

Ordinary Council Meeting



DATE: Tuesday, 27 February 2024

TIME: 6:00pm

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

21 February 2024

Please note:

Meetings of City of Newcastle (CN) are webcast. CN accepts no liability for any defamatory, discriminatory or offensive remarks or gestures made during the meeting. Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by CN. Confidential matters will not be webcast.

The electronic transmission is protected by copyright and owned by CN. No part may be copied or recorded or made available to others without the prior written consent of CN. Council may be required to disclose recordings where we are compelled to do so by court order, warrant or subpoena or under any legislation. Only the official minutes constitute an official record of the meeting.

Authorised media representatives are permitted to record meetings provided written notice has been lodged. A person may be expelled from a meeting for recording without notice. Recordings may only be used for the purpose of accuracy of reporting and are not for broadcast, or to be shared publicly. No recordings of any private third-party conversations or comments of anyone within the Chamber are permitted.

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

City of Newcastle
PO Box 489, Newcastle NSW 2300
Phone 4974 2000
newcastle.nsw.gov.au

Agenda

1. ATTENDANCE	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES / LEAVE OF ABSENCE / ATTENDANCE BY AUDIO VISUAL LINK	
5. DISCLOSURES OF INTEREST	
6. CONFIRMATION OF MINUTES	4
6.1. MINUTES - ORDINARY COUNCIL MEETING 12 DECEMBER 2023	4
7. LORD MAYORAL MINUTE	21
8. REPORTS	21
8.1. CHANGE TO 2024 ADOPTED MEETING SCHEDULE	21
8.2. TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 NOVEMBER 2023 TO 31 JANUARY 2024	23
8.3. DECEMBER QUARTERLY PERFORMANCE REPORT	25
8.4. NEWCASTLE MARITIME MUSEUM COLLECTION STORAGE FACILITY LEASE	28
8.5. CANCELLATION OF EASEMENT - 65 PORTSIDE CRESCENT, MARYVILLE	28
8.6. TRAISE STREET, WARATAH - KERB REALIGNMENT AND FOOTPATH...	38
8.7. AUDIT AND RISK COMMITTEE ANNUAL REPORT	42
8.8. EXECUTIVE MONTHLY PERFORMANCE REPORT	46
8.9. TENDER REPORT - BLACKBUTT CARA KIOSK AND COMMUNITY FACILITY - CONTRACT NO. 2024/025T	49
8.10. TENDER REPORT - MEMORIAL DRIVE THE HILL - ROAD EMBANKMENT - CONTRACT NO. 2024/024T	53
8.11. NEWCASTLE ART GALLERY PARTNERSHIP AGREEMENT	58
9. NOTICES OF MOTION	62
9.1. BRING THE RUGBY WORLD CUP TO NEWCASTLE	62
9.2. CELEBRATING 150 YEARS OF LOCAL GOVERNMENT IN WALLSEND ...	67
9.3. FAIRNESS FOR REGIONAL HOSPITAL WORKERS	71
9.4. NOM 27/02/24 - EXCLUDED	

The item is excluded in accordance with clause 3.20 of the Code of Meeting Practice (COMP) which provides *"The CEO must not include in the Agenda for a Meeting any business of which due notice has been given if, in the opinion of the CEO, the business is, or the implementation of the business would be unlawful. The CEO must report, without giving details of the item of business any such*

exclusion to the next Meeting." Due to the nature of this item, the CEO delegated his function under clause 3.20 of the COMP to the Executive Director Corporate Services, who holds the opinion that the Notice of Motion would be unlawful in regard to CN's obligations under the *Government Information Public Access (GIPA) Act 2009* (NSW) and contract law.

10. CONFIDENTIAL REPORTS	74
10.1. PROPOSED LAND ACQUISITION	74
10.2. PROPOSED LAND ACQUISITION	74
10.3. PROPOSED LAND ACQUISITION	74
10.4. CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW.....	74

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

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

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 12 DECEMBER 2023

RECOMMENDATION

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

ATTACHMENTS

Attachment A: Public Minutes Ordinary Council Meeting 12 December 2023

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

Minutes

Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 12 December 2023 at 6:09pm.

1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), L Duffy (Executive Manager Community and Recreation), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Acting Executive Manager Media Engagement Economy and Corporate Affairs), T Ward (Executive Manager Assets and Facilities), M Kikken (Executive Manager Environment and Sustainability), M Meehan (Media Adviser), K Sullivan (Councillor Services/Minutes/Meeting Support), J Knight (Councillor Services/Meetings Support), L Barnao (Councillor Services/Meetings Support), R Williams (AV Support), K Bevan (AV Support) and A Clarke (Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. PRAYER

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

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

MOTION

Moved by Cr Barrie, seconded by Cr Pull

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

For the Motion: Councillors Barrie, Mackenzie, McCabe, Pull and Wark.

Against the Motion: Lord Mayor, Councillor Nelmes and Councillors Adamczyk, Clausen, Duncan, Richardson, Winney-Baartz and Wood.

Defeated

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

1. That the apology submitted on behalf of Councillor Church be received.
2. Requests that Council formally write to Councillor Church requesting an explanation for his poor attendance at Council meetings and non attendance at Council workshop and planning sessions in 2023, and its expectation that he will participate more fully in 2024.

For the Motion: Lord Mayor, Councillor Nelmes and Councillors Adamczyk, Clausen, Duncan, Richardson, Winney-Baartz and Wood.

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

Carried

5. DISCLOSURES OF INTEREST

Councillor Clausen

Councillor Clausen declared a less than significant non pecuniary interest in Item 8.1 - Newcastle Art Gallery Expansion, Loan Contract Delegation stating that he was the city representative on the Newcastle Art Gallery Foundation Board and would manage the interest by remaining in the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen declared a less than significant non pecuniary interest in Item 8.7 - Adoption of Throsby, Styx and Cottage Creek Flood Study stating that his employer Hunter Water owned and operated a number of trunk drainage systems that work together with City of Newcastle. He stated that Hunter Water had made submissions and met with CN staff and as he had not been involved in those meetings, would manage the interest by remaining in the Chamber for discussion on the item.

Councillor McCabe

Councillor McCabe declared a non significant non pecuniary interest in Item 8.2 - Adoption of Hunter Street Trial Cycleway - Stage 2 Design stating that she regularly cycled on the street.

Councillor McCabe

Councillor McCabe declared a non significant non pecuniary interest in Item 8.8 - Adoption of Newcastle Development Control Plan stating that she lived in Tighes Hill and was a member of the Tighes Hill Community Group and actively involved in advocating for the character study included in the DCP changes.

