



## CITY OF NEWCASTLE

# Ordinary Council Meeting

Councillors,

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

**DATE:** Tuesday 24 August 2021

**TIME:** 6.00pm

**VENUE:** Audio visual platform Zoom

J Bath  
Chief Executive Officer

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

18 August 2021

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<b>ORDINARY COUNCIL MEETING</b> <b>24 August 2021</b>
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HILL 66

**CONFIDENTIAL REPORTS** Nil

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

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 27 JULY 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 210727 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)*

**CITY OF NEWCASTLE**

**Minutes of the Ordinary Council Meeting held via Audio visual platform Zoom on Tuesday 27 July 2021 at 6.07pm.**

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**PRESENT**

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

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Hyland (Acting Director Strategy and Engagement), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), K Liddell (Director and Interim Chief Information Officer), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), L Morton (Art Gallery Director), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

**ATTENDANCE VIA AUDIO VISUAL MEANS**

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Mackenzie

That Council:

1. Notes the current Public Health Orders applicable to all of NSW;
2. Notes tonight's Ordinary Council meeting of 27 July 2021 is livestreamed on Council's website providing for access to members of the public; and
3. Notes the unprecedented public health risks facing the community and in the interests of public health and safety, permits all Councillors to attend the Ordinary Council meeting of 27 July 2021 by audio visual means.

**Carried  
unanimously**

**APOLOGIES**

**MOTION**

Moved by Cr Luke, seconded by Cr Church

The apologies submitted on behalf of Councillor Dunn and Robinson be received and leave of absence granted.

**Carried**

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

**Councillor Church**

Councillor Church declared a less than significant non-pecuniary interest in Item 83 – Hunter and Central Coast Joint Regional Planning Panel Temporary Membership as he previously declared a conflict for the rezoning of 505 Minmi Road, Fletcher due to his involvement in the property industry and managed the conflict by leaving the meeting for discussion on the item.

**Lord Mayor, Cr Nelmes**

Lord Mayor, Cr Nelmes declared a non-pecuniary significant interest in Item 83 – Hunter and Central Coast Joint Regional Planning Panel Temporary Membership and managed the conflict by leaving the meeting for discussion on the item.

**Lord Mayor, Cr Nelmes**

Lord Mayor, Cr Nelmes declared a pecuniary interest in Item 79 – Frederick Street, Merewether – Proposed Raised Pedestrian Crossings as she had property in the neighbouring streets to that being proposed and managed the conflict by leaving the meeting for discussion on the item.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES PUBLIC VOICE COMMITTEE MEETING 15 JUNE 2021  
MINUTES BRIEFING COMMITTEE MEETING 15 JUNE 2021  
MINUTES ORDINARY COUNCIL MEETING 29 JUNE 2021**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried**

**LORD MAYORAL MINUTE**

**ITEM-18                      LMM 27/07/21 - STRATEGIES TO AMELIORATE THOSE IN HOMELESSNESS IN NEWCASTLE**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

Part A:    Strategies to ameliorate the conditions of those in homelessness:

1.    Recognising the immediate needs of the increased number of people, and the changing demographics of people, experiencing homelessness, commits to:
  - a.    Receiving a report back on partnering with NSW Government agencies, Hunter Community Alliance leaders, Soul Cafe and civil society to pilot *safe rough sleeping zones* for a minimum 24 months with regular assessments of the initiative. This would be a zone where Council staff, NSW Police, and service providers can suggest people park their cars, or sleep in tents, or under existing shelter, when emergency accommodation service providers are at capacity, and where wrap-around services could potentially attend to people.
  - b.    The partnership would investigate:
    - i.    Safe locations for rough sleeping zones suggested, such as Newcastle Showground, or local Neighborhood Centers;
    - ii.   Framing and implementing safe and informed protocols for Council rangers and staff so that people sleeping rough are moved to safe housing, accommodation options, or a safe rough sleeping area;
    - iii. Establishing a locker system for people sleeping rough, in which they can store and protect limited personal belongings.
    - iv.  The collection and reporting on homelessness and poverty data from private and charitable sector service providers in summer and winter.

Part B:    Social and Affordable Housing Memorandum of Understanding:

- 1    Works with NSW Land and Housing Corporation (NSW Government) to develop a Memorandum of Understanding (MoU) to expedite the delivery of new and refurbished social and affordable housing, including the exploration of a *'Make Room Project'* in Newcastle.

Part C:    Implementation of the Affordable Housing Contributions Scheme:

- 1    Notes that on 27 April 2021, Council supported a Lord Mayoral Minute, titled *Housing Affordability crisis in Newcastle*; and continues to pursue all the actions detailed in that Lord Mayoral Minute in response to the housing affordability crisis in Newcastle;
- 2    Recognises major funding for affordable housing is the responsibility of State and Federal Governments;

- 3 Recognises that City of Newcastle has within its control the development of an Affordable Housing Contributions Scheme which Council has described as the concept of a 15% Affordable Housing Mandate on privately developed land, whereby 15% of new dwellings or floor space on privately developed land is mandated as Affordable Housing in new housing developments, and considers this rate as a part of the development of the Affordable Housing Contributions Scheme.
  
- 4 Once again reiterates the urgency of the finalisation and implementation of the Affordable Housing Contributions Scheme and commits to this being implemented as soon as practicable.

**PROCEDURAL MOTION**

Moved by Cr Luke

Council vote for the motion in seriatim excluding Part C - 3 and that it be voted on separately.

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

**PART 1**

Part A: Strategies to ameliorate the conditions of those in homelessness:

- 1 Recognising the immediate needs of the increased number of people, and the changing demographics of people, experiencing homelessness, commits to:
  - a. Receiving a report back on partnering with NSW Government agencies, Hunter Community Alliance leaders, Soul Cafe and civil society to pilot *safe rough sleeping zones* for a minimum 24 months with regular assessments of the initiative. This would be a zone where Council staff, NSW Police, and service providers can suggest people park their cars, or sleep in tents, or under existing shelter, when emergency accommodation service providers are at capacity, and where wrap-around services could potentially attend to people.
  
  - b. The partnership would investigate:
    - i. Safe locations for rough sleeping zones suggested, such as Newcastle Showground, or local Neighborhood Centers;
    - ii. Framing and implementing safe and informed protocols for Council rangers and staff so that people sleeping rough are moved to safe housing, accommodation options, or a safe rough sleeping area;
    - iii. Establishing a locker system for people sleeping rough, in which they can store and protect limited personal belongings.
    - iv. The collection and reporting on homelessness and poverty data from private and charitable sector service providers in summer and winter.



Part B: Social and Affordable Housing Memorandum of Understanding:

- 1 Works with NSW Land and Housing Corporation (NSW Government) to develop a Memorandum of Understanding (MoU) to expedite the delivery of new and refurbished social and affordable housing, including the exploration of a 'Make Room Project' in Newcastle.

Part C: Implementation of the Affordable Housing Contributions Scheme:

- 1 Notes that on 27 April 2021, Council supported a Lord Mayoral Minute, titled *Housing Affordability crisis in Newcastle*; and continues to pursue all the actions detailed in that Lord Mayoral Minute in response to the housing affordability crisis in Newcastle;
- 2 Recognises major funding for affordable housing is the responsibility of State and Federal Governments;
- 3 Once again reiterates the urgency of the finalisation and implementation of the Affordable Housing Contributions Scheme and commits to this being implemented as soon as practicable.

**Carried  
unanimously**

**PART 2**

Part C: Implementation of the Affordable Housing Contributions Scheme:

- 3 Recognises that City of Newcastle has within its control the development of an Affordable Housing Contributions Scheme which Council has described as the concept of a 15% Affordable Housing Mandate on privately developed land, whereby 15% of new dwellings or floor space on privately developed land is mandated as Affordable Housing in new housing developments, and considers this rate as a part of the development of the Affordable Housing Contributions Scheme.

**Carried**

**ITEM-19 LMM 27/07/21 - INFRASTRUCTURE AUSTRALIA 2022  
INFRASTRUCTURE PRIORITY LIST**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that Infrastructure Australia's *Infrastructure Priority List* provides evidence-based advice to support an informed discussion about Australia's investment priorities and that Infrastructure Australia Chief Executive Officer, Romilly Madew AO, has written to the City of Newcastle, seeking submissions for the next update of the Infrastructure Priority List, to be published in February 2022;

- 2 Recognises that City of Newcastle's previous advocacy to Infrastructure Australia led to Infrastructure Australia listing the 'Newcastle Airport Capacity Expansion' as a Priority Initiative in 2021, before the project was funded by the Federal Government earlier this year;
- 3 Prepares a submission of City of Newcastle's infrastructure priorities, including Catalyst Area Projects as outlined in *the Greater Newcastle Metropolitan Plan 2036*, seeking their inclusion in the Infrastructure Australia 2022 Infrastructure Priority List, and includes the following projects for consideration:
  - Coastal Management Planning and Erosion Management at Stockton Beach
  - Flood mitigation at Wallsend
  - John Hunter Hospital - Stage 2
  - Newcastle Art Gallery Expansion
  - Lower Hunter Freight Corridor
  - Greater Newcastle Light Rail Expansion
  - Hunter Park (Broadmeadow Sports and Entertainment Precinct)
  - Port of Newcastle Diversification
  - Newcastle Airport Expansion
  - University of Newcastle's Science, Technology, Engineering, Mathematics and Medicine (STEMM) facility
  - Affordable housing initiatives
  - Local Sporting Amenity Upgrades
  - Local Playground upgrades for Disability Inclusion
  - Ferry Terminal at Wickham
  - Active Transport (Walking & Cycling) Improvements

**Carried  
unanimously**

**ITEM-19                    LMM 27/07/21 - BRING BACK JOBKEEPER**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Supports the bi-partisan calls from the NSW Treasurer and NSW Leader of the Opposition for the urgent reintroduction of JobKeeper for businesses impacted by the continued pandemic, and the effects of the delta strain of COVID-19.
- 2 Acknowledges the well-publicised issues with the first version of JobKeeper and encourages the Federal Government to fix them whole also expanding eligibility to casuals, the University sector, local government and the childcare industry.
- 3 Writes to the Prime Minister, the Federal Treasurer, and their respective Shadow Ministers, along with the Federal Member for Newcastle, advising them of the City's position and advocacy.

