

# Ordinary Council Meeting



**DATE:** Tuesday, 25 July 2023

**TIME:** Following the Extraordinary Development Applications Committee

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

21 July 2023

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

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

## **6. CONFIRMATION OF MINUTES**

### **6.1. MINUTES - ORDINARY COUNCIL MEETING 27 JUNE 2023**

#### **RECOMMENDATION**

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

#### **ATTACHMENTS**

**Attachment A:** 230627 Ordinary Council Meeting Minutes

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

## Minutes

### Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 27 June 2023 at 6:12 pm following the Extraordinary Development Applications Committee Meeting.

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#### 1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), J Rigby (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), L Duffy (Acting Executive Director Creative and Community Services), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Interim Executive Manager Media Engagement Economy and Corporate Affairs), M Murray (Chief of Staff), M Meehan (Senior Media Adviser), A Knowles (Councillor Services/Minutes/Meeting Support), W Haddock (AV/Information Technology Support) and K Bevan (Information Technology Trainee).

#### 2. ACKNOWLEDGEMENT OF COUNTRY

Read at previous meeting on night.

#### 3. PRAYER

Read at previous meeting on night.

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

##### MOTION

Moved by Cr Adamczyk, seconded by Cr Duncan

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

**Carried  
unanimously**

Nil requests for attendance by audio visual link.

#### 5. DISCLOSURES OF INTEREST

##### Councillor Church

Councillor Church declared a less than significant, non-pecuniary interest in Item 9.3 - National Parks Estate Advocacy – 505 Minmi Road stating that his son was employed

by a company that was associated with the owner of the site and managed the interest by leaving the Chamber for discussion on the item.

### **Councillor Clausen**

Councillor Clausen declared a less than significant, non-pecuniary interest in Item 8.3 – Stage 1 of the Hunter Estuary Coastal Management Program (CMP) Completed as his employer co-funded the report with the City of Newcastle and managed the conflict by remaining in the Chamber.

### **Councillor Clausen**

Councillor Clausen declared a potential conflict of interest in Item 10.1 – Confidential Notice of Motion to rescind a Council Resolution – Item 10.3 – CON 23/05/23 – Tender Report – Management of Inland Swimming Centres Contract No. 2022/137T for the same reasons outlined at the Ordinary Council Meeting of 23 May 2023. He managed the conflict by remaining in the Chamber for the discussion however stated he would leave the Chamber for any discussion regarding the awarding of the tender.

### **Councillor Wood**

Councillor Wood declared a potential non-pecuniary significant conflict of interest in Item 10.1 – Confidential Notice of Motion to rescind a Council Resolution – Item 10.3 – CON 23/05/23 – Tender Report – Management of Inland Swimming Centres Contract No. 2022/137T for the same reason outlined at the Ordinary Council Meeting of 23 May 2023. She managed the conflict by remaining in the Chamber for the discussion however would leave the Chamber for any discussion regarding the awarding of the tender.

### **Councillor Duncan**

Councillor Duncan declared a potential significant non-pecuniary conflict of interest in Item 10.1 – Confidential Notice of Motion to rescind a Council Resolution – Item 10.3 – CON 23/05/23 – Tender Report – Management of Inland Swimming Centres Contract No. 2022/137T for the same reason outlined at the Ordinary Council Meeting of 23 May 2023. She managed the conflict by remaining in the Chamber for the discussion however would leave the Chamber for any discussion regarding the awarding of the tender.

### **Councillor Richardson**

Councillor Richardson declared a potential significant non-pecuniary conflict of interest in Item 10.1 – Confidential Notice of Motion to rescind a Council Resolution – Item 10.3 – CON 23/05/23 – Tender Report – Management of Inland Swimming Centres Contract No. 2022/137T for the same reason outlined at the Ordinary Council Meeting of 23 May 2023. She managed the conflict by remaining in the Chamber for the discussion however would leave the Chamber for any discussion regarding the awarding of the tender.

**Councillor Adamczyk**

Councillor Adamczyk declared a potential significant non-pecuniary conflict of interest in Item 10.1 – Confidential Notice of Motion to rescind a Council Resolution – Item 10.3 – CON 23/05/23 – Tender Report – Management of Inland Swimming Centres Contract No. 2022/137T for the same reason outlined at the Ordinary Council Meeting of 23 May 2023. She managed the conflict by remaining in the Chamber for the discussion however would leave the Chamber for any discussion regarding the awarding of the tender.

**Councillor Winney-Baartz**

Councillor Winney-Baartz declared a potential significant non-pecuniary conflict of interest in Item 10.1 – Confidential Notice of Motion to rescind a Council Resolution – Item 10.3 – CON 23/05/23 – Tender Report – Management of Inland Swimming Centres Contract No. 2022/137T for the same reason outlined at the Ordinary Council Meeting of 23 May 2023. She managed the conflict by remaining in the Chamber for the discussion however would leave the Chamber for any discussion regarding the awarding of the tender.

**6. CONFIRMATION OF MINUTES****6.1. MINUTES - BRIEFING COMMITTEE 16 MAY 2023****6.2. MINUTES - ORDINARY COUNCIL MEETING 23 MAY 2023****MOTION**

Moved by Cr Barrie, seconded by Cr Duncan

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

**Carried  
unanimously**

**7. LORD MAYORAL MINUTE**

Nil.

**LATE ITEMS OF BUSINESS****8.9. SOCIAL AND AFFORDABLE HOUSING ADVOCACY**

The Deputy Lord Mayor advised that he had been informed of a late item of business by Councillor Adamczyk and requested Councillor Adamczyk to outline the reasons for Council to consider the late item of business.

**PROCEDURAL MOTION**

Moved by Cr Adamczyk, seconded by Cr Winney-Baartz

1. That the item be considered of great urgency and be considered prior to Item 8.1 on the Ordinary Council agenda, given announcements by:
  - a. the Commonwealth Government on 17 June 2023 for \$2,000,000,000 in funding, to be provided to State Governments before the end of financial

- year (\$610,000,000 to NSW), for the purpose of directly funding and improving planning pathways to support additional social housing; and
- b. the NSW State Government on 15 and 19 June 2023 to increase affordable housing in major projects and improving planning pathways to provide more social and affordable housing; and

2. That the new item be considered prior to item 8.1 on the Ordinary Council agenda.

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

**Against the Motion:** Councillors Church, Pull and Wark.

**Carried**

The Deputy Lord Mayor ruled that the matter of Social and Affordable Housing Advocacy be heard as a late item of business in accordance with the Code of Meeting Practice and the reasons outlined by Councillor Adamczyk.

The late item of business was brought forward as the first item of business.

## **MOTION**

Moved by Cr Adamczyk, seconded by Cr Winney-Baartz

That Council:

1. Welcomes the Albanese Commonwealth Government's \$2 Billion Social Housing Accelerator payment to State Governments by 30 June 2023 to deliver thousands of additional social dwellings, as part of the Government's broader housing plan (including the National Housing Accord) (Attachment A).
2. Offers the City's support as a partner with the State and Commonwealth Governments to deliver on this \$2Billion commitment, and support additional social and affordable housing in the City.
3. Reiterates the City of Newcastle's leadership in the elected Council's previous resolutions for a national solution to adequately fund, regulate, and provision affordable and social housing, including via an unanimously supported resolution to the Australian Local Government Association (ALGA) Conference 2023 on 14 June 2023, and a resolution for collaborative partnerships between all levels of government to LGNSW Conference in October 2022.
4. Welcomes steps taken by the Minns NSW Labor Government to increase affordable housing in major projects and improve planning pathways for social and affordable housing (Attachment B).
5. Notes the former elected Council's declaration of a housing affordability crisis in the City in 2021 (Attachment C) and the identified need for more than 7,000 social and affordable dwellings to be built by 2041 (Attachment D), and notes the City in 2023 is now in the top ten local government areas in NSW with the highest housing need, with 70% of low-income households experiencing rental stress and 1911 people waiting up to 10 years for social housing (Attachment E).

6. Reiterates the City of Newcastle's interest in partnering with the State and Commonwealth Governments to accelerate the delivery of additional social and affordable housing in the City in response to the housing crisis.
7. Reiterates the elected Council's action on affordable housing to date to fast track more affordable housing in the city via collaborative partnerships with community and government, with projects already completed in Wickham (Attachment F) and Waratah West (Attachment G), and under construction in Wallsend (Attachment H), and notes the elected Council's previous resolutions and work to ensure social and affordable housing is accessible and equitable.
8. Reiterates the elected Councils' adopted social and affordable housing targets of 15% on privately-owned land and 30% on government-owned land (Attachment I), noting the failure of past state and federal policies and funding commitments to secure adequate provision of safe, accessible, and affordable housing.
9. Notes with concern 187 affordable dwellings will be lost in Newcastle by the end of 2026 as they leave the National Rental Affordability Scheme (NRAS) rather than held in perpetuity as affordable housing (with all NRAS dwellings in Australia to be 'phased out' by end-2026) (Attachment J).
10. Reiterates the opportunities to achieve affordable housing via developer contributions, noting the proactive approach to delivering social and affordable housing by Councils across NSW since 1996 (through LEPs, planning agreements and SEPPs, and with and without compensatory floor space, uplift or rezoning) (e.g. Attachment K), and the City's commitment to develop an Affordable Housing Contributions Scheme under SEPP (Housing) 2021 (previously SEPP 70).
11. Writes to the Premier of New South Wales, The Hon. Chris Minns MP, and Minister for Housing and Homelessness, The Hon. Rose Jackson MLC, asking for a collaborative approach between the State Government, Councils, and local CHPs, in the delivery of any additional funding under these announcements, to;
  - a. Establish and implement effective programs to fund and plan new affordable housing and provide the necessary infrastructures to support increased dwellings,
  - b. Improve outcomes beyond existing local affordable housing contributions schemes and mechanisms, and
  - c. Ensure affordable housing is held in perpetuity by a Community Housing Provider or in public operation and ownership.

**Carried  
unanimously**

## **8. REPORTS**

### **8.1. ACCEPTANCE OF OFFER – NEWCASTLE ART GALLERY EXPANSION – TELSTRA ASSET RELOCATION WORKS – CONTRACT NO. 2023/156T**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

1. Not invite tenders for Contract 2023/156T - Newcastle Art Gallery Expansion Telstra Asset Relocation Works. A satisfactory result would not have been



achieved through the calling of tenders as the network assets are owned by Telstra Corporation Limited (Telstra) who have exclusive rights to carry out any modifications to their network.

**Carried  
unanimously**

## **8.6. EXECUTIVE MONTHLY PERFORMANCE REPORT**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

1. Receives the Executive Monthly Performance Report for May 2023.

**Carried  
unanimously**

## **8.2. SUPPLEMENTARY REPORT – PROPOSED SALE OF OPERATIONAL LAND – 55 COWPER STREET WALLSEND**

### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

#### PART A:

Lays this item on the table until the following reports are received.

#### PART B:

Notes that:

- Major arterial road sales have occurred in the last decade by Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) that have rendered unattainable any use of our road reserves beyond vehicular traffic, at significant loss to our ratepayers and the liveability and accessibility of our public spaces.
- Significant public works are scheduled to occur in Wallsend in the City's forward works program, including in the immediate proximity to this site.
- Valuable uses for our City's road reserves exist including and beyond being used to accommodate vehicular road widening for traffic (e.g. as places for verge and community gardens, urban forest and tree canopy, pollinating ecological spaces, public travel, active movement, or rest and relaxation).
- Many cities have implemented strategies for vibrant, liveable and accessible road reserves, with spaces for temporary activations and permanent uses.

#### PART C:

That Council notes the significant sale of public owned road reserves in Newcastle in recent years, particularly by RMS/TfNSW, which has included attempts by RMS to list for sale land owned by City of Newcastle, and:

1. Requests a report on existing road reserves across the City, owned by CN and RMS/TFNSW.

2. Requests a report summarising road reserves lost in the City of Newcastle by RMS/TfNSW sales in the last decade.
3. Prepares a plan for our road reserves, including strategic acquisitions, and temporary and permanent uses.

Councillor Pull gave notice of a foreshadowed motion that being the Officer's recommendation outlined in the business papers.

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

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

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

**Carried**

The foreshadowed motion from Councillor Pull lapsed.

### **8.3. STAGE 1 OF HUNTER ESTUARY COASTAL MANAGEMENT PROGRAM (CMP) COMPLETED**

#### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

1. Endorses the Hunter Estuary CMP Scoping Study per the Officer's recommendation, and commends the collaborative work done by Hunter Councils as part of HEAL to highlight the alarming state of the health of the Hunter River Estuary in Stage 1 of the CMP.
2. Notes parts of the Hunter Estuary in the City have national and international significant, including the Hunter Estuary Wetlands Ramsar site of the Hunter Wetlands National Park (Tomago and Kooragang Wetlands, Shortland Wetlands, Stockton Sandspit, Hexham Swamp), and its estuarine tributaries (e.g. Ironbark Creek, Minmi Creek, and Throsby Creek).
3. Notes with alarm that the Hunter River Estuary is the most polluted in NSW, with the upper catchment ranking 160th out of 160 estuaries, and the lower catchment ranking 124<sup>th</sup> out of 160.
4. Notes specific activities compromising the integrity of the Estuary including for example:
  - a) Contamination of the Estuary and into Fullerton Cove through PFAS.
  - b) Runoff and licensed industrial discharges placing stress on the ecosystem
  - c) Intensive residential development in the Minmi Creek catchment
5. Notes that the scale of the issue is beyond the means of only local governments to resolve alone to "heal the estuary" (Scoping Report, p.105).
6. Notes City of Newcastle's significant funding contribution to Hunter Estuary catchment health, including \$4.2 million to be paid by Newcastle ratepayers for the Hunter Catchment Contribution Levy in 2023/24 (a 56% increase on the \$2.69M levied in 2022/23).

7. Calls for a review of governance by the NSW Government and reinstatement of the dedicated Hunter Catchment Management Authority, or alternative equivalent government agency, tasked with improving the health of the Hunter River Estuary, and
8. Writes to the Minister for the Hunter, The Hon. Tim Crakanthorp MP and the Minister for the Environment, The Hon Penny Sharpe MLC, requesting their assistance with state leadership, coordination and oversight to urgently rectify this situation.

