watercourses (\$1.81m), Coast Estuary & Wetlands (\$8m); Flood Planning (\$0.3m), Street & Park Trees (\$1.66m), and Sustainability & Climate (\$0.67m). \$6.4m will be spent improving our information technology and systems. \$26.5m will be invested in roads, bridges, footpaths and community buildings. \$4.4m will support our waste management. \$3.8m will be used to renew aging fleet items. \$5m will be invested in cycleways and transport options. \$5m will be used to improve our stormwater network. Key projects from these programs are outlined under the four Newcastle 2040 themes and a comprehensive list can be found within the Newcastle 2040 Appendix.
- 16 CN generates cash from operating activities to fund the works program and community initiatives. It is forecast that \$102m will be generated from CN's operations in 2023-2024.

NEWCASTLE 2040 ALIGNMENT

- 17 Delivering Newcastle 2040 delivers against the four themes in *Newcastle 2040, Liveable, Sustainable, Achieving Together and Creative*.
- 18 This report aligns to all priorities in *Newcastle 2040*.

IMPLEMENTATION PLAN/IMPLICATIONS

- 19 Delivering Newcastle 2040 and the 2023-2024 Fees and Charges Register are required to be adopted by Council by 30 June 2023, following a minimum 28-day public exhibition period.
- 20 Delivering Newcastle 2040 includes actions that require implementation by CN as well as by partner agencies.

RISK ASSESSMENT AND MITIGATION

- 21 Delivering Newcastle 2040 is built on a number of assumptions, including some outside of CN's control, which may impact outcomes, including:
 - i) Government grant funding;
 - ii) Investment returns;
 - iii) External contributions (ie local infrastructure contributions);
 - iv) State Government cost shifting;
 - v) Monetary and fiscal policy (ie interest rates, taxation);
 - vi) Legislative changes;
 - vii) Crisis events or disasters (storms, floods, pandemics).
- 22 Delivering Newcastle 2040 will be monitored against financial performance indicators with adjustments implemented through the quarterly budget review process.

RELATED PREVIOUS DECISIONS

- 23 At the Ordinary Council Meeting held on 28 March 2023, Council resolved to place the draft 2023-2024 *Delivering Newcastle 2040* and the 2023-2024 Fees and Charges Register on public exhibition for a minimum of 28 days.
- 24 At the Ordinary Council Meeting held on 28 June 2022, Council adopted *Delivering Newcastle 2040 (2022-23)*.
- 25 At the Ordinary Council Meeting held on 25 January 2022, Council adopted *Newcastle 2040*.

CONSULTATION

- 26 The draft 2023-2024 *Delivering Newcastle 2040* and *2023-24 Fees & Charges* were placed on public exhibition from 30 March 2023 to 27 April 2023, and supported by the following promotion:
 - i) Have your Say page on CN's website
 - ii) Social media
 - iii) Print advertising
 - iv) Media releases
 - v) Physical copies at each of CN libraries

- 27 Details of the submissions received are outlined in the Public Exhibition Report at **Attachment C**.
- 28 A Councillor workshop was held on 16 May 2023 to outline community feedback received during the public exhibition period.

BACKGROUND

- 29 The Delivery Program is required to be prepared every four years following a local government general election. The Operational Plan is subsequently required to be reviewed annually and adopted by 30 June of the relevant year.
- 30 Under Section 608 of the Act, Council may charge and recover an approved fee for services it provides.

OPTIONS

Option 1

- 31 The recommendations as at Paragraphs 1 and 2. This is the recommended option.

Option 2

- 32 Council resolves to vary the recommendation in the adoption of this report. This is not the recommended option.

REFERENCES

ATTACHMENTS

| | |
|----------------------|---|
| Attachment A: | 2023-2024 <i>Delivering Newcastle 2040</i> |
| Attachment B: | 2023-2024 Fees and Charges Register |
| Attachment C: | Public Exhibition Report |

Attachments A-C distributed under separate cover

8.2. ADOPTION OF INLAND POOLS STRATEGY 2043

REPORT BY: CREATIVE & COMMUNITY SERVICES
CONTACT: ACTING EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES / ACTING EXECUTIVE MANAGER COMMUNITY & RECREATION

PURPOSE

To adopt the Inland Pools Strategy 2043.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 4 City of Newcastle (CN) undertook community and stakeholder engagement regarding the draft Inland Pools Strategy (Strategy) from 5 April 2023 to 12 May 2023.
- 5 The Strategy considers current and future user needs, along with the existing conditions of the pools, to guide future investment.

FINANCIAL IMPACT

- 6 CN allocates funding for the operation, maintenance and upgrade of its five inland swimming centres through the annual budget process.
- 7 The Strategy indicates that investment is required for future works to renew and upgrade the inland swimming centres to ensure these facilities remain fit for purpose. Specific costs will be determined once the Strategy is adopted and annual work programs confirmed.
- 8 An Inland Pools Reserve Fund utilising CN's finances will be established to ensure that funding of approximately \$1 million is set aside as part of the annual budget process to enhance the City's five public inland swimming centres over the next 20 years.

- 9 The level of investment required outside of the 20 year life of the Strategy is beyond that of a local council and will require a funding partnership with the NSW and Federal governments. This is consistent with the majority of NSW councils who own pool shells that were predominantly constructed during the 1950s and 1960s.

NEWCASTLE 2040 ALIGNMENT

- 10 The Inland Pools Strategy 2043 is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Liveable

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Great Spaces
- 1.2 Connected and fair communities
 - 1.2.3 Equitable communities
 - 1.2.4 Healthy communities

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The Strategy aligns with CN's Asset Management Policy which outlines how CN will manage its assets throughout the asset lifecycle.

RISK ASSESSMENT AND MITIGATION

- 12 The timing for the development of a future year-round aquatic centre at the NSW Government's sports and entertainment precinct at Broadmeadow known as Hunter Park is yet to be publicly communicated. The Strategy has been developed considering a future both with and without the facility proceeding.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting of 26 April 2023, Council resolved to note that CN is currently consulting with stakeholders and the community regarding the draft Inland Pools Strategy 2043 and to receive a report for adoption of the Inland Pools Strategy 2043 following consultation.
- 14 At the Ordinary Council Meeting of 25 October 2022, Council resolved a Notice of Motion that Newcastle needs a year-round aquatic facility:
- i) Notes Council's continued investment of more than \$3 million to upgrade local pools, while ensuring affordable entry fees for equity in access for residents, including:

Mayfield Pool

- Connecting pathways to new undercover picnic and accessible barbecue area
- Three grandstands with shade
- New playground

- Family change room
- Installation of new shade at deep end of the pool
- New lane ropes
- Installation of two umbrella shade shelters adjacent to learners pool
- Installation of brighter lighting in change rooms
- New pace clock

Stockton Pool

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

Lambton Pool

- Replace 120m long water slide
- Upgrade to water play area
- Repaint of facility
- New starting blocks and covers to protect the blocks for the 50m pool
- Safety works on stairway access platform to water slide
- Design investigations to more adequately heat the pools
- Painting of all changerooms and non-slip at entrances
- New lane ropes
- Installation of Cantilever shade structure at water slide

Beresfield Pool

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

Wallsend Pool

- New shade above seating along pool deck
- New shade at starting block end
- Replacement of large shade structure in open space
- Removal of unsafe shade structure on western side
- Replacement of playground
- Relocation and new pace clock on South end
- Repair/maintenance of plumbing in amenities
- General tidy up of gardens and open space, clean of scum lines
- Relocation of ducks

- External garden beds mulched
 - Linemarking of car park
 - New lane ropes
 - Scheduled pressure cleaning of pool pre-opening
 - ii) Notes the Council's commitment to providing a modern year-round public aquatic facility in Newcastle.
 - iii) Notes that a year-round facility requires substantial investment. Elsewhere, the NSW Government has provided significant funding for pool upgrades or redevelopments. Projects that received funding from Governments include:
 - City of Sydney: \$106 million
 - North Sydney: \$64 million
 - Parramatta: \$87 million
 - Eurobodalla: \$69 million
 - iv) Notes that an aquatic facility is being considered in the Venues NSW Business Case for Hunter Park in Broadmeadow. Writes to Venues NSW seeking confirmation that land will be preserved within the Hunter Park precinct to enable a year-round aquatic facility.
 - v) Develops and promotes via all appropriate channels a public petition to the NSW Legislative Assembly calling on the NSW Government and Opposition to invest in a new year-round swimming facility in Newcastle.
- 15 At the Ordinary Council Meeting held on 26 February 2019 Council resolved:
- i) Reiterates its commitment to high quality aquatic facilities and ocean baths accessible to all Novocastrians.
 - ii) Notes recent submissions and discussions with Venues NSW about the future of the Broadmeadow Sports and Entertainment Precinct, and the opportunities to locate a new all year-round aquatic facility as part of the future Sports Precinct at Broadmeadow.
 - iii) Notes the NSW Government's recent commitment towards a new aquatic facility in the Paramatta Local Government Area.
 - iv) Receives an updated report referred to the Infrastructure Advisory Committee outlining the current condition assessment of each inland pool, and a report on the quality of service delivery at each pool (including engagement with relevant communities and users) that outlines options for the future operation of Newcastle's aquatic facilities (including both

short term operational and longer term capital and operational management).

