



City of
Newcastle



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 28 May 2019

TIME: 5.30pm

VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

**City Administration Centre
282 King Street
NEWCASTLE NSW 2300**

24 May 2019

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ORDINARY COUNCIL MEETING 28 May 2019

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

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 9 APRIL 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190409 Public Voice Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 9 April 2019 at 5.30pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, B Luke, J Mackenzie, A Robinson, A Rufo and E White.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), F Leatham (Director People and Culture), A Murphy (Director City Wide Services), J Vescio (Executive Officer, Chief Executive Office), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), M Murray (Policy Officer, Lord Mayor's Office), A Knowles (Council Services/Minutes) and J Redriff (Council Services/Webcast).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Duncan

The apologies submitted on behalf of Councillors Elliott and Winney-Baartz be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PV 09/04/19 - DA2018/00707 - 17 BRIEN STREET THE JUNCTION - DEMOLITION OF DWELLING AND OUTBUILDING, ERECTION OF TWO STOREY DWELLING AND ASSOCIATED SWIMMING POOL

Ms Elaine Bull and Mr Steve McEvoy addressed Council and outlined concerns and objections to the development application.

Mr Wesley Wilson, Wilson Planning on behalf of the DA applicant addressed Council in support of the development application.

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**ITEM-2 PV 09/04/19 - DA2018/01188 - 37 BOREAS ROAD HAMILTON NORTH
- CHANGE OF USE OF SHOP TO DWELLING**

Ms Jodie Morris, the DA applicant, addressed Council in support of the development application.

The meeting concluded at 6.39pm.

MINUTES - ORDINARY COUNCIL MEETING 16 APRIL 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190416 Ordinary Council Meeting

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 16 April 2019 at 5.30pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan (*retired 5.34pm*), J Dunn (*arrived 5.40pm*), K Elliott (*retired during confidential session*), B Luke, J Mackenzie, A Robinson (*arrived 5.33pm/retired unknown*), E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Murphy (Director City Wide Services), E Kolatchew (Manager Legal), A Jones (Chief Financial Officer), J Vescio (Executive Officer, Chief Executive Office), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), D Mills (Media Officer), M Goff (Budget Accounting Officer), A Goodwin (Finance Business Partner), C Cleary (Finance Business Partner), S Moore (Manager Business Partnering), K Arnott (Corporate Strategist), W Carmichael (Manager Service Design and Customer Experience), B Elliott (Digital Services Innovation), R Dudgeon (Project Management Coordinator), I Challis (Contracts Management Specialist), A Vine (Acting Manager Assets and Projects), A Knowles (Council Services/Minutes) and A Leach (Council Services/Webcast).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

The apology submitted on behalf of Councillor Rufo be received and leave of absence granted.

Carried

Councillor Duncan notified the Lord Mayor that she was required to leave the meeting due to a family matter.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Luke

Leave of absence granted to Councillor Duncan.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 26 - Executive Monthly Performance Report as it included the re-investment Surplus Funds Report which mentions multiple financial institutions that he had dealing with in his business.

Councillor Clausen

Councillor Clausen declared a significant non-pecuniary interest in Item 19 - Clean Seas Seabin Initiative stating it references his employer and he would leave the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 26 MARCH 2019

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

Carried

LORD MAYORAL MINUTE

ITEM-6 LMM 16/04/19 - NSW ELECTION RESULTS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges the re-election of the Premier, the Hon. Gladys Berejiklian MP, and the NSW Liberal National Government, following the 23 March 2019 poll;
2. Notes significant changes in portfolio responsibilities for a number of Minister's, including new Minister for Planning, the Hon. Rob Stokes MP, and new Minister for Local Government, the Hon. Shelley Hancock MP;
3. Notes that Minister Stokes holds portfolio responsibility for all Planning, Local Government, Environment and Crown Lands legislation (179 Acts in total) including the Environmental Planning and Assessment Act, Local Government Act, Growth Centres (Development Corporations) Act (which includes HCCDC), Crown Lands Management Act, Housing Act, National Parks and Wildlife Act, Coastal Management Act, Protection of Environment Operations Act);
4. Congratulates the following local Hunter Members of Parliament on their re-election:
 - Tim Crakanthorp MP, Member for Newcastle
 - Sonia Hornery MP, Member for Wallsend

- Jodie Harrison MP, Member for Charlestown
 - Kate Washington MP, Member for Port Stephens
 - Jenny Aitchison MP, Member for Maitland
 - Yasmin Catley MP, Member for Swansea
 - Clayton Barr MP, Member for Cessnock
 - Greg Piper MP, Member for Lake Macquarie
 - Michael Johnsen MP, Member for Upper Hunter
5. Notes with disappointment the decision to abolish the position of Parliamentary Secretary for the Hunter and writes to the NSW Premier, advocating for the re-creation of a dedicated Minister for the Hunter;
6. Commits to continuing our collaborative working relationship with the NSW Government, the NSW Opposition to include cross bench and Independent Members of the NSW Parliament for the benefit of the people of the City of Newcastle.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-32 CCL 16/04/19 - ROBEY STREET, MEREWETHER - PROPOSED ONE WAY AND PARKING RESTRICTIONS

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Approves the proposed parking restrictions and one-way traffic signage on Robey Street, Merewether as shown at **Attachment A**.

**Carried
unanimously**

ITEM-26 CCL 16/04/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the Executive Monthly Performance Report for March 2019.

Carried

ITEM-27 CCL 16/04/19 - EXHIBITION OF CODE OF MEETING PRACTICE

MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

- 1 Places the draft Code of Meeting Practice (**Attachment A**) on public exhibition for the period 20 April 2019 to 1 June 2019.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That the Draft Code of Meeting Practice lays on the table until further information is obtained regarding the status and role of the Office of Local Government (OLG), noting that the Minister for Planning is presently responsible for the administration of the Local Government Act and that under the recent Machinery of Government changes the OLG has been abolished.

Carried

ITEM-28 CCL 16/04/19 - 41 AND 47 THROSBY STREET, WICKHAM - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012 AND PROPOSED PLANNING AGREEMENT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Endorses the Planning Proposal (**Attachment A**) prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
- 2 Forwards the Planning Proposal to the Department of Planning and Environment (DPE) seeking Gateway Determination pursuant to Section 3.34 of the EP&A Act.
- 3 Prepares a draft Planning Agreement, as per section 7.4 of the EP&A Act, consistent with the terms outlined in the attached Letter of Offer from Fidem Property Group (proponent) (**Attachment B**).
- 4 Exhibits the draft Planning Agreement for a period of 28 days, subject to Gateway approval of the aforementioned Planning Proposal.
- 5 Receives a report back on the outcomes of the public exhibition of both the Planning Proposal and draft Planning Agreement.

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Church

That Item 28 lays on the table until a public briefing is held on the proposal, the public benefit and principles of value capture.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Clausen, Dunn, Elliott, Robinson, White and Winney-Baartz.

Against the Motion: Councillors Luke and Mackenzie.

Carried

**ITEM-29 CCL 16/04/19 - EXHIBITION OF AMENDMENTS TO DRAFT S7.12
NEWCASTLE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN
2019**

When moving the motion Councillor Clausen foreshadowed an additional substantive motion.

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council resolves to:

- 1 Place the draft Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (**Attachment A**) on exhibition for a minimum of 28 days.
- 2 Receive a report back to Council following exhibition.

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

Against the Motion: Councillors Church, Elliott, Luke, Mackenzie and Robinson.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

- 1 That Council notes Section 8 of the Draft Infrastructure Contribution Plan, and confirms its expectation that the proposed Honeysuckle Public Domain Plan incorporates principles that are consistent with the standards set within Council's adopted West End Public Domain Plan and City Centre Public Domain Plan.

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- 2 That, while the draft Plan is on exhibition, a workshop is held with the Hunter and Central Coast Development Corporation (HCCDC) on their proposed Honeysuckle Public Domain Plan, and including plans for protection of the Wickham School of the Arts as a remnant of the original Honeysuckle village.

Carried

ITEM-30 CCL 16/04/19 - ADOPTION OF THE LIVE MUSIC STRATEGY 2019-2023

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- A Adopts the Live Music Strategy 2019-2023 (Strategy) as provided at **Attachment A**.
- B That Council refers the Live Music Strategy to the Strategy and Engagement Advisory Committee to implement the establishment of an entertainment precinct to achieve the aims and action plan items.

PROCEDURAL MOTION

Moved by Cr Elliott, seconded by Cr Church

Council vote on parts A and B in seriatim.

Defeated

The motion moved by Councillor Clausen and seconded by Councillor Winney-Baartz was put to the meeting.

**Carried
unanimously**

ITEM-31 CCL 16/04/19 - PUBLIC EXHIBITION OF THE 2019/20 OUR BUDGET (OPERATIONAL PLAN AND DELIVERY PROGRAM)

MOTION

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

That

- 1 Council resolves to place the draft 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan) as at **Attachment A** and the draft 2019/20 Fees and Charges Register as at **Attachment B** on public exhibition for at least 28 days prior to final consideration by Council.

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For the Motion:

Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Dunn, Elliott, Mackenzie, Robinson, White and Winney-Baartz.

Against the Motion:

Councillors Church and Luke.

Carried

ITEM-33 CCL 16/04/19 - ADOPTION OF THE LIBRARY STRATEGY 2019-2029

MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Library Strategy 2019-2029 (**Attachment A**).