**Carried  
unanimously**

#### **8.4. MAKING OF THE RATE AND CHARGES FOR 2023/24**

##### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Richardson

That Council:

1. Makes the following Rates and Charges for the 2023/24 financial year:

	<b>RATE</b>	<b>MINIMUM RATE</b>	<b>AD Valorem Amount Cents in \$</b>	<b>BASE AMOUNT</b>	<b>ESTIMATED RATE YIELD P.A. \$'s</b>
			<b>\$</b>	<b>% of Total Rates</b>	
<b>Ordinary Rates</b>					
Residential	Nil	0.163421	851.89	50	115,195,719
Farmland	\$1,176.70	0.201123	Nil	Nil	21,402
Business	\$1,176.70	1.012511	Nil	Nil	47,086,110
<b>Business Sub-Categories</b>					
Major Commercial Shopping Centre - Kotara	\$1,176.70	4.302395	Nil	Nil	1,720,958
Major Commercial Shopping Centre – Jesmond	\$1,176.70	3.462694	Nil	Nil	675,225
Major Commercial Shopping Centre – Waratah	\$1,176.70	3.830839	Nil	Nil	475,024
Major Commercial Shopping Centre – Wallsend	\$1,176.70	4.310374	Nil	Nil	478,451
Major Commercial Shopping Centre – The Junction	\$1,176.70	2.948649	Nil	Nil	253,879
Major Commercial Shopping Centre – Inner City	\$1,176.70	0.940369	Nil	Nil	253,900

	RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT	ESTIMATED RATE YIELD P.A. \$'s
Major Commercial Shopping Centre (Inner City-East)	\$1,176.70	1.269487	Nil	Nil	96,100
Suburban Shopping Centre – Hamilton	\$1,176.70	1.363555	Nil	Nil	65,996
Suburban Shopping Centre – Inner City	\$1,176.70	1.544077	Nil	Nil	128,158
Suburban Shopping Centre	\$1,176.70	2.456441	Nil	Nil	226,729
Suburban Shopping Centre – Mayfield	\$1,176.70	1.643699	Nil	Nil	202,175
Kotara – Homemaker's Centre	\$1,176.70	0.946484	Nil	Nil	324,590
Kotara – Homemaker's Centre - South Zone	\$1,176.70	1.553338	Nil	Nil	352,608
Kooragang Industrial Coal Zone	\$1,176.70	1.346175	Nil	Nil	737,042
Kooragang North Industrial Coal Zone	\$1,176.70	2.007323	Nil	Nil	1,646,005
Kooragang Industrial Centre - Walsh Point	\$1,176.70	1.447121	Nil	Nil	2,468,904
Kooragang Industrial Centre	\$1,176.70	1.262646	Nil	Nil	1,156,877
Mayfield West Storage Units	\$588.35	1.317984	Nil	Nil	51,451
Mayfield West Industrial Centre	\$1,176.70	0.703175	Nil	Nil	28,127
Mayfield North Heavy Industrial Centre	\$1,176.70	0.785322	Nil	Nil	672,000
Mayfield North Industrial Centre	\$1,176.70	1.036230	Nil	Nil	539,830
Mayfield North Industrial Centre - Future Development	\$1,176.70	1.246126	Nil	Nil	411,221
Carrington Industrial Port and Coal Zone	\$1,176.70	2.553828	Nil	Nil	1,034,300
Carrington Industrial Centre	\$1,176.70	1.447440	Nil	Nil	1,570,954
Carrington Industrial Port Operations Use	\$1,176.70	1.879549	Nil	Nil	930,565
Broadmeadow Industrial Centre	\$1,176.70	2.107581	Nil	Nil	180,620
Hexham Industrial Centre	\$1,176.70	1.013997	Nil	Nil	1,117,193
<b>Special Rates</b>					
Hunter Mall	Nil	0.134128	Nil	Nil	83,725

	RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT	ESTIMATED RATE YIELD P.A. \$'s
Mayfield Business District	Nil	0.068342	Nil	Nil	85,389
Hamilton Business District - Zone A	Nil	0.123164	Nil	Nil	100,117
Hamilton Business District - Zone B	Nil	0.061582	Nil	Nil	36,287
Hamilton Business District - Zone C	Nil	0.030791	Nil	Nil	14,740
Wallsend Business District - Zone A	Nil	0.278807	Nil	Nil	123,116
Wallsend Business District - Zone B	Nil	0.139404	Nil	Nil	15,910
Wallsend Business District - Zone C	Nil	0.209105	Nil	Nil	23,211
New Lambton Business District	Nil	0.072397	Nil	Nil	16,343
City Centre - City East	Nil	0.173930	Nil	Nil	191,185
City Centre - Darby Street	Nil	0.039820	Nil	Nil	36,403
City Centre - City West (Close Zone)	Nil	0.061057	Nil	Nil	262,378
City Centre - City West (Distant Zone)	Nil	0.030529	Nil	Nil	16,620
City Centre – Tower	Nil	0.173930	Nil	Nil	184,888
City Centre – Mall	Nil	0.173930	Nil	Nil	114,433
City Centre – Civic (Close Zone)	Nil	0.090390	Nil	Nil	111,447
City Centre – Civic (Distant Zone)	Nil	0.045195	Nil	Nil	6,737
<b>TOTAL</b>					<b>181,525,042</b>

2. An Ordinary Rate of zero point one six three four two one (0.163421c) in the dollar with a 50% base amount of eight hundred and fifty one dollars and eighty nine cents (\$851.89) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.
3. An Ordinary Rate of zero point two zero one one two three cents (0.201123c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.
4. An Ordinary Rate of one point zero one two five one one cents (1.012511c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial

Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre – Hamilton, Major Commercial Shopping Centre (Inner City-East), Suburban Shopping Centre - Mayfield, Kotara, Homemaker's Centre, Kotara, Homemaker's Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Mayfield West Storage Units, Mayfield West Industrial Centre, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.

5. An Ordinary Rate of four point three zero two three nine five cents (4.302395c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m<sup>2</sup>), providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.
6. An Ordinary Rate of three point four six two six nine four cents (3.462694c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
7. An Ordinary Rate of three point eight three zero eight three nine cents (3.830839c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
8. An Ordinary Rate of four point three one zero three seven four cents (4.310374c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS -**

**MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.

9. An Ordinary Rate of two point nine four eight six four nine cents (2.948649c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES – THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.
10. An Ordinary Rate of zero point nine four zero three six nine cents (0.940369c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, National Park, King and Steel Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
11. An Ordinary Rate of one point two six nine four eight seven cents (1.269487c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY-EAST)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, Steel, King and Ravenshaw Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City-East).
12. An Ordinary Rate of two point four five six four four one cents (2.456441c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m<sup>2</sup> which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Major Commercial Centres (Inner City-East), Suburban Shopping Centre – Mayfield or Suburban Shopping Centre - Hamilton. This land is categorised as Sub-category Business - Suburban Shopping Centres.

13. An Ordinary Rate of one point five four four zero seven seven cents (1.544077c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West situated on a site of greater than four thousand and nine hundred square metres (4,900m<sup>2</sup>) which operates as a Supermarket excepting the land categorised as Major Commercial Centres (Inner City) or Major Commercial Centres (Inner City-East). This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.
14. An Ordinary Rate of one point three six three five five five cents (1.363555c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – SUBURBAN SHOPPING CENTRES – HAMILTON**. This sub-category applies to all rateable land within the centre of commercial activity defined by the land bounded by Hudson, Swan Donald and Bennett Streets, Hamilton which operates as a Supermarket. This land is categorised as Sub-category Business - Suburban Shopping Centres – Hamilton.
15. An Ordinary Rate of one point six four three six nine nine cents (1.643699c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – SUBURBAN SHOPPING CENTRE – MAYFIELD** apply to all rateable land within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m<sup>2</sup>) with a minimum 4,000m<sup>2</sup> of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
16. An Ordinary Rate of zero point nine four six four eight four cents (0.946484c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker's Centre.
17. An Ordinary Rate of one point five five three three three eight cents (1.553338c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre - South Zone.
18. An Ordinary Rate of one point three four six one seven five cents (1.346175c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section



518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.

19. An Ordinary Rate of two point zero zero seven three two three cents (2.007323c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 DP 1207051, and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.
20. An Ordinary Rate of one point four four seven one two one cents (1.447121c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 1 and 3 DP 234288, Lot 3 DP 1117013, and Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 DP 271222, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1 DP 57567, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lots 3 DP 858206, Lots 2, 4, 5 DP 1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lots 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 123/1223462. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.
21. An Ordinary Rate of one point two six two six four six cents (1.262646c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land not used primarily as a service station and categorised as Business in terms of Section 518 of the Act which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.

22. An Ordinary Rate of zero point seven eight five three two two cents (0.785322c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lots 224, 225 DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.
23. An Ordinary Rate of one point zero three six two three zero cents (1.036230c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 Lots 5, 6 and 7 DP 1204575, Lot 4 DP 1095751 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
24. An Ordinary Rate of one point two four six one two six cents (1.246126c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE - FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982, Lots 51, 52, 53 and 54 DP 1229869 and Lot 332 DP 1176879. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
25. An Ordinary Rate of one point three one seven nine eight four cents (1.317984c) in the dollar with a minimum rate of five hundred and eight eight dollars and thirty five cents (\$588.35) named **BUSINESS – MAYFIELD WEST STORAGE UNITS** apply to all rateable land in CN LGA within the centre of activity defined by all lots contained within Strata Plan 99055. This land is categorised as sub-category Business - Mayfield West Storage Units.
26. An Ordinary Rate of zero point seven zero three one seven five cents (0.703175c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – MAYFIELD WEST INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield West Industrial Centre.
27. **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199 and the land contained within Railway Land Lease reference number 115/75/2261. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.
28. An Ordinary Rate of one point eight seven nine five four nine cents (1.879549c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 8345723, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP 1187068, Lot 30 DP 1190075, Lots 8, 11 DP 1190231, Lots 13-16 DP 1190232, Lots 110, 111, 113 DP

- 1191911, Lots 91-93 DP 1193181, Lots 1-3 DP 1195231, Lots 219, 220 DP 1195310, Lots 1-3 DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.
29. An Ordinary Rate of one point four four seven four four zero cents (1.447440c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m<sup>2</sup>) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and including the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
30. An Ordinary Rate of two point one zero seven five eight one cents (2.107581c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
31. An Ordinary Rate of one point zero one three nine nine seven cents (1.013997c) in the dollar with a minimum rate of one thousand one hundred and seventy six dollars and seventy cents (\$1,176.70) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham or Tarro. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
32. A Special Rate of zero point one three four one two eight cents (0.134128c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District. This rate applies to all properties within the defined area categorised as Business.
33. A Special Rate of zero point zero six eight three four two cents (0.068342c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “Mayfield Business District” as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District. This rate applies to all properties within the defined area categorised as Business.

34. A Special Rate of zero point one two three one six four cents (0.123164c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
35. A Special Rate of zero point zero six one five eight two cents (0.061582c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
36. A Special Rate of zero point zero three zero seven nine one cents (0.030791c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
37. A Special Rate of zero point two seven eight eight zero seven cents (0.278807c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
38. A Special Rate of zero point one three nine four zero four cents (0.139404c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
39. A Special Rate of zero point two zero nine one zero five cents (0.209105c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
40. A Special Rate of zero point zero seven two three nine seven cents (0.072397c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of

the rateable land within CN LGA constituted and known as the “New Lambton Business District” as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District. This rate applies to all properties within the defined area categorised as Business.

41. A Special Rate of zero point one seven three nine three zero cents (0.173930c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - City East” as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East. This rate applies to all properties within the defined area categorised as Business.
42. A Special Rate of zero point zero three nine eight two zero cents (0.039820c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -Darby Street” as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street. This rate applies to all properties within the defined area categorised as Business.
43. A Special Rate of zero point zero six one zero five seven cents (0.061057c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - City West” as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone). This rate applies to all properties within the defined area categorised as Business.
44. A Special Rate of zero point zero three zero five two nine cents (0.030529c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -City West” as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
45. A Special Rate of zero point one seven three nine three zero cents (0.173930c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower. This rate applies to all properties within the defined area categorised as Business.
46. A Special Rate of zero point one seven three nine three zero cents (0.173930c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land

within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall. This rate applies to all properties within the defined area categorised as Business.

47. A Special Rate of zero point zero nine zero three nine zero cents (0.090390c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone). This rate applies to all properties within the defined area categorised as Business.
48. A Special Rate of zero point zero four five one nine five cents (0.045195c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area –Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
49. A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.
50. A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$5,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 52.
51. A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m<sup>2</sup> or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$5,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.
52. A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$2,500 for each non-strata property. This charge shall only apply where a business property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title

rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.

53. A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of five hundred and seven dollars and zero cents (\$507.00) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.

54. A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and ninety eight dollars and zero cents (\$298.00) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

**Carried  
unanimously**

## **8.5. INTEREST ON OVERDUE RATES AND CHARGES FOR 2023/24**

### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Wark

That Council:

1. Adopts the rate of 9.0% per annum on interest on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive).
2. Notes that interest is waived for ratepayers who on the basis of financial hardship, enter into an agreement to pay outstanding rates over a period of time.

### **AMENDMENT**

Moved by Cr Barrie, seconded by Cr Pull

That Council:

1. Maintain the rate of 6.0% per annum on interest on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive).

**For the Amendment:** Councillors Barrie, Church, Pull and Wark.

**Against the Amendment:** Deputy Lord Mayor, Cr Clausen and Councillors Adamczyk, Duncan, Mackenzie, Richardson, Winney-Baartz and Wood.

**Defeated**

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

**Carried**

## **8.7. TENDER REPORT - BIENNIAL HIRE OF PLANT TRUCKS AND EQUIPMENT - CONTRACT 2023/120T**

### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Duncan

That Council:

1. Accepts the 51 tenders stated in Attachment B and Council awards separate contracts to each of the tenderers stated in Attachment B in line with the rates and charges offered by each tenderer for Biennial Hire of Plant, Trucks and Equipment for Contract No. 2023/120T.
2. The confidential attachments relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried**

## **8.8. TENDER REPORT - CONSTRUCTION OF OPERATIONAL AREA FOR RECYCLED MATERIALS TRANSFER AT SUMMERHILL WASTE MANAGEMENT CENTRE – CONTRACT NO. 2023/119T**

### **MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

At Attachment A:

That Council:

1. Accept the tender of Ironbuilt Infrastructure Pty Ltd in the amount of \$1,847,176 (excluding GST) for Construction of the Operational Area for Recycled Materials Transfer at Summerhill Waste Management Centre for Contract No. 2023/119T.
2. The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried  
unanimously**

## **9. NOTICES OF MOTION**

### **9.1. PEDESTRIAN CROSSINGS**

#### **MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That City of Newcastle:

1. Notes Transport for NSW recently released a temporary delegation to Councils for minor works under the Roads Act 1993 and Road Transport Act 2013 to provide Councils with an alternative approval pathway for certain types of pedestrian works. Under the revised delegation, Councils can approve and implement selected pedestrian works without needing to seek concurrence, approval or input from TfNSW, nor approval from Local Traffic Committees (Fact Sheet at **Attachment A**)



2. Consistent with the new delegation and accompanying TfNSW pedestrian crossing guideline, Council develops a Newcastle Local Pedestrian Crossing Policy with the objectives of contributing to road safety outcomes, improving amenity for pedestrians and cyclists, supporting council's integrated public transport vision, supporting our placemaking vision, and delivering fair, transparent and consistent management of traffic for all road users
3. Notes feedback from the community about the need for pedestrian crossings in local areas across the City. Alongside the development of a Local Pedestrian Crossing Policy, explores the delivery of new crossings at:
  - a. Around the boundary streets of Newcastle High School (noting need for concurrence from School Infrastructure NSW)
  - b. Dixon Park, Cnr Livingston and Helen Streets, Merewether
  - c. Cnr of Berner and Ocean Street to meet the new footpath and connection with new pedestrian crossing on Frederick Street
  - d. Richardson Park, Cnr Chatham Rd and Donald St, Hamilton North
  - e. Centennial Park, Cnr Tooke St and Dawson St, Cooks Hill
  - f. Cnr Kerr St and Maitland Road Mayfield, raised pedestrian crossing and need for improved lighting
  - g. Orchardtown Rd and/or Birdwood St, New Lambton to provide connection to new infrastructure at Blackbutt Local Centre, connection to/from Novocastrian Park and connection towards local schools
  - h. Wallarah Rd, New Lambton to provide safe a passage from Skate Park to shared pathway on Monash Pde, New Lambton
  - i. Woodford St, at Minmi Public School (noting planning and in-principle agreement between CN and the NSW State Government was secured in September 2022)
  - j. Croudace Rd near Garsdale Ave, Elermore Vale, to provide safe passage between Walker fields, local shopping centre, Men's Shed, and nearby early learning centre and schools
  - k. William St, north of Bryant St, Tighes Hill, repair, upgrade, compliant kerb ramp, improved drainage, street lighting, signage and road markings.

Councillor Mackenzie referred to Council's resolution of 26 July 2022, Item 24 – Notice of Motion – William Street Pedestrian Crossing, Tighes Hill, and that the planning and detailed design would be finished by the end of the year. An update on the proposal was taken on notice by the Chief Executive Officer.