- v) Writes to local state members and the NSW Ministers and Shadow Ministers for Local Government and Sport advocating for a commitment to an all year-round aquatic facility as part of the Broadmeadow Sports and Entertainment Precinct.

CONSULTATION

- 16 Councillors received a presentation on the draft Inland Pools Strategy 2043 on 5 April 2023.
- 17 The Inland Pools Community Network received a presentation on the draft Strategy on 5 April 2023.
- 18 A presentation on the draft Strategy was provided to the Access Inclusion Advisory Committee on 20 April 2023.
- 19 A letterbox drop with information regarding the draft Inland Pools Strategy 2043 was provided to all residential homes during the consultation period.
- 20 Community engagement activities were undertaken at each of CN's five inland swimming centres.
- 21 The opportunity to provide comment on the draft Strategy was promoted on CN's website and social media channels, as well as to user groups throughout the consultation period.
- 22 Key stakeholders were invited to provide feedback on the detail of the draft Strategy.
- 23 CN received 124 individual submissions from community members, and community or stakeholder groups on the draft Strategy. Community feedback has been positive as shown in the Engagement Report at **Attachment B** with submissions categorised as 49% positive, 41% neutral and 10% negative.
- 24 Community feedback has been reviewed and addressed by CN officers. Actions associated to each task are detailed at **Attachment C**.
- 25 A Public Briefing was held on 16 May 2023 to present findings from the consultation process.
- 26 CN wrote to local State and Federal MPs offering a briefing on the Strategy. This consultation includes outlining the funding required and partnerships necessary to continue to deliver these valued assets to the community, including the importance of the NSW Government delivering on a year-round aquatic facility at Hunter Park.

BACKGROUND

- 27 CN's five inland public swimming centres attract more than 320,000 visitors annually.
- 28 CN owned swimming centres enjoy strong public support as evidenced by a 2020 report by Micromex Research at **Attachment D**. The report is based on a statistically valid survey undertaken by Micromex which shows 81% community satisfaction of CN inland pools.
- 29 CN commissioned contemporary sport, leisure and recreation consultant Otium Planning Group (OPG) to develop an inland pool strategy that recommended an investment strategy for each of the inland swimming centres, to ensure they can operate safely over the next 20 years with consideration of facility enhancements to help meet the needs of the community.
- 30 CN provides five inland swimming centres of similar age and facility mix. A critical review of these assets has been undertaken by OPG in response to the aging condition of local inland pools as well as changing needs and expectations of the local community.
- 31 The Inland Pools Strategy 2043 sets out an investment plan for Newcastle's inland swimming centres to ensure they are fit for purpose over the next 20 years.

OPTIONS

Option 1

- 32 The recommendation as at Paragraph 1 and 2. This is the recommended option.

Option 2

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

REFERENCES

ATTACHMENTS

- Attachment A:** Inland Pools Strategy 2043
Attachment B: Inland Pools Strategy 2043 - Engagement Report
Attachment C: Recommendations Actions Summary
Attachment D: City of Newcastle Aquatics Community Survey – 2020 (Micromex Research)

Attachments A, B and D distributed under separate cover

Attachment C - Recommendation Actions Summary

| Topic/Comment | CN Response | Action |
|---|---|---------------------|
| Longer season / year-round facility | | |
| Lambton Pool 50m outdoor should be heated and open all year round. | Indoor heated swimming pools are proposed as part of the sites of Wallsend Memorial Olympic Swimming Centre and Lambton Park War Memorial Swimming Centre, creating hybrid facilities with a mix of indoor and outdoor offerings to better meet community needs and expectations. | No change required. |
| The CN area at this point has no provision for year-round swimming. Council pools close for the winter. This results in athletes having to choose private pools or migrate to other regions to train. | As above | No change required. |
| Having patronising Lambton pool for over 20 years, I think this facility is serving its purpose well. I recognise that it cannot be open year-round since opening during the cold months is simply unviable and I can attend the Forum pool if need be. | As above | No change required. |
| I welcome year-round swimming, but the development of an indoor pool is unnecessary. Money would be better spent to heat one of the existing pools as at Charlestown Pool (Lake Macquarie). | As above | No change required. |
| Heated pools | | |
| I have made daily use of Wallsend pool for lap swimming. It is a great resource. I would like to see its season extended and have heating to match. | The Strategy proposes heating upgrades at Wallsend Swimming Centre and Lambton Park War Memorial Swimming Centre as a medium-term action. This is consistent with these swimming centres being categorised in the Strategy as "Greater Newcastle" facilities. Heating upgrades to both Wallsend and Mayfield pools were announced in April and are funded in the 2022/23 budget. Work is occurring during the current season closure. | No change required. |
| For most of the season the water temp. is below 22 degrees. I am aware that the pool is solar-heated but it cannot cope with the atmospheric conditions. | As above. | No change required. |
| All the pools need upgrades to heating systems. | As above. | No change required. |
| Upgrades to facilities/infrastructure | | |
| I look forward to seeing Lambton Park Memorial Pool continually maintained to a high standard to allow pool users, including lap swimmers, water polo | Noted. | No change required. |

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| participants and general public, continued safe and happy use of the pool for the years ahead. | | |
| I do not think that Lambton Pool requires upgrade other than the stand replacement and ongoing maintenance to tiles and change facilities. | The Strategy identifies Wallsend Memorial Olympic Swimming Centre and Lambton Park War Memorial Swimming Centre as 'Greater Newcastle' facilities. The proposed future direction and investment strategy meets the needs of the broader community based on current and future use, and demographics. Accessibility upgrades are required and will be prioritised in the 023/24 budget. | No change required. |
| I would like to see splash parks rolled out at most of the inland pools. Splash parks are the new destination attractions. I have travelled all the way to Maitland because they have a splash park and my kids LOVE it! | The Strategy proposes replacing toddlers pools with new multi zone play areas at Wallsend Memorial Olympic Swimming Centre and Lambton Park War Memorial Swimming Centre. A zero depth water playground is proposed for Stockton War Memorial Olympic Pool. | No change required. |
| I applaud City of Newcastle for their Inland Pool Strategy for the improvement of our public pools. I regularly use Stockton pool and occasionally use Lambton pool. I would like to suggest that the installation of more covered shelter would improve the amenity of the Stockton pool. | Noted. | No change required. |
| Lambton Park Memorial pool has a huge variety of activities available for young and old in a very pleasant park environment. The pool and surrounds have deteriorated over the years and repairs and upgrades need to be done now, so that the community can continue to enjoy exercise and recreation and family time together. It will be cost effective because the pool will go on to serve the community as it was dedicated to do for the next 20 years. | Noted. | No change required. |
| General support/positive comments | | |
| It is a good draft strategy to keep and maintain the five inland pools. | Noted. | No change required. |
| Overall, I see this as a very positive move on the part of the City of Newcastle. It recognises that these assets are important for a variety of reasons and that they must be maintained and enhanced to meet current and future needs. | Noted. | No change required. |
| Fully support high end, 'State' level aquatic facility as part of Hunter Park, which includes competition level lap and deep water pools. Fully support major | Noted. | No change required. |