**Carried
unanimously**

ITEM-34 CCL 16/04/19 - NEWCASTLE BIA REVIEW - STAGE 2 - PUBLIC EXHIBITION

MOTION

Moved by Cr White, seconded by Cr Byrne

That Council:

- 1 Place Business Improvement Associations (BIAs) in Newcastle Implementation Report on public exhibition for a period of 28 days.
- 2 Invite presentations from members of the community to the Public Voice Committee meeting on 21 May 2019.

Carried

NOTICES OF MOTION

ITEM-15 NOM 16/04/19 - EXCLUDED

The Chief Executive Officer reported to Council on the item as per reasons listed in the business papers, stating:

"Clause 19.5 of the Code of Meeting Practice provides:

The CEO must not include in the agenda for any Meeting any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business (or the implementation of the business would be) unlawful".

Under the Model Code of Meeting Practice, I am required to report any exclusions to the next Council meeting without giving details of the item of business.

I reported my decision to exclude a Notice of Motion from the agenda via Memo and a notification of on the agenda, in my opinion, the implementation of the excluded notice of motion would be unlawful because it would disclose information that would breach commercial in confidence and confidentiality obligations to third parties. Third party consultation would be necessary under the *Government Information (Public Access) Act 2009* also known as GIPA."

ITEM-16 NOM 16/04/19 - LOCAL PLANNING MATTERS

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That City of Newcastle:

- 1 Notes that since 2013, the elected Council through the DAC has determined just 79 development applications. This represents just 1% of the total number of applications assessed by Council, and 7% (\$306m) of the total value of applications assessed by Council.
- 2 Confirms its position that Council, and its officers under delegation, should be the decision maker for planning matters that are not subject to determination by the Hunter and Central Coast Regional Planning Panel or the Minister for Planning.
- 3 Formally opposes the forced introduction of a mandatory IHAP for Newcastle, especially without consideration of the impacts on neighbouring councils in Greater Newcastle and the broader Hunter.
- 4 Writes to the incoming Minister for Planning, the Hon Dr Rob Stokes MP, and local State Members of Parliament requesting the Government reconsider its commitment to enacting Recommendation 3 of the Kaldas Review of Governance in the NSW Planning System, which would see a mandatory IHAPs installed in Newcastle.
- 5 Endorses the use of other measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office, and ensuring a well-resourced Independent Commission Against Corruption.

AMENDMENT

Moved by Cr Church, seconded by Cr Elliott

That paragraph 5 be amended to remove reference to property developers and real estate agents.

Defeated

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

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For the Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Dunn, Mackenzie, White and Winney-Bartz.

Against the Motion: Councillors Church, Elliott, Luke and Robinson.

Carried

ITEM-17 NOM 16/04/19 - SHIFTING THE CITY OF NEWCASTLE TO 100% RENEWABLE ENERGY

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That the City of Newcastle

- 1 Notes the progress on the Summerhill 5MW Solar Farm, and the significant contribution this construction makes to Council's extensive renewable energy generation infrastructure, including our eight existing solar installations at our Waratah Works Depot (91kW), the Art Gallery (86kW), City (44kW), Wallsend (80kW) and New Lambton (9.9kw) libraries, No.1 and No.2 Sportsgrounds (10.2 kW including 14kWh battery storage and 20.16 kW including 22kWh battery storage respectively) and Newcastle Museum (100kW), alongside the 2.2MW landfill gas generator and the 2.5kW wind turbine located at Summerhill Waste Management Facility.
- 2 Notes the extensive energy efficiency gains made by the Council under our commitment under the Cities Power Partnership, including the progressive replacement of sodium and mercury vapour street lights in residential areas with LEDs, saving around 10 per cent of Council's entire annual electricity usage.
- 3 Notes that the combination of renewable energy generation and energy efficiency improvements means that approximately 50% of Council's annual 14.1 gigawatt-hours of electricity usage is supplied by renewable energy.
- 4 Prepare a report, including a business case, for the consideration of Councillors on the cost of expanding to 100% of the electricity used across Council's operations produced from renewable sources, through a combination of Council produced renewable electricity from our own facilities, and purchased renewable electricity sourced from generators and suppliers in the market. The business case should compare the case for achievement of 100% renewable energy under an immediate, a 2025 and a 2030 scenario.

AMENDMENT

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

- 4 Commences the review of the City of Newcastle's 2000 Carbon and Water Management Action Plan, including an assessment of the feasibility costs, social impacts and benefits associated with 100 percent of the City's operational electricity being produced from renewable energy sources.

- 4.1 Assesses the impact that the City's electricity supply being from 100 per cent renewable sources will have on jobs in Newcastle and the Hunter, particularly in the mining, resources, power generation, electricity, transport and maritime industries and on local small businesses, the renewable energy sector and the local health sector.
- 4.2 Consults with relevant industry, community groups and trade unions regarding the impact of 100 percent of the City's operational electricity being produced from renewable energy sources.
- 4.3 Ensures that rigorous Just Transition best-practice principles are adhered to, when considering the impact of any changes to the city's energy and electricity supply, noting that, if elected, a Federal Labour Government will establish an independent Just Transition Authority to help plan for and co-ordinate the energy transition and diversification across the nation.

Carried

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

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Clausen, Dunn, Robinson, White and Winney-Bartz.

Against the Motion:

Councillors Church, Elliott and Luke.

Carried

ITEM-18 NOM 16/04/19 - GREEN ROOFS, GREEN WALLS AND LIVING BUILDINGS

MOTION

Moved by Cr Mackenzie, seconded by Cr White

That the City of Newcastle

- 1 Develop a policy to support an increase in the installation of green roofs, green walls and living building features in the City of Newcastle local government area.
- 2 Based on the policy, prepare a Living Buildings Implementation Plan which sets out the context for the policy as well as the specific actions Council will take to ensure the policy is effectively implemented, including a detailed list of actions and timeframes. The implementation plan should include actions to:
 - a) Identify and address barriers to the adoption of green roof, green wall and living building technology;
 - b) Collaborate with the design community, industry and other stakeholders in the promotion of living buildings, and develop appropriate information and educational materials for the community about green roofs and walls;
 - c) Amend the s7.02.06 Green walls and roof space of the Newcastle DCP as required to meet current best-practice design

- d) Develop guidance and guideline resources that will fill gaps in technical and general information
 - e) Identify opportunities to install green roofs and walls on Council properties;
 - f) Monitor, evaluate and report on progress.
- 3 That this motion is referred to the Liveable Cities Advisory Committee to consider amendments to Part 7 Clause 7.5 of the Newcastle Local Environment Plan to include the provision of green roofs, green walls and other living building features as matters for consideration for design excellence.

**Carried
unanimously**

ITEM-19 NOM 16/04/19 - CLEAN SEAS SEABIN INITIATIVE

Councillor Clausen left the Chamber for discussion on the item.

MOTION

Moved by Cr Byrne, seconded by Cr Dunn

That City of Newcastle:

- 1 Notes our recent endorsement of the UN Environment Clean Seas campaign which will see the phase out of all single-use plastic from City-managed enterprises, activities and events by 2020;
- 2 Acknowledges recent successful technological advances in ocean plastic removal, such as the Seabin Foundation Initiative, whose Seabin prototype is removing tonnes of floating rubbish from our oceans;
- 3 Explores partnerships with Newcastle Cruising Yacht Club, the Port of Newcastle, the Port Authority of NSW, Transport – Roads and Maritime Services and Hunter Water as well as industry and the community, to establish a plastic and rubbish removal initiative in Newcastle Harbour and Throsby Creek.

**Carried
unanimously**

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

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Winney-Baartz

Council move into confidential session for the reasons outlined in the business papers.

Carried

Council moved into confidential session at 8.06pm.

During confidential session:

- Council Services distributed Confidential Item 1 - Tender Report - 12 Stewart Avenue Office Fit-Out - Contract 2019/280T to Councillors and staff and collected the report at the conclusion of the item.
- The Lord Mayor allowed Councillors sufficient time to read the report.
- Councillor Elliott declared a significant interest in Confidential Item 1 - Tender Report - 12 Stewart Avenue Office Fit-Out - Contract 2019/280T as one of the submitters listed in the report was a client of hers and left the Chamber and did not return prior to the conclusion of the meeting.

PROCEDURAL MOTION

Moved by Cr Dunn, seconded by Cr Winney-Baartz

Council move back into open session.

Carried

Council reconvened in open session at 9.17pm and the Chief Executive Officer reported the resolutions of confidential session.

ITEM-1 CON 16/04/19 - TENDER REPORT - 12 STEWART AVENUE OFFICE FIT-OUT - CONTRACT 2019/280T

MOTION

Moved by Cr Dunn, seconded by Cr Clausen

That Council:

- 1 Accept the tender of Graphite Projects Pty Ltd in the amount of \$8,232,387.73 (excluding GST) for the fit-out of 12 Stewart Avenue Office and Council Chamber for Contract No. 2019/280T.
- 2 Note a payment of \$372,256.50 (excluding GST) will be reimbursed to City of Newcastle from the lessor for the purpose of purchasing and installing carpet under this Construction Management fit-out contract and therefore has the effect of offsetting the fit-out cost by \$372,256.50.
- 3 Note that an interim Probity Audit Report contains an opinion that a qualified Tender Assessment Panel followed a consistent and transparent tender process in accordance with City of Newcastle's documented tender procedures and the requirements of the Local Government (General) Regulation 2005, Part 7 Tendering.
- 4 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer (CEO) determines otherwise.