Lord Mayor

The Lord Mayor declared a non pecuniary significant conflict of interest in Item 8.10 - Request the Minister Determine Planning Proposal PP-2021-2262 for Land at 505 Minmi Road Fletcher 2287 Not Proceed, citing the same declaration she had made for the past eight years and would manage the conflict by leaving the Chamber for discussion on the item.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 28 NOVEMBER 2023

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

Carried

7. LORD MAYORAL MINUTE

7.1 COP 28 - LOCAL CLIMATE ACTION SUMMIT

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges that the United Nations Climate Change Conference, the Conference of the Parties (COP28), was recently held in Dubai, with the COP28 Presidency and Bloomberg Philanthropies inviting Local Government representatives from Australia to participate in the Local Climate Action Summit - the first time Mayors and City representatives have been invited to the table to represent our cities at this international forum, uniting subnational and national leaders to establish a new paradigm for fully integrated climate action between governments at all levels.
1. Notes the Summit brought together hundreds of national and subnational climate leaders to transform climate finance, enhance global action, fast-track the energy transition, and strengthen resilience and adaptation at the local level.
2. Welcomes the outcomes of the Summit, which recognised the critical role local government leaders play in reducing emissions, addressing climate risk and supercharging national efforts to move further and faster on climate progress, as councils across Australia and the world grapple with the enormity of the challenges, as well as the immense opportunities associated with the rapid transition away from fossil fuel-based industries.
3. Supports the *Coalition for High Ambition Multilevel Partnerships (CHAMP) for Climate Action Pledge* (Attachment 1), whose signatories undertake to enhance cooperation with their subnational governments in the planning, financing, implementation and monitoring of climate strategies to maximise climate action, including through coalitions with a view towards collectively

pursuing efforts to limit the temperature increase to 1.5oC above pre-industrial levels, and increase adaptation and resilience.

4. Notes that through Australia's strong advocacy, led by Climate Change and Energy Minister Chris Bowen and Assistant Minister for Climate Change and Energy Senator Jenny McAllister, the Summit secured a \$100 million commitment to assist local governments to implement climate change adaptation and risk mitigation initiatives at the city level.
5. Notes that upon securing this landmark deal, Mayor of Paris Anne Hidalgo said "if you want to achieve the Paris Agreement targets, we need to have cities in the room. What happened today is a major success. And to all of my colleagues, let's make sure Mayors remain in the room."
6. Reiterates our long-held commitment to the environment, sustainability and leading our community to take collective action to overcome the challenges of climate change.
7. Notes that our recently adopted Newcastle Environment Strategy (NES) is central to our efforts to meet the goals of the Paris Agreement and to drive the transformational change needed for a net zero emissions future.

Carried

7.2 PEACE IN ISRAEL AND PALESTINE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Reiterates our community's strong and ongoing support for Peace, and notes that this week marks the 75th Anniversary of the United Nations Universal Declaration of Human Rights;
2. Acknowledges the concerns of Novocastrians regarding the ongoing Israel-Gaza Crisis, and the profound impact of ongoing hostilities on innocent civilians;
3. Notes that the Minister for Foreign Affairs, the Hon. Penny Wong, has condemned the 7 October brutal attacks by Hamas as abhorrent acts of terror, recognised the right of Israel to defend itself, expressed deep concern for the loss of Israeli and Palestinian life, stated that Israel must comply with international humanitarian law, and reaffirmed Australia's support for taking the necessary steps towards a ceasefire. We request the Federal Government continue to call for a ceasefire and a return to peaceful negotiations;
4. Notes the UN Women statement on Israel and Gaza of 1 December 2023 which expressed deep regret for the resumption of military operations in Gaza, and expressed alarm at the numerous accounts of gender-based atrocities and sexual violence during those attacks, and called for a return to a path of peace for the sake of everyone in the Occupied Palestinian Territory and Israel, and especially for women and children;
5. Supports the United Nations call for a return to a path of peace, a respect for international humanitarian and international human rights law, and an end to the suffering of people in Gaza and in Israel, and those families still waiting for their loved ones to return.

Councillor Pull proposed the following amendment to the motion:

6. The City of Newcastle condemns the unprovoked attack by Hamas against the state of Israel.

The Lord Mayor agreed to amend point three to include that Council notes and supports the comments made by the Minister for Foreign Affairs condemning the 7 October attacks by Hamas.

The motion was put to the meeting.

Carried unanimously

8. REPORTS

8.1. NEWCASTLE ART GALLERY EXPANSION, LOAN CONTRACT DELEGATION

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

1. Approves the CEO to review, accept and execute a loan contract with NSW Treasury Corporation (TCorp) for \$12.6 million with funds to be utilised toward the Newcastle Art Gallery expansion project.

Carried

8.4. ADOPTION OF THE COUNCIL PROPERTY LEASE & LICENCE POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Adopts the Council Property Lease and Licence Policy (Policy) as at Attachment A.

Carried unanimously

8.5. ANNUAL REVIEW AND ADOPTION OF THE INVESTMENT AND BORROWING POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

1. Adopts the Investment and Borrowing Policy at Attachment A.

Carried unanimously

8.7. ADOPTION OF THROSBY, STYX AND COTTAGE CREEKS FLOOD STUDY

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council:

1. Adopts the Throsby, Styx and Cottage Creek Flood Study (Rhelm, 2023) at Attachment A, with the amendment that flood mapping is identified as 'subject to further investigation' at John Parade, Merewether, and Kimbarra Close, Wallace Street and Gregory Parade, Kotara.
2. Adopts the 1% Annual Exceedance Probability (AEP) event in 2050 as the planning flood across the study area.
3. Endorses the removal of 47 properties in the study area with 0.01m² or less of probable maximum flood (PMF) extent within their boundary as flood affected.
4. Notes the Throsby, Styx and Cottage Creek Flood Study - Public Engagement and Submissions Report at Attachment B.

Councillor Barrie requested her name be recorded as having voted against the motion.

8.11. CODE OF CONDUCT ANNUAL STATISTICS

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

1. Notes City of Newcastle's Code of Conduct Complaints Statistics Report for the period 1 September 2022 to 31 August 2023 at Attachment A.

Carried unanimously

8.2. ADOPTION OF HUNTER STREET TRIAL CYCLEWAY - STAGE 2 DESIGN

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

1. Adopt the Cycleway Stage 2 design on Hunter Street and Maitland Road between National Park Street Newcastle West and Ivy Street Islington, as shown at Attachment A.

Carried unanimously

8.3. ADOPTION OF THE LONGWORTH AVENUE AND MINMI ROAD WALLSEND CONCEPT DESIGNS

MOTION

Moved by Cr Richardson, seconded by Cr Adamczyk

That Council:

1. Adopt the Longworth Avenue and Minmi Road widening concept designs, as shown in Attachments A and B.

Carried unanimously

8.6. ADOPTION OF THE OUTDOOR DINING POLICY & GUIDELINES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

1. Adopts the Outdoor Dining Policy 2023 and Outdoor Dining Guidelines 2023 (Attachments A and B).
2. Approves an annual fee of \$4,000 (venues with outdoor dining of 10.0 metres or less in length) and \$7,000 (venues with outdoor dining of 10.01 metres or more in length) to be charged if the venue wishes to install permanent fixtures in the public footway.
3. Repeals the Outdoor Trading Policy 2020.

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

Against the Motion: Councillors Barrie, Pull and Wark.

Carried

8.8. ADOPTION OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2023

The following memos were distributed to Councillors by Council Officers in respect to Item 8.8:

- Newcastle Development Control Plan 2023 - All-Electric Buildings
- Newcastle Development Control Plan 2023 - Local Character in Tighes Hill

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

Council adjourn for a five minute recess to allow Councillors time to read the memos.

Carried

Council reconvened at 7.46pm.

MOTION

Moved by Cr Adamczyk, seconded by Cr Wood

In moving the motion, Councillor Adamczyk indicated that she was moving the additional recommendation outlined in the Officers memo on Local Character in Tighes Hill.

That Council:

1. Adopts Newcastle Development Control Plan 2023 (NDCP) (Attachment A) subject to the following:

Council resolves to amend control 4.0 of Sub-section 9.0 in the Tighes Hill local character controls to read:

"Proposed new developments must be sympathetic to the architectural features of the building styles that positively contribute to their local character setting."