**Carried**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-81 CCL 27/07/21 - INVESTMENT AND BORROWING POLICY ANNUAL REVIEW**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Council adopts the draft Investment and Borrowing Policy (Policy) in the form as at **Attachment A** and in doing so terminates the previously approved Investment and Borrowing Policy.

**Carried  
unanimously**

**ITEM-82 CCL 27/07/21 - AUTHORISATION FOR SIGNING OF THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2021 is underway and upon completion they will be referred to CN's Auditors, NSW Audit Office, in accordance with Section 413(1) of the Act.
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the Statements by Councillors and Management (**Attachments A and B**) in accordance with Section 413(2) of the Act at the conclusion of the external audit.

**Carried**

**ITEM-77 CCL 27/07/21 - ADOPTION OF DRAFT COMMUNITY INFRASTRUCTURE INCENTIVE POLICY**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Adopts the Community Infrastructure Incentives Policy at **Attachment A**.
- 2 Notes that, subject to adoption of the Policy, a Planning Proposal will be prepared to amend the Newcastle Local Environmental Plan 2012, along with amendments to the Newcastle Development Control Plan 2012 (NDCP 2012), to enable implementation of the Policy. The Planning Proposal will initially focus on supporting implementation of the Wickham Masterplan and is proposed to be submitted to Council in late 2021 for consideration to proceed to Gateway

Determination, including further public and stakeholder consultation as instructed by the Gateway Determination.

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

**Against the Motion:** Councillors Church, Elliott and Rufo.

**Carried**

**ITEM-78 CCL 27/07/21 - NEWCASTLE ART GALLERY EXPANSION FUNDING OPTIONS**

**MOTION**

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

That Council:

- 1 Endorses borrowing up to \$22.6 million by way of low-cost loan over 10 years (Option 2) as the preferred funding pathway for the expansion of the Newcastle Art Gallery.
- 2 Notes that a Loan Borrowing Report will be separately submitted seeking Council approval to borrow funds from NSW Treasury Corporation (T-Corp) incorporating a low-cost loan initiative subsidy in the amount of up to \$22.6 million, including a capital expenditure review in accordance with Office of Local Government guidelines.
- 3 Continues to seek Federal and State grant funding up until the time of borrowing loan funds from T-Corp to ensure all available grant funding options have been exhausted prior to commencing the project.

**PROCEDURAL MOTION**

Moved by Cr Elliott, seconded by Cr Church

That the item lay on the table until consultation with the community on whether they wish to enter into the proposed borrowing for the Art Gallery upgrade.

**For the Procedural Motion:** Councillors Church, Elliott, Luke, Mackenzie and Rufo.

**Against the Procedural Motion:** Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, White and Winney-Baartz.

**Defeated**

The motion moved by Lord Mayor, Cr Nelmes, seconded by Cr Clausen was put to the meeting.

## CITY OF NEWCASTLE

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

**Against the Motion:** Councillors Church, Elliott, Luke and Rufo.

**Carried**

### **ITEM-79 CCL 27/07/21 - FREDERICK STREET, MEREWETHER - PROPOSED RAISED PEDESTRIAN CROSSINGS**

The Lord Mayor left the meeting for discussion on the item.

The Deputy Lord Mayor took the Chair.

#### **MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Approve a raised crossing on Frederick Street at Coane Street, Merewether as generally shown at **Attachment A**.
- 2 Approve a raised crossing on Frederick Street at Berner Street, Merewether as generally shown at **Attachment B**.

**Carried  
unanimously**

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

### **ITEM-80 CCL 27/07/21 - ACQUISITION OF PART 64 MACKIE AVENUE, NEW LAMBTON**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council

- 1 Resolves not to acquire the Property.
- 2 Advocates for Transport for NSW to transfer the land to City of Newcastle at no cost to ensure the footpath remains in public hands.

**For the Motion:** Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Elliott, Luke, Mackenzie, Rufo, White and Winney-Baartz.

**Against the Motion:** Councillor Church.

**Carried**

**ITEM-83                      CCL 27/07/21 - HUNTER AND CENTRAL COAST JOINT  
REGIONAL PLANNING PANEL TEMPORARY MEMBERSHIP**

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

The Deputy Lord Mayor took the Chair.

**MOTION**

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

- 1 Appoints a second planning expert to replace the Director Governance as a temporary City of Newcastle (CN) representative to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for one matter only, being consideration of the rezoning review following Council's decision to not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher.

**Carried  
unanimously**

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

The Lord Mayor resumed the Chair.

**NOTICES OF MOTION**

**ITEM-17                      NOM 27/07/21 - VANDALISM OF NEW LAMBTON PARKS**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

1. Expresses frustration and disappointment at the vandalism of local parks and sporting fields in New Lambton by a motor vehicle.
2. Notes the sizeable investment from Council and the New Lambton Football Club into Novocastrian and Alder Parks. Since 2010, City of Newcastle has invested more than \$1.6m into sporting facilities at Alder and Novocastrian Parks, and a further \$150,000 on a new playground at Novocastrian Park.
3. Notes previous efforts to prevent illegal vehicle access and vandalism, including the installation of large sandstone blocks along Birwood Street in 2020.
4. Notes that CN officers responded rapidly to recent vandalism, inspecting the park over the weekend and undertaking immediate repairs. The repairs will enable the park to reopen within a week.

5. Undertakes further works to prevent illegal vehicular access, by installing sandstone blocks to restrict vehicle access from Orchardtown Road.
6. Requests any witnesses to come forward via council directly or Crime Stoppers, to ensure those responsible for the damage of public property can be held accountable.

**Carried  
unanimously**

**ITEM-18                      NOM 27/07/21 - IMPROVING CONNECTIVITY BETWEEN  
WICKHAM AND WICKHAM PARK**

**MOTION**

Moved by Cr Clausen, seconded by Cr White

That Council:

1. Notes City of Newcastle's intention to acquire the previous Bullock Island Rail Corridor from the NSW Government to provide connectivity between Wickham and Wickham Park. This was included as an action in the 2012 Local Environment Plan (LEP), Land Reservation Acquisition map (004FA). Notes that acquisition is likely to be a lengthy process.
2. Writes to Transport for NSW (TfNSW) and the Department of Planning, Industry and Environment (DPIE) seeking support to temporarily open a pathway across the Bullock Island Rail Corridor between Wickham and Wickham Park, and for ongoing acquisition negotiations to be prioritised.

**Carried  
unanimously**

**ITEM-19                      NOM 27/07/21 - PROPERTY DEVELOPMENT**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Duncan

Council note that:

A      Council note that:

- i. Councils in NSW have an important role in land use planning and development approval;
- ii. Councils assess local development and are able to grant approval, grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development;

- iii. in 2020 Environment Minister Matt Kean likened allowing property developers to be elected as local Councillor to “**putting Dracula in charge of the bloodbank**” due to the planning decisions taken by Councils;
  - iv. in April 2019, the City of Newcastle endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office, and ensuring a well-resourced Independent Commission Against Corruption.
  - v. in June 2021 the NSW Legislative Council passed legislation banning property developers from running for local Council. Legislation restricting real estate agents from running for council is reportedly forthcoming; and
  - vi. property developers and their close associates have an innate bias in planning decisions and allowing them to serve as local Councillors erodes the ability of Council to make independent decisions on planning matters.
- B the City of Newcastle Council opposes those working as, or close associates of, property developers, running to be elected to the City of Newcastle Council;
- C the CEO be requested to:
- i. submit this motion in support of the adoption of a policy which prohibits property developers and their close associates, from holding office as local Councillors in NSW to LGNSW Conference for consideration;
  - ii. write to the NSW Premier in support of the bill that was passed by the Legislative Council and is currently before the Legislative Assembly which prohibits property developers from holding office as local Councillors in NSW; and
  - iii. write to the Minister for Local Government in support of the bill that was passed by the Legislative Council and is currently before the Legislative Assembly which prohibits property developers from holding office as local Councillors in NSW.

**For the Motion:**

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

**Against the Motion:**

Councillors Church, Elliott, Luke and Rufo.

**Carried**



**ITEM-20                      NOM 27/07/21 - DEVELOPMENT NOTIFICATION FOR BOARDING HOUSE RESIDENTS**

**MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1     Writes to Boarding House operators in the Newcastle Local Government Area advising them of a new notification process to ensure their tenants are reasonably notified of a Development Application (DA) relating to the Boarding House, including:
  - a.    The operator to advise boarders that a DA has been lodged that proposes modification to the property and/or development.
  - b.    A copy of the DA application to be placed in a common area (or similar) of the Boarding House.
  - c.    The operator to notify boarders when the DA has been determined, including the outcome.
  
- 2     That this process be incorporated into CN's procedures for DAs relating to Boarding Houses, and will be included with the CN Applicant acknowledgment letter sent when a DA is submitted, consistent with details above.

**Carried  
unanimously**

**ITEM-21                      NOM 27/07/21 - BEST PRACTICE EMPLOYMENT CONDITIONS FOR CONSTRUCTION WORKERS UNDERTAKING CITY OF NEWCASTLE PROJECTS**

**MOTION**

Moved by Cr Byrne, seconded by Cr Clausen

That City of Newcastle:

1.    Notes that ensuring the best employment conditions and work health and safety standards are achieved is often as a result of the collective power of trade unionism, and the ability for workers' to take collective action and negotiate their terms of employment through Enterprise Agreements (EAs).
  
2.    Notes that EAs have the assurance that terms of the employment agreement put workers in a position that is "Better Off Overall" against the relevant Award, and that the Fair Work Commission will not approve the EA unless the "Better Off Overall" test is satisfied.
  
3.    Ensures that all major construction projects for Council are undertaken by organisations with current Enterprise Agreements registered with the Fair Work Commission.

4. Amends the City of Newcastle (CN) Procurement Policy to ensure that, where possible, to achieve stable industrial relations on Council projects, and ensure compliance by subcontractors/employers with their legal obligations, including to their employees, CN will, as far as practicable and relevant in terms of Council Projects, procure services for major construction projects from contractors with EAs in place, noting that this policy already contains clauses for ethical procurement and assurances that current procurement and tendering processes protect the work health and safety of all CN staff, contractors, and the general public, while ensuring value for money for ratepayers.