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For the Motion:

Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Dunn, Mackenzie, White and Winney-Bartz.

Against the Motion:

Councillors Church and Luke.

Carried

The meeting concluded at 9.18pm.

REPORTS BY COUNCIL OFFICERS

**ITEM-35 CCL 28/05/19 - CREATE A NEW HERITAGE ITEM FOR THE
FORMER CIVIC RAILWAY STATION, NEWCASTLE.
ENDORSE AMENDMENT TO THE NEWCASTLE LEP 2012**

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

PURPOSE

To seek Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to the Newcastle Local Environmental Plan 2012 (NLEP 2012) to list the former Civic Railway Station, Newcastle as a Heritage Item of Local Significance.

RECOMMENDATION

- 1 That Council:
 - i) Endorses the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the NLEP 2012 to create a new heritage item for the former Civic Railway Station, Newcastle.
 - ii) Forwards the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
 - iii) Advises the Secretary of the Department of Planning and Environment (DPE) that City of Newcastle (CN) does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.
 - iv) Consults with the community and relevant government agencies as instructed by the Gateway Determination.
 - v) Receives a report back to Council on the Planning Proposal as per the requirements of Section 3.34 of the EP&A Act.

KEY ISSUES

- 2 The former Civic Railway Station site (430 Hunter Street Newcastle) is currently in the ownership of Hunter and Central Coast Development Corporation (HCCDC) and is already listed as an item of Local Heritage Significance under Section 170 of the Heritage Act 1977 known as 'Civic Railway Station Group'.

- 3 Works are currently underway to part demolish structures such as the footbridge and platforms and make alterations and additions to the station building and platform shelter for adaptive re-use, and associated landscaping. Once the works are completed satisfactorily, approximately September 2019, the ownership of the Planning Proposal site is due to be transferred from HCCDC to the CN.
- 4 When the ownership of the site transfers from a State agency to CN, the Civic Railway Station site will be required to be removed from the s.170 Register. This Planning Proposal ensures that the site at 430 Hunter Street, Newcastle continues to be protected as a heritage item.

FINANCIAL IMPACT

- 5 Work will be undertaken by CN's staff within current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The Planning Proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Vibrant and Activated Public Spaces

- 3.2a Celebrate Newcastle's cultural heritage and diversity.
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

Liveable and Distinctive Built Environment

- 5.1a Protect and promote our unique built and cultural heritage.
 - 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
 - 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.
- 8 A detailed discussion of the Planning Proposal and its relationship with the CSP is provided within the Planning Proposal.

Local Planning Strategy

- 9 The Local Planning Strategy (LPS) is CN's comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The LPS seeks to ensure development will protect culture, heritage and place and aims to ensure the built environment will maintain and enhance the city's identity by protecting and enhancing heritage buildings, streetscapes, views and key features, as well as, encouraging building innovation that respects the

scale and bulk of the existing urban fabric. The Planning Proposal is consistent with the strategic directions of the LPS relating to heritage.

- 10 A detailed discussion of the Planning Proposal and its relationship with the LPS is provided within the Planning Proposal.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The preparation of the Planning Proposal was undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies CN's processes and responsibilities in applying the requirements of Part 3 of the EP&A Act 1979 for amending an LEP.
- 12 If endorsed by Council, the Planning Proposal will be forwarded to the Minister for Planning for a Gateway Determination. The Gateway Determination will confirm initial support for the Planning Proposal and identify any further technical studies and community consultation required prior to the proposed amendments being finalised and reported to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 13 The process of amending an LEP is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces the risk by ensuring that a Planning Proposal is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.
- 14 Justification has been provided for the formal LEP amendment request within the Planning Proposal.
- 15 Further consultation with stakeholders (including the broader community) will occur in accordance with the Minister's requirements following Gateway Determination. This will ensure all relevant parties are able to consider and comment on the Planning Proposal prior to it being reported back to Council for final consideration of the proposed amendment.

RELATED PREVIOUS DECISIONS

- 16 No related previous decisions.

CONSULTATION

- 17 Consultation with stakeholders (including the community) will occur in accordance with the Minister's requirements following Gateway Determination.
- 18 In accordance with the DPE's Guide to Preparing Local Environmental Plans, it is proposed that the Planning Proposal be publicly exhibited for 28 days, unless otherwise advised by the Gateway Determination.

- 19 The Gateway Determination will confirm the consultation requirements however, it is envisaged that this will include, at a minimum, public notice in the local newspaper, publication on the CN web page and letters to owners of adjoining and nearby properties.

BACKGROUND

- 20 The Civic Railway Station is already listed as an item of Local Heritage Significance under Section 170 of the Heritage Act 1977. The Heritage Act requires all government agencies to identify and manage heritage assets in their ownership and control. Under s.170 of the Heritage Act, government bodies must establish and keep a register which includes all items of environmental heritage listed on the State Heritage Register (SHR), an environmental planning instrument or which may be subject to an interim heritage order that are owned, occupied or managed by that government body. All government agencies must also ensure that all items entered on its register are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the Minister on advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of identified sites, items and objects and are based on relevant NSW heritage legislation and statutory guidelines. Any works carried out within the curtilage of a s.170 heritage listed site should be recorded and the s.170 Register listing updated upon completion.
- 21 The current s.170 Register listing cites several reports including the Honeysuckle Point Heritage Study prepared by C. and M.J. Doring Pty Ltd dated 1990. These reports assisted in defining the heritage significance of the site for the preparation of the s.170 Register listing for the Civic Railway Station site.
- 22 Being a heritage item on the s.170 Register as well as an item listed on Schedule 5 of NLEP 2012 is consistent with many other state agency owned existing and former railway stations in the Newcastle Local Government Area. These include the State Significant Newcastle Railway Station (Item no. 455) and Hamilton Railway Station (Item no. 113), and the Local Significant Broadmeadow Railway Station (Item no. 51) and Adamstown Railway Station (Item no. 16).
- 23 Several related DA consents, which are currently being implemented, have resulted in the following changes to the former Civic Railway Station:
- i) Subdivision of the three parent lots of Civic Lane and Wright Lane, and the rail corridor (between Merewether Street and Worth Place) into seven new lots; three lots of which cover the former Civic Railway Station footprint.
 - ii) The rail platforms in the new lot to the east, now known as 4 Merewether Street, are being demolished and replaced by a five storey mixed use affordable housing development.

- iii) The other rail platforms to the west and part of the former railway station car park, in a new lot now known as 10 Civic Lane, are being demolished and are proposed to be cleared and redeveloped for higher education purposes.
 - iv) The new lot of the Planning Proposal site contains the station building, platform shelter, the central sections of both platforms, the footbridge and the forecourt. The footbridge has already been demolished and rail tracks removed, and the masonry walls of the platform shelter have been removed and the roof retained. Minor alterations and additions to the station building are currently underway to facilitate the adaptive re-use. The site of the former rail tracks will be infilled for landscaping, with on-site interpretation provided for the built structures removed such as the footbridge.
- 24 The heritage significance of the Civic Railway Station Group as cited in the s.170 Register requires updating to reflect the current DA approved works underway to part demolish structures and prepare the retained railway station building structures for adaptive re-use. It is considered that even after these significant approved works are complete, the site and retained structures of the former Civic Railway Station will still be culturally significant on a number of levels and is very much suitable for inclusion in Schedule 5 of the NLEP 2012.
- 25 An updated Statement of Significance for the item is proposed as follows:
- “The former Civic Railway Station is significant at a local level as part of an important municipal precinct for its direct associations with developing a new civic centre for Newcastle in the 1930s, represented both in name and a new architectural style. The station building is the first Interwar Functionalist railway building in NSW to employ domestic architectural features, demonstrating the NSW Railways experimentation with new styles during the Interwar period.*
- The site is also significant as the former 1857 Newcastle (Honeysuckle) terminus station on the Great Northern Railway line, one of the first railway lines in Australia that was for many years a significant connection point in the state for the transport of goods by land and sea. The site has archaeological potential associated with the original Honeysuckle Station and former Honeysuckle Railway Workshops.”*
- 26 A draft State Heritage Inventory for the proposed item including the updated Statement of Significance and Assessment of Significance is provided in the Planning Proposal.
- 27 It is considered the Planning Proposal to include the site as an item in Schedule 5 of the NLEP 2012 will complement the identified heritage significance of the Newcastle City Centre Heritage Conservation Area within which it sits. Namely an important civic building providing a powerful reminder of the city’s past, its economic and social history, which allows an understanding of the importance of the city as a place of commerce, governance and city building. In particular, the Planning Proposal site facilitated the exploitation of coal providing a vital transportation link between

the coal fields of the region and the safe and navigable harbor. The additional heritage protection of the site will also complement and assist with the recognition and protection of the Heritage Conservation Area as a place of rich archaeological record of national significance.

OPTIONS

Option 1

28 The recommendation as at paragraph 1. This is the recommended option.

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal – new heritage item for the former Civic Railway Station, Newcastle

Attachment A distributed under separate cover.

ITEM-36 CCL 28/05/19 - PROPOSED ROAD CLOSURE AND SALE OF PART OF HILL STREET, JESMOND AND REQUEST FOR REDUCTION OF FEES

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

PURPOSE

To seek Council approval to close part of the road reserve at Hill Street, Jesmond and to widen the road reserve at the frontage at 1A Hill Street, by way of land exchange, to facilitate a widening of the City of Newcastle (CN) road reserve and create a wider footway.