2. Resolves that NDCP 2023 is operational on 1 March 2024.
3. Resolves to repeal Newcastle Development Control Plan 2012.
4. Notes the table of submissions (Attachment B) received during public exhibition.

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

Against the Motion: Councillors Barrie, Pull and Wark.

Carried

8.9. PUBLIC EXHIBITION OF DRAFT NEWCASTLE AFFORDABLE HOUSING CONTRIBUTIONS SCHEME

MOTION

Moved by Cr Adamczyk, seconded by Cr Wood

That Council:

1. Endorses the Affordable Housing Contribution Scheme Planning Proposal (planning proposal) (Attachment A) to amend *Newcastle Local Environmental Plan 2012* (NLEP 2012) to allow City of Newcastle (CN) to levy affordable housing contributions under the Affordable Housing Contribution Scheme (draft scheme) (Attachment B).
2. Forwards the planning proposal to the Department of Planning and Environment (DPE) for Gateway determination under the *Environmental*

Planning and Assessment Act 1979 (the Act), including a request for Council to be the Local Plan Making Authority.

3. Notes the Gateway determination will outline the community and agency consultation for the planning proposal as it progresses, and it is anticipated that the planning proposal and draft scheme will be publicly exhibited for a minimum of 28 days.
4. Receives a report on the planning proposal and draft scheme, following public exhibition.

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

Against the Motion: Councillors Barrie, Pull and Wark.

Carried

8.10. REQUEST THE MINISTER DETERMINE PLANNING PROPOSAL PP-2021-2262 FOR LAND AT 505 MINMI ROAD FLETCHER 2287 NOT PROCEED

The Lord Mayor left the Chamber for discussion on the item and the Deputy Lord Mayor took the Chair.

MOTION

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

1. Notes, as the planning proposal authority, City of Newcastle (CN) will be requesting the Minister not to proceed with the planning proposal for land at 505 Minmi Road Fletcher.
2. Notes CN's statutory obligations for this planning proposal are met.
3. Notes the request not to proceed is due to the proponent not having satisfied the Department of Planning and Environment's (DPE) Gateway determination conditions.

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

Against the Motion: Councillor Pull.

Carried

The Lord Mayor returned to the Chamber at the conclusion of the item.

8.12. TENDER REPORT - EAST END PUBLIC DOMAIN STAGES 2 AND 5 REFURBISHMENT - CONTRACT 2023/169T

MOTION

Moved by Cr Mackenzie, seconded by Cr Pull

That Council:

1. Rejects all tenders received for the East End Public Domain Stages 2 and 5 Refurbishment for Contract No. 2023/169T. This is due to receipt of only one conforming tender which significantly exceeds the project budget of \$4M and currently poses financial and program risks due to contractual departures. CN require sufficient time to seek clarifications and re-pricing to mitigate risk and enable a satisfactory outcome for CN.
2. Endorses not calling for fresh tenders as retendering is unlikely to introduce additional competitive complying tenders considering the complexities of the site, and further tender processes would significantly delay delivery of the project.
3. Authorises the Chief Executive Officer or their delegate to enter into negotiations with Daracon Contractors Pty Ltd, or other contractors, that can provide submissions in a suitable timeframe with the intent of forming a contract with reduced risk to CN and a more acceptable tender price.
4. Notes that on resolution of the contract value, the amended project budget will be reflected in the 2023/24 adopted program budget and draft 2024/25 budget.
5. The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried

9. NOTICES OF MOTION

9.1. MEREWETHER BEACH EMERGENCY FIRST RESPONSE SAFETY MEASURES

MOTION

Moved by Cr Barrie, seconded by Cr Wark

- That City of Newcastle review and install surf safety signage "DANGEROUS RIP - NO SWIMMING" to be a soft barrier to non-swimmers who continually swim at Merewether Beach in the dangerous swimming area where there is a permanent rip. Due to there have been a high number of multiple rescues that occur after hours and on public holidays, between 6pm and 7pm when lifeguards have finished, and patrols are over in busy summer school holidays and public holidays.

- Location for signage: "The rock platform in front of Merewether Surf House that includes the historic Ladies Pool"; near the rocks on the southern edge of Merewether Beach near the Merewether Ocean Baths; on the rock shelf further south of Merewether's patrolled beach.
- Notes that City of Newcastle extend paid City of Newcastle Lifeguards on all beaches in the City of Newcastle to work a split shift working in conjunction with volunteers of Hunter Branch Surf Life Saving. Initially in this Notice of Motion City of Newcastle work with the Merewether Surf Lifesaving Club volunteers to cover 7 days a week, working up to 7.00pm throughout the busy summer holiday period. This would include all the main public holidays and the duration of the school holiday period in December until NSW school resumes in February.
- Notes the proposed time frame would be to commence from 22/12/2023–31/1/2024, and that the City of Newcastle investigate and submit a budget to Council for the entire daylight savings period from 7.00am to 7.00pm throughout October 2024 to March 2025 in the next financial year 2024/2025.
- Notes that City of Newcastle review the best option for "after hours rescue equipment" on all six city beaches that have an operational Surf Lifesaving Club and volunteers; (refer to photo example – Attachment A currently used in Sawtell, Coffs Harbour, Gerringong) and in many other NSW Local Government areas including Northern Beaches. As City of Newcastle is the caretaker / landowner of Crown Land, options for the installation of after-hours lifesaving rescue equipment be installed in collaboration and explore funding of the rescue equipment with NSW Surf Life Saving, Hunter Surf Life Saving Branch, and the Merewether Surf Life Saving Club due to the increased numbers of after-hours rescues off the southern end of Merewether Beach.
- Notes the rescue equipment to be used could be a floatation rescue tube, a buoy and in connection with defibrillation devices located outside for use in an emergency.
- Notes this is to ensure that lifesaving rescue equipment is readily available to the public after hours when the beaches are no longer patrolled.
- Notes this would be in conjunction with what other NSW Surf Lifesaving clubs/local councils are using to ensure that best practice surf signage and supply of suitable equipment is followed. Naturally additional safety signage would need to be installed at Merewether Beach to ensure anyone using the equipment would be using it at their own risk and to call first the 000-emergency phone number before entering the water and at becoming yet another drowning statistic.

In moving the amendment, Councillor Duncan stated she was moving the recommendation of Council Officers as outlined in the business papers.

AMENDMENT

Moved by Cr Duncan, seconded by Cr McCabe

That Council:

1. Notes that City of Newcastle regularly monitors water safety signage at its six patrolled beaches in accordance with the conditions within the Office of Local Government's Water Safety Practice Note 15.
2. Notes that water safety signage for the southern access point to Merewether Beach is currently being developed and will be installed before the end of December.
3. Notes City of Newcastle provides a 7 day a week professional lifeguard service at all six patrolled beach locations within the Newcastle LGA during the extended summer season.
4. Notes current beach patrol hours are 7am to 5.30pm with the exception of Stockton being 9am to 5.30pm (7am start from 18 December) and Sunday patrol hours being 9am to 5.30pm which all include a risk management process that enables staff to extend daily patrol hours when conditions and user demand require it.
5. Notes that Lake Macquarie City Council last year trialled extended patrol hours over the Christmas period from 7am to 6.30pm and that as a result has changed its hours to 9am to 6pm for this Summer period.
6. Notes that any change to the work hours of CN lifeguards must be done under the terms of the City of Newcastle Enterprise Agreement 2023, and a failure to consult with parties to that agreement as well as staff would be a breach of the EA.
7. Notes Surf Life Saving NSW is responsible for after-hours rescues on all beaches within the Newcastle LGA.
8. Recognises that Merewether Surf Club complies with Surf Life Saving NSW's requirement that it have emergency response equipment available 24/7.
9. Writes to Surf Live Saving NSW seeking advice on the provision of an Emergency Response Beacon at the city's beaches to enhance communication to the State Operations Centre.