**Carried  
unanimously**

## **9.2. NEWCASTLE INNER CITY BYPASS – FURTHER ADVOCACY**

### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Adamczyk

1. Notes that construction is underway on the long-awaited final stage of the Newcastle Inner City Bypass. The project is being primarily funded by the Commonwealth Government (80% funding) and delivered by the NSW Government (20% funding).

2. Notes the constructive advocacy role CN has played in the delivery of this project, including multiple motions of the elected council which were successful in protecting the East-West cycleway connections, removal of the proposed construction compound from Peatties Road, and ensuring the delivery of a full interchange at John Hunter Hospital.
3. Reiterates the need for further refinement to the project before it is completed including the need for a dedicated corridor for active transport, bus rapid transport and future light rail between the John Hunter Hospital and University of Newcastle as part of the project; and opportunities for refinements to minimise biodiversity and habitat losses.
4. Notes that it is not too late for these items to be included within the scope of the project, and that the costs of delivering this infrastructure now will be substantially less than attempting to retrofit into the future road.
5. Writes to the Member for Wallsend (Hon Sonia Hornery) and copies to:
  - The Hon. Joanna Hayle, Minister for Transport,
  - The Hon. John Graham, Minister for Roads,
  - The Hon. Jenny Aitchison, Minister for Regional Transport and Roads,
  - The Hon. Tim Crakanthorp, Minister for the Hunter, and
  - The Hon. Penny Sharpe, Minister for the Environment,

calling on the newly elected NSW Government to urgently review these aspects of the project, to ensure the opportunity to deliver a meaningful active and public transport connection between two of the City's main catalyst sites (JHH and UON) is not lost due to the short-sightedness of the previous Coalition State Government.

Councillor Pull moved an amendment that Council also write to the Shadow Ministers of the above Ministries omitting reference to "due to the short-sightedness of the previous Coalition State Government."

The mover and seconder of the motion accepted Councillor Pull's amendment to the motion.

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

**Carried  
unanimously**

### **9.3. NATIONAL PARKS ESTATE ADVOCACY - 505 MINMI ROAD**

Councillor Church left the Chamber for discussion on the item.

#### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Duncan

That City of Newcastle

1. Reiterates the elected Councils' many previous resolutions calling for the protection of the Green Corridor and specifically on the importance of 505 Minmi Road within the Green Corridor to regional biodiversity, noting the

- opportunity to incorporate the land into the neighbouring Blue Gum Hills Regional Park with just terms compensation to the existing landowner.
2. Notes that development currently underway in this area was approved by the Land and Environment Court, not City of Newcastle, and reiterates the Council's longstanding advocacy for protecting the Green Corridor. The NSW Government's HCCRPP recently refused a development on land neighbouring 505 Minmi Road due, in part, to the impact on the road network.
  3. Welcomes the election commitment of the new NSW Labor Government to investigate protecting 505 Minmi Road in perpetuity as part of the National Park Estate (Newcastle Herald, 24 March 2023 – **Attachment A**).
  4. Publicly addresses the inaccurate information in responses to Council from the Department of Planning and Environment (dated 10 January 2023) regarding the inclusion of 505 Minmi Road in the Hunter Regional Plan 2041, and notes CN's comprehensive letter dated 26 May 2023 in response to the Amended Planning Proposal of 29 March 2023 (**Attachment B**).
  5. Writes to the Member for Wallsend Deputy Speaker of the Legislative Assembly, The Hon. Sonia Hornery MP, The Hon. Tim Crakanthorp, Minister for the Hunter and The Hon. Penny Sharpe, Minister for the Environment calling for the urgent implementation of the Government's Election Commitment to investigate the protection of 505 Minmi Rd for conservation in the National Park Estate, reiterating the elected Council's strong support for this option to permanently protect the Green Corridor.

**Carried**

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

#### **9.4. ENDOMETRIOSIS AND PELVIC PAIN CLINICS**

##### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Wood

That City of Newcastle

1. Notes and applauds the announcement on 22 March 2023 that the Albanese Labor Government will be delivering Australia's first Endometriosis and Pelvic Pain Clinics across all states and territories as part of the Labor Governments \$58.3 million commitment to these clinics.
2. Notes that in New South Wales these first clinics were announced in Orange, Hunters Hill, Leichhardt, Mittagong, Milton and Coffs Harbour.
3. Writes to Federal Member for Newcastle and Deputy Speaker, Ms Sharon Claydon MP, The Hon Mark Butler MP, Minister for Health and Aged Care, and The Hon Ged Kearney MP, Assistant Minister for Health and Aged Care advocating for Newcastle to be included in any subsequent funding for further clinics.
4. Works with local health specialists to ensure that this advocacy is well supported by our world-renowned local health specialists.

**Carried  
unanimously**

## 9.5. SUPERCARS 500 AND CLIMATE CHANGE

### MOTION

Moved by Cr Mackenzie, seconded by Cr Church

That City of Newcastle

1. Notes the preceding commitments by the City of Newcastle to addressing climate change, as demonstrated by the Newcastle Climate Action Plan 2021-2025 and the consensus Council commitment to the goal of 30% reduction in city-wide emissions by 2025.
2. Notes further the objective of the Newcastle Climate Action Plan 2021-25 to “create a resilient city that reduces its share of emissions to ensure a cleaner and more sustainable future”.
3. Notes the unanimous resolution of Council in November 2017 to “engage an independent, expert third party to undertake an evaluation and event impact assessment to assess the social, economic and environmental benefits and costs associated with Newcastle City Council’s support for the Newcastle 500 event.” To date, no event impact assessment has considered the environmental benefits and costs of the Newcastle 500.
4. Consistent with the commitment to action on climate change,
  - a. Assess the environmental impact on the Newcastle LGA of each of the Newcastle Supercar 500 events held so far, with specific consideration of the climate and air pollution impacts.
  - b. Ensure that consideration of the climate and air pollution impacts include:
5. The CO2 emissions during all three phases of the event: bump-in, 3-day event, bump-out, including emissions from all associated vehicle movements and associated machinery required for the event such as generators; and
6. Emissions of other relevant air pollutants including particulates PM 2.5 and PM10, noxious gases such as nitrogen and sulfur oxides.
7. Include the assessment of environmental impacts of the Newcastle 500 event in the report to Councillors to inform the decision-making process for a potential five-year extension of the Newcastle 500, which also includes the results from the community consultation.

### AMENDMENT

Moved by Cr Duncan, seconded by Cr Wood

That Council:

1. Notes the objective of the Newcastle Climate Action Plan 2021-25 to “create a resilient city that reduces its share of emissions to ensure a cleaner and more sustainable future” which includes a 'City Aspirational Goal for 2025' of a 30% reduction in city-wide emissions.
2. Notes that Destination NSW has not provided Council with a requested report prepared by an independent expert third party to undertake an evaluation and event impact assessment to assess the social, economic and environmental benefits and costs associated with the 2017 Newcastle 500 event, as requested by the Council in October 2017."
3. Notes that the NSW Government and Supercars Australia are yet to commit to any extension of the Newcastle 500, with the final decision subject to Council endorsement.

4. Notes that Supercars has since 2009 been run on plant based E85 (85% ethanol, 15% unleaded petrol) and in 2023 moved to E75, which is second-generation bio ethanol, derived from the waste products of wheat processing that doesn't impact the grain's food stock.
5. Notes that the NSW Government via the EPA provides hourly air quality data for Newcastle, including Newcastle East, that measures particles (PM10, PM2.5), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>) and visibility. This data is publicly available via the EPA's website.
6. Further notes that data captured by the NSW Government confirms that during the Newcastle 500 on Saturday 11 March 2023, nitrogen oxides (NO<sub>x</sub>) and sulphur oxides (SO<sub>x</sub>) levels in Newcastle East were lower than those elsewhere in the LGA.
7. Notes Council's previous resolved support for the electrification of Supercars, and opportunity to utilise Supercars to promote the use of public transport and electric vehicles in the city.

**For the Amendment:** Deputy Lord Mayor, Cr Clausen and Councillors Adamczyk, Duncan, Richardson, Winney-Baartz and Wood.

**Against the Amendment:** Councillors Barrie, Church, Mackenzie, Pull and Wark.

**Carried**

The amendment moved by Councillor Duncan, seconded by Councillor Wood became the motion and was put to the meeting.

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

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

**Carried**

## **9.6. INVITATION TO THE NSW LOCAL GOVERNMENT MINISTER**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Pull

That the City of Newcastle:

1. Notes with disappointment the comments made by the NSW Minister for Local Government The Hon. Ron Hoenig in the NSW Legislative Assembly on 30th May 2023 (refer NOM 9.6 - 27 June 2023).
2. Notes the continuing achievement of excellence in the City of Newcastle's financial reporting, including the unqualified audit opinion for the last financial year as reported in the state-wide assessment by the NSW Audit Office, published 13 June 2023.
3. Writes to and invites The Hon. Minister Hoenig to a roundtable meeting of Councillors and financial management staff at the City of Newcastle to provide a full and complete account of the City's financial management and long-term

financial planning, in the interest of a productive working relationship based on consultation and mutual respect.

### **AMENDMENT**

Moved by Deputy Lord Mayor, Cr Clausen, seconded by Cr Adamczyk

3. Notes Council's unanimous invitation to host a Local Government Summit with Minister Hoenig.

**Carried**

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

**Carried  
unanimously**

## **10. CONFIDENTIAL REPORTS**

### **PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr Adamczyk

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

Councillor Pull raised a point of order if a 'motion to close' the meeting was a procedural motion and whether he had the opportunity to speak to the motion.

The Deputy Lord Mayor received legal advice and ruled that the motion was a procedural motion and needed to be put to the meeting without debate.

Councillor Pull moved dissent against the Deputy Lord Mayor's ruling.

### **MOTION OF DISSENT**

Moved by Cr Pull, seconded Cr Barrie

Move dissent against the Deputy Lord Mayor's ruling.

**For the Motion of dissent:** Councillors Barrie, Church, Mackenzie, Pull and Wark.

**Against the Motion of dissent:** Deputy Lord Mayor, Cr Clausen and Councillors Adamczyk, Duncan, Richardson, Winney-Baartz and Wood.

**Defeated**

The procedural motion to move into confidential session moved by Councillor Mackenzie and seconded by Councillor Adamczyk was put to the meeting.

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

**Against the Procedural Motion:** Councillors Barrie, Church, Pull and Wark.

**Carried**

Council moved into confidential session at 8.50pm.

**PROCEDURAL MOTION**

Moved by Cr Pull, seconded by Cr Mackenzie

That Council move out of confidential session.

**Carried**

Council reconvened at 9.20pm and the Chief Executive Officer reported the resolutions of the partial confidential reports (refer resolutions at 8.7 and 8.8) and confidential item below.

**10.1. CONFIDENTIAL NOTICE OF MOTION TO RESCIND A COUNCIL RESOLUTION - ITEM 10.3 - CON 23/05/23 - TENDER REPORT - MANAGEMENT OF INLAND SWIMMING CENTRES CONTRACT NO. 2022/137T**

The Notice of Motion to rescind Council's resolution of 23 May 2023 to delegate to the Chief Executive Officer authority to determine the award of the tender for Contract No. 2022/137T was defeated.

**MOTION**

Moved by Deputy Lord Mayor, Cr Clausen, seconded by Cr Duncan

That Council:

1. Notes that concerns were raised directly with the relevant NSW Member of Parliament as early as 1 September 2022 regarding the inappropriateness of the Member's demands, and that they were creating circumstances to manipulate the process and cause conflicts of interest for Councillors. Despite repeated warnings, the inappropriate contact continued.
2. Notes that the Member, while previously a Councillor, voted in support of a Pool Service Delivery Model which foreshadowed the closure of three of Newcastle's five public pools, and supported multiple resolutions that partially outsourced operations at Lambton Pool
3. Notes that City of Newcastle did not receive any state funding commitments to assist it in upgrading its pools, despite \$310 million being committed to public pools elsewhere in NSW during the recent election
4. Despite this, notes the leadership of this elected council in unanimously adopting a 20 Year Inland Pool Strategy which commits the City to protecting and enhancing all five of the City's public pools now and into the future
5. Notes that the Member has repeatedly been offered formal meetings and briefings on pools and the pool strategy, but has declined these requests, in favour of direct instruction to Labor and non-Labor Councillors. Opportunities to meet with the CEO were ignored as recently as 9 June 2023
6. Notes that the misinformed position of the Member is inconsistent with their own decisions, and that of the Government they represent. It is one thing to baselessly attack CN, but quite another to take no action to reverse the loss of local jobs and services under the State's direct area of responsibility.
7. Notes the importance of a strong Code of Conduct, with clear conflict of interest management procedures to ensure due process and probity in Government decision making, and that conflicts of interest cannot be ignored for convenience or political outcomes;

8. Reiterates the previous comprehensive declarations made by impacted Councillors, and subsequent correspondence from the corruption prevention division of the NSW ICAC which confirms the appropriate and 'pragmatic' way in which Councillors managed the conflict of interest to prevent undue influence on a government tender process
9. Expresses disappointment with the damaging statements made under Parliamentary Privilege in the NSW Parliament regarding this issue, including on the day the decision was due to be made by Councillors, and the categorically incorrect claims about public health and safety, and the inappropriateness of recklessly raising these false rumours in Parliament without seeking clarification first from CN or NSW Health.

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

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

**Carried**

**The meeting concluded at 9.25pm.**



## 7. LORD MAYORAL MINUTE

*To be tabled at the meeting.*

## 8. REPORTS

### 8.1. PUBLIC EXHIBITION OF DRAFT ENVIRONMENT STRATEGY

**REPORT BY: PLANNING AND ENVIRONMENT**  
**CONTACT: EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /**  
**EXECUTIVE MANAGER ENVIRONMENT AND**  
**SUSTAINABILITY**

#### PURPOSE

To publicly exhibit the draft Newcastle Environment Strategy 2023 (NES).

#### RECOMMENDATION

That Council:

- 1 Places the draft Newcastle Environment Strategy 2023 at **Attachment A** on public exhibition for 28 days.
- 2 Receives a report back following the public exhibition period.

#### KEY ISSUES

- 3 The NES is CN's overarching environmental strategy and provides a road map for achieving the three sustainability priorities and eight sustainability objectives in *Newcastle 2040*, as depicted below, over the next 10 years.

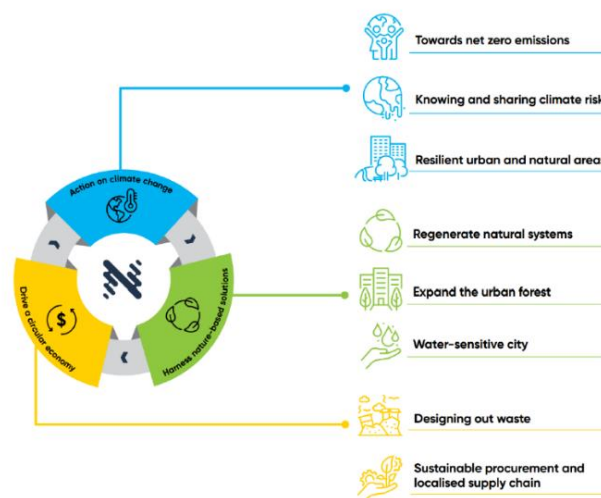


Figure 1: Sustainability priorities and objectives in *Newcastle 2040*

- 4 Seven strategic priorities have been developed in the NES to define where CN efforts should be focused over the coming decade, and 15 key deliverables have been identified for the first four years of NES implementation.
- 5 The NES will be delivered in conjunction with Our Sustainable Waste Strategy, the Newcastle Transport Strategy and the On Our Bikes Cycling Plan and is supported by the Newcastle Climate Action Plan 2021-2025.