RECOMMENDATION

That Council:

- 1 Endorse the closure of a 98.2 m2 section of road reserve adjacent to Lot 62 DP 1031438, as shown at **Attachment A**.
- 2 Subject to finalisation of the road closure, approve the exchange of the closed road reserve for two sections (total 30.5m2) of the adjacent landowner's property at 1A Hill Street, Jesmond (Lot 62 DP 1031438).
- 3 Subject to the exchange, that the acquired two sections of land be incorporated into the road reserve for enabling adequate widening of the footway in that vicinity of Hill Street, Jesmond.
- 4 Endorse seeking compensation from the landowner for the sale proceeds – consisting of (a) the 67.7m2 land exchange difference in land area at 1A Hill Street, Jesmond (based on Valuer General rates), and (b) seeking full cost recovery of associated fees and charges that accompany the closure and exchange.
- 5 The revenue received by City of Newcastle from the sale of the land be transferred to the Land and Property Reserve
- 6 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

KEY ISSUES

- 7 The acquisition and exchange of land is required for road widening to enable the construction of a wider footway along the frontage of 1A Hill Street.

- 8 The owner of 1A Hill Street has approached CN and requested a road closure to formally occupy the existing road reserve. Staff informed the landowner that the road closure would be considered, subject to sections of the adjoining owners land being made available for widening the footway in Hill Street.
- 9 A preferred arrangement would be for a land exchange of CN's road reserve of 98.2m² to the owner of 1A Hill Street, in exchange for the two sections of private land with a combined area of 30.5 m². The balance of the land area, which is 67.7 m², would be the area considered for compensation.
- 10 CN has completed an assessment of the square metre land value of the adjoining road lot, Lot 62 DP 1031438, which is assessed at \$432.70 per square metre based on Valuer General rates. Therefore, the compensation payable for the 'balance' land area is \$29,293.66 (excl GST); plus, an estimated \$6,000 (excl GST) in fees and costs associated with the closure.
- 11 The sale proceeds would be transferred to CN's Land and Property Reserve.
- 12 CN has received an application from the adjoining owner, Refugees and Partners Incorporated (trading as 'Zara's House'), for a waiver of fees and charges, and for the land purchase compensation to be reduced to \$1.
- 13 The adjacent landowner, Zara's House, is a not-for-profit entity and registered charity. Zara's House provides a service to members of the community that are vulnerable, often marginalised, and that seek out the service to support their settling in to a new country and culture.
- 14 Delegation to apply such a waiver rests with Council under the current Instrument of Delegations and Authorisations.
- 15 The land exchange would significantly improve the land owners site potential for future redevelopment and/or sale as it provides a consolidated area of their parcel of 901.7m² (**Attachment B**).
- 16 Any future development of the land sold to the adjoining owner would be subject to development consent.
- 17 The landowner does not pay any rates for the property, given their registered charity status.

FINANCIAL IMPACT

- 18 CN would typically seek compensation for the land exchange as set out above. In this instance this would be in the order of \$29,300 (plus GST) (exchange), plus an estimated \$6,000 (excl GST) in fees and charges.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 19 The road closure aligns with the following Community Strategic Plan directions:

Integrated and Accessible Transport Strategy

1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.

IMPLEMENTATION PLAN/IMPLICATIONS

- 20 The proposed road closure and sale is not prohibited under any existing planning instrument.
- 21 The implementation of the road closure process allows CN to generate income to assist in funding the maintenance plans for community assets.
- 22 Following approval the road closure process involves CN entering in to a Deed of Agreement with the applicant, registration of the endorsed subdivision plan at Land Registry Services, and Government Gazettal and sale of the land.
- 23 Timeframe for the road closure and sale process is estimated to be six months.

RISK ASSESSMENT AND MITIGATION

- 24 In the event that Council elects to waive the compensation and fees, CN will incur significant costs, and this may set a precedent for future compensations to be waived.
- 25 Relevant CN officers have raised no other objections to the proposed road closure.

RELATED PREVIOUS DECISIONS

- 26 Nil.

CONSULTATION

- 27 CN's Assets and Projects, and Regulatory Planning and Assessment service units have been consulted and raised no objections to the proposed road closure.

BACKGROUND

- 28 In March 2017, a surveyor acting for the previous landowner, Newcastle Anglican Diocese, contacted CN enquiring about a road closure and sale of a section of unused road at Hill Street. The Diocese had been using the 'land' as access to their property for some time.
- 29 At that time, the surveyor was informed that CN viewed that the road was 'unconstructed' and that the section of road would probably be in the ownership of Crown Lands. The applicant was advised to pursue the closure with Crown Lands.

- 30 As part of the Crown's closure process, it was required that the applicant provide written confirmation that CN did not object to the closure. CN, at the time, provided that written advice. However, CN suggested that the road closure would be considered, subject to sections of the adjoining owners land being made available for widening the footway in Hill Street.
- 31 The applicant continued negotiations with the Crown, including submitting a Development Application and Subdivision Certificate, which CN endorsed in December 2017.
- 32 However, it is understood that, after the Crown's valuation of the road closure lot, the Diocese did not proceed with the closure.
- 33 Since that time, the lot (Lot 62 DP 1031438) was sold to Refugees and Partners Incorporated (Trading as Zara's House), and the landowner was advised that the road section would now be considered as a CN Road.
- 34 The new landowner, Zara's House, who were previously leasing the site, submitted a Road Closure application on 29 March 2019. They have also requested a waiver of all fees and compensation associated with this closure.

OPTIONS

Option 1

- 35 The recommendation as at Paragraphs 1 to 6. This is the recommended option.

Option 2

- 36 That Council resolve per the recommendations as at Paragraphs 1 to 6, with the exception that Council, considering the adjacent landowner's Not for Profit and registered charity status and their valuable community service, resolve to waive the associated fees and charges (estimated at \$6,000 excl GST) as a show of support for Zara's House. This is not the recommended option.

Option 3

- 37 That Council resolve per the recommendations as at Paragraphs 1 to 6, with the exception that Council, considering the adjacent landowner's Not for Profit and registered charity status and their valuable community service, approve their request for a waiver of the land compensation and reduction of associated fees and charges (total estimated at \$35,000 excl GST) to \$1 as a show of support for Zara's House. This is not the recommended option.

Option 4

- 38 Council does not resolve to endorse recommendations as at Paragraphs 1 to 6. This is not the recommended option.

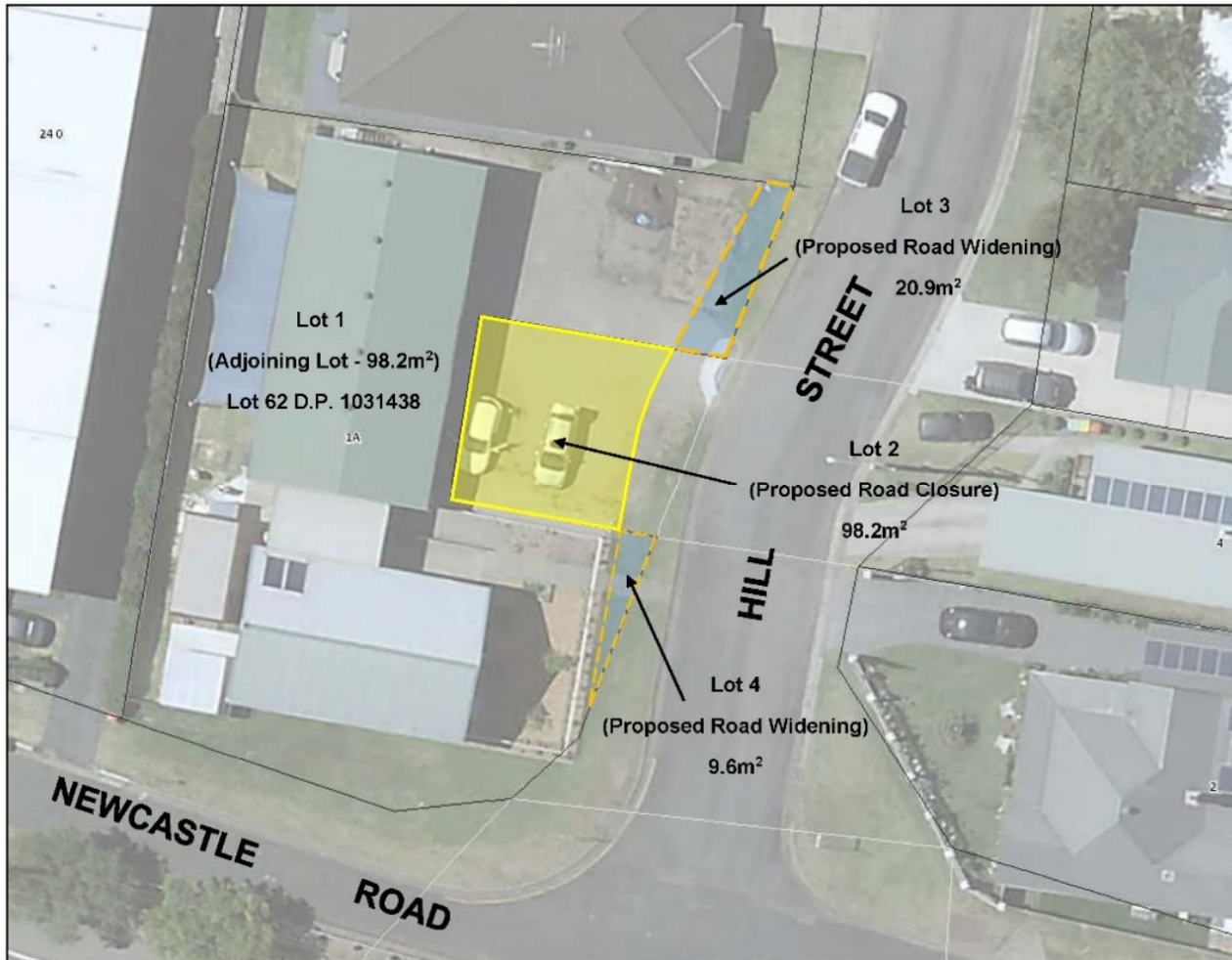
REFERENCES

ATTACHMENTS

Attachment A: Aerial Diagram Proposed Road Closure 1A Hill Street,
Jesmond

Attachment B: Land Exchange Map

Attachment A: Aerial Diagram Proposed Road Closure 1A Hill Street, Jesmond.