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| upgrades to Lambton, Mayfield and Wallsend pools in particular to better service the growing catchments with lap, smaller deep water / polo pools as well as water play areas and green spaces. | | |
| These pools, with their integrated green space are the jewels of suburbia in Newcastle. I support their preservation and any potential upgrade to lift the amenity to each community. I particularly think the little BBQ shelters at Mayfield are a great idea. Kids swim/splash areas are also very high value. Thanks! | Noted. | No change required. |
| I applaud City of Newcastle for their Inland Pool Strategy for the improvement of our public pools. | Noted. | No change required. |
| I am pleased that NCC have identified the need for a strategy. | Noted. | No change required. |
| Lambton Pool provides a fantastic community resource with diving pool, water, polo, lessons and many other facilities that aren't available at other pools. | Noted. | No change required. |
| Sporting and Competition facilities | | |
| Given the importance of swimming, the fact it spans multiple sporting disciplines (triathlon, surf lifesaving etc) a competition level 12 month of the year facility would certainly be servicing a broad spectrum of the Newcastle community. | CN will continue to advocate for the proposed year-round aquatic facility as part of the NSW Government's Sport and Leisure Precinct at Broadmeadow, known as Hunter Park. | No change required. |
| Competitive swimmers as well as children learning to swim are restricted when it becomes cool due to the lack of facilities available. | CN will continue to advocate for the proposed year-round aquatic facility as part of Hunter Park. Indoor heated swimming pools are proposed as part of the sites of Wallsend Memorial Olympic Swimming Centre and Lambton Park War Memorial Swimming Centre, creating hybrid facilities with a mix of indoor and outdoor offerings to better meet community needs and expectations. | No change required. |
| I am a competitive swimmer who trains 5-7 days a week, and feel we need to cater as much as possible to those of us who swim for fitness and competition, having more lanes available to lap swimmers. I think the proposal is a fantastic idea, and hopefully can attract national and international level swimming events to the area. | As above. | No change required. |
| Community Health and Wellbeing | | |
| Our council pools provide the community; particularly the "older" members of the community with a safe, effective and enjoyable exercise facility in the warmer | Indoor heated swimming pools are proposed as part of the sites of Wallsend Memorial Olympic Swimming Centre and Lambton | No change required. |

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| months of the year. I can't express how important Wallsend pool has been in the rehabilitation of my serious and debilitating knee injury and I am quite despondent the pool is only accessible in the warmer months as I would most definitely use it year-round if there were a means to providing it with additional heating. | Park War Memorial Swimming Centre, creating hybrid facilities with a mix of indoor and outdoor offerings to better meet community needs and expectations. | |
| I like the strategy, especially since it focuses on education and health in addition to the social purpose. I also love how you are thinking about sustainability by using solar energy. | Noted. | No change required. |
| I love our pools! However, at 62 years of age with severe arthritis, a cold water pool successfully dissuades me from swimming in winter. | Indoor heated swimming pools are proposed as part of the sites of Wallsend Memorial Olympic Swimming Centre and Lambton Park War Memorial Swimming Centre, creating hybrid facilities with a mix of indoor and outdoor offerings to better meet community needs and expectations. | No change required. |
| Pools are needed for the elderly and disabled community to rehabilitate and exercise. It helps them with their pain and it is cheaper than seeking a private pool which many can't afford. | Noted. | No change required. |
| Hunter Park | | |
| Is the NSW Government's sports and entertainment precinct at Broadmeadow, known as Hunter Park, with its proposed year-round aquatic facility going ahead? | The Inland Pools Strategy 2043 outlines that the future of Hunter Park is yet to be confirmed by NSW Government. The Strategy considers a future both with and without the facility proceeding. | No change required. |
| I'm excited to hear that our pools are going to be upgraded, and extremely excited about the proposed facility at Hunter Park. | Noted. | No change required. |
| I don't support an aquatic centre. Existing facilities should be upgraded. | The Inland Pools Strategy guides future direction and investment at our swimming centres over the next 20 years. | No change required. |
| Has Council determined at what point it will disregard the Hunter Park project due to lack of real progress or commitment? ie if on 1 July 2025 there has been no firm commitment or funding approval, Council will deem the project to be not proceeding and examine alternative paths to providing the services through other means? | Noted. The Strategy will be reviewed within seven years to ensure short term actions have been delivered, technical advice remains valid, and the status of Hunter Park is considered. | Strategy updated to include that it will be reviewed within seven years. |
| Consider updating this 20-year strategic plan once the future of Hunter Park is known. | As above. | As above. |
| Toilet, Showers and Change Facilities | | |

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| <p>We see the upgrading of current facilities, prioritising the diving tower, change room upgrades and disability access as of the utmost importance to the future of this vital community asset.</p> | <p>The Strategy proposes the upgrading of amenities including changerooms and improved accessibility features at all five swimming centres to better meet community needs and expectations.</p> | <p>No change required.</p> |
| <p>Please upgrade the showers into cubicles and change all the taps to heated showers. It is very hard not to have a hot shower in privacy after a swim.</p> | <p>As above.</p> | <p>As above.</p> |
| <p>The amenities at this point in time are not desirable for the amount of patrons attending pool.</p> | <p>As above.</p> | <p>As above.</p> |
| <p>Given the increasing level of mental health issues across the broader community, it is no longer suitable to have male and female toilets.</p> | <p>Noted.</p> | <p>No change required.</p> |
| Indoor Pool | | |
| <p>Don't turn Lambton Swimming Centre into an indoor facility.</p> | <p>Submissions indicate some confusion that CN is proposing Lambton Park War Memorial Swimming Centre becomes an indoor centre.</p> <p>The Strategy proposes an indoor heated multi-purpose pool as part of the Lambton Swimming Centre site at a total cost of \$6 million, providing both indoor and outdoor components. It is not proposed to turn the Swimming Centre into an indoor centre.</p> | <p>Strategy wording has been updated to clarify that the proposed indoor pool would be a part of the swimming centre site.</p> |
| <p>I can't imagine anyone choosing an indoor pool over an outdoor one on a hot summer day.</p> | <p>As above.</p> | <p>As above.</p> |
| <p>More year-round facilities and upgrade to indoor pool.</p> | <p>Indoor heated swimming pools are proposed as part of the sites of Wallsend Memorial Olympic Swimming Centre and Lambton Park War Memorial Swimming Centre, creating hybrid facilities with a mix of indoor and outdoor offerings to better meet community needs and expectations.</p> | <p>No change required.</p> |
| <p>Indoor facilities need to be considered too.</p> | <p>As above.</p> | <p>As above.</p> |
| Family friendly facilities | | |
| <p>The mix of facilities (large pool, dive pool, smaller pool, water play area and waterslide), the grassy area and the outdoor environment of the pool is what makes the pool attractive to families and to kids and young people.</p> | <p>Noted.</p> | <p>No change required.</p> |
| <p>The Mayfield pool is loved by the community. It supports school activities,</p> | <p>Noted.</p> | <p>No change required.</p> |

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| families, regular people exercising and lots of people just enjoying swimming. Great to have a play group and BBQ's available are fantastic! | | |
| There is no need for a Toddlers Pool at Lambton War Memorial Swimming Centre. It takes away green space. | The Strategy proposes replacing toddlers pools with new multi zone play areas at Wallsend Memorial Olympic Swimming Centre and Lambton Park War Memorial Swimming Centre. This is consistent with these swimming centres being categorised in the Strategy as Greater Newcastle facilities. The proposed future directions meet the needs of the broader community based on usage and demographics. | No change required. |
| Shade sails over PART of the pool for those sun safe visitors who like to stay in the shade but would love to go swimming. Gives refuge from the sun. May help to make the pool more popular when the UV index is at its highest as people would be able to leisurely swim while in the refuge of a little shade. | Noted. | No change required. |
| Lambton is an excellent facility with various options for families, picnics, swimming abilities and recreation. Shaded areas and canteen to boot. | Noted. | No change required. |
| Accessibility | | |
| The Strategy says all five of CN's Swimming Centres will have accessibility upgrades at a cost of \$250,000 each, but Stockton Swimming Centre is not listed in a table on page 47. | Noted. The Strategy states that all CN's Swimming Centres including Stockton Swimming Centre will have works undertaken in the short term to improve accessibility at a total cost of \$1.25 million. | Table has been corrected. |
| Wheelchair lifts need to be a higher priority. At the moment there is no outdoor public pool in the Newcastle electorate where people in wheelchairs can access a pool. | The Strategy proposes that all five CN Swimming Centres will have works undertaken in the short term to improve accessibility. | No change required. |
| With the use of the aqua aerobic participants there has been expressed a need for a ramp into the pool to help those less able to access the pool. I am all for it as long as it does not impact the already existing lanes. An alternative idea to help those to access the pool more safely would be to include another handrail next to the already existing steps so people can hold on with both hands. | As above. | As above. |
| Funding/Partnerships | | |
| I encourage CN to pursue this strategy with conviction and to go hard for State and Federal funding. | The Strategy notes that other NSW Local Government Areas have received substantial funding for upgrades to their pools. CN will continue to advocate to NSW and | No change required. |