### **FINANCIAL IMPACT**

- 6 Costs associated with the public exhibition of the draft NES will be funded through the existing 2023/24 budget.
- 7 The NES will be delivered through a staged funding model, commencing in the 2023/24 financial year.

### **NEWCASTLE 2040 ALIGNMENT**

- 8 The NES is consistent with the strategic directions of the Newcastle 2040 Strategic Plan and outlines how CN will deliver the sustainable theme of Newcastle 2040 over the next 10 years.

### **IMPLEMENTATION PLAN / IMPLICATIONS**

- 9 The NES replaces the Newcastle Environmental Management Strategy 2013.
- 10 As well as replacing the Newcastle Environmental Management Strategy 2013, the NES repeals the Strategic Climate Change Policy 2010, with the content of this dated policy being superseded by the NES and the supporting Newcastle Climate Action Plan 2021-2025.
- 11 Implementation of the NES will be supported and enabled by the development and delivery of a Climate Risk and Resilience Action Plan; Urban Forest Action Plan; Blue Green Grid Action Plan; Water-Sensitive City Action Plan; CN Vehicle, Plant and Equipment Transition Plan; and City-wide EV Transition Strategy which will further guide how CN will achieve the sustainable theme of the CSP over the next 10 years.

### **RISK ASSESSMENT AND MITIGATION**

- 12 A key component of the NES is developing and implementing a climate risk assessment, management, and reporting framework; communicating the physical, social and economic risks from climate change, as well as the complementary roles and responsibilities in living with these risks; and prioritising initiatives to build more resilient communities, and urban and natural areas, in response to climate change.

## RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting on 26 November 2013, Council resolved to adopt the Newcastle Environmental Management Strategy 2013.

## CONSULTATION

- 14 Development of the draft NES was informed by extensive community and stakeholder consultation conducted during the Community Strategic Plan (CSP) engagement program. The program heard from more than 2,600 people through online and face-to-face engagements. Feedback was coded by theme, resulting in approximately 4,000 pieces of commentary relating to environmental issues.
- 15 Internal engagements with CN staff occurred between 2020 to 2022, including a cross-council survey with 111 responses, a series of workshops, and three steering groups who met approximately every two months.
- 16 A series of nine stakeholder workshops, three committee presentations and a face-to-face event, utilising the draft priorities and initiatives from an *Environment Strategy Discussion Paper* as a basis for exploring suitable actions and programs for Council to explore in building a more sustainable future for the region, were conducted between February and April 2022. This brought together 129 diverse stakeholders from the private sector, local councils, state government agencies, business, non-profit organisations and community organisations to help shape the draft NES.
- 17 Consultation was undertaken with CN's Guraki Aboriginal Advisory Committee, Infrastructure Advisory Committee, Liveable Cities Advisory Committee, Strategy and Innovation Advisory Committee and Youth Council.
- 18 Two Councillor workshops (in January 2023 and April 2023) provided an avenue for Councillors to provide feedback on the architecture and content of the draft NES.

## BACKGROUND

- 19 The Newcastle Environmental Management Strategy was adopted in 2013 and is due for review. The NES will revise and repeal this Strategy.

## OPTIONS

### Option 1

- 20 The recommendation as in Paragraph 1 and 2. This is the recommended option.

### Option 2

- 21 Council resolves to not place the draft NES on public exhibition. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Draft Newcastle Environment Strategy 2023

**Attachment A distributed under separate cover**

## 8.2. ADOPTION OF SOCIAL STRATEGY

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

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### PURPOSE

To adopt the Social Strategy 2030.

### RECOMMENDATION

That Council:

- 1 Adopts the Social Strategy 2030 at **Attachment A**.
- 2 Receives the Social Strategy – Public Exhibition Engagement Report at **Attachment B**.

### KEY ISSUES

- 3 The Social Strategy (the Strategy) responds to the social challenges currently faced by communities in Newcastle and provides a framework and actions towards a socially just and inclusive place for all.
- 5 The key social challenges impacting our local community were identified through extensive community consultation and research. These include the affordable housing crisis, increasing income and food insecurity, inequality of opportunity (eg employment and training), inadequate access to social, transport and health services, experiences of discrimination, social isolation and disconnection, as well as limited connection to culture, and limited opportunity to influence local decision making.
- 6 The Strategy seeks to respond to these social challenges by removing barriers to inclusion and equal opportunity, encouraging community connection and participation, celebrating our rich social and cultural diversity, and strengthening community health and wellbeing.
- 7 The Strategy places people and planet at the centre of our approach. It recognises the importance of learning about, and connecting with, Aboriginal and Torres Strait Islander peoples' perspectives, philosophies and practices about caring for Country.
- 8 The Strategy champions evidence-based decision-making and innovative practice while ensuring strong, respectful and transparent relationships with our community partners.

- 9 The Strategy and associated four-year action plan create a blueprint for how City of Newcastle (CN) will contribute to responding to the social challenges and opportunities in our community until 2030, with the Strategy to be reviewed every four years.
- 10 Four strategic priorities have been identified:
- i) **Equitable communities:** Support access to affordable, sustainable and inclusive housing, as well as services, programs and facilities to improve quality of life and the strength of our community.
  - ii) **Inclusive communities:** Acknowledge, value and celebrate Aboriginal and Torres Strait Islander peoples' strength, resilience and living culture. Recognise and embrace the diversity of community members. Champion inclusion across our community so that everyone is supported, valued and respected.
  - iii) **Connected communities:** Support diverse communities to build strong social and cultural connections through acceptance, participation and inclusion, so that everyone feels welcome in Newcastle and enjoys a sense of belonging and place.
  - iv) **Healthy communities:** Promote and support active, healthy and resilient communities that have strong physical, mental and spiritual health and feel safe and secure in the city.

## FINANCIAL IMPACT

- 11 The Strategy will be delivered via the annual budget process with actions commencing in the 2023/2024 financial year. Grant funding opportunities will be sought to support delivery of the Strategy.

## NEWCASTLE 2040

- 12 The Strategy is consistent with the following themes and priorities of the Newcastle 2040 Community Strategic Plan:

### Liveable Newcastle

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

### Sustainable Newcastle

- 2.1 Action on climate change

### Creative Newcastle

- 3.1 Vibrant and creative city
- 3.2 Opportunities in jobs, learning and innovation
- 3.3 Celebrating culture
- 3.4 City-shaping partnerships

### **Achieving Together**

- 4.1 Inclusive and integrated planning
- 4.2 Trust and transparency
- 4.3 Collaborative and innovative approach

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 13 Programs and projects will be operationalised through CN's Delivery Program and Operational Plans each financial year for the life of the plan.

### **RISK ASSESSMENT AND MITIGATION**

- 14 There are no significant risks in relation to adoption of the Strategy.

### **RELATED PREVIOUS DECISIONS**

- 15 At the Ordinary Council Meeting on 27 September 2022, Council resolved to place the draft Social Strategy 2030 on public exhibition for a minimum of 28 days; receive a report on submissions following the public exhibition; and the Community and Culture Advisory Committee receive a briefing (with an open invitation to members of other Committees), prior to a report back to Council.
- 16 At the Ordinary Council Meeting held on 8 December 2015, Council resolved to adopt the Social Strategy 2016–2019. The Social Strategy 2030 provides an updated direction.

### **CONSULTATION**

- 17 In 2021, the targeted Your Place digital and communications campaign reached 183,397 people. 2,120 people provided ideas and opinions on social justice and inclusion issues such as community participation, satisfaction with wellbeing, access to services, safety and inclusion.
- 18 Additional feedback was sought during the public exhibition of the draft Strategy from 28 September to 25 November 2022.
- 19 A dedicated communications campaign included a Have Your Say project webpage, stakeholder emails, distribution of postcards and static displays, use of social media, newsletters and media, as well as a competition to raise awareness of the draft Strategy reached an approximated 17,709 people.
- 20 Fifteen stakeholder and community events and workshops were held during the public exhibition period. Approximately 300 community members and stakeholders attended.
- 21 A total of 30 submissions were received.
- 22 Consultation was undertaken directly with CN's Advisory Committees including:
  - i) Guraki Aboriginal Advisory Committee
  - ii) Community and Culture Advisory Committee

- iii) Access Inclusion Advisory Committee
- iv) Liveable Cities Advisory Committee
- v) Newcastle Youth Council.

- 23 Councillor workshops were held on 8 March 2022 and 20 June 2023.
- 24 A comprehensive Social Strategy – Public Exhibition Engagement Report is included at **Attachment B** with a Summary Engagement Report at **Attachment C**. The Social Strategy Discussion Paper at **Attachment D** also provides insights into the findings from the community consultation and research conducted in 2021 and how this shaped the Strategy.

## **BACKGROUND**

- 25 CN's previous Social Strategy has been updated.
- 26 All levels of government have a role to play in ensuring the social needs of our communities are being met, and responding to these complex social issues requires partnerships across government, charitable and private sectors.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 28 Council resolves to not adopt the Social Strategy 2030. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Social Strategy 2030  
**Attachment B:** Social Strategy – Public Exhibition Engagement Report  
**Attachment C:** Public Exhibition Engagement Summary Report  
**Attachment D:** Social Strategy Discussion Paper

**Attachments A - D distributed under separate cover**



### 8.3. PUBLIC ART REFERENCE GROUP (PARG) ANNUAL REPORT

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

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#### PURPOSE

To present the Public Art Reference Group (PARG) Annual Report.

#### RECOMMENDATION

That Council:

- 1 Receives the Public Art Reference Group Annual Report 2022 as at **Attachment A**.

#### KEY ISSUES

- 2 The PARG acts as an Advisory Committee to the City of Newcastle (CN) on public art. During 2022, PARG met seven times focusing on public art associated with development applications, community murals and artwork and initiatives in the private and public domain.
- 3 Expressions of interest were called in November 2021 for additional members to join PARG for a period of three years. After a successful and competitive selection process, five new members were appointed and attended their first meeting in March 2022. The additional members have added expertise and value to the process of evaluating art proposals in the city.
- 4 The Annual Report documents the activities of PARG during 2022 and is included at **Attachment A**.
- 5 The PARG consider public art proposals in the private domain via development applications which trigger clause B.5 of the Newcastle Development Control Plan 2012 (NDCP 2012). This requires public and civic buildings, developments on key sites and developments over 45m in height to allocate 1% of the capital cost of the development towards public artwork for the development.
- 6 During 2022, the PARG considered four proposals relating to development applications, in addition to several community art proposals from Big Picture Festival and local Business Industry Associations.

## **FINANCIAL IMPACT**

- 7 Administrative costs associated to support PARG are funded through the existing operational budget.

## **NEWCASTLE 2040 ALIGNMENT**

- 8 The PARG is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **Creative**

- 3.3.1 Nurture cultural and creative practitioners
- 3.3.2 Promote Newcastle as a major arts and cultural destination
- 3.3.3 Facilitate opportunities for creative ideas

### **Inclusion**

CN is committed to inclusion, Aboriginal and Torres Strait Islander peoples and culture, supporting local, our planet, innovation, and social justice principles. These commitments underpin Newcastle 2040 and inform the actions we make, the behaviours we demonstrate and the interactions we have.

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 N/A

## **RISK ASSESSMENT AND MITIGATION**

- 10 The PARG is contributing to the City by overseeing public art proposals in the private domain in accordance with development controls.

## **RELATED PREVIOUS DECISIONS**

- 11 At the Ordinary Council Meeting held on 27 October 2020, Council resolved to endorse the PARG as a standing committee of Council to continue outside the term of the elected Council.
- 12 At the Ordinary Council Meeting held on 27 October 2020, Council resolved to endorse the expansion of PARG to include up to five external experts with:
- i) Three positions for persons with a strong demonstrated relationship to Newcastle who have acclaimed reputations for excellence in the field/s of visual art, architecture, landscape architecture, cultural leadership and / or design.
  - ii) One specific position for a cultural knowledge holder from the Indigenous community.
  - iii) One specific position for a heritage expert.

## **CONSULTATION**

- 13 A Councillor workshop was conducted on 11 July 2023.
- 14 The PARG Annual Report 2022 will be reported to the Liveable Cities Advisory Committee at its next meeting.

## **BACKGROUND**

- 15 The role of the PARG is:
- i) To act as an advisory body to CN on public art.
  - ii) To advise on the commissioning and development of new public art works in the public and private domain.
  - iii) Ensure transparent commissioning processes that result in art works reflective of Newcastle's history, culture, and community.
  - iv) Advocate for CN, providing leadership and ongoing support on all aspects of public art.

## **OPTIONS**

### **Option 1**

- 16 Council resolves to adopt the recommendation in paragraph 1. This is the recommended option.

### **Option 2**

- 17 Council resolves not to adopt the recommendations arising from the Public Art Reference Group. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Public Art Reference Group Annual Report 2022.

**Attachment A distributed under separate cover**

#### **8.4. OUTCOME OF NSW CIVIL AND ADMINISTRATIVE TRIBUNAL HEARING EXECUTIVE DIRECTOR, LOCAL GOVERNMENT UNDER DELEGATION FROM THE SECRETARY, DEPARTMENT OF PLANNING AND INDUSTRY V ROBINSON (NO 2) [2020] NSWCATOD**

**REPORT BY: EXECUTIVE DIRECTOR CORPORATE SERVICES**  
**CONTACT: COMPLAINT COORDINATOR – EXECUTIVE MANAGER  
LEGAL & GOVERNANCE**

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#### **PURPOSE**

To report the outcome of Council's decisions in April and May 2021 to refer two separate Code of Conduct matters involving (former) Councillor Allan Robinson to the Office Local Government for action under the misconduct provisions of the Act.

#### **RECOMMENDATION**

That Council:

- 1 Notes the decision of the NSW Civil and Administrative Tribunal's regarding former Councillor Allan Robinson dated 13 June 2023 in the matter [Executive Director, Local Government under delegation from the Secretary, Department of Planning and Industry v Robinson (No 2) [2023] NSWCATOD 81]:

*1. Pursuant to s 482A(2)(c1) the respondent is disqualified from holding civic office for a period of two years from the date of this order.*

#### **KEY ISSUES**

- 2 At the Ordinary Council meetings held on 27 April 2021 and 25 May 2021, Council considered two separate Code of Conduct matters (Matters) against then Councillor Allan Robinson. On both occasions Council resolved:
  - i In accordance with section 440G of the Local Government Act 1993 (NSW) (Act) and based on the findings and recommendation of the Conduct Reviewer, formally censures [then] Councillor Robinson for breaching certain clauses of the Code of Conduct for Councillors and certain clauses of the Code of Meeting Practice; and*
  - ii Refers the matter to the [Office of Local Government] OLG for further action under the misconduct provisions of the Act.*
- 3 On 4 December 2021, the Local Government Election (Election) was held. The OLG had not yet finalised its investigations of the referred Matters at the time of the Election. Mr Robinson was not re-elected as a City of Newcastle (CN) Councillor.

- 4 On 13 June 2023, NCAT released its decision. NCAT found all eight allegations of misconduct to be proven and that *pursuant to s482A(2)(c1) the respondent is disqualified from holding civic office for a period of two years from the date of this order*. The reasons for NCAT's decision is provided at **Attachment 1**.

### **FINANCIAL IMPACT**

- 5 There is no additional financial impact to CN.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6 The noting of NCAT's decision is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

#### **Achieving Together**

- 4.2 Trust and Transparency
  - 4.2.1 Genuine engagement
  - 4.2.3 Trusted customer experience
- 4.3 Collaborative and innovative approach
  - 4.3.1 Collaborative organisation

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 Nil.

### **RISK ASSESSMENT AND MITIGATION**

- 8 Nil.