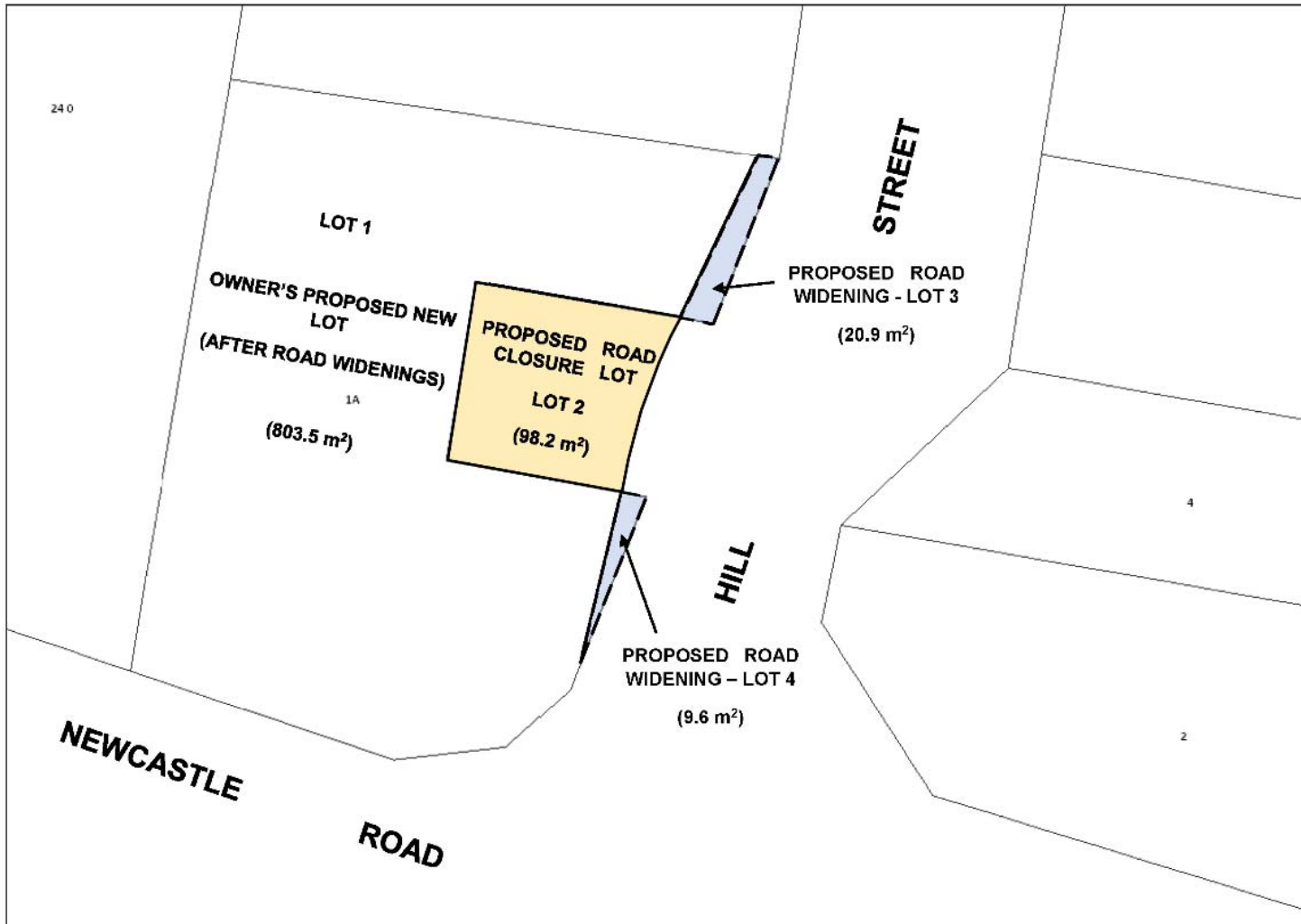


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Attachment B: Land exchange map.



**ITEM-37 CCL 28/05/19 - EXHIBITION OF THE DRAFT FERN BAY AND
NORTH STOCKTON STRATEGY**

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

PURPOSE

To seek Council endorsement to place the Draft Fern Bay and North Stockton Strategy on public exhibition for a period of 28 days.

RECOMMENDATION

That Council:

- 1 Places the Draft Fern Bay and North Stockton Strategy (**Attachment A**), Implementation Plan (**Attachment B**) and Background Investigations (**Attachment C**) on public exhibition for a period of 28 days.
- 2 Receives a report back to Council following the public exhibition period.

KEY ISSUES

- 3 City of Newcastle (CN) and Port Stephens Council (PSC) identified the need to prepare the Draft Fern Bay and North Stockton Strategy (the Draft Strategy) to guide development in Fern Bay and North Stockton for the next 20 years. There are a number of large land holdings within North Stockton and south of Fern Bay that have potential to create positive outcomes for the community in their redevelopment.
- 4 The Draft Strategy area includes land within CN (North Stockton) and PSC (Fern Bay and Fullerton Cove) Local Government Areas (LGAs). The Draft Strategy does not include the established Stockton neighbourhood, south of Corroba Oval. Land further north of Fern Bay has also not been included in the Draft Strategy due to known environmental constraints limiting development potential. Figure 1 in Attachment A defines the strategy area.
- 5 CN and PSC have worked collaboratively to develop the Draft Strategy (Attachment A) with early input from the community and relevant organisations to plan for coordinated and sustainable growth. Both Councils will be unable to deliver this Draft Strategy alone and will require cooperation and assistance across all levels of Government. Roles for each Council, agencies and other organisations have been outlined in the supporting Implementation Plan (Attachment B).

- 6 The Draft Strategy seeks to identify opportunities for Fern Bay and North Stockton to create a pedestrian focused place for people, which offers housing diversity, a mixed-use town centre, connected open spaces and community facilities.
- 7 To achieve this vision the Draft Strategy is guided by the following goals:
 - i) **Environment** – protect the treasured and unique Stockton Bight for future generations and attract responsible heritage and nature-based tourism.
 - ii) **Town Centre** – establish a conveniently located mixed-use town centre connected by technology, transport, housing and great public places.
 - iii) **Housing** – grow a resilient coastal community with access to liveable and diverse housing.
 - iv) **Open Space and Community Facilities** – improve access to useable open spaces and well-designed community facilities to support daily activity and healthy lifestyles.
 - v) **Transport** – prioritise safe and convenient travel by walking, cycling and use of public transport while maintaining regional journeys on Nelson Bay Road.
- 8 CN and PSC have received planning proposals for the redevelopment of the Fort Wallace (CN) and rifle range sites (PSC). An additional 400 dwellings within the Draft Strategy area are proposed in total for both sites. The Fort Wallace Planning Proposal has been forwarded to the Department of Planning and Environment (DPE).
- 9 Fern Bay has continued to experience rapid population growth over the last 15 years. Further growth is expected at the Seaside Estate development (in PSC LGA). Fern Bay has developed from a small village to a larger community incorporating a number of large disconnected residential developments. This has resulted in the creation of an urban population where a semi-rural village centre had been. As a result, these additional residents are expected to increase demand for essential community services and transport infrastructure.
- 10 A further understanding of anticipated population growth has guided the Draft Strategy. Hill PDA (2017) (independent consultant) provided forecasts for Fern Bay, Fullerton Cove and Stockton as part of a Commercial Lands Analysis. A summary of this information is provided in the Background Investigations report (Attachment C). High growth scenario projections predict a population of up to 12,500 people for this area. It is expected that Stockton (not including North Stockton) will grow from 4,400 up to 5,000 people by 2036. This is consistent with projections forecast by profile.id which expect a population of 4,526 in Stockton by 2041 (profile.id, 2018).