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

**Against the Motion:** Councillors Church and Luke.

**Carried**

**ITEM-22                      NOM 27/07/21 - HUNTER HYDROGEN TECHNOLOGY CLUSTER**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- Notes the commitment of CN under the Newcastle Climate Action Plan 2021-25 to “advocate for the creation of renewable hydrogen and ammonia export hubs, a regional bioenergy hub and green metal and mineral processing in Newcastle and the Hunter.”
- Request a briefing from NewH2 - Hunter Hydrogen Technology Cluster on opportunities for CN to support and accelerate the emerging hydrogen economy locally.
- Receive a report regarding options for the City of Newcastle to support a hydrogen industry locally, including but not limited to developing and maintain supporting infrastructure, connecting local businesses with industry, and early adoption of hydrogen technologies for specialised uses within Council operations.

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

**Against the Motion:** Nil.

**Carried**

**ITEM-23                      NOM 27/07/21 - PROTECTING OUR URBAN FOREST  
THROUGH AN AERIAL BUNDLED CABLING PROGRAM**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- Notes the contribution of Newcastle's street tree population to the city's urban forest, an intergenerational resources that provides multiple community benefits, and the need to improve practices and capacity to ensure these benefits.
- Notes the responsibility of Council for the holistic management of urban forest assets owned or controlled by the City of Newcastle, as outlined in the Newcastle Urban Forest Policy.
- Notes the briefing received by Ausgrid on 15<sup>th</sup> June on current practice for street tree maintenance and management under aerial powerlines.
- Notes CN's commitment to achieving the best outcome for the City's urban forest by working with Ausgrid to identify key sites where Ausgrid's essential service lines and CN's significant tree stands intersect.
- Notes the need for the development of an Aerial Bundled Cabling (ABC) Program by CN and Ausgrid for the city which identifies priorities and systematically plans for the conversion to bundled cabling or application of other engineering solutions.
- Engage with the Australian Energy Regulator to advocate for funding including State and Federal funding to enable the development of engineering solutions including an ABC Program, and for capital works investment and funding opportunities to enable Ausgrid to implement the identified forward ABC and Works Program for the City of Newcastle.

**Carried  
unanimously**

**ITEM-24                      NOM 27/07/21 - LOVE LAMBTON 150 YEARS - CELEBRATING  
LOCAL COMMUNITY HERITAGE MILESTONES**

**MOTION**

Moved by Cr Rufo, seconded by Cr Elliott

That the Council:

- Notes that the strategic priorities and themes in City of Newcastle's Heritage Strategy include "promoting our heritage" with an objective to increase the local community's understanding and participation to conserve, enhance and celebrate Newcastle's heritage places and cultural heritage by CN collaborating with stakeholders in activities which promote the economic, social and environmental benefits of heritage to the city.
- Notes the success of the Love Lambton 150 Years event.
- Acknowledges the volunteer Organising Committee's tireless efforts in ensuring the success of the Love Lambton event
- Notes the personal thanks & gratitude of the Chairman for the Organising Committee of Love Lambton 150 Years Celebrations, Councillor Andrea Rufo OAM to his fellow Committee Members for their contribution to the Love Lambton 150 Years Celebration and publicly acknowledge the Committee members for their ideas, valuable time invested, dedication and professionalism:
  - Claire Williams - President of The Newcastle Theatre Company
  - Mark Brooker - Founder and Publisher of The Local
  - Ann MacKenzie – Representing the Lambton Residents Group
  - Brian Lizotte - Owner of Lizottes
  - Deb Manuel – Representing Piggott's Pharmacy

In addition, the recognition of –

- Dana Pichaloff and Deb Austin - Double Digits Marketing
- Ali Cook of 5 Senses Markets.

For their dedication, professionalism and guidance.

- Notes that the event's success was in part due to the financial support of City of Newcastle, which provided critical seed funding.
- Notes that CN staff resources are limited in their capacity to deliver additional events. Any financial support of City of Newcastle will assist in engaging specialist event providers to plan and deliver these milestone events. With the assistance of the working party/organising committee.
- Notes that City of Newcastle staff played an important supporting role in both advising the committee as well as supporting the Love Lambton event itself.

- Notes that such municipality anniversaries benefit from the inclusion of City of Newcastle staff and encourages staff to make themselves available for future such celebrations.
- Notes the importance for Council to collaborate with the community in activities that celebrate and increase awareness of Newcastle's heritage including heritage groups, collection and education institutions, and the wider community.
- Notes that any working party/organising committee to include:
  - Representatives from the Community (Including Local Historians)
  - Representatives from the Local Business Community
  - An Event organiserAnd where requested:
  - Local Ward Councillors
  - CN Staff
- Notes that other municipalities who may seek support for heritage celebrations in the foreseeable future include:
  - Adamstown - 8 January 1886
  - Carrington- 30 March 1887
  - Hamilton - 11 December 1871
  - Merewether - 20 August 1885
  - New Lambton - 9 January 1889
  - Stockton - 14 October 1889
  - Wallsend - 27 February 1874
- Ensures that City of Newcastle annually promotes the existence of its grants programs so that community groups can be informed of the City's willingness to financially support community events similar to Love Lambton.

**AMENDMENT**

Moved by Cr Byrne, seconded by Cr Clausen

1 Amending bullet point 5 from

- Notes that the event's success was in part due to the financial support of City of Newcastle, which provided critical seed funding.  
to
- Notes that the event's success was in part due to the financial support of City of Newcastle, which provided critical seed funding, while also noting that this critical seed funding was only able to be provided following the successful allocation of the \$10,000 during the December Quarterly Budget Review process, **which both Cr Andrea Rufo, and Cr John Church voted against.**

2 Include additional bullet point, following bullet point 5:

- Thanks Councillor Peta Winney-Baartz and Councillor Declan Clausen for ensuring the \$10,000 seed funding for Love Lambton 150 Year Event by moving and seconding a late item of business NOM 8/12/20 – Love Lambton 150 Years Event – which provided \$10,000 in cash and in-kind support to support the delivery of the event, and subsequently voting in favour of the critical supply of funding through the December Quarterly Budget Review process, **which Councillor Andrea Rufo and Councillor Church voted against.**

The amendment moved by Councillor Byrne, seconded by Councillor Clausen was put to the meeting.

**Carried**

The motion moved by Councillor Rufo and seconded by Cr Elliott, as amended, was put to the meeting.

**Carried  
unanimously**

## CONFIDENTIAL REPORTS

### PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

**Carried**

Council moved into confidential session at 9.12pm

### PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council move into open session.

**Carried**

### PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council extend the Council meeting for five minutes.

**Carried**

Council moved back into open session at 9.52pm and the Chief Executive Officer reported the outcomes of confidential session.

**ITEM-6                      CON 27/07/21 - CONFIDENTIAL REPORT - CONSIDERATION  
OF LEGAL ADVICE**

A motion moved by Councillor Church and seconded by Councillor Elliott was put to the meeting and defeated during confidential session.

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 receives and considers the legal advice obtained in response to Council's resolution dated 24 November 2020 to '*seek legal advice on not claiming confidentiality on the Investigators Report (with appropriate redaction to protect complainants) to ensure open and natural justice*', and
- 2 determines to lift confidentiality and pro-actively release the redacted Investigation Report into a Code of Conduct complaint made against Councillor Robinson by Australian Workplace Training and Investigation at **Attachment A**. This decision is in accordance with the Government Information (Public Access) Act 2009 and external legal advice received.

**For the Motion:**

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

**Against the Motion:**

Councillors Church, Elliott, Luke and Rufo.

**Carried**

**The meeting concluded at 9.57pm.**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-84**                    **CCL 24/08/21 - PUBLIC EXHIBITION OF DRAFT GREGSON PARK MASTERPLAN AND AMENDMENTS TO THE HERITAGE PLACES PLAN OF MANAGEMENT FOR GREGSON PARK**

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

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**PURPOSE**

To place the draft Gregson Park Masterplan and draft amendments to Heritage Places Plan of Management for Gregson Park on public exhibition.

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 5 A Masterplan has been prepared for Gregson Park to guide its future development and management. Gregson Park is a significant local heritage listed park in Hamilton. Development of the masterplan has involved extensive community engagement, providing the community a chance to have a say on their vision for the future of the Park.
- 6 Philips Marler Heritage Landscape Architects were appointed to undertake the Masterplan. Local sub consultants Creative Ingredient assisted with the Phase 1 engagement.
- 7 The draft Masterplan (**Attachment A**) has been prepared reflecting the community vision and identified themes.



- 8 Gregson Park is community land and managed under the Heritage Places Plan of Management (Heritage PoM). The Heritage PoM provides clear guidelines for the future management and direction of land in the care and control of City of Newcastle. There are fifteen sites specifically addressed in Heritage PoM, including Gregson Park.
- 9 As the draft Masterplan proposes change to the use of different spaces within the Park following community feedback, a re-categorisation of the Heritage PoM for Gregson Park is required under the Act. The main changes to the Heritage PoM are updates to the wording and actions to reflect the vision of the draft Gregson Park Masterplan and the associated community input.

### **FINANCIAL IMPACT**

- 10 The draft Masterplan is designed to be delivered over a 10-year period with actions and projects requiring funding to be identified in CN's Our Budget and Long-Term Financial Plan.
- 11 The 2021/22 Our Budget has identified initial funding of \$300,000 for a new inclusive play space in Gregson Park.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 12 The draft Gregson Park Masterplan and associated Heritage PoM aligns with the following Newcastle 2030 Community Strategic Plan directions:

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

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

#### **Inclusive Community**

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

#### **Liveable Built Environment**

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

#### **Open and Collaborative Leadership**

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

### **IMPLEMENTATION PLAN/IMPLICATIONS**

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

- 14 A public hearing is required to be held under the Act for the proposed re-categorisation of Gregson Park in the Heritage PoM.

### **RISK ASSESSMENT AND MITIGATION**

- 15 In 2020 City of Newcastle demolished the former bowling club building due to significant building disrepair, vandalism and safety matters.
- 16 Feedback will be sought from the community on the draft Gregson Park Masterplan during the public exhibition period and incorporated in the adoption of the final Plans mitigating risk regarding community engagement.

### **RELATED PREVIOUS DECISIONS**

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

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

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

*That City of Newcastle:*

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

### **CONSULTATION**

- 19 A Councillor Workshop was held on 8 October 2019 to outline opportunities for the community to provide feedback regarding upgrades and future uses of Gregson Park.
- 20 The community engagement on the Gregson Park Masterplan was undertaken from August to December 2020. The community were asked how they use the Park, to share memories of the historical site and have their say on future uses of the Park.