### **RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council Meeting held 25 May 2021, Council censured [then] Councillor Robinson and referred the matter to the OLG for action under the misconduct provisions of the Act.
- 10 At the Ordinary Council Meeting held 27 April 2021, Council again censured [then] Councillor Robinson and referred the matter to the OLG for action under the misconduct provisions of the Act.

### **CONSULTATION**

- 11 Nil.

## BACKGROUND

### First Matter

12 On 19 August 2019, CN received a Code of Conduct complaint against Mr Robinson. The complaint was referred to an external Conduct Reviewer who completed an investigation in March 2020. The Conduct Reviewer then referred the Matter to the OLG for consultation, in accordance with section 7.38 of Procedures for the Administration of the Code of Conduct, which states:

*'7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.'*

13 On 2 October 2020, the OLG responded to the Conduct Reviewer advising that the matter did not meet the requisite threshold for referral to the OLG.

14 On 2 October 2020, the Conduct Reviewer provided CN with the Final Investigation Report.

15 On 24 November 2020, Council received a confidential Code of Conduct report and resolved to lay the matter on the table for the following reasons:

*1 Council considers these repeated behaviours and the six allegations as serious misconduct and requests further opinion from the Office of Local Government under the serious misconduct provisions.*

*2 That Council does not consider censuring Councillor Robinson under section 440G of the Act and making the decision public as appropriate remedial action.*

*3 Seek legal advice on not claiming confidentiality on the Investigators Report (with appropriate redaction to protect complainants) to ensure open and natural justice.*

16 On 10 December 2020, CN wrote to the OLG requesting a further opinion from the Office of Local Government under the serious misconduct provisions.

17 On 25 May 2021, Council resolved to censure [then] Councillor Robinson and refer to the OLG under the misconduct provisions of the Act.

### Second Matter

18 On 28 April 2020, CN received a Code of Conduct complaint (Matter) against Mr Robinson. The Matter was referred to an external Conduct Reviewer who completed an investigation and on 27 April 2021, Council resolved to censure

[then] Councillor Robinson and refer to the OLG under the misconduct provisions of the Act.

### The First and Second matter

19 The OLG dealt with the First and Second matters together with the matters concluding on 13 June 2023.

### **OPTIONS**

#### **Option 1**

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

#### **Option 2**

21 Council does not adopt the recommendation.

### **REFERENCES**

Local Government Act 1993

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#ch.14-pt.1-div.3>

Procedures for the Administration of the Code of Conduct

<https://www.newcastle.nsw.gov.au/about-us/our-responsibilities/code-of-conduct>

### **ATTACHMENTS**

**Attachment A:** NSW Civil and Administrative Tribunal decision dated 13 June 2023

**Attachment A distributed under separate cover**

## 8.5. PUBLIC EXHIBITION OF THROSBY, STYX AND COTTAGE CREEKS FLOOD STUDY

**REPORT BY:** PLANNING AND ENVIRONMENT  
**CONTACT:** EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /  
EXECUTIVE MANAGER ENVIRONMENT AND  
SUSTAINABILITY

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### PURPOSE

To publicly exhibit the draft Throsby, Styx and Cottage Creeks Flood Study.

### RECOMMENDATION

That Council:

- 1 Places the draft Throsby, Styx and Cottage Creeks Flood Study (Rhelm, 2023), at **Attachment A** on public exhibition for 28 days.
- 2 Receives a report back following the public exhibition period.

### KEY ISSUES

- 3 The draft Throsby, Styx and Cottage Creeks Flood Study (Rhelm, 2023) (the Flood Study 2023) has identified changes to the previously adopted Throsby, Cottage and CBD Flood Study (BMT WBM, 2008) (the Flood Study 2008), including increases in flood depth, extent, and hazard in the study area, and has improved our understanding of the impacts of climate change on flooding behaviour.
- 4 The Flood Study 2023 is provided in **Attachment A**. Key flood maps developed as part of the Flood Study 2023 are shown in **Attachment B**, namely:
  - Peak Flood Depth and Elevation in a 1% Annual Exceedance Probability (AEP) event;
  - Peak Flood Depth and Elevation in a 1% AEP event in 2050 (climate change scenario);
  - Peak Flood Depth and Elevation – Probable Maximum Flood (PMF); and
  - Peak Flood Hazard PMF.
- 5 The PMF mapping in the Flood Study 2023 identifies the classification of an additional 2,079 residential, 140 commercial, 39 industrial and 79 other properties as 'flood affected', and 354 properties no longer classified as 'flood affected', compared to the Flood Study 2008, as shown in **Attachment C**. All properties identified as flood affected may be subject to development controls, to reduce risk to life and the risk of property damage, and to improve community resilience to flooding.



- 6 As a result of the 1% AEP and 1% AEP in 2050 event mapping, a number of properties across the Newcastle local government area (LGA) will now be subject to Flood Planning Levels (FPL) or experience a change in their FPL.
- 7 It is recommended that the 1% AEP in 2050 event mapping is used to inform planning controls, such as setting the habitable floor level above the FPL and requiring use of flood resistant materials below the FPL, to improve community resilience to climate change. As all new developments that will be assessed by Council are expected to have an operational lifespan of more than 27 years, this will result in these developments be appropriately constructed to be resilient to the impacts of flooding in 2050.
- 8 Properties identified in the Flood Study 2023 that will experience a change in their FPL in the planning event (recommended as the 1% AEP event in 2050) are shown in **Attachment D**. In Newcastle's low-lying areas, FPL are determined by ocean flooding based on sea level rise in 2100, not flash flood levels (as shown in the Flood Study 2023) and properties within these low-lying areas (also in **Attachment D**) will not experience any change in existing FPL.
- 9 The impact of using the proposed 1% AEP event for 2050 as the planning event, instead of the previously adopted 1% AEP event, is shown in Table 1 below, noting that these numbers include properties in low-lying areas where the FPL will not be influenced by the Flood Study 2023 results.

<b>Flood level increase</b>	<b>1% AEP</b>	<b>1% AEP in 2050</b>
More than 0.5m	1,307	1,905
0.3m to 0.5m	1,173	2,153
<b>Flood level decrease</b>	<b>1% AEP</b>	<b>1% AEP in 2050</b>
More than 0.3m	2,232	1,791

**Table 1: Number of properties with a change in FPL in Flood Study from 2008 to Flood Study 2023**

- 10 Flood insurance premiums may change for properties newly identified in the PMF or 1% AEP event extent. However insurance companies use multiple tools to determine flood risks, and most rely on their own studies and assessments to identify risk and associated premiums for individual properties. As insurance companies base their premiums on current risk, use of the 1% AEP in 2050 (climate change scenario) for planning purposes will not influence insurance premiums until we reach or are very close to 2050.
- 11 Following the adoption of the Flood Study 2023, the reliability of flood information, and the methodology used to determine flood behaviour and risk, will be different between the east and west areas of the Newcastle LGA. This inconsistency will remain until the completion of the Hexham and Woodberry Swamp Flood Study, anticipated to be finalised in 2024/25.

- 12 Given the significant changes in guidelines and best practice to determine flood behaviour and risk since the Flood Study 2008 was undertaken, the flood management section of the Development Control Plan (DCP) will need to be updated in line with the Flood Study 2023, to enable a consistent application of planning controls across the Newcastle LGA. This will require two DCP flood management sections relating to flood prone land until updated flood studies have been adopted for the entire Newcastle LGA. The draft updated DCP flood management section will be revised to reflect industry best practice, including the use of the Australian Rainfall and Runoff (ARR) Guidelines 2019 and the Australian Disaster Resilience (ADR) Guidelines 2017, which is required to be used for all flood studies undertaken since the ARR 2019 guidelines were released.

## **FINANCIAL IMPACT**

- 13 CN was awarded grant funding through the Department of Planning and Environment's (DPE) Floodplain Management Program to contribute to the preparation of the Throsby, Styx and Cottage Creek Flood Study. The remainder of the study was funded by CN.
- 14 Funding has also been allocated in the forward budget for the completion of the Hexham and Woodberry Swamp Flood Study in 2023/24, 2024/25 and the Newcastle Flood Risk Management Study and Plan (FRMSP) in 2025/26.
- 15 An application for grant funding through the NSW Government's Floodplain Management Program has been submitted, in partnership with Cessnock and Maitland Councils, to contribute to the preparation of the Hexham and Woodberry Swamp Flood Study. Grant funding will also be sought for the preparation of the Newcastle FRMSP.
- 16 Flood risk management actions identified in the Newcastle FRMSP will be prioritised and undertaken through CN's capital works program. Flood risk mitigation projects identified in the FRMSP are eligible for grant funding through the NSW Government's Floodplain Management Program at a ratio of 2:1.

## **NEWCASTLE 2040 ALIGNMENT**

- 17 The Flood Study 2023 is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **Sustainable**

#### **2.1 Action on climate change**

- 2.1.2 Know and share our climate risk
- 2.1.3 Resilient urban and natural areas

#### **2.2 Nature-based solutions**

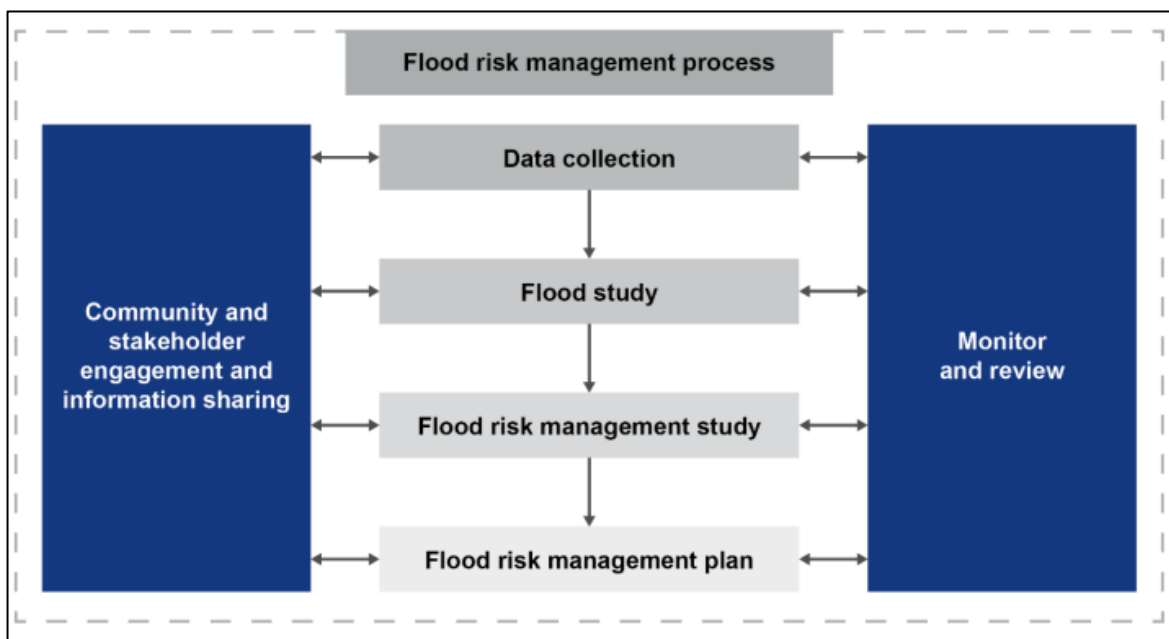
- 2.2.3 Achieve a water-sensitive city

**IMPLEMENTATION PLAN / IMPLICATIONS**

- 18 Public exhibition of the Flood Study 2023 will improve community understanding of flooding and climate change impacts in the Newcastle LGA, including the extent of flood affected properties within the Newcastle LGA and CN's approach to mitigating and managing flood risk for our community.
- 19 Development applications for properties identified as flood affected in the Flood Study 2023 will be required to meet Flood Management DCP controls.
- 20 CN will continue to deliver community flood education programs, to raise awareness of flood risks identified in the Flood Study 2023 and to improve knowledge on how to respond to flooding. This material will be developed in conjunction with the SES and will build on previous research and SES experience.

**RISK ASSESSMENT AND MITIGATION**

- 21 The preparation of a flood study is a key step in the flood risk management process, as outlined in the NSW Government's Flood Risk Management Manual (2023), shown in Figure 1 below:



**Figure 1: Flood risk management process (Flood Risk Management Manual 2023)**

- 22 Following the completion of the Throsby, Styx and Cottage Creek Flood Study 2023 and the Hexham and Woodberry Swamp Flood Study 2024/25, CN will complete the Newcastle Flood Risk Management Study and Plan (FRMSP).
- 23 The flood risk management (FRM) study provides the basis for examining and recommending management measures to manage flood risk, assessing options

against a range of performance criteria related to their effectiveness, efficiency, practicality, feasibility, and community and environmental impacts.

- 24 The flood risk management (FRM) plan builds on the recommendations of the FRM study to address existing, future and continuing flood risk and to limit the residual risk to the community. The FRM plan outlines how CN will effectively manage flood risk in the study area into the future for the benefit of the community, including making flood information available, land-use planning, emergency planning and disaster recovery, community flood awareness, flood mitigation works, and property modification projects, such as voluntary purchase and house raising projects.
- 25 Following the adoption of the Newcastle FRMSP, flood risk management actions will be prioritised and undertaken through CN's capital works program.

### **RELATED PREVIOUS DECISIONS**

- 26 The Throsby, Cottage and CBD Flood Study was adopted in 2008.
- 27 In August 2022 Council resolved to write to the Insurance Council of Australia (ICA) to request it participate in a public information session in 2023 when the draft flood study is placed on public exhibition.

### **CONSULTATION**

- 28 The Flood Study 2023 has been developed with input from the DPE.
- 29 The Flood Study will be publicly exhibited from 26 July to 24 August 2023. The community will be able to have their say through an online survey and / or by attending community drop-in sessions to speak to a member of the project team.
- 30 Community feedback will be sought on the use of the 1% AEP in 2050 event to inform planning controls.
- 31 Letters will be sent to all properties that will experience a change in flood affected classification (properties newly identified and flood affected, and properties no longer identified as flood affected). For properties newly identified as flood affected, residents will be encouraged to visit CN's Have Your Say Page and attend the community drop-in sessions and will be invited to book a one-on-one meeting with a technical expert to discuss what this change in classification means for them.

### **BACKGROUND**

- 32 CN manages flood risk in accordance with the NSW Government's Flood Prone Land Policy (2010) and the Flood Risk Management Manual (2023), for the purposes of section 733 of the NSW *Local Government Act 1993*.

- 33 Newcastle is built on a floodplain and there is a high risk of flooding across the Newcastle LGA. Approximately 30% of residential properties are flood affected. CN currently uses the adopted Throsby, Cottage and CBD Flood Study 2008 to base planning decisions on, and to manage risk to life and property.
- 34 Since 2008, there have been significant advances in flood modelling capability, LiDAR quality, and development across CN. In addition, the Australian Rainfall and Runoff guidelines for how to estimate flood impacts and behaviour was updated in 2019, with significant changes to modelling methodology, rainfall patterns, and estimation of climate change impacts.
- 35 Recent flood studies undertaken by consultants for development purposes have indicated that our adopted 1% AEP flood levels are up to 0.5m lower than studies using best practice modelling and current development LiDAR.
- 36 CN needs to update the flood impact and behaviour knowledge across the Newcastle LGA in line with best practice, to make appropriate planning decisions, to improve community resilience to floods, and to reduce the risk of loss of life resulting from flooding.
- 37 Due to the complexity and different nature of flood response in the eastern side of the Newcastle LGA where creeks combine during rare events and drain to the harbour, and the western side where all catchments drain to Hexham Swamp, updated flood modelling and flood studies for the Newcastle LGA will be undertaken in two parts. The draft Throsby, Styx and Cottage Creek Flood Study is the first flood study, for the eastern part of the Newcastle LGA, and for the study area shown in **Attachment E**. The eastern flood study was undertaken first due to higher development pressure in flood affected areas. The flood study for the western part of the Newcastle LGA, the Hexham and Woodberry Swamp Flood Study, will be completed in 2024/25.
- 38 A flood study aims to define flood behaviour in sufficient detail to support the understanding and management of flood risk. Understanding flood behaviour and risk requires knowledge of local flood history; evidence of the types and scales of storm events that have previously caused problems to the community, an understanding of current catchment and floodplain conditions (for example, ocean conditions, landforms or built structures) that may influence flood behaviour and impact and how these have changed since key historic floods and how they may change into the future due to climate change, development and catchment changes; and an understanding of the scale of impacts that historic and design events have on the community. A flood study also provides a platform for developing information to support flood risk management, emergency management and land-use planning, and to inform consideration of flood risk management measures as part of flood risk management studies and plans.
- 39 The Flood Study 2023 has been developed by a specialist consultancy based on industry best practice and current guidelines and has had technical oversight by DPE, to ensure the model and report methodology is consistent with studies

undertaken across NSW. The Flood Study 2023 has also been peer reviewed by an external consultant.