During discussion it was suggested that Council receive a workshop with City of Newcastle (CN) Aquatics team including representatives of CN's professional lifeguard team, Surf Life Saving NSW and Hunter Surf Life Saving to better understand current best practice recommendations and limitations for provision of progressive, new and/or improved water safety at the city's beaches.

Councillors Duncan and McCabe indicated that they would include the request for a workshop in the amendment.

The amendment moved by Councillor Duncan, and seconded by Councillor McCabe, was put to the meeting.

Carried

The amendment then became the motion.

The motion moved by Councillor Barrie and seconded by Councillor Wark, as amended by Councillors Duncan and McCabe, was put to the meeting.

Carried

At this stage of the meeting, the Executive Manager Legal and Governance gave notice of a Late Item of Business - Outcome of Code of Conduct matter to be discussed in confidential session.

10. CONFIDENTIAL REPORTS

10.1. OUR SUSTAINABLE WASTE STRATEGY - MATERIAL RECOVERY FACILITY AND ORGANICS PROCESSING FACILITY

10.2. LATE ITEM - OUTCOME OF CODE OF CONDUCT MATTER

The Executive Manager Legal and Governance gave the reason for urgency for Item 10.2 was in light of the upcoming Council recess and to ensure the matter was dealt with in a timely matter, the item should not be deferred until the February Council meeting.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Duncan

The matter of Outcome of Code of Conduct matter be heard as a late item of business.

Carried

The Lord Mayor ruled the matter of Outcome of Code of Conduct Matter be heard as a late item of business in accordance with the Code of Meeting Practice and the reason outlined above.

PROCEDURAL MOTION

Moved by Cr Barrie, seconded by Cr Duncan

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

Carried

All staff with the exception of Councillors, Executive Director Corporate Services, Executive Manager Legal and Governance, Governance Manager and Council meeting support staff, left the meeting for discussion on Item 10.2 - Late Item - Outcome of Code of Conduct Matter.

The Executive Director Corporate Services assumed the role of Acting Chief Executive Officer.

Council resolved into confidential session at 9.39pm.

As the time was nearing 10.00pm a procedural motion was moved to extend the meeting.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

Council extend the meeting to conclude all business on the agenda.

Carried

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Barrie

Council resolve into open session.

Carried

Council resolved into open session at 11.13pm and the Acting Chief Executive Officer read the resolution of the partial confidential report (refer resolution at 8.12) and Confidential Items 10.1 and 10.2 below.

10.1. OUR SUSTAINABLE WASTE STRATEGY - MATERIAL RECOVERY FACILITY AND ORGANICS PROCESSING FACILITY

MOTION

Moved by Cr Clausen seconded by Cr Winney-Baartz

That Council:

1. Rescinds its decision of 23 May 2023 to accept the tender of IQRenew for the proposed MRF at the Summerhill Waste Management Centre.
2. Reject all tender submissions for the MRF Bulk Earthworks Contract 2023/102T on the grounds that planning consent has not been obtained in the expected timeframe anticipated at the time of the tender and postpone the proposal for the contract.
3. Reject all tender submissions for the OPF Bulk Earthworks Contract 2023/147T on the grounds that planning consent has not been obtained in the expected timeframe anticipated at the time of the tender and postpone the proposal for the contract.
4. CN will provide an update to Council in relation to the proposed future direction for the MRF as part of an Our Sustainable Waste Strategy Refresh workshop to be held in February 2024.

Carried unanimously

10.2. LATE ITEM - OUTCOME OF CODE OF CONDUCT MATTER

MOTION

Moved by Cr Richardson, seconded by Cr Barrie

That Council:

1. Notes in accordance with the resolution of Council dated 25 July 2023 and the letter from the Minister for Local Government dated 26 July 2023, that an independent investigation has been undertaken into alleged Code of Conduct breaches by City of Newcastle's (CN) Chief Executive Officer (CEO);
2. Notes that in accordance with CN's Procedure for Administration of the Code of Conduct (which is consistent with the Office of Local Government's Model Procedure for Administration of the Code of Conduct) (Procedure), the matter was referred to an external Conduct Reviewer, independent of CN, for assessment and investigation;
3. Notes that on 7 December 2023 the Conduct Reviewer issued the investigation report and noted:
 - There is no evidence that Mr Bath incentivised the author of the articles to reveal confidential information contained in the letters to the Newcastle Herald.
 - There is no evidence that Mr Bath directly contributed to the letters.

The outcome of the investigation is as follows:

"Having considered the available evidence, the investigation found insufficient evidence to support the allegations. Accordingly, both allegations were Not Substantiated."

4. Notes the Conduct Reviewer referred allegations of how confidential electoral roll details about Council staff and their friends and family came into the possession of journalists to appropriate external agencies to determine next steps;
5. Notes the Procedure does not provide for the Conduct Reviewer to take action or make a referral in relation to the Code of Conduct for Members of the Legislative Assembly;
6. Notes the matter is considered finalised in accordance with clause 7.43 of the Procedure;
7. Notes CN will advise the Minister for Local Government and relevant external agencies of the outcome of the investigation;
8. Notes the investigation report remains confidential and the Procedure does not provide for Councillors to receive a copy of the investigation report where the finding is there is no breach of the Code of Conduct.
9. Notes CN will proactively consider and seek advice to determine whether the outcome letter and investigation report issued by the Conduct Reviewer in part or full can be released publicly in accordance with the Government Information (Public Access) Act 2009; and

10. Treats this confidential report and attachment relating to the matters specified in section 10A(2)(i) of the Local Government Act 1993 as confidential.

Carried

The meeting concluded at 11.21pm.

7. LORD MAYORAL MINUTE

To be tabled at meeting.

8. REPORTS

8.1. CHANGE TO 2024 ADOPTED MEETING SCHEDULE

REPORT BY: CORPORATE SERVICES
CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES & CFO /
EXECUTIVE MANAGER LEGAL & GOVERNANCE

PURPOSE

To reschedule the November 2023 Council Committee meeting due to a change in dates of the Local Government New South Wales (LGNSW) Annual Conference.

RECOMMENDATION

That Council:

- 1 Adopt a change in Council's 2024 meeting cycle; moving the Council Committee meeting from Tuesday 19 November 2024 to Tuesday 12 November 2024.

KEY ISSUES

- 2 In December 2023, City of Newcastle was advised that the dates for the LGNSW Annual Conference have been changed and is now being held from Sunday 17 to Tuesday 19 November 2024 at Tamworth Regional Entertainment and Conference Centre.
- 3 This results in a conflict with the November Council Committee meeting date, scheduled for Tuesday 19 November 2024.

FINANCIAL IMPACT

- 4 There is no financial impact with a change to the meeting schedule.