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| | Federal Government for funding assistance to replace our pools. | |
| To secure the necessary financial support, it's essential to partner with NSW and Federal governments and key service providers. Additionally, creating an Inland Pool Reserve Fund will allow the City of Newcastle to set aside funding annually for future renewal work and ensure the sustainability of the inland pool network. | Noted. | No change required. |
| I agree that finding innovative solutions and building strong partnerships are critical to overcoming the financial challenges of this project. It's encouraging to see the City of Newcastle taking a proactive approach, and I look forward to the progress made towards improving these valued facilities. | Noted. | No change required. |
| Develop partnerships with a wide range of potential partners for funding such as schools, philanthropic organisations, grant bodies, community sources etc. | CN works with a range of stakeholders to operate its network swimming centres and actively seeks State and Federal Government grants. | No change required. |
| Diving Facilities | | |
| The diving platforms need to be addressed. This is the only diving pool outside of Sydney it's a huge disadvantage to country divers not to have facilities to be able train year-round. The platforms have not been maintained for years and need attention, if they were to close it would just be another disadvantage to divers | The asset maintenance costings in the Strategy for Lambton Park War Memorial Swimming Centre include maintenance to the dive pool and tower. The Strategy has been updated to further clarify this investment. CN will be advocating for competitive diving facilities to be part of the proposed Hunter Park aquatic facility. Diving facilities will be included in the review of the Strategy to occur within seven years. | Table 5 Asset Maintenance has been updated with "including dive pool and tower" |
| Where is the maintenance to the diving tower at Lambton? | As above | As above. |
| The deep pool and diving platforms are important facilities at Lambton Pool and should be included in any planning and priorities. | As above. | As above. |
| General | | |
| "I was disappointed to read the words War Memorial only once." | Noted. | The Strategy has been updated to use full official titles of CN's swimming centres where feasible. |
| Full, official names of CN's swimming centres should be used where possible. | Noted. | As above. |

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| <p>The Strategy is too high level, lacks detail about the works proposed, is "style over substance".</p> | <p>The Inland Pools Strategy 2043 is a 20-year strategic plan. Detailed planning and design work occurs following adoption.</p> | <p>No change required.</p> |
| <p>Consider revising the term Inland Pools Network Hierarchy, to Inland Pools Network Categories.</p> | <p>Noted.</p> | <p>Terminology updated.</p> |
| <p>Digit missing in Table 5 on for Stockton Swimming Centre cost estimate</p> | <p>Noted.</p> | <p>Table corrected.</p> |
| <p>Page 25, 224,000 people live within 15 minutes of Lambton Pool, while on Page 34 it states that the city provides five aquatic centres with an estimated population of 167,000 residents. Does this figure include people that live outside the LGA but are within 15 minutes of Lambton pool? Were residents that live outside of the LGA but are within 15 minutes of Beresfield and Stockton pools included those pool's figures?</p> | <p>Newcastle's Inland Pools Catchment Summary (Table 1) is based on population within a drive time of less than 5, 10 and 15 minutes from each of our swimming centres. In some cases, this catchment goes outside the Newcastle Local Government Area. The page with the demographics states the population of the Newcastle Local Government Area is 169,317.</p> | <p>No change required.</p> |

8.3. PUBLIC EXHIBITION OF DRAFT COMMUNITY ENGAGEMENT STRATEGY

REPORT BY: CREATIVE & COMMUNITY SERVICES
CONTACT: ACTING EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES / ACTING EXECUTIVE MANAGER MEDIA ENGAGEMENT ECONOMY & CORPORATE AFFAIRS

PURPOSE

To publicly exhibit the Draft Community Engagement Strategy (Strategy).

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 City of Newcastle (CN) is required to undertake community engagement under Section 402A of the Local Government Act 1993 (Act).
- 3 CN is committed to community engagement and recognises the value gained by engaging with the community in a genuine and meaningful way beyond statutory requirements.
- 4 The Strategy replaces the current City Marketing and Engagement Strategy (2018) and Community Engagement Policy (2018), providing one consolidated framework that articulates CN's commitment to actively seeking feedback from the community to support the development of its plans, policies, programs and key activities. The Strategy provides the directions and associated actions for:
 - i) informing community members about our plans and providing genuine opportunities to participate
 - ii) building trust with the community
 - iii) ensuring engagement activities are inclusive and accessible
 - iv) embedding community engagement into the way that we work and measure success.
- 5 The Strategy provides a commitment for how and when CN engages with the community, including seeking further engagement from hard to reach stakeholders such as those from culturally and linguistically diverse backgrounds.

FINANCIAL IMPACT

- 6 The costs to deliver the Strategy are met under CN's operational budget.

NEWCASTLE 2040 ALIGNMENT

- 7 The Strategy aligns with all strategic directions of the Newcastle 2040 Community Strategic Plan, and specifically:

Achieving Together

4.2. Trust and transparency

4.3 Collaborative and innovative approach

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 Public exhibition of the Strategy allows the community to review the document in conjunction in order to provide holistic feedback.
- 9 The actions in the Strategy will guide CN's approach to community engagement over the next four years.

RISK ASSESSMENT AND MITIGATION

- 10 Residents and stakeholders see community engagement as a vital function of CN and expect that their input be considered in Council's planning and decision making. There is considerable reputational risk associated with inadequate community engagement. The Strategy provides key directions and a framework around how community engagement will be managed by CN.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 25 September 2018 Council resolved to adopt the City Marketing and Engagement Strategy.

CONSULTATION

- 12 Early community feedback to inform the development of the Strategy included an online survey with 181 responses and a community workshop held in October 2022 with 72 participants.
- 13 Consultation with CN's Advisory Committees included workshops with the Access and Inclusion Advisory Committee on 17 November 2022, the Guraki Aboriginal Advisory Committee on 22 February 2023 and the Youth Council on 1 March 2023.
- 14 A Councillor workshop was conducted on 16 May 2023.
- 15 Community feedback from the public exhibition of the draft Strategy will be considered for the final Strategy and brought back to the Council for adoption.

BACKGROUND

- 16 Section 8A(3) of the Local Government Act 1993 (Act) states that Council should facilitate the provision of community input and feedback to enable the Council to make decisions and actively engage with their local communities.
- 17 Section 402A of the Act states that Council must establish and implement a strategy for engagement with the local community (called its Community Engagement Strategy) when developing its plans, policies and programs for the purpose of determining its activities (other than routine administrative matters). The Strategy should extend to all aspects of CN's community engagement and not just the Community Strategic Plan.
- 18 In 2021/22 CN undertook 22 community engagement projects hearing from more than 10,000 people on subjects including strategies and plans, infrastructure projects, and transport. This included the extensive community consultation undertaken on CN's Community Strategic Plan, where more than 5,000 community members participated in over 40 engagement activities, including listening posts, pop-up information stalls, surveys and workshops.

OPTIONS

Option 1

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

Option 2

- 20 Council resolves not to place the Strategy on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENT

Attachment A: Draft Community Engagement Strategy

Attachment A distributed under separate cover

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

REPORT BY: CORPORATE SERVICES
CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES AND
CHIEF FINANCIAL OFFICER / EXECUTIVE MANAGER
LEGAL & GOVERNANCE

PURPOSE

To table the Register of Disclosures of Interest (Register) for the period 1 February to 30 April 2023 received from designated persons in accordance with the Code of Conduct for Staff.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 City of Newcastle's (CN) Code of Conduct for Staff requires designated persons to lodge a Disclosure within three months of becoming a designated person or of becoming aware of a new interest that must be disclosed. Designated persons include the Chief Executive Officer (CEO), senior staff, or other CN staff designated because of their exercise of CN functions.
- 3 The CEO is required to table all lodged Disclosures at the first Ordinary Council Meeting held after the lodgment date.

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.2 Trust and Transparency

4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 The CEO is required to keep a Register which may be accessed by the public in accordance with the Government Information (Public Access) Act 2009 (GIPA Act).

RISK ASSESSMENT AND MITIGATION

- 7 Disclosures of interest are a key control in mitigating the failure to appropriately disclose and manage conflicts of interest.

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 23 February 2023, Council noted the tabling of the Register for the period 1 November 2022 to 31 January 2023.

CONSULTATION

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

BACKGROUND

- 10 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

Codes of Conduct

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

ATTACHMENTS

Attachment A - Register of Disclosures of Interest to be tabled.