- 40 The Flood Study 2023 identifies flood behaviour and risk across the eastern half of the LGA for current and climate change scenarios. Prior to adoption by Council, the Flood Study 2023 must go on public exhibition, and input from the community be addressed before the Flood Study 2023 is finalised.
- 41 Following the completion of the two flood studies across the Newcastle LGA, CN will re-convene the Flood Risk Management Committee, to prepare the Newcastle Flood Risk Management Study and Plan (FRMSP), that will cover the entire Newcastle LGA. The Newcastle FRMSP will replace the current Newcastle City Wide Flood Risk Management Plan (FRMP) and Wallsend Commercial Area FRMP.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 44 Not endorsing the Flood Study 2023 for public exhibition. The public exhibition of the Flood Study 2023 is required through the NSW Government's Flood Risk Management Manual (2023). This not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Draft Throsby, Styx, Cottage Creek Flood Study 2023
- Attachment B:** Key flood maps from the draft Throsby, Styx, Cottage Creek Flood Study (1% AEP, 1% AEP in 2050, PMF, PMF Hazard)
- Attachment C:** Changes in flood affected land classification (PMF extent mapping) – Flood Study 2023 compared to Flood Study 2008
- Attachment D:** Changes in flood planning levels - Flood Study 2023 compared to Flood Study 2008
- Attachment E:** Study area for the draft Throsby, Styx and Cottage Creek Flood Study 2023

**Attachments A – E distributed under separate cover**

## **8.6. TENDER REPORT – MINOR CIVIL WORKS – CONTRACT NO. 2023/122T**

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

### **PURPOSE**

To accept tenders for the casual hire of minor civil works for a two year period, in accordance with Contract No. 2023/122T.

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

### **REASON FOR CONFIDENTIALITY**

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

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

### **GROUND FOR CLOSING PART OF THE MEETING**

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

### **MOTION TO PROCEED**

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

- A The matter relates to tenders for Minor Civil Works for Contract No. 2023/122T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result

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

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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 The tender is for the supply of minor civil works for the contract term. Service providers will be required to perform ad-hoc maintenance and construction activities including subsoil drainage, footpath and driveway reconstruction, and kerb and gutter replacement. Service providers will supplement City of Newcastle's (CN) internal workforce in the delivery of capital and operational programs of work.

### **Contract Term**

- 3 The contract period is for two years from 1 August 2023 to 30 June 2025, with the option for two 12 month extensions.

### **Advertising of Tenders**

- 4 The tender was advertised in the Newcastle Herald on Saturday 20 May 2023, Sydney Morning Herald on Tuesday 23 May 2023, and nationally on the Tenderlink website.

### **Tenders Received**

- 5 Tenders closed at 2pm on Tuesday 13 June 2023. Tender submissions were received from:
- i) All Kerbs & Concrete Pty Ltd,
  - ii) Bolla Contracting Pty Ltd,
  - iii) D Digian Company Pty Ltd
  - iv) Dannenberg Civil Pty Ltd
  - v) Hunter Wide Civil Pty Ltd
  - vi) Lawcon Constructions Pty Ltd
  - vii) NSW Kerbing Pty Ltd



- viii) Resco Civil Pty Ltd
- ix) Roche Concrete & Landscaping Pty Ltd
- x) Spero Civil Pty Ltd
- xi) State Civil Pty Ltd
- xii) Stateline Asphalt Pty Ltd

### **Evaluation Process**

- 6 The tenders were assessed by a Tender Assessment Panel of CN subject matter experts with specialist knowledge of Civil Construction and Maintenance operations.
- 7 CN's Contracts Management Unit and Executive Manager Civil Construction and Maintenance acted as probity advisors for this tender in accordance with CN's Procurement Policy.
- 8 A value for money assessment was completed to ensure that project performance and resources formed part of the assessment criteria. Tenders were assessed against demonstration of a variety of aspects including workplace health and safety, previous experience, supplier diversity, price, resources and management.
- 9 At the point of determining the allocation of work for each specific requirement, a value for money assessment will be applied to give preference to the superior compliant suppliers. Noting also that the availability of resources at the time a requirement arises is an overriding consideration in the allocation of work.

### **Recommended Tenderer**

- 10 All of the recommended tenderers are local suppliers, being within the Lower Hunter area. All of the recommended tenderers have had previous experience with minor civil works with CN.
- 11 The recommended tenders have been assessed as satisfying CN requirements as outlined in the tender documentation. Selected tenderers have demonstrated a capability to undertake the work to a high standard with suitably available resources.

### **FINANCIAL IMPACT**

- 12 The supply of minor civil works is under a standing offer contract. Under a standing offer contract, CN has no financial commitment to any contractor and a cost to CN is only incurred when CN requests hire during the contract period. All expenditure under the proposed minor civil works contracts will be funded from works approved under the adopted Operational Plan.

- 13 The current expenditure for minor civil works is approximately \$1 million (GST exclusive) per annum.

## **IMPLICATIONS**

### **Policy Implications**

- 14 This project aligns with the following Newcastle 2040 Community Strategic Plan objectives:

#### **Liveable**

- 1.3 Safe, active and linked movement across the city
  - 1.3.1 Connected cycleways and pedestrian networks
  - 1.3.2 Road networks

## **IMPLEMENTATION**

- 15 In accepting the recommended tenders CN will not be obligated to any fixed supply or cost but the contracts will facilitate the expedient supply of minor civil works to complete works approved in adopted budgets. Minor civil works is engaged as and when required and is subject to a value for money assessment prior to each engagement.

## **CONSULTATION/COMMUNICATION**

- 16 Nil.

## **BACKGROUND**

- 17 CN performs a range of civil works predominately to construct and maintain roads, footpaths and stormwater drainage assets. Civil works are also performed on other assets and facilities such as sporting ovals, parks and reserves.
- 18 The supply of minor civil works services will supplement CN's internal workforce in the delivery of capital and operational programs and projects.
- 19 This tender called for the supply of various minor civil works services including subsoil construction, kerb and gutter construction and footpath construction.
- 20 Tenderers were invited to make a standing offer for the supply of minor civil works services during the contract period (a standing offer contract). A condition of the standing offer contract is that all prices tendered remain fixed during the contract period.
- 21 By inviting tenders every two years, CN is able to establish continuity in its supplier base and fix the prices for the minor civil works during the two-year contract period. This provides certainty in estimating the cost of CN's works.
- 22 The calling of tenders was in accordance with the requirements of Section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation.

Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

## **OPTIONS**

### **Option 1**

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

### **Option 2**

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

### **Option 3**

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

### **Option 4**

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

### **Option 5**

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

## **ATTACHMENTS**

**Attachment A:** Confidential Recommendation

**Attachment B:** Confidential Tender Evaluation Matrix Summary

***(Refer Confidential Ordinary Council Meeting agenda 25 July 2023 for Attachments A and B)***

## **8.7. TENDER REPORT – BIENNIAL SUPPLY OF TRAFFIC MANAGEMENT SERVICES – CONTRACT NO. 2023/121T**

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

### **PURPOSE**

To accept tenders for the casual supply of traffic management services for a two year period, in accordance with Contract No. 2023/121T.

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

### **REASON FOR CONFIDENTIALITY**

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

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

### **GROUND FOR CLOSING PART OF THE MEETING**

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

### **MOTION TO PROCEED**

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

- A The matter relates to tenders for Biennial Supply of Traffic Management Services for Contract No. 2023/121T.

- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- 

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 The tender is for the casual supply of traffic management services for the contract term.

### **Contract Term**

- 3 The contract period is for two years from 1 August 2023 to 30 June 2025, with the option for two 12 month extensions.

### **Advertising of Tenders**

- 4 The tender was advertised in the Newcastle Herald on Saturday 13 May 2023, Sydney Morning Herald on Tuesday 16 May 2023, and nationally on the Tenderlink website.

### **Tenders Received**

- 5 Tenders closed at 2pm on Tuesday 6 June 2023. Tender submissions were received from:

- xiii) Altus Traffic Pty Ltd,
- xiv) Retro Traffic Pty Ltd,
- xv) D&D Traffic Management Pty Ltd,
- xvi) Evolution Traffic Management Pty Ltd,
- xvii) Gateshead Traffic Solutions,
- xviii) Go Traffic Pty Ltd,
- xix) GoldLane Traffic Management,

- xx) Guardian Traffic Services,
- xxi) ICombined360 Services Group,
- xxii) Lack Group Traffic Pty Ltd,
- xxiii) Link Traffic Management,
- xxiv) NSW Traffic Control Pty Ltd,
- xxv) Platinum Traffic Services Pty Ltd,
- xxvi) Professional Traffic Solutions Pty Ltd,
- xxvii) Traffic Logistics Pty Ltd,
- xxviii) Traffic Power Pty Ltd, and
- xxix) Workforce Road Services Pty Ltd.

### **Evaluation Process**

- 6 Given the requirement for City of Newcastle (CN) to have a broad and agile panel of traffic management providers to service fluctuating needs, a value for money assessment was completed to ensure that project performance and resources formed part of the assessment criteria. Tenders were assessed against demonstration of a variety of aspects including Workplace Health and Safety, previous experience, supplier diversity, price, resources and management.
- 7 CN's Contracts Management Unit and Executive Manager Civil Construction and Maintenance acted as probity advisors for this tender in accordance with CN's Procurement Policy.
- 8 The tenders were assessed by a Tender Assessment Panel of CN subject matter experts with specialist knowledge of Civil Construction and Maintenance operations.

### **Recommended Tenderer**

- 9 The majority of tenderers are local suppliers, being within the lower Hunter area. Some of the recommended tenderers have had previous experience with traffic management with CN. The recommendation includes some new contractors. CN will continually assess the suitability of new supplier traffic management through the engagements.
- 10 The recommended tenders have been assessed as satisfying CN requirements outlined in the tender documentation. Selected tenderers have demonstrated a capability to undertake the work to a high standard.

## **FINANCIAL IMPACT**

- 11 The hire of traffic management services is under a standing offer contract. Under a standing offer contract, CN has no financial commitment to any contractor and a cost to CN is only incurred when CN requests hire during the contract period. All expenditure under the proposed traffic management services contracts will be funded from works approved under the adopted Operational Plan.
- 12 The current expenditure for traffic management services is approximately \$900,000 (GST exclusive) per annum.

## **IMPLICATIONS**

### **Policy Implications**

- 13 This project aligns with the following Newcastle 2040 Community Strategic Plan objectives:

#### **Liveable**

- 1.4 Safe, active and linked movement across the city
  - 1.4.1 Connected cycleways and pedestrian networks
  - 1.4.2 Road networks

## **IMPLEMENTATION**

- 14 In accepting the recommended tenders CN will not be obligated to any fixed supply or cost but the contracts will facilitate the expedient supply of traffic management services to complete works approved in adopted budgets. Traffic management is engaged as and when required and is subject to a value for money assessment prior to each engagement.

## **CONSULTATION/COMMUNICATION**

- 15 Nil.

## **BACKGROUND**

- 16 CN performs a range of civil works predominately to construct and maintain roads, footpaths and stormwater drainage assets. Civil works are also performed on other assets and facilities such as sporting ovals, parks and reserves.
- 17 The supply of traffic management services may be to supplement CN's own traffic management capabilities or to provide short term hire of specialist plant and equipment not owned by CN.
- 18 This tender called for the casual hire of various traffic management services including the supply of specialist traffic control plant and equipment as well as the development and review of traffic management documentation associated with works.

- 19 Tenderers were invited to make a standing offer for the casual hire of traffic management services during the contract period (a standing offer contract). A condition of the standing offer contract is that all prices tendered remain fixed during the contract period.
- 20 By inviting tenders every two years, CN is able to establish continuity in its supplier base and fix the prices for the hired traffic management during the two-year contract period. This provides certainty in estimating the cost of works.
- 21 The calling of tenders was in accordance with the requirements of Section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

## **OPTIONS**

### **Option 1**

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

### **Option 2**

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

### **Option 3**

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

### **Option 4**

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

### **Option 5**

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

## **ATTACHMENTS**

- Attachment A:** Confidential Recommendation
- Attachment B:** Confidential List of Tenderers
- Attachment C:** Confidential Tender Evaluation Matrix Summary

***(Refer Confidential Ordinary Council Meeting agenda 25 July 2023 for Attachments A, B and C)***



## **8.8. TENDER REPORT - NATURAL AREAS REHABILITATION TENDER PANEL – 2023/091T**

**REPORT BY: PLANNING AND ENVIRONMENT**  
**CONTACT: EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT  
/ EXECUTIVE MANAGER ENVIRONMENT AND  
SUSTAINABILITY**

### **PURPOSE**

To accept tenders for natural areas rehabilitation services for environmental assets across the Newcastle Local Government Area (LGA), which comprise of water courses and wetlands, coastal ecosystems, Endangered Ecological Communities (EECs), including Themeda Grassland, Littoral Rainforest and Coastal Salt Marsh, and bushland reserves, and for planting programs within parks and open spaces.

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

### **REASON FOR CONFIDENTIALITY**

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

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

### **GROUND FOR CLOSING PART OF THE MEETING**

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

### **MOTION TO PROCEED**

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

- A The matter relates to tenders for natural areas rehabilitation (contract number 2023/091T).
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- 

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 The City of Newcastle (CN) manages environmental assets across the Newcastle LGA, which comprise of water courses and wetlands, coastal ecosystems, Endangered Ecological Communities, including Themeda Grassland, Littoral Rainforest and Coastal Salt Marsh, and bushland reserves, and planting programs within parks and open spaces. CN requires the services of contractors, principally to carry out large-scale natural areas rehabilitation projects, to support CN's internally resourced works program.
- 3 The indicative natural areas rehabilitation works program for the 2023/24 financial year includes bushland regeneration on approximately 170 hectares of CN land, comprising of primary, secondary and follow up weeding; riparian revegetation works on approximately 70,000 m<sup>2</sup> of CN land; the planting of approximately 150,000 tube stock plants within riparian zones, coastal dune systems and bushland sites; the establishment of new and the maintenance of existing revegetation works; the maintenance of Asset Protection Zones and fire access trails; the maintenance of approximately 40 stormwater quality improvement devices; coastal stabilisation and dune rehabilitation works; and approximately 500 metres of wind protection fencing, to be completed by CN's Natural Areas team and the contractor panel.

### **Contract term**

- 4 The contract term is 1 year with 2 x 1-year extension options. The exercising of contract options will be subject to operational needs and service provider performance.

## Advertising of tenders

- 5 The tender was advertised nationally on 5 April 2023, via the Tenderlink website, and closed on 30 May 2023.