NEWCASTLE 2040 ALIGNMENT

- 5 A change to the meeting schedule for this purpose is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan including:

Achieving Together

4.2 Trust and Transparency

4.2.1 Genuine Engagement

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 In accordance with the requirements of the Local Government Act 1993 (NSW) and CN's Code of Meeting Practice a change to the adopted meeting cycle requires a Council resolution and the amended Meeting date will be advertised on CN's website.

RISK ASSESSMENT AND MITIGATION

- 7 Appropriately scheduled Meetings ensure CN complies with legislative requirements.

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 28 November 2023, Council adopted the Council Meeting schedule for 2024.

CONSULTATION

- 9 Nil.

BACKGROUND

- 10 Nil.

OPTIONS

Option 1

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

Option 2

- 12 Council does not adopt a change to the meeting schedule and meets on 19 November 2024. This is not the recommended option.

REFERENCES

2024 LGNSW Annual Conference Event Page
<https://lgnsw.org.au/Public/Public/Events/Annual-Conferences/2024/lgnsw2024.aspx>

Councillor Expenses and Facilities Policy
<https://newcastle.nsw.gov.au/getmedia/64873b72-40fd-4b8e-8a76-092bd82f077f/Councillor-Expenses-and-Facilities-Policy>

ATTACHMENTS

Nil.

8.2. TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 NOVEMBER 2023 TO 31 JANUARY 2024

REPORT BY: CORPORATE SERVICES
CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES AND CFO / EXECUTIVE MANAGER LEGAL & GOVERNANCE

PURPOSE

To table the Register of Disclosures of Interest (Register) for the period 1 November 2023 to 31 January 2024 received from designated persons in accordance with the Code of Conduct for Staff.

RECOMMENDATION

That Council:

- 1 Notes the tabling of the Register of Disclosures of Interest (for the period 1 November 2023 to 31 January 2024) by the Chief Executive Officer.

KEY ISSUES

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

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.2 Trust and Transparency

4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 28 November 2023, Council noted the tabling of the Register for the period 1 August to 31 October 2023.

CONSULTATION

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

BACKGROUND

- 10 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

Codes of Conduct

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

ATTACHMENTS

Attachment A Register of Disclosures of Interest to be tabled.

8.3. DECEMBER QUARTERLY PERFORMANCE REPORT

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

PURPOSE

To report progress against the 2022-2026 Delivery Program for the December Quarter.

RECOMMENDATION

That Council:

- 1 Receives the 2022-2026 Delivery Program - December Quarterly Performance Report (Report) (**Attachment A**) and adopts the revised budget as detailed therein.

KEY ISSUES

- 2 Section 404(5) of the *NSW Local Government Act 1993* (Act) requires councils to report at least every six months on the progress of the 'principle activities' detailed in its Delivery Program. City of Newcastle's (CN) quarterly updates exceed the statutory requirement and support the Quarterly Budget Review Process.
- 3 The Report outlines CN's achievements under the 2022-2026 Delivery Program (2023/2024 Delivering Newcastle 2040) against the four strategic directions within Newcastle 2040 (our Community Strategic Plan):
 - i) Liveable Newcastle
 - ii) Sustainable Newcastle
 - iii) Creative Newcastle
 - iv) Achieving Together.
- 4 The Report highlights that 96% of CN actions are on track for full delivery this financial year.
- 5 The Report includes the Budget Review Statement, in accordance with clause 203 of the *Local Government (General) Regulation 2005*, which outlines adjustments to the Adopted Budget to reflect trends identified in the actual operating performance to date for the 2023/24 financial year. The operational budget variations have a net unfavorable impact of \$0.1m on CN's operating position and forecasts an annual budget surplus of \$7.2m for the year ending 30 June 2024.

- 6 The adjustments recommended through the Report Review Statement require CN to use \$11.6m less funds than previously predicted. CN is now forecasting to transfer \$29.7m to cash reserves for the full financial year 2023/24 and is forecast to maintain \$24.7m in unrestricted cash reserves at 30 June 2024.
- 7 The 2023/24 works program was reviewed as part of the Report and scheduling changes were made to projects to ensure CN was best placed to respond to community priorities. The works program for the full financial year is forecast to remain at \$137.3m with the unfavourable impact of \$0.1m on CN's operating position the result of a slight reduction in the value of works to be capitalised.

FINANCIAL IMPACT

- 8 The budget variations recommended through the Report Review Statement are presented in **Attachment A**.

NEWCASTLE 2040 ALIGNMENT

- 9 The Report is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan (CSP).

Achieving Together

- 4.1 Inclusive and integrated planning
 - 4.1.1 Financial Sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 The Report will be published on CN's website.
- 11 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2022 - 2026 Delivery Program and 2023/24 Operational Plan in a cost effective and efficient manner.

RISK ASSESSMENT AND MITIGATION

- 12 Adoption by Council will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting on 23 May 2023, Council resolved to adopt the 2023/24 Delivering Newcastle 2040 (2022-26 Delivery Program and 2023/24 Operational Plan).

CONSULTATION

- 14 A workshop was conducted with Councillors on 20 February 2024 to provide detailed information and a forum to ask questions.

BACKGROUND

- 15 CN's 2023/24 Delivering Newcastle 2040 (2022-2026 Delivery Program) aligns with the CSP's four strategic directions adopted by Council on 23 May 2023.
- 16 A Delivery Program is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are required to be reviewed annually and adopted by 30 June.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: December Quarterly Performance Report on 2023-24 Delivering Newcastle 2040 (the 2022-26 Delivery Program)

Attachment A distributed under separate cover

8.4. NEWCASTLE MARITIME MUSEUM COLLECTION STORAGE FACILITY LEASE

To be distributed under separate cover.

8.5. CANCELLATION OF EASEMENT - 65 PORTSIDE CRESCENT, MARYVILLE

REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /
INTERIM EXECUTIVE MANAGER PLANNING AND
DEVELOPMENT

PURPOSE

To consider a request to cancel (commonly known as 'release') an existing easement.

RECOMMENDATION

That Council:

- 1 Resolve to cancel an existing easement to "Drain Water 2 wide", burdening Lot 13 DP 881386, known as 6 Portside Crescent, Maryville (the site) and benefitting Lot 11 DP 881386, known as 65 The Avenue, Maryville as shown at **Attachment A**.

KEY ISSUES

- 2 City of Newcastle (CN) received a request from the owner of Lot 13 DP 881386 (6 Portside Crescent, Maryville) on 8 November 2023 to cancel an existing easement to "Drain Water 2 Wide", burdening the title of the land, pursuant to section 88B of the *Conveyancing Act, 1919*.
- 3 Lot 13 DP 881386 is a 1952m² block, zoned E4 General Industrial.
- 4 Development Application No. DA2023/01062 granted consent for additional hardstand area and retaining walls at the rear of the site subject to conditions of consent. Condition 17 of the DA2023/01062 states:

"Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), written evidence is to be provided to the principal certifier demonstrating that an application has been lodged with NSW Land Registry Services (LRS) for the cancellation of existing easement to drain water that currently burdens Lot 13 DP881386 and benefits Lot 11 DP881386.

Note: This can be done using Form 20ECE from NSW LRS.

Note: Release of the easement will require Council resolution via a monthly Ordinary Council meeting. This process should be started early as it may take several months to complete.