- 21 Engagement activities included community conversations, key stakeholder interviews, student workshops, online surveys, an interactive online map and ideas wall, two face to face drop-in sessions at the Park and internal stakeholder workshops. A summary of this community engagement is found at **Attachment C**.
- 22 Councillors were briefed on the outcomes of this community engagement and the draft Masterplan on 17 August 2021.

## BACKGROUND

- 23 Gregson Park is a historic park with a 137-year history in the centre of Hamilton. It was designed by Alfred Sharp in 1884 as a major suburban park with many old plantings and a complex overlay of memorials and features, including gates, fountains, community service buildings and fixtures.
- 24 The aim of the Gregson Park Masterplan is to:
- i) Identify the role of Gregson Park in meeting local recreation needs and respecting the heritage significance of the park.
  - ii) Identify the way in which Gregson Park can be most effectively utilised to help meet the broader recreation, sporting and community facility needs of the surrounding communities and the wider Newcastle region.
- 25 The draft Masterplan has been developed with extensive community engagement. The engagement provided the community a chance to have a say on their vision for the future of the park including the:
- i) Former bowling club site
  - ii) Location, scope and style of the playground
  - iii) Tennis courts
  - iv) Greenhouse
  - v) Amenities block
  - vi) Recognition of heritage
- 26 The key findings from this community engagement identified several common themes which are reflected in the draft Masterplan including:
- i) Plantings and Aboriginal Culture – retain fig trees and flower beds and add native plant species
  - ii) Basic amenities – upgrades needed
  - iii) Playspace – larger and more inclusive
  - iv) Community gathering – upgrade park infrastructure to support events
  - v) Heritage – keep canons and monuments
  - vi) Recreation – upgrade parts of park for active recreation
- 27 Specific elements included in the draft Masterplan to reflect these themes include:
- i) Larger inclusive playspace in existing location with nature play, water feature and small yarning circle

- ii) New swale footbridge and wetland for water detention
- iii) New large community shelter on the former bowling club site for picnics, markets, events etc
- iv) Key axis pathway realignment
- v) Retention of figs, new native plantings and rearrangement of annual flower beds
- vi) Removal of the glasshouse (subject to heritage assessment)
- vii) Space for community gardens
- viii) Resurfaced tennis courts and expanded active recreation precinct including half basketball court, bat ball wall and fitness equipment
- ix) Future opportunity for an underground stormwater retention tank
- x) New or upgraded amenities
- xi) Possible kiosk in repurposed building (subject to further investigation)

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

29 The whole of Gregson Park will continue to be categorized as *area of cultural significance* to reflect the significant landscape heritage value of the park. In addition it is proposed to amend the categories of various parcels within the Park to reflect the proposed use as *park, general community use and sportsground*. The revised Heritage PoM and map is at **Attachment B**.

## OPTIONS

### Option 1

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

### Option 2

31 Not place draft Masterplan and amendments to the Heritage PoM on exhibition. This is not the recommended option as feedback is required from the community on both plans.

## REFERENCES

## ATTACHMENTS

**Item 84 Attachment A:** Draft Gregson Park Masterplan

**Item 84 Attachment B:** Draft Heritage Places PoM for Gregson Park Hamilton

**Item 84 Attachments A - B distributed under separate cover**

**Item 84 Attachment C**

[Phase 1 Community Engagement report](#)

**ITEM-85                      CCL 24/08/21 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 MAY TO 31 JULY 2021**

**REPORT BY:                      GOVERNANCE**  
**CONTACT:                        DIRECTOR GOVERNANCE / MANAGER LEGAL**

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**PURPOSE**

To table the Register of Disclosures of Interest (Register) for the period 1 May to 31 July 2021 received from designated persons in accordance with the Code of Conduct for Staff.

**RECOMMENDATION**

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 May to 31 July 2021) by the Chief Executive Officer (CEO).

**KEY ISSUES**

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

**FINANCIAL IMPACT**

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

**Open and Collaborative Leadership**

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

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

**Open and Transparent Governance Strategy**

3.5 Open and transparent disclosures.

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

**RISK ASSESSMENT AND MITIGATION**

- 7 Tabling of the Register supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements.

**RELATED PREVIOUS DECISIONS**

- 8 At the Ordinary Council Meeting held on 25 May 2021, Council noted the tabling of the Register (for the period 1 February to 30 April 2021).

**CONSULTATION**

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

**BACKGROUND**

- 10 Nil.

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

Code of Conduct for Staff

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

**ATTACHMENTS**

**Item 85 Attachment A: Register of Disclosures of Interest to be tabled**

**ITEM-86                      CCL 24/08/21 - ADVISORY COMMITTEES ANNUAL PERFORMANCE REVIEWS**

**REPORT BY:                GOVERNANCE**  
**CONTACT:                 DIRECTOR GOVERNANCE / MANAGER LEGAL**

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**PURPOSE**

To receive the annual performance review from City of Newcastle's (CN) advisory committees.

**RECOMMENDATION**

That Council:

- 1 Receives the annual performance review (Attachment A) from each of the following advisory committees:
  - i) Access Inclusion Advisory Committee
  - ii) Asset Advisory Committee
  - iii) Community and Culture Advisory Committee
  - iv) Guraki Aboriginal Advisory Committee
  - v) Infrastructure Advisory Committee
  - vi) Liveable Cities Advisory Committee
  - vii) Strategy and Innovation Advisory Committee
  - viii) Youth Council

**KEY ISSUES**

- 2 In accordance with section 18 of the Guidelines for Meeting Practice – Advisory Committees (Guidelines), advisory committees are required to report annually to Council detailing attendance records, performance review and a summary of key items of business.
- 3 The scheduled reporting of annual performance reviews has been disrupted by changes to meeting arrangements as a consequence of COVID-19 restrictions. The current performance reviews therefore cover the period since each advisory committee was established in 2018.

**FINANCIAL IMPACT**

- 4 CN's adopted Our Budget 2021/22 makes provisions for advisory committees.



**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 5 The advisory committees' performance reviews are consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Open and Collaborative Leadership**

7.2b Provide timely and effective advocacy and leadership on key community issues

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

**Open and Transparent Governance Strategy**

3.6 Active citizen engagement on local planning and decision-making processes and a shared responsibility for achieving goals – consideration of the community's advice on Council issues.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 6 Nil.

**RISK ASSESSMENT AND MITIGATION**

7 Advisory committees are a key mechanism for engaging the community and key stakeholders in local planning and decision-making.

8 Clear and transparent advisory committee processes ensure broad opportunities for membership providing for greater diversity of input into matters on which the elected Council will be making decisions.

**RELATED PREVIOUS DECISIONS**

- 9 Nil.

**CONSULTATION**

10 The performance reviews at Attachment A have been endorsed at respective advisory committee meetings.

**BACKGROUND**

11 At the Ordinary Council meeting held on 11 December 2018, Council established the Infrastructure, Strategy and Innovation, Community and Culture, and the Liveable Cities Advisory Committees; and continued the Guraki Aboriginal Advisory Committee, Disability Inclusion Advisory Committee, the Youth Council, Asset Advisory Committee and Audit and Risk Committee.

12 At the Ordinary Council meeting held on 27 October 2020, Council established the Public Art Reference Group as an advisory committee and received its annual report for 2020. Future reporting will align with all other advisory committees.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

14 Council does not adopt the recommendation. This is not the recommended option.

## **REFERENCES**

Guidelines for meeting practice – Advisory Committees

<https://www.newcastle.nsw.gov.au/Newcastle/media/DocumentsHYS/Documentation-Guidelines-for-meeting-practice-Advisory-Committees-V1.pdf>

Publication of advisory committee meeting agendas and minutes on CN's website:

<https://www.newcastle.nsw.gov.au/council/about-council/advisory-committees>

## **ATTACHMENTS**

**Item 86 Attachment A:** Advisory Committees' annual performance reviews

**Item 86 Attachment A distributed under separate cover**

**ITEM-87                    CCL 24/08/21 - VARIATIONS TO DEVELOPMENT STANDARDS  
REPORT - 2ND QUARTER 2021**

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

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**PURPOSE**

To report on development variations approved between 1 April 2021 and 30 June 2021 in accordance with the reporting requirements of the Secretary of the Department of Planning, Industry and Environment's concurrence to vary development standards in the Newcastle Local Environmental Plan 2012.

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 2 Under clause 64 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), consent authorities may be notified that they may assume the Secretary of DPIE's (Secretary) concurrence for exceptions to development standards for applications made under clause 4.6 of the NLEP 2012. The Secretary has provided a concurrence to NSW Councils, subject to conditions, to vary development standards proposed in applications. That concurrence, and the reporting and record keeping requirements are outlined in Planning Circular PS 20-002 issued on 5 May 2020.
- 3 This report addresses the requirement that all variations approved under delegation must be tabled at a meeting of the Council at least once each quarter.
- 4 A total of 18 Development Applications (DA) were determined between 1 April 2021 and 30 June 2021 that proposed a variation to a development standard as outlined in Table One below.

**Table One**

Variation to Development Standard	Required Determining Authority	Number determined between 1 April 2021 and 30 June 2021
10% or less	Under delegation	15
Greater than 10% or a variation to a non-numerical development standard	Council or where appropriate the Regional Planning Panel	3
<b>Total</b>		<b>18</b>

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

**FINANCIAL IMPACT**

- 6 Nil

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

**Liveable Built Environment**

5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

**Open and Collaborative Leadership**

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

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

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

**RISK ASSESSMENT AND MITIGATION**

- 10 There is a risk to CN’s reputation and public confidence if CN fails to comply with the reporting and record keeping requirements of the Secretary’s concurrence.
- 11 By implementing required reporting measures and record keeping arrangements, CN will comply with the requirements of the Secretary’s concurrence.

**RELATED PREVIOUS DECISIONS**

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

**Table Two**

<b>Ordinary Council Meeting held</b>	<b>Period Contained in Report</b>
24 November 2020	1 August to 30 October 2020
23 February 2021	1 October and 31 December 2020
25 May 2021	1 January to 31 July 2021

**CONSULTATION**

- 13 Applications that propose a variation to a development standard are placed on public exhibition prior to the determination of the application.
- 14 Applications that are recommended for approval and propose a variation to a development standard of greater than 10% are reported to either the Development Applications Committee (DAC) or where appropriate, the Regional Planning Panel for determination, enabling greater public scrutiny of the decision.
- 15 Any submissions received as a result of public notification are taken into consideration prior to the determination of the application.