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

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

PURPOSE

To seek a Council resolution to close a section of road reserve on John Street Wickham (Land) and sell the Land to the adjoining owner.

RECOMMENDATION

That Council:

- 1 Endorse the closure of the section of John Street Road reserve adjacent to Lot 123 DP 604315 (34 Robert Street Wickham).
- 2 Approve the sale of the 158m² Land show at **Attachment A** to the adjoining owner of Lot 123 DP 604315 for \$185,000.00 (plus GST).
- 3 Endorse the creation of an easement 2.5m wide for stormwater as shown at **Attachment B**.
- 4 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the dealings.
- 5 Endorse the sale revenue be transferred to City of Newcastle's 'Works Program: Specific Projects' internally restricted reserve.

KEY ISSUES

- 6 The road reserve adjoining 34 Robert Street, Wickham was created for road widening purposes and is no longer required.
- 7 The road closure is subject to approval by the Crown (NSW Department of Industry - Crown Lands and Water) and Ministerial consent, following Council's endorsement to partially close the road.
- 8 The adjoining owner, has agreed to consolidate the Land created by the road closure with 34 Robert Street, Wickham, once closed and transferred.
- 9 The Applicant will pay all costs associated with the closure and sale.
- 10 The proposed purchase price of \$185,000 (plus GST) is based on an independent valuation of the land following the road closure and has been agreed upon by all parties.

- 11 An underground stormwater pipe is located within the Land along the western boundary. An easement in City of Newcastle's (CN) favour of approximately 2.5 metres wide is required along the western boundary over the storm water pipe as shown at Attachment B.
- 12 Any development of the Land sold to the Applicant or any future owner would be subject to separate development consent.
- 13 The proposed road closure will be advertised for public comment. If any objections are received from a notifiable authority, the road closure cannot proceed, however, CN may appeal to the Land and Environment Court against a formal objection made by a notifiable authority.

FINANCIAL IMPACT

- 14 CN will receive \$185,000 (plus GST) from the closure and sale and all costs including legal, survey and service relocation will be borne by the applicants.
- 15 The revenue received by Council from the sale of the land is proposed to be transferred to CN's 'Works Program: Specific Projects' internally restricted reserve.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 16 The decision to close the underutilised road reserve and sell the land aligns with Council's Newcastle 2040 Community Strategic Plan under the strategic direction of 'Achieving Together'.

Achieving Together:

4.1.1 Financial Sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 17 The proposed road closure and sale is not prohibited under any existing planning instrument.
- 18 The road closure process involves public notification of the proposed road closure for 28 days and CN entering into a Deed of Agreement with the adjoining owner. The applicant is then required to arrange and provide a survey plan, lodge a Development Application and Subdivision Application at Council for endorsement of the road closure plan, thereby creating a separate lot for sale.
- 19 After endorsement and registration of the plan at the LRS, the Crown then publishes the closure in the NSW Government Gazette. After amendments to the title, the land will be sold to the applicant.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 21 Nil

CONSULTATION

- 22 The road closure will be advertised for public comment, for a period of 28 days, with the adjoining property owners and relevant authorities being notified directly.

BACKGROUND

- 23 A formal application has been submitted to Council by the adjoining owner to close and purchase the Land.
- 24 The road reserve adjoining 34 Robert Street, Wickham was created for road widening purposes and is no longer required.
- 25 CN has no operational objection to the Land being closed and sold to the adjoining owner as it is no longer required, subject to an easement being created for stormwater that currently passes under the road reserve.
- 26 The section of road reserve proposed to be closed and sold to the adjoining owner of 34 Robert Street Wickham is approximately 158m² (subject to final survey).
- 27 Neighboring properties of 35 Robert Street and 22 Annie Street have recently purchased similar road reserve parcels adjoining the properties that were no longer required for the road widening.

OPTIONS

Option 1

- 28 The recommendation as at Paragraph 1 – 5.

Option 2

- 29 Council resolves not to consent to the proposed closure, creation of an easement and subsequent sale of part of the road reserve adjoining 34 Robert Street. This is not the recommended option.

ATTACHMENTS

Attachment A: Aerial site diagram Robert Street Wickham

Attachment B: Approximate location of required Easement (Shown in Orange)

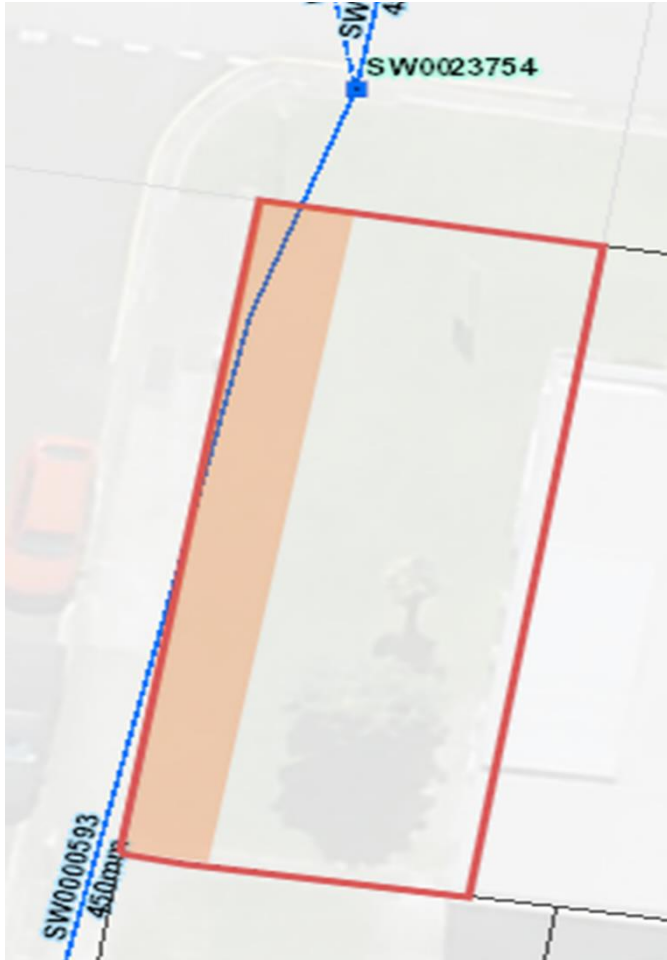
Attachment A

Aerial site diagram Robert Street Wickham



Attachment B

Approximate location of required Easement (Shown in Orange)



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

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

PURPOSE

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

RECOMMENDATION

That Council:

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

KEY ISSUES

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

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 NIL

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 14 Nil

CONSULTATION

- 15 NIL

BACKGROUND

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

OPTIONS

Option 1

19 The recommendation as at Paragraph 1 – 3.

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Aerial site diagram Cowper Street Wallsend

Attachment A



Key

Red: Land

Blue: Applicant

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

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

PURPOSE

To endorse the planning proposal, the Local Environmental Plan be made and finalise the Development Control Plan and Planning Agreement for the Lingard Hospital Precinct, Merewether.

RECOMMENDATION

That Council:

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

KEY ISSUES

Planning Proposal (**Attachment A**)

- 5 The planning proposal (PP) for the Lingard Hospital Precinct seeks to:
 - i) Reflect the current use of the whole Lingard Hospital Precinct (the whole precinct) by rezoning land at 23 Merewether Street, Merewether from R3 Medium Density Residential to SP2 Infrastructure (Health Services Facility) and land at 8 Lingard Street, Merewether from B5 Business Development to SP2 Infrastructure (Health Services Facility).
 - ii) Increase the maximum height of building (HOB) control from 10 metres to 18 metres at 23 Merewether Street and 8 Lingard Steet, Merewether. This amends the maximum height applicable to future development applications for the sites.

- iii) Remove the maximum floor space ratio (FSR) control of 0.9:1 at both 23 Merewether Street and 8 Lingard Steet, Merewether. This enables additional built form and floor space (subject to required setbacks and other related controls) across the whole precinct and is subject to a merit-based development assessment process.
- 6 The draft PP was exhibited from 27 June 2022 to 25 July 2022, and 12 submissions were received. A summary of the matters raised and CN's responses were provided to the Council Meeting held on 13 December 2022. Key issues predominantly relate to the proposed building height, proposed SP2 (Health Services Facilities) zone and removal of the floor space ratio.
- 7 Submissions raised concern for the potential bulk and scale of future development for the whole precinct, and general amenity impacts on surrounding residential area. Impacts to the transport network, car parking availability / management, local character, overshadowing, noise and privacy were raised. A Traffic, Transport and Parking Assessment responded to initial concerns and is attached to the planning proposal. The proposed public benefit and public domain works were questioned.
- 8 The Gateway Determination conditions are addressed and Council is able to exercise local plan making delegation to make the planning proposal.
- 9 The PP will amend the Newcastle Local Environmental Plan 2012 (NLEP 2012). Council is the Local Plan Making Authority. If adopted, CN will issue instructions for Parliamentary Counsel to draft the LEP made.