- 5 The approved hardstand area and retaining walls are located over an existing 2 metre wide easement to drain water burdening the site (Lot 13 DP 881386), which benefit Lot 11 DP 881386 (65 The Avenue, Maryville).
- 6 The 2 metre wide easement is referred to in the Deposited Plan as "Easement to Drain Water 2 Wide" and fourthly referred to in the Section 88b instrument for DP 881386 as "easement to drawn water 2 wide".
- 7 The assessment of the development application determined that the easement is redundant and is no longer required for the benefitting upstream property due to the development that has occurred on Lot 11 DP 881386 (65 The Avenue, Maryville) discharging all stormwater away from the easement and into The Avenue.
- 8 A condition of consent was imposed on DA2023/01062 requiring that an application be lodged with NSW Land Registry Services (LRS) to cancel the existing easement prior to the issue of Occupation Certificate.
- 9 The owner of the Lot 11 DP 881386 with benefit over the easement has confirmed their support for the easement being cancelled as shown at **Attachment B**.

FINANCIAL IMPACT

- 10 There are no financial implications in cancelling the easement.

NEWCASTLE 2040 ALIGNMENT

- 11 The proposed cancellation of the existing easement is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Liveable

1.1 Enriched neighbourhoods and places

1.1.1 Well designed places

IMPLEMENTATION PLAN / IMPLICATIONS

- 12 The 88b instrument for Lot 13 DP881386 (the site) states under the "Easement to Drain Water 2 Wide" that "The name of Authority empowered to release, vary or modify the easements" is "The Council of the City of Newcastle".
- 13 The cancellation of the easement is a matter that falls with section 377(h) of the Local Government Act 1993, meaning it cannot be delegated to the Chief Executive Officer or CN staff and requires a resolution of Council.
- 14 A Council resolution supporting the recommendation in Paragraph 1 will allow the applicant to lodge documentation with LRS for registration of an amended

88b instrument. This will enable the development to fulfill condition 17 of DA2023/01062 and not hinder the issue of an Occupation Certificate.

RISK ASSESSMENT AND MITIGATION

- 15 The proposed cancellation of an existing easement will not expose CN to additional risk or involve any additional operational costs.

RELATED PREVIOUS DECISIONS

- 16 There have been no previous decisions made in relation to this matter, noting that the easement was created as part of the registration of the subdivision which did not require a resolution of the Council.

CONSULTATION

- 17 The owner of Lot 11 DP 881386 (65 The Avenue, Maryville) whom the easement benefits have confirmed their support for the easement being cancelled.

BACKGROUND

- 18 On 14 November 2023, CN received a development application, DA2023/01062 for a hardstand area and retaining walls located over the existing easement to drain water 2 metre wide.
- 19 On 19 December 2023, CN approved the development application with a condition requiring that prior to an Occupation Certificate being obtained, an application is to be lodged with LRS to cancel the existing easement.

OPTIONS

Option 1

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

Option 2


- 21 Resolve not to support the applicant's request for cancellation of the easement to drain water 2 wide, over Lot 13 DP 881386 (65 The Avenue, Maryville). This option would result in the developer being unable to satisfy their requirements to obtain an Occupation Certificate for DA2023/01062. This is not the recommended option.

ATTACHMENTS

- Attachment A:** Existing Deposited Plan and 88b Instrument
Attachment B: Benefitting owner accepting cancellation of easement

Attachment A - Existing Deposited Plan and 88b Instrument

PLAN FORM 2
SIGNATURE AND SEALS ONLY



David Scott Robinson
SOLE DRAFTER

COMBINED SCALE AND SEA LEVEL CORRECTION - 8.9999

SURVEY PRACTICE REGULATION 1999: CLAUSE 31 (7)

MARK	EASTING	NORTHING	ZONE ACC.
P.11.14.12	370 537.023	1 356 714.141	56/1 2
P.11.14.11	370 722.730	1 356 750.348	56/1 2
P.11.14.13	370 413.879	1 356 551.034	56/1 2
S.S.127739	370 457.875	1 356 788.037	56/1 2

SOURCE: MANAGEMENT - 15TH JUNE 1998

OFFICE USE ONLY

DP 881386

Registered: 25-9-1998

The System: TURRENS

Subdivision

Lot Plan: D.P. 873956

PLAN OF SUBDIVISION OF LOT 2

D.P. 873956

Scale: 1:125

Lot: NEWCASTLE

Suburb/Township: WICKHAM

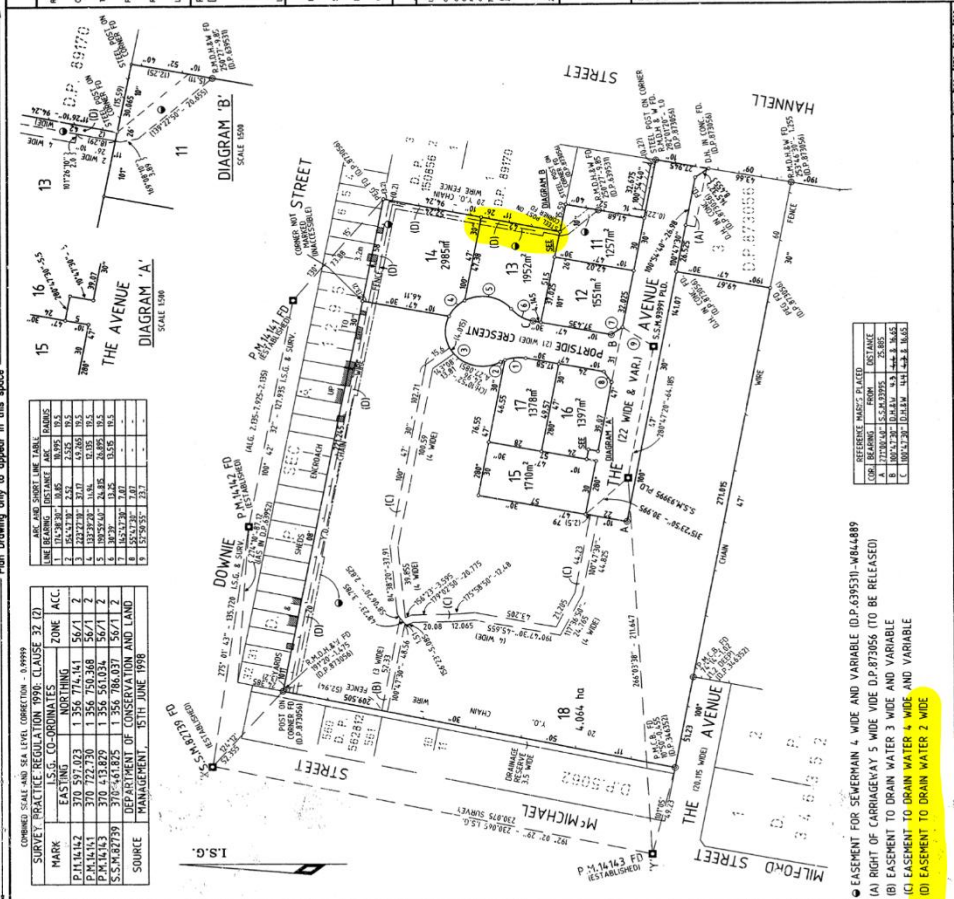
Parish: NEWCASTLE

County: NORTHUMBERLAND

This is sheet 1 of 1 of this plan.