**BACKGROUND**

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

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

**Item 87 Attachment A:** Report on all approved development variations between 1 April 2021 and 30 June 2021

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### Item 87 ATTACHMENT A - Report on all approved development variations between 1 April 2021 and 30 June 2021

DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	a. Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2020/01486	112	39213	0	73	Woodward Street	Merewether	2291	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	5.7%	Council	24/06/2021
DA2020/01251	28	5062	0	81	Estell Street	Maryville	2293	ResiSingle	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	4.9%	Council	23/06/2021
DA2020/01540	80	869576	0	43	Frederick Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	9.7%	Council	9/06/2021
DA2020/01124	100	737057	0	58	Robert Street	Wickham	2293	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	50.50%	Council	3/06/2021
DA2020/01450	111	531823	0	82	Harrison Street	Maryville	2293	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	1.70%	Council	25/05/2021
DA2020/01321	1	552068	0	21	Curry Street	Merewether	2291	ResiSingle	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	1.3%	Council	18/05/2021
DA2021/00264	8	1406	0	2	Buxton Lane	Adamstown	2289	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	4.96%	Council	17/05/2021

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DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2020/01207	15	5062	0	43	Estell Street	Maryville	2293	ResidA&A	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	9.84%	Council	13/05/2021
DA2020/00883	127	615301	0	27	Scenic Drive	Merewether	2291	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	8.2%	Council	13/05/2021
DA2021/00041	461	1132120	0	38	Hickson Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	10%	Council	12/05/2021
DA2020/01045	19	4399	0	10	Forbes Street	Carrington	2294	ResidA&A	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	2.21%	Council	30/04/2021
DA2020/00903	54	101015		79	University Drive	Waratah West	2298	ResiMulti	LEP2012	R2	Building Height	Achieves underlying objectives of height control	40.0%	Council	27/04/2021
DA2020/01248	4	499831	0	61	Gipps Street	Carrington	2294	ResidA&A	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	27.70%	Council	27/04/2021
DA2020/01390	36	111244	0	4	Janet Street	Merewether	2291	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	5.70%	Council	22/04/2021
	37	111244													
DA2021/00273	2	522277	0	14	School Street	Broadmeadow	2292	CommFac	LEP2012	R3	Building Height	Not have unreasonable impact on amenity of area	9.65%	Council	22/04/2021



# CITY OF NEWCASTLE

Ordinary Council Meeting 24 August 2021

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DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	a. Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2021/00274	1	1181517		422	Newcastle Road	North Lambton	2299	DAOther	LEP2012	R2	Building Height	Achieves underlying objectives of height control	5.88%	Council	15/04/2021
DA2021/00088	1	1234180	0	60	Young Street	Carrington	2294	ResiSingle	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	7.78%	Council	8/04/2021
DA2020/01202	26	111244	0	5	Janet Street	Merewether	2291	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	6%	Council	8/04/2021

**ITEM-88 CCL 24/08/21 - PUBLIC EXHIBITION OF CITY OF NEWCASTLE  
DRAFT DEVELOPMENT CONTRIBUTIONS PLAN**

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

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**PURPOSE**

To place the draft Section 7.11 and Section 7.12 Development Contributions Plans on public exhibition.

**RECOMMENDATION**

That Council:

- 1 Place the draft Section 7.11 Development Contributions Plan (2021) (**Attachment A**) and draft Section 7.12 Development Contributions Plan (2021) (**Attachment B**) on public exhibition for 28 days.
- 2 Considers a report on submissions received following the public exhibition including any proposed changes prior to determining the final Contributions Plans.

**KEY ISSUES**

- 3 City of Newcastle's (CN) Development Contributions Plans have been reviewed and updated to ensure that contributions from future residential and non-residential development in the city makes a reasonable contribution toward the cost of public amenities and services required to cater for those future populations. The review aims to ensure that CN's Contributions Plans are guided by best practice principles and are simple, transparent, and easy to use. This approach aligns with the NSW Government's plan to improve the infrastructure contributions system.
- 4 Between 2021 and 2036, it is forecast that there will be an additional 23,740 residents with 11,520 new dwellings and other non-private residential accommodation in the Newcastle Local Government Area (LGA). Additionally, it is forecast there will be approximately 78,500m<sup>2</sup> retail floor space, 212,500m<sup>2</sup> commercial floor space and 121,000m<sup>2</sup> industrial floor area requiring new, augmented, or embellished transport and social infrastructure.
- 5 The draft Contributions Plans are for the 2021 to 2036 planning period and align with relevant State Government planning strategies (Hunter Regional Plan and Greater Newcastle Metropolitan Plan) and CN strategies (Local Strategic Planning Statement, Employment Lands Strategy, Local Housing Strategy) and have been guided by residential and employment forecasts prepared by .id (Informed Decisions) for CN.

- 6 The draft Contributions Plans were developed by:
  - i) Determining existing and future population
  - ii) Defining / determining development typologies
  - iii) Considering needs assessments
  - iv) Reviewing / confirming draft works schedules
  - v) Preparing strategic cost estimates
  - vi) Considering financial impacts on development feasibility
  - vii) Reviewing and refining wording where required.
  
- 7 There are two types of contributions under the *Environmental Planning & Assessment Act 1979* (EP&A Act):
  - i) Section 7.11 contributions - where there is a demonstrated link between the development and the infrastructure that the contribution is funding. The contribution rate is charged for residential accommodation (per dwelling / lot).
    - a) CN has an existing Section 7.11 Contributions Plan for the Western Corridor (Minmi, Fletcher, and Maryland). No changes are proposed to the existing Section 7.11 Plan for the Western Corridor.
  
  - ii) Section 7.12 contributions - where there does not need to be a demonstrated link between the development and the infrastructure funded from the contribution. The contribution rate is charged as a percentage of the estimated cost of the development.
    - a) CN has an existing Section 7.12 Contributions Plan for the entire LGA, including specific rates for the City Centre and Honeysuckle.

### **Section 7.11 Contributions Plan**

8. The draft Section 7.11 Contributions Plan will apply to residential accommodation comprising new additional dwellings/lots outside of the Western Corridor area, which is expected to accommodate an additional 18,285 people within an additional 10,040 private residential dwellings / lots by 2036.
  
- 9 The draft Section 7.11 Contributions Plan includes specific monetary rates per additional dwelling or residential lot, which are summarised in the table below.

Development Type	Occupancy Rate <sup>A</sup>	Contribution
Dwelling house / residential lot / exhibition home	2.65	\$17,852.37
Secondary Dwelling / Rural worker's dwelling	1.50	\$10,105.11
Studio / 1-bed apartment in a residential flat building or shop-top housing	1.50	\$10,105.11
2-bed apartment in a residential flat building or shop-top housing	1.60	\$10,778.79
3 or more bed apartment in a residential flat building or shop-top housing	1.95	\$13,136.65
Seniors housing <sup>B</sup>	1.82	\$12,260.87
Attached dwelling, dual occupancy dwelling, multi-dwelling housing, semi-detached dwelling	2.00	\$13,473.49

- 10 The contribution rate of approximately \$17,000 for a single dwelling house is comparable to similar rates in adjoining LGAs, for example \$16,000 in Fern Bay, \$22,000 in Glendale and \$26,000 in Charlestown. **Attachment C** provides further detail on contribution rates in the neighbouring Councils of Lake Macquarie, Maitland and Port Stephens.
- 11 Importantly, as the Newcastle LGA is highly urbanised, the majority of development anticipated over the life of the Plan will be 1–2-bedroom apartments (\$10,000 per dwelling) and attached dwellings (\$13,000 per dwelling), which are estimated to comprise more than 70% of our future forecasted dwelling stock. Only 5% of development is anticipated to be single dwelling houses. As outlined above, the significant forecast greenfield development in the LGA is covered in CN's existing Section 7.11 Plan for the Western Corridor which provides specific rates for this renewal precinct (\$20,000 for infill, \$25,550 plus indexation for planned future development sites).

**Section 7.12 Contributions Plan**

- 12 The draft Section 7.12 Contributions Plan will levy all 'other' development (not involving the creation of additional dwellings) including forms of non-residential development as well as residential care facilities, boarding houses, hostels and major alterations and additions. This excludes the cost of any development that is provided as affordable housing. The draft Section 7.12 Contributions Plan will replace the current Section 7.12 Local Infrastructure Contributions Plan 2019.
- 13 The table below outlines the contribution rates under the draft Section 7.12 Contributions Plan. The Plan will not apply to residential alterations and additions which cost less than \$200,000, noting these comprise approximately 47% of Development Applications of this type (average over last 3 years). A contribution rate of 1% will apply for all 'other' development in the LGA outside the City Centre, with a 3% rate applying in the City Centre.

<b>Table E1: Summary of Contribution Rates</b>		
Type of Development	Levy as % of development costs	
	Newcastle City Centre	Rest of LGA
All development except the creation of additional residential lots/dwellings.  For clarity, this Plan applies to other residential accommodation such as boarding houses, group homes, hostels, residential care facilities and student housing, alterations and additions to residential accommodation and all non-residential development.	0% for development up to and including \$100,000	
	0 % for residential development more than \$100,000, up to and including \$200,000	
	0.5 % for other development more than \$100,000, up to and including \$200,000	
	1% for development more than \$200,000, up to and including \$250,000	1% for all developments more than \$200,000
	3% for development more than \$250,000	

**Robust and Evidence Based**

- 14 CN's proposed approach, consisting of a Section 7.11 Contributions Plan for additional dwellings / lots across the LGA (outside of the Western Corridor which will retain its existing Contributions Plan) and a Section 7.12 Contributions Plan for all other development, including other residential development over \$200,000, provides a robust and evidence-based framework to ensure new development will make a reasonable contribution to the public facilities and services required to cater for future populations in the Newcastle LGA. It is consistent with the approach taken by other councils across NSW, including neighbouring Councils.
- 15 The draft Contributions Plans support better alignment between strategic planning and delivery. They consider key community infrastructure across the LGA such as the cycleway network, pedestrian accessibility and mobility network, local area traffic management works, bus shelters, parks and playgrounds, sporting grounds and recreation facilities, town centre public domain improvements etc.