Development Control Plan (DCP) (Attachment B)

- 10 The three smaller precincts that make up the whole precinct are the Lingard Hospital, Kingsland, and Hopkins Street Precincts. The proposed development controls for these precincts guide bulk and scale, high quality urban design elements, materials and finishes sympathetic to the surrounding area and ensure traffic and access are addressed.
- 11 The DCP will guide future development for the precinct, capturing the hospital's role as a major health precinct, as identified in the Greater Newcastle Metropolitan Plan 2036. It aims to give clarity to the vision for the precinct while allowing flexible design solutions. There is an opportunity to refine it over time with any further master planning. The DCP now incorporates the indicative staging exhibited in the concept plan.

Planning Agreement (Attachment C)

- 12 The Planning Agreement (PA) and Explanatory Note (**Attachment C**) forms part of the planning package for Lingard Hospital.

- 13 It captures proposed public works /domain upgrades for the whole precinct and its surrounds to improve transport and recreation outcomes with a focus on greater connectivity and pedestrian amenity.
- 14 The developer, landowner and CN are parties to the PA. The aim is to have the PA entered into before the LEP Amendment is finalised. The PA aims to address applications where Council may not be the consent authority for the development.

Outcomes of public exhibition

- 15 The draft DCP and draft PA were exhibited from 15 December 2022 to 6 February 2023. Nine submissions were received.
- 16 A summary of the submissions received and CN's response are provided in **Attachment D**. The DCP aims to reduce impacts through design to address matters raised relating to LEP controls such as building height, floor space ratio and zoning.
- 17 Key issues raised in submissions on the DCP relate to bulk and scale, operational noise, visual impact, setbacks, amenity, existing built form, parking and traffic and construction noise. Concern about the lack of detailed master planning led to the DCP incorporating indicative staging.
- 18 The key issues relating to the PA relate to the need for intersection upgrades and supporting works, and the timing of public domain upgrades.

FINANCIAL IMPACT

- 19 CN's operational budget will fund the costs associated with finalising the planning package. Fees are collected to process planning instruments and agreements.

NEWCASTLE 2040 ALIGNMENT

- 20 The planning package aligns with the Newcastle 2040 Strategic Plan objectives as follows.

Liveable

- 1.1 Enriched neighbourhoods and places
- 1.2 Connected and fair communities
- 1.3 Safe, active and linked movement across the city

Creative

- 3.2 Opportunities in jobs, learning and innovation
- 3.4 Safe, active and linked movement across the city

Achieving Together

- 4.2 Trust and transparency
- 4.3 Collaborative and innovative approach

IMPLEMENTATION PLAN/IMPLICATIONS

- 21 The Planning Package implements land use planning priorities and actions of the following State and local land use strategies, plans and policies:

Greater Newcastle Metropolitan Plan

- i) Strategy 4: Grow health precincts and connect the health network

Newcastle Local Strategic Planning Statement including:

- i) Planning Priority 9: Sustainable, healthy and inclusive streets, neighbourhoods and local centres.
- ii) Planning Priority 10: Development responds to the desired local character of our communities.
- iii) Planning Priority 11: Protect and celebrate our heritage
- iv) Planning Priority 13: Grow our key health and education sectors.

RISK ASSESSMENT AND MITIGATION

- 22 The PA will be enacted with lodgement of development applications for development. Where Council is not the consent authority, CN will recommend works in accordance with the PA to be conditioned.

RELATED PREVIOUS DECISIONS

- 23 At the Ordinary Council meeting of 23 November 2021, Council resolved to amend NLEP 2012 and forward the PP to the Department of Planning, Industry and Environment (now DPE) for a Gateway Determination under Section 3.34 of the EP&A Act.
- 24 At the Ordinary Council meeting of 13 December 2022, Council resolved to receive and note submissions made during the exhibition period for the planning proposal, exhibit the draft PA and Explanatory Note and the draft DCP for the Lingard Hospital Precinct for 28 days and report on the exhibition outcomes.

CONSULTATION

- 25 The draft DCP and draft PA were exhibited from 15 December 2022 to 6 February 2023. Nine submissions were received. **Attachment D** provides a summary of submissions made with responses.
- 26 The draft PP and attachments were exhibited from 27 June 2022 to 25 July 2022. They were the subject of a separate report to Council in December 2022. In

response to the submissions received during that exhibition, the draft DCP was prepared for the whole precinct.

- 27 All Section 9.1 Ministerial Directions are satisfied. Due to recent flooding in NSW, the Department of Planning and Environment (DPE) is seeking independent advice on flood risk for PPs on flood effected land. The precinct is in a flood storage area and a hospital is a sensitive land use. That advice found the PP adequately addresses Section 9.1 Ministerial Direction 4.1 Flood Prone Land.

BACKGROUND

- 28 The Lingard Private Hospital began operating on the site in 1981. It provides a range of health services. The PP enables the hospital to expand its service and the DCP aims to guide the built form to ensure this is done sensitively.
- 29 The planning package reflects and guides the future use of the hospital precinct. It supports the desired outcome with planning mechanisms that enable this recognised health precinct to sensitively grow within this urbanised environment.
- 30 The PA facilitates the delivery of improved recreation and transport infrastructure within and near the Hospital Precinct.
- 31 The request to amend the LEP was formally lodged on 17 June 2020.
- 32 The PP was submitted to DPE for Gateway Determination on 13 January 2022.
- 33 On 17 March 2022, DPE issued Gateway Determination allowing the PP to proceed subject to conditions requiring changes before public exhibition. The conditions required the safety and efficiency of the transport network and impacts of the proposed bulk and building height on nearby heritage items and adjacent residential area to be considered and addressed flooding was further considered post exhibition due to flood enquiry and additional steps for consideration.
- 34 DPE issued a subsequent Gateway Determination extending the completion date to 1 June 2023 for this PP.

OPTIONS

Option 1

- 35 The recommendation as at Paragraph 1 – 4. This is the recommended option.

Option 2

- 36 That Council does not support the Planning Proposal. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Attachment A:** Planning Proposal – Lingard Hospital Precinct
- Attachment B:** Draft Development Control Plan – Lingard Hospital Precinct
- Attachment C:** Draft Planning Agreement – Lingard Hospital Precinct
- Attachment D:** Submissions Table

Attachments A – D distributed under separate cover

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

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

PURPOSE

To report on development variations approved between 1 January 2023 and 31 March 2023.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 Under clause 55 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), consent authorities may be notified that they may assume the Secretary of Department of Planning and Environment's (DPE) (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 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 16 Development Applications (DA) were determined between 1 January 2023 and 31 March 2023 that proposed a variation to a development standard as outlined in Table One below.