DAVID SCOTT ROBINSON
A. ARCHITECT & CIVIL ENGINEER (REGISTERED)
1. ASHFIELD & SMITH DRIVE, DARLINGTON, NSW 2317
2. 20/21 W. O'NEILL ST., DARLINGTON, NSW 2317
3. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
4. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
5. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
6. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
7. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
8. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
9. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
10. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
11. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
12. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
13. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
14. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
15. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
16. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
17. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
18. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
19. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317
20. 10/11 W. O'NEILL ST., DARLINGTON, NSW 2317

Plan Drawing only to appear in this space



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

1 Sheet of 1 sheet

SHEDDING REFERENCE: 11852-7

Attachment A - Existing Deposited Plan and 88b Instrument

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

(Sheet 1 of 2 Sheets)

Lengths are in Metres

DP 881386

of subdivision of Lot 2
DP 873056

Full name and address of

Drayton Building & Construction Pty
Ltd (A.C.N. 003 132 867)

Proprietor of the land:

2A Alliance Street
EAST MAITLAND. 2323.

Full name and address of
Mortgagee of the land:

Suncorp-Metway Limited

PART 1A

- | | | |
|----|---|---|
| 1. | <u>Identity of easement to be released and firstly referred to in the abovementioned plan</u> | Right of Carriageway 5 wide
vide DP 873056 |
|----|---|---|

SCHEDULE OF LOTS AFFECTED

LOT BURDENED

LOT BENEFITED

3/873056

2/873056

PART 1

- | | | |
|----|---|--|
| 2. | <u>Identity of easement secondly referred to in the abovementioned plan</u> | Easement to drawn water 3 wide
and variable |
|----|---|--|

SCHEDULE OF LOTS AFFECTED

LOT BURDENED

AUTHORITY BENEFITED

18

Newcastle City Council

- | | | |
|----|--|--|
| 3. | <u>Identity of easement thirdly referred to in the abovementioned plan</u> | Easement to drain water
4 wide and variable |
|----|--|--|

SCHEDULE OF LOTS AFFECTED

LOT BURDENED

AUTHORITY BENEFITED

18

Newcastle City Council

Attachment A - Existing Deposited Plan and 88b Instrument

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

(Sheet 2 of 2 Sheets)

DP 881386

- 4. Identity of easement fourthly referred to in the abovementioned plan

[Redacted]
 [Redacted]

SCHEDULE OF LOTS AFFECTED

LOT BURDENED

LOTS BENEFITED

[Redacted]
 14
 18

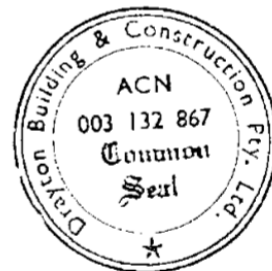
[Redacted]
 11, 13
 14, 13, 11

PART 2

[Redacted]
 [Redacted]

[Redacted]

THE COMMON SEAL of
 DRAYTON BUILDING & CONSTRUCTION
 PTY. LTD (A.C.N. 003 132 867)
 was hereunto affixed in accordance with
 its constitution in the presence of



Peter Drayton
 SOLE DIRECTOR/SECRETARY

SUNCRP-METNAM LTD ACN 010 881702
 BY ITS DULY CONSTITUTED ^{POWER} ~~ATTORNEY~~
 OF ATTORNEY NUMBER ~~BOOK 3857 NO 313 STACT 02~~
~~CROSSMANTON STRA 1~~
 K 865425N.
 PHILLIP REGINALD PAYNE LEVELT.
 WHO IS PERSONALLY KNOWN TO ME IN
 MY PRESENCE.

Payne

Peter John Barlow
 PETER JOHN BARLOW

REGISTERED P 4-11-1998

Attachment B - Benefitting owner accepting cancellation of easement

Lanigan Investment Pty Ltd & Airlass Pty Limited

17 November 2023

City of Newcastle
PO Box 489
Newcastle NSW 2300

Dear Sir / Madam,

I, David Lanigan am the owner of 65 The Avenue Maryville NSW 2293 (Lot 11 DP 881386).

As the owner of Lot 11 DP881386 I state the following: -

- (i) I confirm that Lot 11 DP881386 discharges stormwater flows to the Avenue and does not discharge stormwater via the easement to drain water 2 wide over Lot 13 DP881386.
- (ii) I confirm my in-principle support for the release of the easement to drain water across Lot 13 DP881386.

Yours Sincerely



David Lanigan
Director

Attachment B - Benefitting owner accepting cancellation of easement

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

(Sheet 2 of 2 Sheets)

DP 881386

- 4. Identity of easement fourthly referred to in the abovementioned plan Easement to drawn water 2 wide

SCHEDULE OF LOTS AFFECTED

LOT BURDENED

13
14
18

LOTS BENEFITED

11
11, 13
14, 13, 11

PART 2

The name of Authority empowered to release, vary or modify the easements fourthly referred to in the plan.

The Council of the City of Newcastle

THE COMMON SEAL of)
 DRAYTON BUILDING & CONSTRUCTION)
 PTY. LTD (A.C.N. 003 132 867))
 was hereunto affixed in accordance with)
 its constitution in the presence of)



Peter Wayne
 SOLE DIRECTOR/SECRETARY

SUNCORP-METNAM LTD ACN 010 831732
 BY ITS DULY CONSTITUTED ^{POWER} ~~ATTORNEY~~
 OF ATTORNEY NUMBER ~~BOOK 3889 NO 513~~
~~CROSSING 1707 LEVEL 4~~
 K 865425N.
 PHILLIP REGINALD PAYNE LEVELT.
 WHO IS PERSONALLY KNOWN TO ME IN
 MY PRESENCE.

Payne

Peter John Barrow
 PETER JOHN BARROW

REGISTERED 4-11-1998

Attachment B - Benefitting owner accepting cancellation of easement

Form: 20ECE	CANCELLATION OR EXTINGUISHMENT OF EASEMENT		Leave this space clear. Affix additional pages to the top left-hand corner.
Release: 3-3	New South Wales Section 47(6A) Real Property Act 1900 Section 89(8) Conveyancing Act 1919		
<p>PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.</p>			
(A) TORRENS TITLE	Servient Tenement FOLIO: 13/881386		Dominant Tenement FOLIO: 11/881386
(B) EASEMENT CANCELLED/ EXTINGUISHED	Number of Easement DP881386	Nature of Easement EASEMENT TO DRAIN WATER 2 WIDE	
(C) LODGED BY	Document Collection Box Name, Address, Telephone, and Customer Account Number if any Email: _____ Reference: _____	CODE <div style="font-size: 2em; font-weight: bold; border: 1px solid black; padding: 5px; display: inline-block;">EC</div>	
(D) APPLICANT	LANIGAN INVESTMENT PTY LTD AND AIRLASS PTY LIMITED		
(E) CANCELLATION	Section 47(6A) Real Property Act 1900 The applicant, being the registered proprietor of the dominant tenement, applies to have the recording of the easement referred to above cancelled as regards the Torrens Title specified above, and annexes hereto (marked A) the consent of any registered lessee, mortgagee or chargee. EXTINGUISHMENT Section 89(8) Conveyancing Act 1919 <i>NOT APPLICABLE</i> The applicant applies to have all necessary recordings made in the Register to give effect to the order of the Supreme Court dated _____ (an office copy of which is annexed marked _____) extinguishing the easement referred to above. DATE		
(F)	Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified. Company: <u>SEE ANNEXURE A</u> Authority: _____ Signature of authorised person: _____ Signature of authorised person: _____ Name of authorised person: _____ Name of authorised person: _____ Office held: _____ Office held: _____		
* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation. ALL HANDWRITING MUST BE IN BLOCK CAPITALS Page 1 of 2 2309			