**Affordability**

- 16 The draft Plans will not impact the affordability of existing dwelling stock as contributions are only imposed on new development. Existing dwellings will account for almost 90% of all dwellings in our LGA in 2036 and hence the market price of the majority of dwellings will be unaffected by development contributions.
- 17 The following is an extract from the 2021 Productivity Commission Report (p33):

*"Contributions do not necessarily add to the final price of new housing. The maximum price achievable for a new apartment or dwelling will be determined to a large degree by the broader housing market, with consideration of the unique characteristics of the property and its location. When a contribution is levied, to the extent that the broader housing market and characteristics of the dwelling are no different, the maximum price achievable for the dwelling would remain unchanged."*

- 18 CN has commenced work to develop an Affordable Housing Contributions Scheme in accordance with *State Environmental Planning Policy 70 – Affordable Housing* which permits Councils to prepare a scheme to collect contributions for affordable housing over and above those contributions CN collects under its development contributions plans.

### **NSW Government Reforms**

- 19 The NSW Government introduced the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* into Parliament in June 2021. The Bill follows the NSW Government's acceptance of all the recommendations of the Productivity Commission's Final Report on its review of infrastructure contributions in New South Wales.

- 20 The NSW Legislative Council's Planning and Environment Committee undertook an inquiry into the Bill. CN made a submission to the Committee (**Attachment D**). In August 2021, the Committee released its report with one recommendation:

*"The Bill not proceed, until the draft regulations have been developed and released for consultation and the reviews into the rate pegging system, benchmarking and the essential works list have been published by the Independent Pricing and Regulatory Tribunal".'*

- 21 CN's draft Contributions Plans align with the intent of the NSW Government's reforms, including the principles of transparency, accountability, strategic leadership and evidence-based decision making. It is understood that the NSW Government's reforms are intended to only apply to Contributions Plans made after 1 July 2022. CN will mitigate any risks that may be associated with the proposed Bill by ensuring it has current Plans in place well prior to this date, as proposed in this report.

### **FINANCIAL IMPACT**

- 22 The total infrastructure requirements to support future populations in the Newcastle LGA will be funded by a combination of developer contributions in accordance with the draft Contribution Plans and other sources consistent with normal practice.

- 23 The draft Section 7.11 and Section 7.12 Contribution Plans are anticipated to collect approximately \$10.35 million per annum (excluding the Western Corridor). This compares to approximately \$3.8 million per annum under the current Section 7.12 Plan (average of past 3 years).

- 24 Subject to any prevailing Ministerial Direction, the draft Contributions Plans expressly authorise monetary contributions received under the Contributions Plans to be pooled and applied (progressively or otherwise) for the purposes for which the contributions were made.
- 25 In 2019/20, CN collected approximately \$2.5 million in contributions (outside the Western Corridor) and expended approximately \$3 million on required infrastructure projects, including Beresfield local centre public domain works, Newcastle Visitor Information Centre and other connectivity infrastructure works for our community including paths, cycleways, bus stops.
- 26 At 30 June 2020, CN held \$14.7 million in contributions as restricted reserve funds. The majority of these are Section 7.11 contribution funds held for the Western Corridor pending approval and commencement of large scale rezonings and developments.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 27 The draft Contributions Plans are consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

#### **Liveable Built Environment**

- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

#### **Open and Collaborative Leadership**

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring, and reporting.
- 7.2a Conduct CN business in an open, transparent, and accountable manner.
- 7.3a Provide opportunities for genuine engagement with the community to inform CN's decision-making.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 28 The Contributions Plans will be implemented in accordance with the *Environmental Planning & Assessment Act 1979* (EP&A Act) and The Environmental Planning & Assessment Regulations (EP&A Regulations) including relevant practice notes issued by the Department of Planning, Industry and Environment.
- 29 CN is exploring tools to improve the customer experience related to development contributions, including usability and transparency. A range of initiatives are proposed. For example, an online calculator to assist with contributions estimates, fact sheets and reporting on the contribution from development applications and the projects funded by contributions.

This approach aligns with the NSW Government's objective for an easy-to-use system.

- 30 In accordance with Clause 33A (1) of the EP&A Regulation, CN will monitor and amend the Contributions Plans on a five-year cycle to account for infrastructure delivered, changes in estimated costs or timing and / or significant changes in the underlying assumptions (eg a significant variance from the underlying population forecasts or a major shift in the nature or priorities for infrastructure).

### **RISK ASSESSMENT AND MITIGATION**

- 31 Risk has been mitigated by adhering to relevant statutory requirements to ensure funds are levied, collected, spent, and accounted for in the correct manner.
- 32 Separate accounting records will be maintained and improved for all development contributions made to CN under the Contributions Plans along with an improved and online development contributions register, in accordance with the EP&A Regulation.
- 33 CN is required to publish details of development contributions annually as part of CN's annual financial reporting cycle.

### **RELATED PREVIOUS DECISIONS**

- 34 At the Ordinary Council Meeting held on 8 December 2020, Council adopted an update to the Section 7.12 Contributions Plan, predominantly to align projects with the 2020 / 2021 Budget following its adoption in June 2020 and to correct minor wording matters. No submissions were received during the exhibition period and the Plan came into force on 15 December 2020. The works schedule in the December 2020 plan has guided the works schedule in the draft Contributions Plans.
- 35 At the Ordinary Council Meeting held on 25 February 2020, Council adopted an update to the Section 7.11 Western Corridor Contributions Plan 2013. This Contributions Plan will continue to apply to additional dwellings or residential lots in Minmi, Fletcher, and Maryland, with no changes. The adopted rates under the Section 7.11 Western Corridor Contributions Plan are capped at \$20,000 per additional dwelling or residential lot for all infill development and \$25,550.90 (plus indexation) for potential greenfield development areas.

### **CONSULTATION**

- 36 The draft Contributions Plans were discussed with the Liveable Cities Advisory Committee (LCAC) at their meeting held on 4 May 2021. The Committee endorsed placing the draft Plans on public exhibition, noting that the purpose of development contributions is to ensure development makes a reasonable contribution toward the cost of public facilities and services to cater for future populations. The Committee expressed the importance of further consultation with the community and key industry stakeholders, during the public exhibition



period, so that the framework is clearly understood, and feedback received is documented and reported to Council. LCAC will be further briefed on the draft Plans during the public exhibition period.

- 37 Draft Contributions Plans are required to be publicly exhibited for 28 days under the EP&A Act during which CN will invite and ensure key stakeholders have the opportunity to discuss the Draft Contributions Plans with the project team. The project team are committed to consulting with key industry groups and the community during this legislative process.
- 38 The EP&A Regulation requires CN to prepare a report to Council on submissions and any proposed refinements prior to determining a final Contributions Plan.

## **BACKGROUND**

- 39 In March 2021, the NSW Government accepted all recommendations in the Final Report prepared by the NSW Productivity Commission to:
- i) Move towards a principles-based infrastructure contributions system based on certainty, efficiency, simplicity, transparency, and consistency.
  - ii) Enhance the capacity of councils to support growth.
  - iii) Strike a balance between efficiency, simplicity, and certainty for local infrastructure contributions.
  - iv) Develop a stronger funding base for State and regional infrastructure.
  - v) Make the system more consistent, transparent, and easy to navigate and better align infrastructure contributions and strategic planning and delivery.

## **OPTIONS**

### **Option 1**

- 40 The recommendation as at Paragraphs 1 and 2. These are the recommended options.

### **Option 2**

- 41 Council resolves not to place the draft Section 7.11 Development Contributions Plan and draft Section 7.12 Development Contributions Plan on public exhibition. Due to the anticipated growth in the city and demand for essential infrastructure, this is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 88 Attachment A:** Draft Section 7.11 Development Contributions Plan

**Item 88 Attachment B:** Draft Section 7.12 Development Contributions Plan

**Item 88 Attachment C:** Hunter Regional Councils Contribution Rates

**Item 88 Attachment D:** City of Newcastle Submission - Infrastructure Contributions Bill

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

**ITEM-89                      CCL 24/08/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**REPORT BY:                GOVERNANCE**  
**CONTACT:                 DIRECTOR GOVERNANCE / MANAGER FINANCE**

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**PURPOSE**

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

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

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 2 At the end of July 2021 the consolidated YTD actual operating position is a surplus of \$3.4m which represents a positive variance of \$3.1m against the budgeted YTD surplus of \$0.3m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year budget for 2021/22 is a surplus of \$1.2m.
- 3 The net funds generated as at the end of July 2021 is a surplus of \$6.5m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$3.3m to the YTD budgeted surplus position of \$3.2m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

**FINANCIAL IMPACT**

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

**Open and collaborative Leadership**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

**RISK ASSESSMENT AND MITIGATION**

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

**RELATED PREVIOUS DECISIONS**

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

**CONSULTATION**

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

**BACKGROUND**

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

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

**Item 89 Attachment A:** Executive Monthly Performance Report –  
July 2021

**Item 89 Attachment A distributed under separate cover**

**NOTICES OF MOTION**

**ITEM-25                      NOM 24/08/21 - 12 STEWART AVENUE CONTRACT  
ADMINISTRATION COSTS**

**COUNCILLORS:      J CHURCH, K ELLIOTT AND A RUFO**

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**PURPOSE**

*The following Notice of Motion was received on Wednesday 11 August 2021 from the abovenamed Councillors.*

**MOTION**

That Council

- 1     Notes that in December 2020, City of Newcastle first revealed contract administration costs of \$2,749,827 in relation to the fit-out of 12 Stewart Avenue, Newcastle West.
- 2     Notes that City of Council is committed to the highest standards of Corporate Governance and the principles of openness, transparency and accountability.
- 3     Notes Section 8.3 of the Code of Conduct for councillors which states that:  
  
*Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.*
- 4     Notes Councillor Church lodged a Councillor Service Request for a detailed breakdown of the items included in this lumped figure after publically raising concerns about the ballooning costs of the building fit-out.
- 5     Notes that the request by Councillor Church was denied in a memo from the Director of Infrastructure dated 25 March 2021.
- 6     Formally requests, via this Notice of Motion, that a detailed and itemised report be produced, outlining the costs included in the contract administration of the fit-out and provides that report for tabling at the next Council meeting in September 2021.
- 7     Requests Council to proactively distribute the report to the public once tabled.

**BACKGROUND**

Nil.

**ATTACHMENTS**

Nil.