## Tenders received

- 6 Tender submissions were received from:
- 1) Terra Defensor
  - 2) Litoria Ecological Restoration Services Pty Ltd
  - 3) Traditional Aussie Gardens
  - 4) Toolijooa Pty Ltd
  - 5) Trees in Newcastle
  - 6) Hunter Land Management PTY Ltd
  - 7) Habitat Solutions (Solutions Grow Pty Ltd)
  - 8) Campbell Page Limited
  - 9) Total Earth Care Pty Ltd ATF Irrawong Trust

## Evaluation process

- 7 The tenders were assessed against the following criteria:
- 1) Supplier diversity: 5%
  - 2) WHS: 25%
  - 3) Experience in natural areas restoration: 30%
  - 4) Cost: 40%
- 8 The tenders were assessed by a tender assessment panel consisting of CN's Natural Areas Coordinator, Natural Areas Project Officer and Natural Areas Field Supervisor. The tender evaluation matrix summary is in **Attachment B (CONFIDENTIAL)**.

## IMPLICATIONS

### Policy implications

- 9 This contract aligns with the sustainability priority 'nature-based solutions' and the sustainability objectives 'regenerate natural systems', 'expand the urban forest', and 'achieve a water-sensitive city' in *Newcastle 2040*, and supports Newcastle to be a livable, sustainable and inclusive global city.

### Environmental implications

- 10 This contract will allow for the continuation of existing services to conduct natural areas rehabilitation works across the Newcastle LGA.
- 11 All the recommended tenderers have an environmental policy in place and an Environmental Management System (EMS) as part of their overall management

system and will be required to implement strict environmental controls whilst engaged by CN.

## **RELATED PREVIOUS DECISIONS**

- 12 The previous tender was approved and in operation between July 2020 and June 2023. The estimated total value of the previous contract was \$900,000.

## **CONSULTATION / COMMUNICATION**

- 13 Staff from CN's Natural Areas team formed the tender evaluation panel for this tender.

## **BACKGROUND**

- 14 CN requires the services of contractors, principally to carry out large-scale natural areas rehabilitation services, to support CN's internally resourced works program.
- 15 The calling of tenders is in accordance with the requirements of section 55 of the Act and part 7 of the *Local Government (General) Regulation 2021* (the Regulation). Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

## **OPTIONS**

### **Option 1**

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

### **Option 2**

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

### **Option 3**

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

### **Option 4**

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

### **Option 5**

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

### **ATTACHMENTS**

**Attachment A:** Confidential Recommendation

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

***(Refer Confidential Ordinary Council Meeting agenda 25 July 2023 for Attachments A and B)***

## 9. NOTICES OF MOTION

### 9.1. ADOPTION OF LIVEABLE HOUSING DESIGN TO IMPROVE THE ADAPTABILITY AND ACCESSIBILITY OF NEW RESIDENTIAL DEVELOPMENT

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

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#### PURPOSE

*The following Notice of Motion was received on Thursday 13 July 2023 from the abovementioned Councillors.*

#### MOTION

That City of Newcastle:

**A)** Calls upon the NSW Labor Government to:

1. Adopt the Liveable Housing Design Standards (silver level) introduced into the National Construction Code in 2022, joining all states and territories (except WA) who have already adopted the new minimum standards.
2. Amend the 2023 NSW Land and Housing Corporation Design Requirements so that the Platinum Level Liveable Housing Design Guidelines are mandatory for all new social housing. This includes all public housing, community housing and housing owned or managed by the Aboriginal Housing Office.
3. Amend planning instruments and laws to mandate that all new build community housing and affordable housing, where the property owner benefits from any form of financial assistance or other benefit (such as height /FSR exemptions) provided directly or indirectly by the NSW government or a local council, must incorporate the Platinum Level Liveable Housing Guidelines.
4. Include in the 2023-24 Action Plan for the NSW Housing Strategy Housing 2041:
  - a. Targets to ensure that the implementation of the Platinum Level Liveable Housing Guidelines in new public, social and community housing, as well as affordable housing, occurs at the same time as the rollout of state and Commonwealth funding;

- b. Support for local government in undertaking reviews of their DCP and introducing Platinum Level Liveable Housing Design Guidelines;
  - c. Promotion of government leadership in mandating the Platinum Level Liveable Housing Guidelines in public, social, community and affordable housing;
  - d. Development of a communication strategy which will explain the benefits of improved housing accessibility to the community and industry.
- B)** Writes to the Minister for Housing Rose Jackson MLC and the Minister for Planning Paul Scully MP, within 28 days.

## **BACKGROUND**

In 2022 minimum requirements for liveable housing design were included by the Australian Building Codes Board in the National Construction Code (NCC). The purpose of the changes is to increase the stock of Australian housing that is adaptable and better able to meet the needs of older people and people with mobility limitations. It will support housing choice, aging in place and reduce the cost of future adaptations as people's needs change over time. The Liveable Housing Design Standard includes features that make a home easy to enter and move around such as step free entry and wider doorways/corridors and can be adapted to changing needs.

The National Construction Code Liveable Housing Design Standards apply to all Class 1a buildings – detached houses, row houses, terraces, townhouses and villa units and Class 2 buildings – the interior of apartments. Other parts of the NCC as well as the Access to Premises Standards apply to the common areas in Class 2 buildings.

All states and territories except NSW and WA have adopted the new minimum standards for Liveable Housing Design in the National Construction Code. The previous coalition government made a decision not to adopt the changes. It is essential that NSW join the majority of states and territories in adopting the NCC Liveable Housing Design Standards as a mandatory requirement.

This should be seen as a first step in improving the availability of accessible housing.

The NCC Liveable Housing Design Standard incorporates some accessible design elements and is also concerned with adaptability. However, there are important accessibility features that it does not include. The Standard does not require that an accessible bathroom and a bedroom should be located on the ground floor. Nor does it make provision for wider spaces in living areas (including the kitchen and laundry) and a bedroom. Individuals with a mobility issue requiring an aid such as a walker or a wheelchair will not be able to reside in homes built to this standard.

The NCC Liveable Housing Design Standard incorporates the minimum level of liveable housing design (known as the silver level) and there are other guidelines

available which incorporate a larger number of accessible design elements, such as those provided for in the Liveable Housing Design Guidelines gold level and platinum level. These Guidelines were developed in 2011 following consultation with industry, user groups and other stakeholders.

The platinum level guidelines afford the greatest level of accessibility, including accessible bathroom, toilet, and bedroom on the entry level as well as increased circulation space in kitchen, laundry, bedroom and living space.

Increasing the availability of accessible housing matters. Many individuals and families where mobility is an issue reside in homes that lack critical accessible features. As our population ages, the need for accessible housing will increase. There are many adverse impacts for people with mobility issues when they have to live in homes that are not accessible, including worsened mental health and wellbeing, social isolation, increased risk of injury at home and impacts on employment. Australia has adopted the Convention on the Rights of People with a Disability and has an obligation to implement the Articles of the Convention. Article 9 states that persons with a disability should be enabled to live independently and participate fully in all aspects of life, with States to eliminate barriers to accessibility, including homes.

The NSW Government can take steps to enable full participation and inclusion for people with a disability by mandating the platinum level Liveable Housing Design Guidelines in all new public, social and community housing and leveraging the contributions made by state and local government to ensure improved accessibility across the community housing and affordable housing sector.

## **ATTACHMENTS**

Nil.



## 9.2. NEWCASTLE OCEAN BATHS AND CANOE POOL - STATE HERITAGE LISTING

**COUNCILLORS: J CHURCH AND J MACKENZIE**

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### PURPOSE

*The following Notice of Motion was received on Thursday 19 July 2023 from the abovementioned Councillors.*

### MOTION

That City of Newcastle

- 1 Notes that the Newcastle Ocean Baths are now more than 100 years old, having first opened in 1922 and remain a significant landmark and popular destination for swimmers and tourists.
- 2 Notes that the Newcastle Ocean Baths are listed in Schedule 5 of the Newcastle Local Environmental Plan (NLEP) 2012 as a heritage item of local heritage significance (item I489) and located within the Newcastle East Heritage Conservation Area.
- 3 Notes that the Newcastle Ocean Baths are currently closed due to major refurbishment works.
- 4 Notes that community consultation has begun on stage 2 of the project which will include an upgrade to the facade, change facilities and kiosk.
- 5 Notes that on 23 November 2021, the Lord Mayor wrote to the then Minister Don Harwin requesting assistance with registration on the SHR, noting, " it would be timely to list the Newcastle Ocean Baths on the SHR to ensure its ongoing preservation and protection for our community." ATTACHMENT A
- 6 Notes that in a preliminary assessment, Heritage NSW believes the Newcastle Ocean Baths and Canoe Pool may meet the criteria for listing as an item of State Heritage significance and that these are listed in a briefing document from the Department of Planning and Environment released under GIPPA -DPE - 22-2245 ( Record #8B ) ATTACHMENT B
- 7 Notes that a prerequisite for any State Heritage nomination is a successful notice of motion.
- 8 Proceeds immediately to nominate the Newcastle Ocean Baths to the State Heritage Register.
9. Not finalise contracts for stage 2 restoration until Newcastle Ocean Baths and Canoe Pool is listed on the State Heritage Register.

## **BACKGROUND**

Nil.

## **ATTACHMENTS**

**Attachment A:** Letter dated 23 November 2021, to The Hon. Don Harwin MLC, Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

**Attachment B:** Heritage NSW preliminary assessment of the heritage significance of Newcastle Ocean Baths and Pavilion Complex, 30 Shortland Esplanade, Newcastle East.

# Attachment A

Record #11

11. HMD21/313      A5224597 - IM21/35817 - HMD21/313 - HTG - INCOMING - Request to List  
Newcastle Ocean Baths on SHR - NELMES, Nuatali Lord Mayor

FW: Correspondence from City of Newcastle Lord Mayor Nuatali Nelmes

Jan Sullivan <jan.sullivan@minister.nsw.gov.au>  
To: Emily Jackley

211621 Herwin\_State\_Heritage\_Ocean\_Baths.pdf  
276 KB

Reply   Reply All   Forward   ...  
Tue 22/11/2022 11:12 AM

### Your details

Title	Ms
First name	Nuatali
Last name	Nelmes
Phone	(02) 49742313
Email	<a href="mailto:lordmayor@ncc.nsw.gov.au">lordmayor@ncc.nsw.gov.au</a>
Street address	12 Stewart Avenue
Suburb	NEWCASTLE WEST NSW 2300
State	New South Wales

### Your enquiry

Subject	Correspondence from City of Newcastle Lord Mayor Nuatali Nelmes
Type of enquiry	Comment
Message	Dear Minister, Please find attached correspondence from City of Newcastle Lord Mayor Nuatali Nelmes. Best regards, Lord Mayor's Office
I would like a response	Yes

Department of Planning and Environment - Records released under GIPAA - DPE - 22 - 2245

Record #11



The Hon. Don Harwin MLC  
Special Minister of State, and Minister for the Public Service and Employee Relations,  
Aboriginal Affairs, and the Arts

By email: [don.harwin@parliament.nsw.gov.au](mailto:don.harwin@parliament.nsw.gov.au)

Dear Minister

I write to you to seek your assistance in listing the Newcastle Ocean Baths on the State Heritage List, due to its cultural significance to the City of Newcastle and New South Wales.

As you would be aware, Newcastle Ocean Baths is currently endorsed as locally significant on the State Heritage Inventory, as per the *Newcastle Local Environmental Plan 2012*.

The State Heritage Inventory advises that the *'Newcastle Ocean Baths are an icon for the City of Newcastle – standing alone on a wave cut rock platform dominating the city's coastline. The Art Deco – stripped classical bathing pavilion sets an appropriate stage for the pursuit of bathing and swimming; in a city uniquely nestled between harbour and sea. The building and the baths are significant for their demonstration of the values placed on recreational bathing by the citizens of Newcastle. It is believed to be the only example of a bathing pavilion in the stripped classical style.'*

The City of Newcastle recently resolved to restore Newcastle Ocean Baths through a two-stage process, with the tender for the first stage of the restoration of the pools and promenades recently awarded. We worked closely with the National Trust of Australia to ensure that the heritage of the Newcastle Ocean Baths is protected during this first stage of the restoration.

With works on the iconic façade to be undertaken during Stage Two of the restoration project, and 2022 marking the iconic sites 100<sup>th</sup> anniversary, I believe it would be timely to list Newcastle Ocean Baths on the State Heritage Register to ensure its ongoing preservation and protection for our community.

If Heritage NSW requires any further information regarding my request, please do not hesitate to contact me by email at [lordmayor@ncc.nsw.gov.au](mailto:lordmayor@ncc.nsw.gov.au).

I look forward to your response, in due course.

Yours sincerely

Lord Mayor Nuatali Nelmes  
CITY OF NEWCASTLE

## Attachment B

DOC22/206560-2 Tab B

### Heritage NSW preliminary assessment of the heritage significance of Newcastle Ocean Baths and Pavilion Complex, 30 Shortland Esplanade, Newcastle East.

#### Assessment pretext

Much is being argued about the necessity or not of a concrete floor for the Newcastle Ocean Baths. Heritage NSW has not only looked at the heritage significance of the site as a whole but also whether a rock floor covered with sand or a concrete floor covered with sand affects the heritage significance, and whether the heritage significance is under imminent threat.

In the Statement of Significance and Criteria Assessments of Ocean Baths/Ocean Pools currently on the State Heritage Register, the material of the floor is not mentioned at all. Only the Wylie Baths, Coogee SHR 1677 mentions being 'built of rock and concrete'. However, the Wylie Baths have a natural rock and sand floor with concrete walls. The Entrance Ocean Pools SHR 1663, had its floor concreted in the 1980s and this did not affect its SHR listing in 2003. It is noted that the floor material (rock, concrete or sand) is not noted in any Statement of Significance or Criteria Assessment of SHR listed ocean baths/rock pools.

Heritage NSW has reviewed all previous assessments of the Newcastle Ocean Baths, being the LEP listing, the 2004 SHR nomination under the ICONS projects (that was refused), and the 2002 CMP, which is repeated in the recent City of Newcastle Statement of Heritage Impact.

The Canoe Pool (adjoining to the south of the baths) is neither included in the LEP nor is it included in the Newcastle Ocean Baths project. Heritage NSW finds it unusual that the Canoe Pool is not included in any of the heritage assessments yet is an integral part of the Newcastle Ocean Baths Complex. It was constructed to reduce the amount of sand washed into the baths, as well as provide a wading pool for small children. Heritage NSW has therefore chosen to include the Canoe Pool in its assessment of the site as a whole.

City of Newcastle was informed, during lengthy community consultation for the Newcastle Ocean Baths project, an important issue for the community was the sand floor. As the rock floor was covered in sand, so will be the new concrete floor, thus retaining the significance most valued by the community. Heritage NSW notes that having a sand floor is not a contributory heritage value.

In the Newcastle LEP Assessment of the Newcastle Ocean Baths and Pavilion, under Criterion E is the following, "The excavation of the natural rock ledge, and the natural sand bottom, is of interest for the nature of its construction." Heritage NSW believes the construction of the main pool, created by blasting and digging rock from a natural rock shelf, is not unlike most other ocean baths and rock pools in NSW, and it is representative of such swimming facilities in NSW. The manner in which the pool is constructed does not change with upgrades, including the addition of a concrete floor, as noted above with The Entrance Ocean Pools. Being "of interest" does not reach the threshold of State heritage significance.

#### Newcastle Ocean Baths and Pavilion Complex preliminary assessment

A preliminary assessment of **Newcastle Ocean Baths and Pavilion Complex, 30 Shortland Esplanade, Newcastle East** against the Heritage Council's heritage significance criteria indicates that it does meet the threshold for State significance.