- 11 During the early engagement phase with the community, feedback indicated a community priority for a new supermarket and supporting retail uses within the Draft Strategy area. A majority of residents indicated that they travel approximately 20 minutes by car outside of peak hours to do their main shopping. A Commercial Lands Analysis was undertaken by an independent consultant, Hill PDA, to investigate whether there was a demand, potential locations and opportunity for a supermarket within the Draft Strategy area. The study found that there is sufficient demand in the Draft Strategy area to support a retail centre up to 6,500m² in size.
- 12 The Hill PDA study examined six potential commercial sites within the Draft Strategy area. These sites were ranked from one (very poor) to five (very strong) against several assessment criteria that included:
 - i) developable area
 - ii) location
 - iii) exposure
 - iv) accessibility and
 - v) walkable catchment.
- 13 There are six precincts that make up the Draft Strategy area. These include: North Stockton, Original Fern Bay, Beachfront, Sports, Seaside Estate and Fullerton Cove. The site ranking process identified Site 1 (in North Stockton Precinct) and Site 2 (in Original Fern Bay Precinct) as the preferred locations for a new town / commercial centre. Both sites are accessible to residents in the Draft Strategy area, have large developable areas and contain comparatively few environmental constraints. The town / commercial centre's location will be dependent on the intentions of landowners and willingness to accommodate development. Housing is recommended to be integrated within and surrounding the mixed-use town centre and adjoining properties.
- 14 Should a planning proposal be lodged for either site both Councils will consult with each other and the State Government in considering the proposal. A masterplan will be needed for either site to determine the appropriate scale, type and mix of development that could occur.
- 15 Further evidence-based planning was undertaken to understand the current traffic and transport situation and strategically plan for the transport network. Nelson Bay Road is a classified road. There have been discussions with Roads and Maritime Services (RMS) prior to developing the Draft Strategy with individual proposals and it became evident to limit intersections within the Draft Strategy area and ensure efficient and safe travel to Williamstown and other destinations further north. An independent consultant was engaged to prepare a Traffic and Transport Study. The recommendations of the Study have been incorporated into the Draft Strategy. One signalised intersection was proposed for the Draft Strategy area at the intersection of Vardon Road. This was considered a good location near the school, community facility, park, takeaway shop, existing and expected growth.

- 16 Furthermore, due to the location of existing development and geography of the Draft Strategy area, the area has become car dependent and offers few destinations within a walkable distance of residential areas. The Traffic and Transport Study prepared to inform the Draft Strategy has recommended a number of active transport options to better connect the Stockton Bight while ensuring the function of Nelson Bay Road as a regional connection is maintained. The future mixed-use town centre also offers an opportunity to better connect residents to services and each other. A summary of traffic and transport recommendations is contained within the Draft Strategy and detailed in the Background Investigations report. The Implementation Plan contains specific actions from the Study such as required upgrades to the transport network, paths, road widening and bus stops.
- 17 There are opportunities to improve access to open spaces and recreational facilities within the Draft Strategy area to encourage activity and support healthy lifestyles such as formalising the existing Ausgrid easement into a defined walking trail along the Worimi Conservation Land and linking residential areas with open spaces, including the beach. During the early engagement phase, the community expressed a desire to improve the facilities (kiosk / toilet block / seating) and sporting offerings at Corroba Oval to allow for additional soccer fields and multiple sports with safer access to the grounds. In addition, the community expressed a need for an improved library facility and supporting services. An assessment of the provision of existing and required open spaces and community facilities was undertaken and is detailed in the Background Investigations. While it is a numerical approach, it flags that a larger community multipurpose facility / library is required to support the growing community, improved toilet facilities and multipurpose courts were required (rather than only supporting a specific sport). The Draft Strategy recommends improved access and overall better connections to these open spaces.

FINANCIAL IMPACT

- 18 Implementation of the Draft Strategy will require a number of actions to be undertaken over the immediate, short and longer terms. Programming of infrastructure works will be undertaken as funding is available and as per the Implementation Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 19 The Draft Strategy aligns with the following community and CN priorities as highlighted in the Community Strategic Plan:

Integrated and Assessable Transport

- 1.1a Support implementation of the regional transport strategy.
- 1.1b Advocate for public transport improvements.
- 1.1c Plan and deliver accessible local infrastructure improvements for public transport.

- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3a Ensure safe road networks through effective planning and maintenance.

Protected Environment

- 2.2a Provide and advocate for protection and rehabilitation of natural areas.

Vibrant, Safe and Active Public Places

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.
- 3.1b Enhance our beaches and coastal areas through upgraded facilities.
- 3.2a Celebrate Newcastle's cultural heritage and diversity.

Inclusive Community

- 4.1a Acknowledge and respect First Nations peoples.
- 4.1b Support initiatives and facilities that encourage social inclusion and community connections.
- 4.1c Improve, promote and facilitate equitable access to services and facilities.
- 4.2a Ensure people of all abilities can enjoy our public places and spaces.
- 4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services.

Liveable Built Environment

- 5.1a Protect and promote our unique built and cultural heritage.
- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Smart and Innovative

- 6.1b Attract new business and employment opportunities.
- 6.3a Facilitate events that attract visitors and support the local economy and the vibrancy of Newcastle.
- 6.3b Work with the tourism sector to further develop Newcastle as a visitor and event destination.
- 6.3c Work with businesses, planners and government at all levels to facilitate key infrastructure to support business growth.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.
- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.
- 7.4b Provide services that deliver on sustainable community service expectations.

IMPLEMENTATION PLAN/IMPLICATIONS

- 20 The Draft Strategy includes an Implementation Plan which contains a priority of actions over the short and longer period. CN and PSC will monitor and review the Strategy and report annually to each respective Council on the implementation of its outcomes. The Strategy will be reviewed every five years, or as necessary.

RISK ASSESSMENT AND MITIGATION

- 21 No significant risks are associated with the recommendation to place the Draft Strategy on exhibition. The Draft Strategy proposes a range of actions guided by the community priorities, strategic assessments and technical studies to inform an evidence-based plan.

RELATED PREVIOUS DECISIONS

- 22 Nil.

CONSULTATION

23 The Draft Strategy has been guided by the community via comments received on an interactive online map, survey and two separate drop-in sessions in September 2017. The themes identified as priorities are: environment; housing and people; town centre; open space and community facilities; and transport. The goals for each of these focus areas reflect the aspirations derived from the community during the consultation. The community aspirations also act as strategic directions for planning and decision making that will help achieve the goals for each focus area. Further consultation will now occur with public exhibition of the Draft Strategy. PSC are also proposing to place the Draft Strategy on exhibition at a similar time.

OPTIONS

Option 1

24 The recommendation as at paragraphs 1 and 2. This is the recommended option.

Option 2

25 Council not proceed with public exhibition of the Draft Fern Bay and North Stockton Strategy. This is not the recommended option.

BACKGROUND

26 In 2017, CN and PSC worked together to prepare a joint planning strategy for North Stockton and Fern Bay. Early community engagement occurred and a number of investigations were undertaken to guide the Draft Strategy. It is anticipated that the DPE will endorse the Strategy, which will ensure that the Strategy will be used to demonstrate the strategic merit of future planning proposals.

REFERENCES

ATTACHMENTS

Attachment A: Draft Fern Bay and North Stockton Strategy

Attachment B: Implementation Plan

Attachment C: Background Investigations

Attachments A, B and C distributed under separate cover.

ITEM-38 CCL 28/05/19 - MARCH QUARTERLY BUDGET REVIEW

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

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 31 March 2019, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

That Council:

- 1 Council 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 current adopted budget to reflect trends identified in the actual operating performance to date for the 2018/19 financial year. The operational budget variations identified have improved City of Newcastle's (CN) budgeted operating surplus by \$5.2m and forecast an annual budget surplus of \$11.7m for the year ended 30 June 2019.
- 3 The operational position forecast in the March Quarterly Budget Review Statement is lower than the actual operating surplus position reported at the end of March. This reflects that in some cases the below average level of expenditure generated by CN's work program to date will balance out over the final months of the financial year.
- 4 The net funds budgeted to be used in the 2018/19 financial year has been improved by \$14.3m. This results in CN being able to transfer \$10.4m to reserves to support commitments in future years.
- 5 The 2019/20 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 have reduced the works program to \$97.2m.
- 6 CN reassesses its long-term rehabilitation expenditure for landfill sites annually in accordance with its obligation to remove, restore and remediate assets as a result of past operations. As such CN has increased its budgeted Asset Remediation Provision by \$6 million, which will be remeasured as part of CN's 2018/19 Annual Financial Statements.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' action:

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2018-2022 Delivery Program and 2018/19 Operational Plan in a cost effective and efficient manner. If the recommended budget adjustments are not approved it will significantly impact on CN's ability to undertake the projects outlined in the 2018/19 project program and will ultimately impact on the organisation's ability to meet the current and future years' operational plans. In order to ensure that CN remains financially fit for the future and continues on its path to financial sustainability it is essential that it continues to meet its annual operational plans.

RISK ASSESSMENT AND MITIGATION

- 10 Adoption by 28 May 2019 will meet legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 11 Adoption of the 'Our Budget' (2018-2022 Delivery Program and 2018/19 Operational Plan) on 26 June 2018.

CONSULTATION

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: March 2018 Quarterly Budget Review Statement

Attachment A distributed under separate cover

ITEM-39 CCL 28/05/19 - ENDORSEMENT OF MARCH QUARTERLY PERFORMANCE OF OUR BUDGET (2018-2022 DELIVERY PROGRAM)

**REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: INTERIM DIRECTOR STRATEGY AND ENGAGEMENT /
MANAGER CORPORATE AND COMMUNITY PLANNING**

PURPOSE

To provide a report to Council outlining progress on the principal activities detailed in the 2018-2022 Delivery Program, in accordance with the provision of section 404(5) of the Local Government Act 1993 (Act).

RECOMMENDATION

- 1 That Council receive the March Quarterly Performance on the 2018-2022 Delivery Program as per **Attachment A**.

KEY ISSUES

- 2 To comply with section 404(5) of the Act Council must ensure that regular progress reports are completed as to its progress with respect to the principal activities detailed in the 2018-2022 Delivery Program (Our Budget 2018/19). The Act requires progress reports to be provided at least every six months.