Table One

| Variation to Development Standard | Required Determining Authority | Number determined between 1 January 2023 and 31 March 2023 |
|---|--|---|
| 10% or less | Under delegation | 11 |
| Greater than 10% or a variation to a non-numerical development standard | Council or where appropriate the Regional Planning Panel | 5 |
| Total | | 16 |

- 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

7 NEWCASTLE 2040 ALIGNMENT

Liveable

1.1.1.1 Great spaces

1.1.2 Well-designed space

Achieving Together

4.2.3 Trusted customer experience

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 A report of all development approved variations has been submitted to the DPE and the register of all development variations has been updated on City of Newcastle’s (CN) website.
- 9 A report is tabled to Council each quarter detailing all approved applications with a development variation, in accordance with the requirements of the Secretary’s concurrence.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

Table Two

| Ordinary Council Meeting held | Period Contained in Report |
|-------------------------------|------------------------------------|
| 26 April 2022 | 1 January 2022 to 31 March 2022 |
| 23 August 2022 | 1 April 2022 to 30 June 2022 |
| 25 October 2022 | 1 July 2022 to 30 September 2022 |
| 28 February 2023 | 1 October 2022 to 31 December 2022 |
| 23 May 2023 | 1 January 2023 and 31 March 2023 |

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

Attachment A: Report on all approved development variations between 1 January 2023 and 31 March 2023

ATTACHMENT A

| DA reference number | Lot number | DP number | Street number | Street name | Suburb | Postcode | Category of development | Environmental planning instrument | Zoning of land | Development standard to be varied | Justification of variation | Extent of variation | Determination by | Date DA determined |
|---------------------|------------|-----------|---------------|-----------------|----------------|----------|-------------------------|-----------------------------------|----------------|-----------------------------------|---|---------------------|------------------|--------------------|
| DA2022 /00858 | 61 | 514841 | 94 | Rodgers Street | Carrington | 2294 | ResiAltAdd | LEP2012 | R2 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 20% | Council | 28/03/2023 |
| DA2022 /01390 | 99 | 111243 | 32 | Hall Street | Merewether | 2291 | ResiAltAdd | LEP2012 | R2 | Building Height | Not have unreasonable impact on amenity of the area | 2.4% | Council | 24/03/2023 |
| DA2022 /01196 | 6 | 793786 | 16 | Reay Street | Hamilton | 2303 | SubdivOnly | LEP2012 | R3 | Lot Size | Consistent with the aims of Clause 4.1 of NLEP2012 | 50.5% | Council | 24/03/2023 |
| DA2022 /01196 | 6 | 793786 | 16 | Reay Street | Hamilton | 2303 | SubdivOnly | LEP2012 | R3 | Lot Size | Consistent with the aims of Clause 4.1 of NLEP2012 | 50.7% | Council | 24/03/2023 |
| DA2022 /00611 | 1 | 908106 | 37 | Stevenson Place | Newcastle East | 2300 | ResiAltAdd | LEP2012 | R3 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 26% | Council | 23/03/2023 |
| DA2022 /01360 | B | 396620 | 9 | Rose Street | Merewether | 2291 | ResiSingle | LEP2012 | R2 | Building Height | Not have unreasonable impact on amenity of the area | 1.55% | Council | 24/02/2023 |
| DA2022 /00438 | 82 | 585741 | 13 | Wilton Street | Merewether | 2291 | ResiSingle | LEP2012 | R2 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 28% | Council | 22/02/2023 |

| DA reference number | Lot number | DP number | Street number | Street name | Suburb | Postcode | Category of development | Environmental planning instrument | Zoning of land | Development standard to be varied | Justification of variation | Extent of variation | Determination by | Date DA determined |
|---------------------|------------|-----------|---------------|-------------------|-------------------|----------|-------------------------|-----------------------------------|----------------|-----------------------------------|---|---------------------|------------------|--------------------|
| DA2022 /01044 | 9 | 203250 | 42 | Faul Street | Adamstown Heights | 2289 | ResiSingle | LEP2012 | R2 | Building Height | Achieves underlying objectives of height control | 4.34% | Council | 22/02/2023 |
| DA2022 /00634 | 28 | 70 | 13 | Margaret Street | Mayfield East | 2304 | ResiMulti | LEP2012 | R2 | Floor Space Ratio | Achieves underlying objectives of FSR Control | 5.50% | Council | 20/02/2023 |
| DA2022 /00422 | 909 | 1226399 | 73 | Churnwood Drive | Fletcher | 2287 | ResiMulti | LEP2012 | R2 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 8.60% | Council | 20/02/2023 |
| DA2022 /00967 | 4 | 1123622 | 218 | Maitland Road | Islington | 2296 | ResiSingle | LEP2012 | R4 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 9.6% | Council | 20/02/2023 |
| DA2022 /01066 | 7 | 5062 | 50 | Estell Street | Maryville | 2293 | ResiSingle | LEP2012 | R2 | Floor Space Ratio | Achieves underlying objectives of FSR Control | 8.80% | Council | 20/02/2023 |
| DA2022 /00714 | 50 | 111244 | 13 | Curry Street | Merewether | 2291 | ResiAltAdd | LEP2012 | R2 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 7.1% | Council | 20/02/2023 |
| DA2022 /00771 | 3 | 2691 | 32 | Gipps Street | Carrington | 2294 | ResiAltAdd | LEP2012 | R2 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 9.67% | Council | 20/02/2023 |
| DA2022 /01008 | 1 | 199549 | 58 | Merewether Street | Merewether | 2291 | ResiSingle | LEP2012 | R2 | Building Height | the underlying objectives of the HOB control have been achieved | 2.40% | Council | 20/02/2023 |
| DA2022 /00905 | 4 | 1406 | 2 | Buxton Street | Adamstown | 2289 | ResiSingle | LEP2012 | R2 | Floor Space Ratio | Not have unreasonable impact on amenity of the area | 9.24% | Council | 10/02/2023 |

8.9. MARCH QUARTERLY BUDGET REVIEW

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

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 31 March 2023, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 The March Quarterly Budget Review Statement includes adjustments to the Adopted Budget to reflect trends identified in the actual operating performance to date for the 2022/23 financial year. The operational budget variations have a net favorable impact of \$5.7m on CN's operating position and forecasts an annual budget surplus of \$13.4m for the year ended 30 June 2023.
- 3 The adjustments recommended through the March Quarterly Budget Review Statement require CN to use \$5.3m less funds than previously predicted. CN is now forecasting to transfer \$25.5m to cash reserves for the full financial year 2022/23 and is forecast to maintain \$25.6m in unrestricted cash reserves at 30 June 2023.
- 4 The 2022/23 works program was reviewed as part of the March Quarterly Budget Review Statement and scheduling changes were made to projects to ensure CN was best placed to respond to community priorities. Overall, the scheduling changes result in a decrease in the total cost of the works program of \$0.7m. The works program for the full financial year is forecast at \$117.3m, which is an investment spend never previously achieved by CN within a single financial year.

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving together

4.1.1 Financial Sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

- 8 Adoption by Council at the Ordinary Council Meeting to be held on 23 May 2023 will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

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

CONSULTATION

- 10 A workshop was conducted with Councillors on 16 May 2023 to provide detailed information and a forum to ask questions.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: March Quarterly Budget Review Statement

Attachment A distributed under separate cover

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

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

PURPOSE

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

RECOMMENDATION

That Council:

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

KEY ISSUES

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

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 25 January 2022, Council adopted *Newcastle 2040*.
- 9 At the Ordinary Council Meeting on 28 June 2022 Council resolved to adopt the 2022-23 *Delivering Newcastle 2040* (2022-26 Delivery Program and 2022-23 Operational Plan).

CONSULTATION

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

BACKGROUND

- 11 CN's 2022-23 *Delivering Newcastle 2040* (2022-2026 Delivery Program) aligns with the CSP's four strategic directions adopted by Council on 26 April 2022. The report is the first to report our progress against *Newcastle 2040* and *Delivering Newcastle 2040*.
- 12 A Delivery Program is required to be prepared every four years following a local government election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are required to be reviewed annually and adopted by 30 June.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

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

Attachment A distributed under separate cover

8.11. EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2022/23 Operational Plan as at the end of April 2023.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 At the end of April 2023 the consolidated YTD actual operating position is a surplus of \$32.0m which represents a positive variance of \$27.5m against the budgeted YTD surplus of \$4.6m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full budget for 2022/23 is a surplus of \$7.7m.
- 3 The net funds generated as at the end of April 2023 is a surplus of \$52.1m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$16.5m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of April 2023 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Achieving Together

4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report – April 2023

Attachment A distributed under separate cover

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

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

PURPOSE

To accept a tender for the Lambton Pool Grandstand Upgrade in accordance with Contract No. 2023/065T.

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 Lambton Pool Grandstand Upgrade for Contract No. 2023/065T.

- 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 CN being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 The tender is for the construction of a new reinforced concrete grandstand beneath the existing grandstand roof at Lambton Park War Memorial Swimming Centre (Lambton Pool).

Contract Term

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

Advertising of Tenders

- 4 The tender was advertised nationally on the TenderLink website on Wednesday, 5 April 2023.

Tenders Received

- 5 Tenders closed at 2pm on 9 May 2023. Tender submissions were received from:
- i) Weyn Constructions Pty Ltd,
 - ii) Cerak Constructions Pty Ltd,
 - iii) Precise Build Pty Ltd, and
 - iv) Duratec Limited.