##### Criterion A (*historical values*)

The Newcastle Ocean Baths and Pavilion may be of state heritage significance as an early 20<sup>th</sup> century example of the importance of beach culture and swimming as a sport and recreational activity to the people of Newcastle and NSW. The Baths and Pavilion tell the story of the development of Newcastle's beachfront and are an integral part of the history of the beach promenade and Newcastle Beach.

Record #8B

Department of Planning and Environment - Records released under GIPAA - DPE - 22 - 2245

Record #8B

*Criterion B (associations with people or groups of people)*

The Newcastle Ocean Baths and Pavilion may be of state heritage significance for its association with the establishment and continuity of beach culture and swimming as a sport and important recreational activity to the people of Newcastle and NSW.

*Criterion C (aesthetic values)*

The Newcastle Ocean Baths and Pavilion may be of state heritage significance as an icon of Newcastle City, dominating the city coastline as a stage set for the cultural pursuit of ocean bathing. The size and prominence of the structure represents the significance which has been placed on swimming and beach culture from the early 1900s.

The Baths and Pavilion is constructed in an architectural style that may be considered rare for its type in Newcastle and NSW. The style exemplifies the Inter-War Stripped Classical/Art Deco style and its use in recreational buildings. Whilst there have been several modifications since the baths officially opened in 1922, the styling has remained consistent to the Inter-War Stripped Classical/Art Deco style.

The Canoe Pool was constructed in 1936-37 as to reduce the amount of sand washed into the baths. It included a rock & concrete world map, reputedly the largest of its kind in NSW. Whilst the map no longer exists, the Canoe Pool remains one of the largest wading ocean pools in NSW.

*Criterion D (community esteem)*

The Newcastle Ocean Baths and Pavilion may be of state heritage significance for its contribution to the City of Newcastle's sense of identity.

*Criterion E (research potential)*

The Newcastle Ocean Baths and Pavilion may be of state heritage significance for the potential to yield information about the practice, in 1930s NSW, of constructing concrete relief maps for educational and recreational purposes.

*Criterion F (rarity)*

The Newcastle Ocean Baths and Pavilion may be of state heritage significance as its Stripped Classical/Art Deco style pavilion is considered to be aesthetically rare for its type in NSW. Also of rare quality is the size of the Canoe Pool and its former world map relief structure.

*Criterion G (representative values)*

The Newcastle Ocean Baths and Pavilion may be of state heritage significance for demonstrating the principal characteristics of NSW communities' development of ocean baths and rock pools, its association with NSW beach and swimming culture and its social contribution to a community's sense of place.

**Comparative analysis**SHR listed ocean baths and/or pools

- The Entrance Ocean Pools SHR 1663
- Wylie's Baths, Coogee SHR 1677
- The Bogey Hole SHR 1678
- North Beach Precinct, Wollongong (SHR 1737 – whilst no bathing pool it does include a bathing pavilion)
- Bondi Beach Cultural Landscape (SHR 1786 - A precinct that includes beach, park, pavilion and surf life-saving clubhouse but no ocean baths)
- McIver Women's Baths, Coogee SHR 1869

It should be noted the City of Newcastle has another ocean baths complex that is considered to be of State heritage significance – the Merewether Baths (LEP listed). Its heritage significance, apart from its demonstration of the importance of swimming and the beach in the social and cultural history of Newcastle and NSW, is for differing values to the Newcastle Ocean Baths and Pavilion.

Record #8B

Merewether Baths - LEP Statement of Significance

*The Merewether baths are considered to be of State significance, chiefly for their aesthetic importance as the largest seawater baths of their kind in the state and possibly Australia. The scale of the baths signifies the importance of swimming and the beach in the social and cultural history of the locality, state and nation. The continuity of this cultural practice is evidenced as the site has been a popular swimming place since the late nineteenth century and the baths continue to be an important place of leisure and recreation for the people of Newcastle, while the impressive visual aesthetic of the baths, particularly their scale and clean modern streamlined symmetry, continues to inspire photographers and artists. The baths are evocative of the Inter-war era and are also historically significant as an example of a public work built largely as a depression relief scheme. The site, including the former Ladies' Baths, together with the nearby Surf House, is articulate about the evolution of Merewether's development from an industrial colliery township to a residential beachside suburb, with construction of the original baths prompted by concerns over sewage pollution at the beach, related to closer residential development and associated utilities. The site may also have the potential to yield information about other phases in Merewether's history, including the former Burwood colliery rail line and tunnel located near the pavilion.*

Heritage NSW assessed the Austinmer Ocean Baths and Bathing Pavilion for SHR listing in 2016. The nomination was refused as the item did not reach the threshold of State heritage significance. However, an extensive comparative analysis was completed, and it is interesting to note the following:

- There are about 100 rock pools along NSW's rocky eastern coastline, some with and some without bathing pavilions. **Some of these ocean pools are just depressions, ringed by rocks or deep hewn holes in the rock platform, sometimes reinforced by concrete.**
- A number of the NSW rock pools **either with or without Pavilions** are listed on the State Heritage Register the earliest are centred on the early settlements in NSW at Sydney, Newcastle and Wollongong and include the Bogey Hole in Newcastle which was constructed by convict labour in the 1820s making this the earliest constructed ocean pool in NSW.
- The next earliest of the ocean pools are those in the Wollongong Harbour Precinct which date from the 1830s. The ocean pools associated with the North Beach Precinct in Wollongong were also used early in the 19th century with the North Beach Pavilion and Kiosk being developed in the 1938.
- Other Ocean pools listed on the State Heritage Register include the Sydney ocean pools; McIver Women's Baths, 1830s, Wylie's Baths in Coogee, 1907 and The Entrance Ocean Pool 1838 (after its use as a fish trap for the traditional owners).
- Of the SHR listed pools the North Beach Precinct in Wollongong and the Wollongong Harbour pools (SHR 01737) cite their importance in demonstrating the recreational role played by surfing and beach culture which is similar to the role played by the Austinmer Ocean pools and Bathing Pavilion. **[and the same for Newcastle Ocean Baths and Pavilion]**
- Wylie's baths (SHR 01677) and McIver Women's Baths (01869) are examples of the historical development of amateur swimming clubs and competitive swimming which also similarly applies to the Austinmer pools and pavilion for both locals and others in NSW who visited the township.
- A desktop survey undertaken for this comparative analysis found that of the non-listed ocean pools with bathing pavilions, **the outstanding example may be the Newcastle Baths and Pavilion established in 1922.**
- With regard to non-listed ocean pools, while all ocean pools have their attractions, the blue pool in Bermagui, set at the base of a sandstone cliff, is arguably the most aesthetically outstanding of the ocean pools.
- The distinguishing factor that marks the Austinmer Ocean Pool and Bathing Pavilion as outstanding is that it is an early example of a tourism destination established directly as a consequence of the increased interest in tourism to natural places outside Sydney, facilitated by the opening of the train line south and as a consequence of the community's determination to capture that tourism opportunity.

### **9.2.1. REPORT ON NOTICE OF MOTION - NOM 25/07/23 - NEWCASTLE OCEAN BATHS AND CANOE POOL - STATE HERITAGE LISTING**

**REPORT BY: CITY INFRASTRUCTURE**

**CONTACT: EXECUTIVE DIRECTOR CITY INFRASTRUCTURE**

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#### **EXECUTIVE DIRECTOR COMMENT**

City of Newcastle (CN) is the Crown Land Manager of the Newcastle Ocean Baths for the Crown Lands Division of the NSW Government. All Crown Land has a stated public purpose, which for the ocean baths is set out in the Newcastle Coastal Plan of Management 2015 and includes public recreation, community facilities, public baths, and recreation facilities.

The Newcastle Ocean Baths are ageing and need substantial upgrades to continue to provide use and benefit to the community. This includes the whole site - pavilions, pools and promenades.

CN has committed to retaining the aesthetic of the Inter-war Striped Classical / Art Deco façade of the Newcastle Ocean Baths, as well as the iconic bleacher seating, while improving public amenity through provision of improved shade, disability access, seating, and new public changerooms with hot water showers. The public will continue to have free access to the Baths, as well as access to toilets, changerooms and community facilities. All of the public domain will also remain accessible and free of charge.

Stage 1 of the upgrade is restricted to the pool area of the Newcastle Ocean Baths to improve safety and accessibility for all users. This includes remediation to the pools, lower promenade and pump upgrades. After considerable engagement with the community, the design for Stage 1 was finalised in August 2021 and construction is nearing completion in time for Summer 2023/24.

Stage 2 of the Newcastle Ocean Baths revitalisation is focusing on the Pavilions and surrounding public domain. CN is currently working with the Newcastle Ocean Baths Community Reference Group (CRG) to develop concept designs for the Pavilion upgrades.

The CRG was formed to help the planning process for revitalisation of the Baths through discussions and co-design workshops. The CRG has been meeting since 2020, and has provided significant input into the preliminary, concept and final design for Stage 1 (pools and promenades).

Community consultation was recently sought on a preliminary floorplan option for Stage 2. It includes the following features:

- Male and female amenities located alongside the family change rooms and accessible change rooms in the southern pavilion building, closest to the



accessible entry ramp into the pool. Accessible parking would be reviewed during Stage 2 design processes.

- Space for a combined café / kiosk facility in the northern pavilion building with shared kitchen space, views north over the Cowrie Hole towards Nobbys and the breakwater, and direct access down from the Bathers Way to attract customers. 100m<sup>2</sup> of space for outdoor dining.
- 140m<sup>2</sup> of flexible indoor community space.
- Improved lifeguard facilities including storage for equipment and provision of first aid in the central two storey building (similar to existing). Lifeguards will also have use of an observation tower closer to the pool which is being delivered as part of Stage 1.

The final concept design will go to the elected Council for approval before proceeding into detailed design.

CRG members, the terms of reference as well as meeting agendas, minutes, reports and presentations are available to the public via the below website page:

<https://www.newcastle.nsw.gov.au/have-your-say/projects/newcastle-ocean-baths-community-reference-group>

### **Heritage**

Representatives of Hunter Living Histories and the Hunter Regional Committee of the National Trust are members of the Newcastle Ocean Baths CRG and were invited to participate to ensure community heritage expertise was considered in all aspects of the project. CN has also engaged independent heritage consultants to provide input into the development of the designs.

Both the Pavilion and Baths are listed as a heritage item of local significance on Schedule 5 of the *Newcastle Local Environmental Plan 2012* and are protected under the *NSW Environmental Planning and Assessment Act 1979*. Listing on statutory heritage registers provides a legal framework to deal with managing change to a heritage place and its use so that what is culturally significant is identified and enables that significance to be retained in its future use and development.

The Heritage Council of NSW has developed seven criteria to help establish if a building or place is of State significance. To be considered for listing on the State Heritage Register and protected under the *NSW Heritage Act 1977*, the item must meet at least two of the seven criteria.

The NSW Department of Planning and Environment (DPE) provides an explanation of the process required to successfully nominate an item to be listed on the State Heritage Register.

Its website also states that there is no statutory timeframe to start an assessment of suitability for the State Heritage Register listing and it can depend on how many nominations are under assessment at any one time.

The time needed to complete the assessment will vary and depends on several factors such as the number of stakeholders involved in consultation, and the complexity of the nomination, as well as a previous refusal in 2004 of the Newcastle Ocean Baths when last nominated for the State Heritage Register.

Therefore, a determination of any application for the Newcastle Ocean Baths to be listed on the State Heritage Register is likely to involve considerable time.

A performance audit for state heritage assets by the Audit Office of NSW dated 27 June 2023 concluded that:

*"Heritage NSW worked with the State Heritage Register Committee to reduce the pool of open nominations (legacy and recent nominations) under active consideration to 62 nominations in December 2020. A further 66 nominations were identified as likely to be of state heritage significance but do not fall within the Heritage Council priority areas, so have not been further progressed. These nominations may be reactivated if they meet a future Heritage Council priority area or are identified as being under imminent threat. In May 2023, there were 53 items on the current list of nominations under active consideration for new listings."*

Critically, the Baths' location on Crown Land is a barrier to a timely consideration of any application for the State Heritage Register. The performance audit also found:

*"There are tensions in DPE's role as both the owner and potential regulator of nominated assets if they are listed. This poses potential risks for the addition of new state heritage listings. There are instances of challenges or delays in the listing process for assets that are owned by state entities, including within the DPE cluster. These challenges may be exacerbated if asset owners have priorities that are not readily aligned with the obligations of a heritage listing."*

Councillors are advised to pay particular attention to the Audit Office of NSW's finding that:

*"There is considerable variability in how long it takes Heritage NSW to assess and advise the Heritage Council on whether a nominated item meets the criteria for listing. For new listings since 2020, the assessment period ranged from three months to 17 years (with an average time of five years, and a median time of two years)."*

As such, a resolution of the Council that construction work does not commence to restore the Newcastle Ocean Baths until such time as the site and adjacent Canoe Pool are successfully listed on the State Heritage Register, places the pavilion and especially its façade, at significant risk of critical deterioration.

DPE requires that any nomination is checked for eligibility and if there is enough information provided for the Heritage Council to consider the nomination. Part of this check is that the asset has been nominated by or is supported by the property owner. In the case of the Newcastle Ocean Baths, this is the NSW Government.

In November 2021 the Lord Mayor commenced the process for the Newcastle Ocean Baths being listed on the State Heritage Register by writing to the NSW Government in its role as the landowner.

The Lord Mayor wrote to the Minister responsible for Heritage, the Hon. Don Harwin MLC following consultation with the State Member for Newcastle's office regarding the correct process to make a genuine application for state heritage listing. An article in the Newcastle Herald in December 2021 reported that Friends of the Newcastle Ocean Baths shared the view that that the process should commence with writing to the then Minister seeking owner's consent for listing on the State Heritage Register.

The Council then placed its support behind the Lord Mayor's advocacy in February 2022, unanimously resolving that City of Newcastle continue lobbying the NSW Government for the Newcastle Ocean Baths to be listed on the State Heritage Register.

To date City of Newcastle has not received landowner's consent from the NSW Government for an application for the Newcastle Ocean Baths to be considered for listing on the State Heritage Register and so with a change of Minister (and Government) the Council may consider it appropriate to reiterate its previous correspondence to the current Minister for Heritage.

Lastly, the Notice of Motion incorrectly states that a prerequisite for any State Heritage nomination is a successful notice of motion and so has been removed from the Director's Alternate Resolution. Delegation exists at the Officer level to lodge an application for state heritage listing provided required criteria is demonstrated including landowner's consent.

## **RECOMMENDATION**

That Council:

- 1 Notes that the Newcastle Ocean Baths is owned by the NSW Government on Crown Land. City of Newcastle has prudently invested in upgrading the Baths to protect the facility for generations to come.
- 2 Notes that City of Newcastle has ensured protection of the Baths as a locally listed heritage item, protected under the *NSW Environmental Planning and Assessment Act 1979* via the *Newcastle Local Environmental Plan 2012*.
- 3 Notes all works being undertaken at the Baths are assessed against strict heritage requirements. The robust nature of these assessments and protection plans was confirmed by the detailed assessment undertaken when the Heritage Council of NSW previously considered and refused an application for an Interim Heritage Order by the Friends of Newcastle Ocean Baths.

- 4 Notes the Council's previous unanimous resolution in February 2022 to lobby the NSW Government for the Newcastle Ocean Baths to be listed on the State Heritage Register.
- 5 Reflecting the significant ongoing cultural heritage value of the Baths to the Newcastle community, City of Newcastle writes to the NSW Government reiterating its previous correspondence to the former Minister for Heritage regarding the listing of the site on the State Heritage Register.

## **10. CONFIDENTIAL REPORTS**

Nil.