**REPORT ON NOTICE OF MOTION - NOM 24/08/21 - 12 STEWART AVENUE  
CONTRACT ADMINISTRATION COSTS**

**REPORT BY: INFRASTRUCTURE AND PROPERTY**

**CONTACT: ACTING DIRECTOR INFRASTRUCTURE AND PROPERTY**

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**DIRECTOR COMMENT**

In August 2020, City of Newcastle (CN) received a request from the Newcastle Herald under the *Government Information (Public Access) Act 2009* (GIPA Act) for documents which contained detailed project and contract costs relating to CN's move to 12 Stewart Avenue.

CN undertook extensive consultation with relevant third parties as per the GIPA process. In September 2020 and following multiple objections by related third parties, CN issued a decision pursuant to the GIPA Act where it determined that it could not release a detailed breakdown of projects and contract costs because the release of the information would:

- reveal commercial-in-confidence provisions of a government contract,
- prejudice any person's legitimate business, commercial, professional or financial interests, and
- diminish competitive commercial value of any information to any person.

Instead, and consistent with repeated public statements that the total costs of the project would be published once the project was complete, CN released to Councillors and the community the total cost of each of the four projects plus associated administrative costs.

CN further itemised each of the four projects by design cost, construction cost, and project management cost in an effort to provide greater transparency without placing itself and ratepayers at risk of revealing commercial in confidence provisions within the contracts associated with the delivery of the four projects.

CN's decision to not release all details of the project costs was appealed by the Newcastle Herald to the Information Privacy Commission (IPC). In December 2020, the IPC advised that CN was justified under the GIPA Act in not releasing the detailed breakdown of contract and project information (for the above-mentioned reasons).

CN's release of costs associated with each of the four projects has been reinforced by the IPC on 21 July this year following an unsuccessful appeal by the Newcastle Herald regarding a separate GIPA.

This GIPA appeal related to CN's decision to release a redacted version of the CBRE Business Case for the relocation of the Central Administration Centre to 12 Stewart Avenue Newcastle West.



The outcome of the appeal was that the IPC determined CN's decision to not release information was justified under the GIPA Act.

Specifically, and of relevance to Councillor Church's request for an itemised report of Administration costs, the IPC ruled:

*"the release of the information could prejudice both CBRE's legitimate commercial interest (including intellectual property) and CN's legitimate business interest (effective management of its assets and staff members)."*

As stated above, CN has shared with Councillors and the wider community the total costs of the four projects associated with the fit out of 12 Stewart Avenue, as well as the lease terms and costs.

These construction costs are again published below. It is also worth noting that each of the four projects was considered by the Council as stand-alone reports, and each supported by the Council.

<b>1. Relocation to 12 Stewart Avenue</b>	<b>\$8,389,994</b>
Project Management	\$273,840
Design (Inc. design & cost consultancies, certification & approvals)	\$363,306
Staff relocation	\$45,384
Construction (Inc. preliminaries & margin)	\$8,061,664
Carpet rebate under lease terms	-\$354,200
<b>2. Local Emergency Operations Centre</b>	<b>\$2,173,982</b>
Project Management	\$154,830
Design (Inc. design & cost consultancies, certification & approvals)	\$167,924
Construction (materials, labour, preliminaries & margin)	\$1,851,228
<b>3. Digital Library</b>	<b>\$3,267,465 *</b>
Project Management	\$248,483
Design (Inc. design & cost consultancies, certification & approvals)	\$261,215
Construction (Inc. preliminaries & margin)	\$2,757,767
\$2m of the cost was effectively funded by a member of the public who bequeathed funds to CN for the purpose of the construction of a new library.	
<b>4. Council Chamber</b>	<b>\$1,041,824</b>
Project Management	\$83,365
Design (Inc. design & cost consultancies, certification & approvals)	\$74,633
Construction (Inc. preliminaries & margin)	\$883,826

A separate cost of \$2,749,827 includes Graphite Projects' construction management fee, as well as the installation of all building signage, civic flagpoles, communications, staff consultation, as well as internal staff costs, and a consultancy fee paid to APP.

**RECOMMENDATION**

That Council:

- 1 Note the itemised break-down of the four separate projects associated with the fit out of 12 Stewart Avenue, and note that each project was supported by the Council.

**ITEM-26                    NOM 24/08/21 - INFRASTRUCTURE CONTRIBUTIONS BILL**

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

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**PURPOSE**

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

**MOTION**

That Council:

1. Joins numerous other local Councils in calling on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review on population growth from the infrastructure contributions reforms.
4. Notes that the NSW Legislative Council's Portfolio Committee 7 recommended that: "the Bill not proceed, until the draft regulations have been developed and release for consultation and the reviews into the rate pegging system, benchmarking and the essential works list have been published by the Independent Pricing and Regulatory Tribunal".
5. Affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development that is currently the responsibility of developers.

**BACKGROUND**

**New Sport Complexes, Libraries 'At Risk' From Developer Levy Shake Up**



By [Matt O'Sullivan](#)

July 16, 2021 — 5.00am

Plans for new sports and recreation centres, libraries and other community projects in Sydney are at risk if the state government pushes ahead with major changes to developer levies, local councils warn as they predict a shortfall in funding.

Sydney councils are angry at proposed changes to reduce the type of community projects that could be eligible for funding from developer contributions as part of a government shake up.



Sydney councils fear a shake up of developer contributions will deny them funds for community projects.

Eight councils in northern Sydney including Ryde and Hornsby estimate that, if the changes become law, they face combined losses of \$171 million over five years, and \$325 million over a decade.

Willoughby mayor Gail Giles-Gidney said projects at risk from changes to the eligibility criteria for funding from developer fees included Lane Cove's \$52 million sport and recreation centre, and libraries in Hornsby and Mosman.

"They simply won't get the money from the development contributions that we were anticipating. If we don't get this development contributions, we can't build the infrastructure," said Ms Giles-Gidney, who is the president of the group representing northern Sydney councils.

Councils will demand the government withdraw the planned changes from draft legislation at an upper house inquiry on Friday into the overhaul of the state's infrastructure contributions system, which is due to come into force by July 2022.



An artist's impression of Lane Cove's sport and recreation facility.

Planning Minister Rob Stokes said reform of infrastructure contributions had been in the too-hard basket for too long, and the government was implementing all recommendations from the NSW Productivity Commissioner to “fix a broken contribution system”.

“As with any planning process, there will be full consultation on the details of how it’s going to work,” he said.

But Ryde mayor Jerome Laxale said the changes, if adopted, would shift more of the cost of infrastructure from developers onto ratepayers.

“Developers who make a lot of money should be paying for new infrastructure, not ratepayers. It is cost shifting from private organisations to the public,” he said. “The state government wants us to recoup that loss by increasing rates.”



Ryde mayor Jerome Laxale says the proposals will push more of the burden of new infrastructure onto ratepayers.

Under the proposed changes, the requirement for levies for developments greater than \$10 million to be paid upfront would be deferred until the projects were completed.

Waverley mayor Paula Masselos said her council was also concerned that plans to pool developer contributions into four regional funds meant there were no guarantees that the money would be funnelled back into projects in the local areas where the levies had been collected.

“Waverley Council may lose millions in developer contributions ... and that would have a serious impact upon the amenity of our local government area,” she said.

Sydney lord mayor Clover Moore said councils would be significantly worse off financially as a result of the proposed reforms, and the ultimate cost would be borne by ratepayers.



NSW Planning and Public Spaces Minister Rob Stokes. *CREDIT: LOUISE KENNERLEY*

“The state government is saying: We’ll take developer contributions, and you can fund local infrastructure by raising rates,” she said.

The City of Sydney estimates it will be deprived of \$350 million in revenue over a decade if the changes are passed.

Councils are also concerned the changes will give the Planning Minister discretion over what developer levies are spent on.

Local Government NSW president Linda Scott said the proposed changes risked breaking the nexus between a new development and the works needed around it such as parks and footpaths. “These proposed laws enable almost infinite possible delays on developer contributions, robbing the public of certainty for funding for community projects,” she said.

But the NSW Planning Department said a [peg on rates](#) would increase with population growth, giving councils extra revenue to deliver infrastructure.

“Councils will have greater control over how they invest contributions by pooling revenue and forward funding projects,” a spokesperson said.

Labor’s local government spokesman Greg Warren said councils were deeply concerned about the government’s proposal and what it meant for their communities. “Growing communities need the appropriate infrastructure and anything that may hinder that process is worrying,” he said.

The NSW branch of the Urban Development Institute of Australia, which represents the property industry, said it supported on balance the legislation to change infrastructure contributions, despite some reservations about the “potential for this reform to go awry”.

**ATTACHMENTS**

Nil.

**ITEM-27                    NOM 24/08/21 - NEW WEATHER STATION NEWCASTLE**

**COUNCILLORS:        J CHURCH, K ELLIOTT AND A RUFO**

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**PURPOSE**

*The following Notice of Motion was received on Wednesday 11 August 2021 from the abovenamed Councillors.*

**MOTION**

Council

- 1     Notes correspondence received from Nat Jeffery, long standing former weather presenter on NBN Television concerned about the location and operation of an automatic weather station for the City of Newcastle (**Attachment A**).
- 2     Notes the history of weather stations near the coast and that the responsibility for this service rests with the Bureau of Meteorology (BoM).
- 3     Writes to the BoM to advocate for a new weather station in the Newcastle LGA and offering to investigate possible council owned sites around Newcastle, including the inner West, to provide data that is relevant to the city's urban growth corridors.

**BACKGROUND**

Nil.

**ATTACHMENTS**

**NOM Item 27 Attachment A:**        Email received from Mr Nat Jeffery



**NOM Item 27 Attachment A**

**Email received from Mr Nat Jeffery**

Hello John,

Thanks for your time earlier today. It's always good to catch up, considering the number of years we spent working together and that we don't see each other very often.

I've not been able to find any correspondence from the Bureau of Meteorology because, as I said, I used the internal contact system. The history of the situation is that the only weather station maintained by the Bureau is at Nobbys. It was a manual station, situated at the Signal Station but was dismantled when the lighthouse became unstaffed. An Automatic Weather Station was installed at the Pilot Station and this means that there has been a discontinuation of weather records in Newcastle, as the new site does not relate to the former. To exacerbate the situation, there have been several faults with the AWS and rainfall records are now in some disarray. I have reported faults in the AWS on several occasions in the past six months. We have been without rainfall registrations for some weeks now and this is just another lapse in the recordings. The other problem with the AWS at Nobbys is that it is not representative of the region and certainly not relevant to the inner West of the city.