Evaluation Process

- 6 The tenders were assessed against the following criteria:
- i) Tender Price 50%
 - ii) Contract Program 15%

- iii) Referees/Previous Experience 20%
- iv) Supplier Diversity 5%
- v) Work Health and Safety 5%
- vi) Environmentally Sustainable Development 5%

- 7 The tenders were assessed by a Tender Assessment Panel of City of Newcastle (CN) officers. The panel was selected based on experience and knowledge of the project.
- 8 Probity oversight was provided by CN's Contracts team, who were present during all panel meetings and included in all relevant correspondence in accordance with CN's Procurement Policy.

Recommended Tenderer

- 9 The recommended tenderer is a Newcastle based construction company. They presented a sound methodology, which was supported by their detailed construction program and relevant project experience. They were able to demonstrate a clear understanding of the project specification and their ability to complete the works to a high level of quality and safety.

FINANCIAL IMPACT

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

IMPLICATIONS

Policy Implications

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

Livable

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Great spaces
 - 1.1.2 Well-design places
- 1.2 Connected and fair communities
 - 1.2.2 Inclusive communities
 - 1.2.3 Equitable communities
 - 1.2.4 Healthy communities

- 12 The project aligns with CN's Inland Pool Strategy 2043.

Environmental Implications

- 13 The recommended tenderer has an environmental management system, which is certified to the relevant Australian Standard. This environmental management system will address environmental risks associated with construction activities.

All contractors are required to comply with CN's work health safety and environmental requirements during the project delivery.

IMPLEMENTATION

- 14 Works are scheduled to be undertaken during the winter pool closure period extending from June to late September 2023.
- 15 The northwestern access road to the rear of Lambton Pool will have restricted access during construction works.

CONSULTATION/COMMUNICATION

- 16 Communication with key user groups and local residents has been in the form of onsite signage, letter box drop, a dedicated webpage and engagement activates via CN's social media and communication channels.

BACKGROUND

- 17 In June 2022, CN commissioned a structural integrity report on the existing Lambton Pool concrete grandstand. The report identified the 60-year-old grandstand was no longer fit for purpose or safe due to concrete cancer. Key recommendations from the report included ceasing access to the bleacher seating, and for the concrete grandstand to be demolished.
- 18 In response, and as an interim measure, CN prevented access to the existing grandstand and temporary tiered seating was installed for continued use by pool users. A Development Application was approved on 26 April 2023 for the demolition of the existing grandstand and construction of the new grandstand, noting the existing roof structure is to be retained.
- 19 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

23 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

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

ATTACHMENTS

Attachment A: Confidential Recommendation

Attachment B: Confidential Tender Evaluation Matrix - Summary

(Refer Confidential Ordinary Council meeting agenda 23/05/2023 for Attachments A and B)

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

To be distributed under separate cover.

9. NOTICES OF MOTION

9.1. REQUEST TO RELEASE CLIMATE SECURITY REPORT

COUNCILLOR: C MCCABE

PURPOSE

The following Notice of Motion was received on Thursday 11 May 2023 from the abovementioned Councillor.

MOTION

That City of Newcastle

- 1 Notes that the Office of National Intelligence has prepared a Climate Security Report
- 2 Notes that the climate crisis is the biggest security threat to our nation and that last month, former defence leaders called on the federal government to release this report.
- 3 Notes that the US Pentagon (Department of Defence) and the UK governments have released similar climate security assessments.
- 4 Writes to the Prime Minister, Anthony Albanese, and the Minister for Defence, the Honourable Richard Marles, requesting that the government urgently releases the declassified version of the Report

BACKGROUND

In April 2023, former Australian defence force chief Chris Barrie, speaking on behalf of the Australian Security Leaders Climate Group, said the Office of National Intelligence handed over an "external" climate report into the national security risks posed by climate change to the government last year and urged the government to release the report.

National debate about defence priorities has not included the pressing concern of security impacts caused by climate change both nationally and in our region.

Climate change amplifies the risk of conflict and war, and dramatically increased refugee populations as a result of sea level rise, increased natural disasters and famine.

ATTACHMENTS

Attachment A: **'Rising to the Challenge: Addressing Climate and Security in our Region' Climate Council, 2021**

<https://www.climatecouncil.org.au/resources/climate-security-region/>

Attachment B: **'Former defence leaders urge government to release report into national security risks posed by climate change', Stephen Dziedzic, ABC News, 5th April, 2023**

<https://www.abc.net.au/news/2023-04-05/government-urged-to-release-climate-change-security-risks-report/102191106>

Attachment C: **U.S. National Intelligence Estimate on Climate Change Report 2021**

<https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2021/item/2253-national-intelligence-estimate-on-climate-change>

Attachment D: **'Bigger threat than China: Defence leaders urge the release of 'scary' climate report', Matthew Knott, 5th April 2023, The Age**

<https://www.theage.com.au/politics/federal/bigger-threat-than-china-defence-leaders-urge-release-of-scary-climate-report-20230404-p5cxuf.html>

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

COUNCILLOR: J BARRIE

PURPOSE

The following Notice of Motion was received on Wednesday 5 May 2023 from the abovementioned Councillor.

MOTION

That City of Newcastle write to property owners in the Hunter Street Mall precinct and throughout the Newcastle City "Special Business Rated" commercial area requesting for them to remove unsightly graffiti and to clean their shop/business/building premises and request regular ongoing cleaning of footpaths throughout the central business area. There will be approximately a 3-year construction timeframe of major development and disruption causing more dirt, dust and debris in this high profile area which will need constant maintenance schedules in a collective and collaborative approach to ensure the iconic inner city area is regularly visited by tourists, day and night-time visitors, shoppers, and for the benefit and well-being of Newcastle residents who live in the City and City East precincts.

Notes City of Newcastle writes to Telstra, Ausgrid and other organisations who have utilities that have been attacked in the Hunter Street Mall and Central Business District to remove all graffiti.

Notes City of Newcastle Economic Development investigate options to assist business development to retain existing businesses, retailers, cafes throughout the next 3-year period when major city shaping projects are constructed to prevent retail leakage. In April, three retailers closed their doors in the mall, reducing foot traffic to the area. Review past retail shop front place activation strategies for example the Renew Newcastle project to stimulate and re-activate empty premises.

Notes write to Tim Crakanthorp MP, Minister for the Hunter to request information on available funding for a business retention survey and for place activation and wayfinding projects due to the high visitation in this area regularly from tourists and day visitors into the area from Queens Wharf, overseas and national visitors off Cruise Ships, Conference delegates, and residents who have invested in new apartments and are currently living and looking at a very ugly city streetscape.

BACKGROUND

On Sunday, 16 April when hundreds of people were in the Newcastle CBD and at the finish line of the Newcastle Marathon in the Queens Wharf vicinity, as a Councillor I walked with throughout the Hunter Street Mall and from Newcastle East, Pacific Street to Darby Street, with a very concerned resident who has lived in the area for the past 20 years.

This Newcastle City resident has gained support from residents who are embarrassed and despondent due to the decline of the Hunter Street Mall area and surrounding streets for a collaboration under the leadership of the City of Newcastle to coordinate a major clean-up campaign of Newcastle CBD streets.

Notes that the City of Newcastle work with the City/Darby Street BIA, property, and business owners to clean up the city due to its poor presentation over the past few months of decline.

Notes the City/Darby Street Business Improvement Association are staging future discussions with Iris Capital with regards to the planned demolition of buildings in the Hunter Street Mall that have been vandalised, including squatters who set fire to the St Marks Church on Easter Sunday, a major drug raid by police, creating a "hotspot" for the escalation of criminal activity. Future hoarding around the Iris Capital building sites and other construction sites be utilised as a graffiti crime prevention zone collaborating with stakeholders for art based and Newcastle pictorial projects.

Notes the City/Darby Street Business Improvement Association are meeting in June with Newcastle Police Local Area Commander to discuss a "Business Beats" crime prevention strategy as has been operating in Hamilton and Hamilton South.

ATTACHMENTS

Attachment A: Photographs of CBD / Hunter Street Mall







9.2.1. REPORT ON NOTICE OF MOTION – NOM 23/05/23 – NEWCASTLE CITY CBD – VANDALISM – GRAFFITI ATTACKS – CRIME PREVENTION – BUSINESS RETENTION – REVIEW OF MAINSREET ECONOMIC DEVELOPMENT THROUGHOUT CITY CONSTRUCTION – 3 YEARS – 2023-2026

To be distributed under separate cover.

10. CONFIDENTIAL REPORTS

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

10.2. PROPOSED ACQUISITION OF PROPERTY

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

(Refer Confidential Ordinary Council Meeting 23/05/2023 for Confidential items)