FINANCIAL IMPACT

- 3 Staff time associated with the preparation of the report will be met from existing operational budgets. There are no other direct financial implications arising from the report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 4 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' action:

7.4a 'Continuous improvement in service delivery based on accountability, transparency and good governance'.

IMPLEMENTATION PLAN/IMPLICATIONS

- 5 Not applicable.

RISK ASSESSMENT AND MITIGATION

- 6 Not applicable.

RELATED PREVIOUS DECISIONS

- 7 At the Ordinary Council Meeting held on 26 June 2018, Council adopted the 2018-2022 Delivery Program and 2018/19 Operational Plan (Our Budget 2018/19).
- 8 At the Ordinary Council Meeting held on 26 March 2019, Council received the Six Monthly Performance Report.

CONSULTATION

- 9 Staff from the relevant Service Units within City of Newcastle have provided input into the March Quarterly Performance report as required.

BACKGROUND

- 10 The Delivery Program (Our Budget 2018/19) directly aligns with the seven strategic directions identified in the Newcastle 2030 Community Strategic Plan (CSP) endorsed by Council on 26 June 2018.
- 11 The Delivery Program (Our Budget 2018/19) is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are subsequently required to be reviewed annually and adopted by 30 June of the relevant year.
- 12 The March Quarterly Performance report has been prepared to report City of Newcastle's progress against the strategic objectives and performance measures outlined in the 2018-2022 Delivery Program (Our Budget 2018/19), as required by the Act.
- 13 The March Quarterly Performance report addresses the seven key focus areas identified in the Community Strategic Plan: Integrated and Accessible Transport, Protected Environment, Vibrant, Safe and Active Public Places, Inclusive Community, Liveable Built Environment, Smart and Innovative and Open and Collaborative Leadership.

OPTIONS

Option 1

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

Option 2

- 15 Council resolves not to receive the March Quarterly Performance report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: March Quarterly Performance on the Delivery Program 2018-2022 (Our Budget 2018/19)

Attachment A distributed under separate cover

ITEM-40 CCL 28/05/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2018/19 Operational Plan as at the end of April 2019.
- 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 2019.

KEY ISSUES

- 2 At the end of April 2019 the consolidated YTD actual operating position is a surplus of \$26.8m which represents a positive variance of \$22.2m against the budgeted YTD surplus of \$4.5m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2018/19 is a surplus of \$6.5m.
- 3 The net funds generated as at the end of April 2019 is a surplus of \$28.6m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted deficit of \$4.2m. This is primarily due to a timing variance in the delivery of CN's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
- 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 s.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 2019 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' action:

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 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 s.625 of the Act.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - April 2019

Attachment A distributed under separate cover

NOTICES OF MOTION

**ITEM-20 NOM 28/05/19 - OFFSHORE MINING AND SUPPORTING THE
 FIGHT FOR THE BIGHT**

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 16 May 2019 from the abovenamed Councillor.

MOTION

That the City of Newcastle:

- 1 Reaffirms its opposition to offshore exploration and mining due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
- 2 Opposes all seismic testing, including the application for 3D seismic testing in PEP11 expected to be submitted in the first half of 2019.
- 3 Opposes the exploration of oil and gas in the Great Australian Bight.
- 4 Writes to the NSW Government to request that the NSW Government:
 - a) Prohibit the processing and transport of gas produced from wells offshore from the NSW coastline to the NSW mainland.
 - b) Prohibit the construction of infrastructure relating to offshore exploration and mining activities in NSW.
- 5 Writes to Equinor and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) to formally advise them of our opposition to the exploration for oil and gas in the Great Australian Bight.
- 6 Liaise with the Port Stephens, Lake Macquarie and Central Coast Councils to communicate this decision and identify opportunities for collaboration on this matter.

BACKGROUND

In October 2008, Newcastle Council agreed to oppose offshore coal gasification and to advocate for the prohibition of coal exploration off the Newcastle coastline. Through the "Protection of the Newcastle Coastline and Marine Environment Notice of Motion", Council committed to actively engage with the Newcastle community on the impacts of such offshore mining proposals and to support any appropriate community campaign or event related to this issue. This position was reaffirmed via a Notice of Motion in February 2018.

This motion reaffirms Council's agreed position on offshore exploration and mining activities, particularly in the context of an anticipated 3D seismic acquisition survey under the Petroleum Exploration Permit 11 (PEP 11). PEP 11 is located primarily in Commonwealth waters off the NSW coast between Newcastle and Wollongong, and covers over 8,200 km². On January 10 2018, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) approved a seismic survey to further understand the shallow subsurface geology and potential drilling hazards in the permit zone.

This motion also calls on Newcastle Council to oppose the offshore mining in the Great Australian Bight, and join with the 17 councils in Australia who have passed a formal motion condemning this proposal. To date, no Council in NSW has joined this campaign. Given the City of Newcastle's long-standing opposition to offshore mining, it is appropriate for Newcastle to support the Fight for the Bight campaign.

ATTACHMENTS

Nil

ITEM-21 NOM 28/05/19 - CLIMATE EMERGENCY DECLARATION

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 16 May 2019 from the abovenamed Councillor.

MOTION

That the City of Newcastle

- 1 Notes the preceding commitments by the City of Newcastle to addressing climate change, including but not limited to:
 - a) Formally committing to the principles and targets of the Paris Climate Agreement (December 2018);
 - b) Developing pathway to achieve the greenhouse gas (GHG) emissions reductions necessary to align with the principles of the Paris Climate Agreement and a 1.5 degree Celsius outcome, as the foundation for the update and review of the Newcastle 2020 Carbon and Water Management Action Plan in 2019-2020 (December 2018);
 - c) Reviewing the implications of the Taskforce on Climate-Related Financial Disclosures (TCFD) for the City of Newcastle's financial and risk reporting (February 2019); and
 - d) Developing a business case on the cost of expanding to 100% of the electricity used across Council's operations produced from renewable sources as part of the Newcastle 2020 Climate Action Plan review (April 2019).

- 2 Acknowledges publicly that we are in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation, and other species; and that it is still possible to prevent the most catastrophic outcomes if societies take emergency action, including local councils.

- 3 Writes to the Federal and State members for Newcastle and Wallsend, the NSW Environment Minister and the Federal Environment Minister, advising them of Council's resolution and urging them to acknowledge a climate emergency and to act with urgency to address the crisis, including a legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the Paris Agreements targets.

- 4 Writes to all Council members of the Hunter Joint Organisations (Cessnock City Council, Dungog Shire Council, Lake Macquarie City Council, Maitland City Council, MidCoast Council, Muswellbrook Shire Council, Port Stephens Council, Singleton Council and the Upper Hunter Shire Council) advising them of Council's resolution and inviting them to join with us by declaring a climate emergency, developing their own Climate Emergency Plans and advocating to State and Federal Governments as per this resolution.

BACKGROUND

A Climate Emergency declaration issued by a body in authority, such as a government or local council, can be a powerful catalyst for community-wide action if paired with a clear action plan.

To date, 18 Local Governments in Australia have declared a Climate Emergency since December 2016, including 5 in Victoria, 2 in WA, 8 in NSW, and 3 in SA.

The City of Newcastle has a long history of action to tackle climate change and reduce carbon emissions. During the delivery of Council's Greenhouse Action in Newcastle (2001-2008) plan, the Council reduced its emissions by 13.6% below 1995 levels despite adding a significant number of additional facilities and operations. This progress has continued through the Newcastle 2020 Carbon and Water Management Action Plan (adopted in 2011). This Action Plan enabled the Smart Buildings Smart Workforce project which involved a range of energy efficiency upgrades and retrofits at high-use social, cultural and recreational facilities and key Council operational buildings. It has also enabled the rollout of Council's solar photovoltaic (PV) systems and renewable energy generation infrastructure across the city.

In December 2016, C40 and Arup published "Deadline 2020: How Cities Will Get the Job Done", which quantified the contribution that local governments can make to deliver the goals of the Paris Climate Agreement. The conclusion reached in that report was that it is still possible to prevent runaway climate change, but would require global city emissions to peak by 2020, then decline to an average of three metric tons CO₂e per capita by 2030, and hit zero by 2050.

The Deadline 2020 report also showed that if every city with a population over 100,000 committed to these targets, it would deliver 40 percent of the emissions reductions needed to achieve the global Paris Agreement goal.

This motion notes that the City of Newcastle has already committed to an ambitious climate action program, especially through the forthcoming review of the Newcastle 2020 Carbon and Water Management Action Plan in 2019-2020. However, this motion notes that even if a council is already doing everything they possibly can in practical terms, there is significant value in declaring a Climate Emergency and lobbying state and national governments for similar commitments. It can empower their communities, encourage other councils to follow suit, and generally help all of us treat the climate crisis as the existential emergency that it is.

ATTACHMENTS

Nil

ITEM-22 NOM 28/05/19 - CITY WELCOME SIGN UPGRADES

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

PURPOSE

The following Notice of Motion was received on Thursday 16 May 2019 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Recognises that following City of Newcastle's successful re-branding in early 2019, our City entry signage should be updated to provide a more welcoming, modern and dynamic entrance to the City of Newcastle;
- 2 Explores partnerships with Transport: Roads and Maritime Services, Destination NSW, Newcastle Airport, Hunter Central Coast Development Corporation and other partners to develop City Gateway signage at key City of Newcastle entry points;
- 3 Considers a City Welcome Sign competition to encourage community participation, with entrants to provide detailed designs for consideration by a community design judging panel;
- 4 Ensures the integration of Smart City technology in future City Welcome signage, with options to include information sharing, wayfinding, updateable community service and community safety messaging, powered by renewable energy sources.