I believe that a city the size of Newcastle deserves better representation within the Bureau's reporting system and that long term climate information is vital to the ongoing planning of the city and its environs. As you are aware, there was a weather station at the Hunter Valley Research Foundation in Maryville but this, of course, is long gone. There is a station at the University but only reporting once a day, at 9.00 a.m. Another weather station is desirable and preferably in the West of the city. My approach to the Bureau of Meteorology was met with the defence of budget restraints and the claim that an AWS costs in the vicinity of \$200,000 and that a formal request from the city would draw a more favourable reaction. Hence my contact with you. I would be pleased to work with you and council to achieve the outcome of another AWS in Newcastle. Please let me know if I can be of any assistance.

Regards,

Nat Jeffery.

**ITEM-28                    NOM 24/08/21 - PUBLIC SAFETY - YOUNG STREET,  
   COOKS HILL**

**COUNCILLORS:    J CHURCH, K ELLIOTT AND A RUFO**

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**PURPOSE**

*The following Notice of Motion was received on Wednesday 11 August 2021 from the abovenamed Councillor.*

**MOTION**

That City of Newcastle

- 1    Notes representations made by residents of Young Street Cooks Hill **(Attachment A)** concerned about a recent murder and stabbing, sale and use of narcotics near the public pay phone, domestic violence, anti-social behavior, street cleanliness, parking and speeding cars.
  
- 2    Notes responses suggested by residents include:  
  
      Moving the Telstra pay phone to a non-residential area  
      Installation of CCTV cameras for surveillance and deterrence  
      Increased police presence  
      Installation of speed bumps in the street  
      Introduction of non-resident parking restrictions  
      Increased street cleaning  
      Improved maintenance of Public Housing on Darby Street
  
- 3    Notes that these issues require a coordinated and multi- agency response.
  
- 4    Facilitates a meeting with stakeholders listed below to discuss strategies and an action plan to improve amenity in the area.

Residents  
Council Staff  
Councillors  
NSW Police  
Telstra  
NSW Department of Communities and Justice

**BACKGROUND**

Nil.

**ATTACHMENTS**

**NOM Item 28 Attachment A:**        Public Safety Complaint for Cooks Hill

# Public Safety Complaint for Cooks Hill

*BLUF: The trajectory of unchecked criminal activity IVO Young St. & Darby St., Cooks Hill NSW is untenable for local families. Government actions are requested and required for the safety and wellbeing of all residents.*



## Consistent presence of:

- Violence (Shooting, stabbing)
- Domestic violence and disputes
- Public intoxication and disorderly conduct
- Sale and use of narcotics
- Public urination and indecency
- Petty theft
- Speeding vehicles
- Living out of vehicles
- Broken bottles, drug waste

### Man shot dead in Darby Street unit at Cooks Hill, Newcastle, search for suspects underway

ABC Newcastle / By Carly Cook and Ben Millington  
Posted Thu 22 Jul 2021 at 2:10pm, updated Thu 22 Jul 2021 at 4:17pm



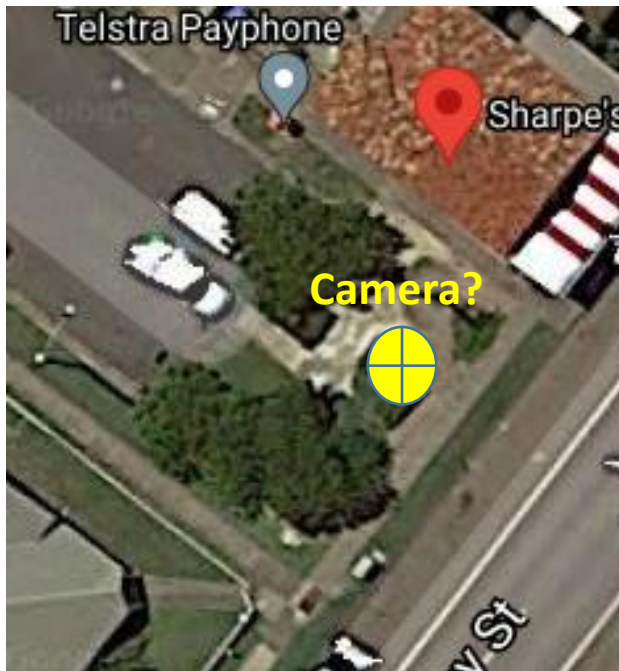


**Issues:**

- Violence
- Narcotics activity
- Theft

**Solutions:**

- Public security camera for deterrence



[Home](#) / [About Council](#) / [Initiatives](#) / [Safety](#) / [Safe City Program](#)

1 2 3 4 5 6 7 8 9 10 11 12



**IMPORTANT NOTICE  
PUBLIC SAFETY CAMERAS**

Camera surveillance operates in this area to ensure public safety and for the investigation and prosecution of criminal offences. Footage will only be accessed by persons authorised to do so. Should an incident occur, footage may be provided to the Queensland Police Service for law enforcement purposes. Your information will not be given to any other person or agency unless authorised or required by law.

Your personal information is handled in accordance with the *Information Privacy Act 2009*. Enquiries may be directed to Ipswich City Council by calling 3810 6666.

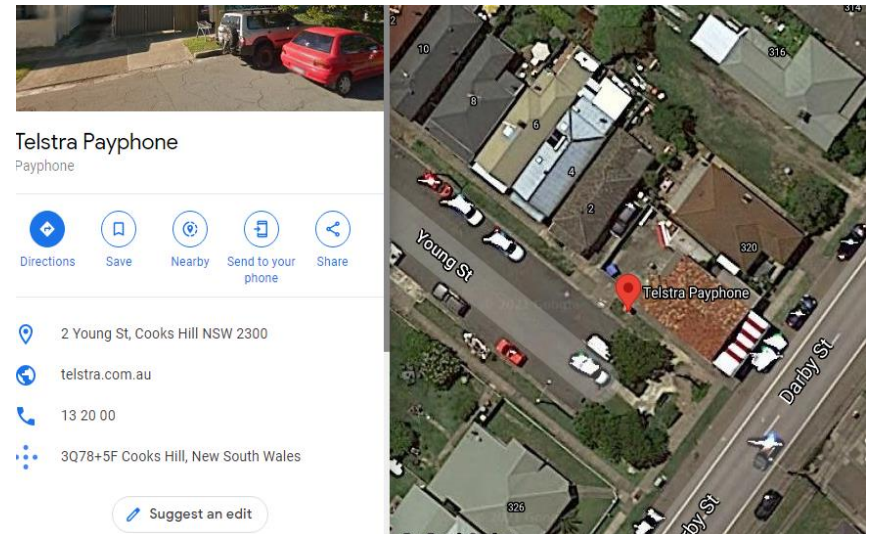


## Issues:

- Narcotics activity

## Solutions:

- Move Telstra Payphone outside of residential area






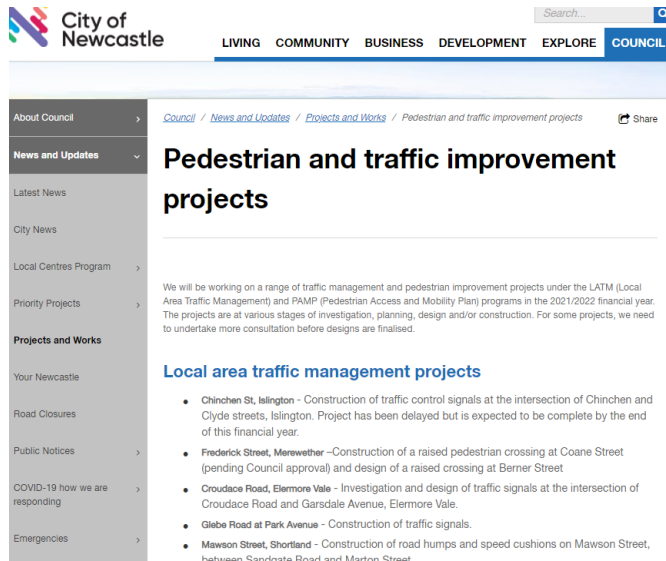
# Vehicle Safety Management

## Issues:

- Speed management
- Vagrancy parking

## Solutions:

- Speed bumps 
- Non-resident parking restrictions



City of Newcastle

LIVING COMMUNITY BUSINESS DEVELOPMENT EXPLORE COUNCIL

About Council > Council / News and Updates / Projects and Works / Pedestrian and traffic improvement projects

### Pedestrian and traffic improvement projects

We will be working on a range of traffic management and pedestrian improvement projects under the LATM (Local Area Traffic Management) and PAMP (Pedestrian Access and Mobility Plan) programs in the 2021/2022 financial year. The projects are at various stages of investigation, planning, design and/or construction. For some projects, we need to undertake more consultation before designs are finalised.

#### Local area traffic management projects


- Chinchin St, Islington - Construction of traffic control signals at the intersection of Chinchin and Clyde streets, Islington. Project has been delayed but is expected to be complete by the end of this financial year.
- Frederick Street, Merewether - Construction of a raised pedestrian crossing at Coane Street (pending Council approval) and design of a raised crossing at Berner Street
- Croudace Road, Elmore Vale - Investigation and design of traffic signals at the intersection of Croudace Road and Garsdale Avenue, Elmore Vale.
- Glebe Road at Park Avenue - Construction of traffic signals.
- Mawson Street, Shortland - Construction of road humps and speed cushions on Mawson Street, between Sandgate Road and Marton Street.



- Other potential solutions;
  - Increased NSW police presence or patrols
  - Council engagement with Housing Management (fix broken windows, etc.)
  - Additional or upgraded street lighting

## Report To Crime Stoppers

About this form    Your contact details    Who is involved?    Vehicles    Information    Submit



**THANK YOU**

Your information has been sent. Thank you.

Your Submission Number is 425151. Please retain this number for later reference.



An aerial, slightly blurred photograph of a crowded beach. The ocean is on the left, with waves breaking onto the shore. The beach is filled with people, many of whom are sitting or lying on towels or blankets. Numerous colorful beach umbrellas are scattered across the sand. In the background, there are buildings and a line of trees, suggesting a coastal town or resort. The overall scene is bright and sunny.

Thank you for your help.