BACKGROUND

On 6 February 2019, City of Newcastle unveiled our new logo and branding, aimed at uniting our services and to better reflect Newcastle's revitalisation.

As a progressive, dynamic and rapidly changing City, it was important that we made this change to complement Newcastle's transformation from a regional town into a smart, liveable and sustainable global city.

With the re-branding rollout ongoing, an opportunity now exists to overhaul our City Welcome signage, to provide a more welcoming, modern and dynamic entrance to the City of Newcastle at strategic entry points.

Given the rapid advance in Smart City technology since the erection of the current static City Welcome signage, an opportunity exists to integrate new technology to share current and up-to-date information with Novocastrians and our visitors.

City of Newcastle should also look to our key partners in strategic locations to maximise the effectiveness of our City Entry signage.

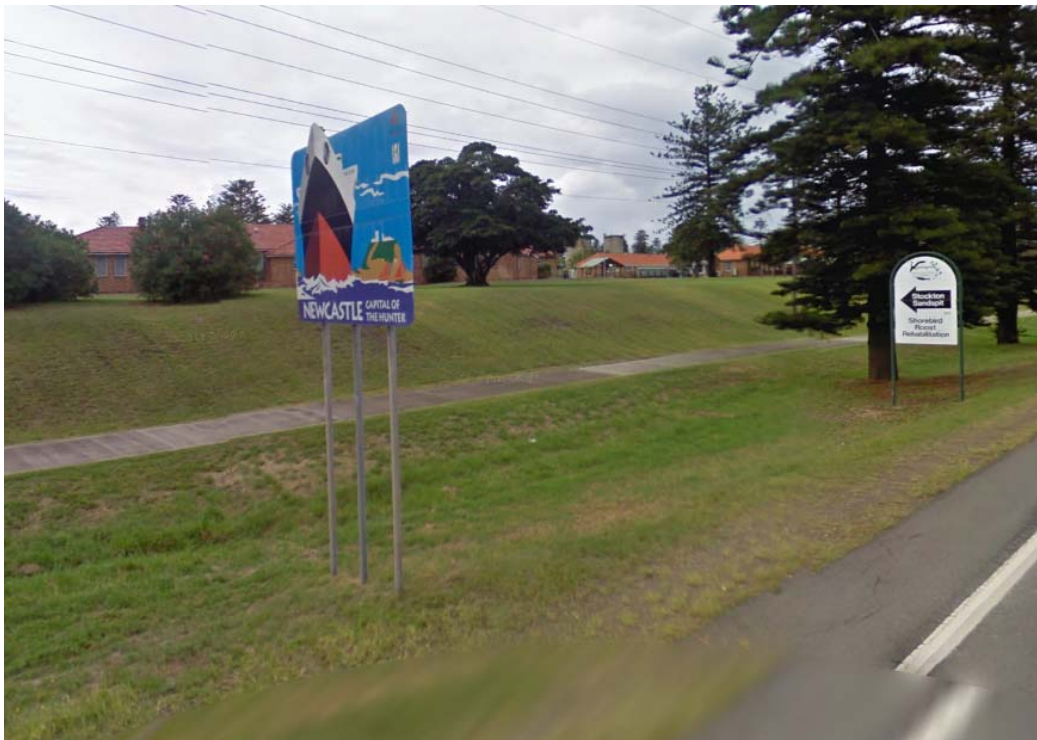
CITY OF NEWCASTLE

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Some points to consider include Broke Hill Council's recent gateway signage competition, which attracted 73 entries with the winning design to receive \$5,000, as well as national and international examples of Welcome and destination signage which has increased activation of public spaces, such as Brisbane, the Gold Coast and the popular 'I Amsterdam' lettering.

Examples of current City of Newcastle Welcome Signage:





Examples of City Welcome and destination signage:

Gold Coast:





Brisbane: Brisbane's popular sign, originally made from plywood by local Men's Shed groups for the G20 Leaders' Summit, had to be replicated with stronger material due to its popularity:



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The popular 'I Amsterdam' sign will now move across the City, due to its popularity it caused overcrowding and congestion at the Museum of Netherlands.



ATTACHMENTS

Nil

**ITEM-23 NOM 28/05/19 - TIGHES HILL COMMUNITY NEEDS
ASSESSMENT**

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Friday 17 May 2019 from the abovenamed Councillor.

MOTION

That the City of Newcastle

- 1 Notes the resolution of the Council on 13 May 2008 to sell the Tighes Hill School of Arts Building, to transfer the sale proceeds to the Land and Property Reserve and to allocate the funds for the provision of a purpose-built community facility for Tighes Hill and surrounding areas.
- 2 Notes that this resolution did not specify a particular type of community facility or exact location, but did subject the allocation of sale funds to:
 - a) Completion of a comprehensive needs analysis; and
 - b) Adequate consultation with community and other stakeholders.
- 3 Conducts the comprehensive needs assessment, including consultation with community and other stakeholders, for the allocation of these funds as part of the community engagement and consultation to be conducted for the development of the Local Strategic Planning Statement (LSPS) for Tighes Hill and surrounding areas, with a view to the allocation of the net settlement proceeds.

BACKGROUND

The Tighes Hill School of Arts building was sold to preferred proponents chosen from a stringent EOI process conducted February – May 2008. A report recommending the sale of the asset was referred to Council for consideration on 13 May 2008, and Council's decision remained confidential until the property was settled on 25 July 2008.

The resolution was stated in two parts:

- a) Accept the offer of purchase from the EOI preferred proponent
- b) Transfer the sale proceeds to the Land and Property Reserve and allocate the funds for provision of a purpose-built community facility for Tighes Hill and surrounding areas.

The net settlement proceeds amounted to \$419, 945.20. The resolution did not specify the type of facility or its exact location, but noted that any allocation of sale proceeds would be subject to completion of a comprehensive needs analysis.

There is an expectation from the community, including local resident groups, that this commitment will be fulfilled by Council.

At the same time, the Environmental Planning and Assessment Act 1979 was updated in March 2018 to strengthen upfront strategic planning and increase community participation. As a consequence of these changes, every Council in NSW will be required to prepare a Local Strategic Planning Statement (LSPS) which sets out the 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future. Newcastle must have our LSPS in place by 1 July 2020.

This motion seeks to align the community engagement required for the LSPS with the outstanding commitment to deliver a needs assessment for a community facility for Tighes Hill and surrounding areas.

ATTACHMENTS

Nil

CONFIDENTIAL REPORTS

**ITEM-2 CON 28/05/19 - TENDER - SUPPLY OF READY MIXED
CONCRETE FOR CONTRACT NO. 2019/272T**

**REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY /
MANAGER CIVIL CONSTRUCTION AND MAINTENANCE**

REASON FOR CONFIDENTIALITY

This report has 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 report take place in a closed session, with the press and public excluded, for the following reasons:

- A The matter relates to tenders for the Supply of Ready Mixed Concrete for Contract No. 2019/272T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers.

This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-

**ITEM-3 CON 28/05/19 - TENDER - ELECTRICAL AND
COMMUNICATION SERVICES FOR CONTRACT NO. 2019/320T**

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

REASON FOR CONFIDENTIALITY

This report has 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 report take place in a closed session, with the press and public excluded, for the following reasons:

- A The matter relates to tenders for Provision of Electrical and Communication Services for Contract No. 2019/320T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-

ITEM-4 CON 28/05/19 - TENDER - SUPPLY OF BASE AND SUB BASE MATERIALS FOR CONTRACT NO. 2019/251T

**REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY /
 MANAGER CIVIL CONSTRUCTION AND MAINTENANCE**

REASON FOR CONFIDENTIALITY

This report has 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 report take place in a closed session, with the press and public excluded, for the following reasons:

- A The matter relates to biennial tenders for Supply of Base and Sub Base Materials for Contract No. 2019/251T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
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**ITEM-5 CON 28/05/19 - TENDER - ASPHALTIC CONCRETE SERVICES
FOR CONTRACT NO. 2019/252T**

**REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY /
 MANAGER CIVIL CONSTRUCTION AND MAINTENANCE**

REASON FOR CONFIDENTIALITY

This report has 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 report take place in a closed session, with the press and public excluded, for the following reasons:

- A The matter relates to biennial tenders for Asphaltic Concrete Services for Contract No. 2019/252T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
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ITEM-6 CON 28/05/19 - TENDER - ROAD PAVEMENT REJUVENATION SERVICES FOR CONTRACT NO. 2019/254T

**REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY /
MANAGER CIVIL CONSTRUCTION AND MAINTENANCE**

REASON FOR CONFIDENTIALITY

This report has 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 report take place in a closed session, with the press and public excluded, for the following reasons:

- A The matter relates to tenders for biennial Road Pavement Rejuvination Services for Contract No. 2019/254T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
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**ITEM-7 CON 28/05/19 - TENDER - TYRRELL STREET BRIDGE
REPLACEMENT FOR CONTRACT NO. 2019/300T**

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

REASON FOR CONFIDENTIALITY

This report has 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 report take place in a closed session, with the press and public excluded, for the following reasons:

- A The matter relates to tenders for the Tyrrell Street Bridge replacement for Contract No. 2019/300T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
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