Attachment B - Benefitting owner accepting cancellation of easement

Annexure: **A** to CANCELLATION OR EXTINGUISHMENT OF EASEMENT

Parties:
LANIGAN INVESTMENT PTY LTD AND AIRLASS PTY LIMITED

Dated:

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified

Company: LANIGAN INVESTMENT PTY LTD
ACN: 660 427 289
Authority: Section 127 of the Corporations Act 2001

Signature of Authorised Person David Lanigan
Name of Authorised Person David Lanigan
Office held: Director

Signature of Authorised Person Laila Lanigan
Name of Authorised Person Laila Lanigan
Office held: Director / Secretary

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified

Company: AIRLASS PTY LIMITED
ACN: 068 992 898
Authority: Section 127 of the Corporations Act 2001

Signature of Authorised Person David Lanigan
Name of Authorised Person David Lanigan
Office held: Director

Signature of Authorised Person Laila Lanigan
Name of Authorised Person Laila Lanigan
Office held: Director / Secretary

Page 2 of 2

8.6. TRAISE STREET, WARATAH - KERB REALIGNMENT AND FOOTPATH

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

PURPOSE

To approve kerb realignment and footpath connections on Traise Street, Waratah.

RECOMMENDATION

That Council:

- 1 Approves kerb realignment and footpath connections on Traise Street, Waratah, as shown in **Attachment A**.

KEY ISSUES

- 2 A project for a pedestrian connection along Christo Road and Traise Street, Waratah to connect Lambton Road to Acacia Avenue was designed and exhibited from 22 September to 20 October 2023 as shown in **Attachment A**.
- 3 The footway treatments that were exhibited included:
 - a) Construction of a footpath on the north side of Christo Road between Lambton Road and Traise Street, and on the north side of Traise Street between Christo Road and Clarence Street, Waratah.
 - b) Construction of kerb ramps to allow accessible crossing of Christo Road, west of Traise Street, Waratah.
 - c) Kerb realignment to improve traffic flows and provide sufficient width for an accessible footpath.
- 4 During the 28-day public consultation process, 12 submissions were received and are collated in **Attachment B**. Nine (75%) of the community members responses supported the proposed infrastructure (including six with changes) and three submissions did not support the traffic changes.
- 5 One submission proposed extending the footpath along Christo Road to Clarence Street, Waratah which will be considered under Stage 2 of the project. Other issues raised included loss of parking associated with the kerb extensions, concerns that road narrowing will cause a road safety issue and a request for more traffic calming along the road. Noting that road narrowing is associated with improved road safety and all residents have off-street parking, these issues are not considered to be impactful on the project and will be monitored post construction.

FINANCIAL IMPACT

- 6 Design funding for the footpath connection was included in the 2023/24 Pedestrian Access and Mobility Program (Transport Portfolio) under the Civil Works Program. Following Council endorsement, further funding will be sought for detailed design and construction under future Civil Works Budgets under the Transport Program.

NEWCASTLE 2040 ALIGNMENT

- 7 The kerb realignment and footpath connection on Traise Street, Waratah is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.
 1. **Liveable**
 - 1.1 **Enriched neighbourhoods and places**
 - 1.1.1 Well-designed places
 - 1.2 **Connected and fair communities**
 - 1.2.2 Inclusive communities
 - 1.2.3 Equitable communities
 - 1.2.4 Healthy communities
 - 1.3 **Safe, active and linked movement across the city**
 - 1.3.1 Connected cycleways and pedestrian networks
 - 1.3.4 Effective public transport
 2. **Sustainable**
 - 2.1 **Action on climate change**
 - 2.1.3 Resilient urban and natural areas

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The proposal is consistent with positions outlined in the Newcastle Transport Strategy to improve conditions for pedestrians and reduce urban traffic speeds.
- 9 Approval of the adjustments to the kerb alignment is not delegated to CN officers and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 10 The proposal has been developed to improve pedestrian safety and accessibility through the introduction of footpaths and crossing points. The choice of infrastructure was informed by safety outcomes, noting verge constraints required the consideration of realignment of the kerb, which was done in a way which should improve safety.

- 11 Detailed design will address relevant Austroads and Transport for NSW guidelines and standards and safety in design assessments will be undertaken.
- 12 Trees will be retained where possible to reduce the urban heat island effects, limiting exposure of pedestrians, cyclists and residents to extreme temperatures and UV radiation.

RELATED PREVIOUS DECISIONS

- 13 Nil

CONSULTATION

- 14 Public consultation was held over a twenty-eight (28) day period and closed on 20 October 2023. Details were published on City of Newcastle's (CN) website, and copies of a DL flyer were distributed to residents and mailed to non-resident owners. A copy of the DL flyer as distributed is provided at **Attachment A**.

BACKGROUND

- 15 A connection along Christo Road and Traise Street, Waratah with a continuation along Acacia Avenue and Griffith Road, provides a key pedestrian connection to bus stops, signalised crossings, and between the suburbs of North Lambton, Lambton, and Waratah. With a history of requests from the community, a project was developed to allow for Stage 1 of this connection, which would be followed by Stage 2 to the west incorporating allowances for major intersections and future cycleways.
- 16 During the planning process, it was confirmed that a recently built residential driveway was constructed with a uniform profile. This driveway impeded the installation of a standard accessible footpath within the existing verge. The realignment of the kerb was therefore incorporated into the design to accommodate the proposed path, as well as allow the retention of an existing tree within the verge.

OPTIONS

Option 1

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

Option 2

- 18 Council does not endorse the proposed kerb realignment and footpath connection on Traise Street, Waratah. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Consultation flyer

Attachment B: Summary of submissions

Attachments A-B distributed under separate cover

8.7. AUDIT AND RISK COMMITTEE ANNUAL REPORT

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

PURPOSE

To table the Audit and Risk Committee (Committee) Annual Report for the 2022/2023 financial year and note the 2023/2024 Forward Internal Audit Plan.

RECOMMENDATION

That Council:

- 1 Receives the Audit and Risk Committee's Annual Report for the 2022/2023 financial year at **Attachment A**; and
- 2 Notes the 2023/2024 Forward Internal Audit Plan at Appendix A of Attachment A.

KEY ISSUES

- 3 The Committee provides independent oversight and monitoring of City of Newcastle's (CN) Internal Audit function as part of the organisational governance framework.
- 4 The Committee is required to report annually to Council in accordance with the Committee Charter and Office of Local Government's (OLG) Internal Audit Guidelines.
- 5 CN establishes a Forward Internal Audit Plan (FIAP) which is endorsed by the Committee annually. The FIAP is developed based on the assessment of CN's overall risk position, strategic objectives, previous audit history and susceptibility to fraud and corruption, and in consultation with Service Unit Managers, Executive Directors and the CEO. The FIAP also gives consideration to the focus areas of the Audit Office of NSW and new and emerging risks.

FINANCIAL IMPACT

- 6 External Committee members are remunerated for their services. CN co-sources its internal audit function through the engagement of external service providers. All expenses were funded within the 2022/2023 adopted budget.

NEWCASTLE 2040 ALIGNMENT

- 7 The tabling of the Committee's Annual Report is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan:

4 Achieving Together

- 4.2 Trust and Transparency
 - 4.2.1 Genuine engagement
- 4.3 Collaborative and Innovative approach
 - 4.3.1 Collaborative organisation
 - 4.3.3 Data-driven decision-making and insights

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The Committee's schedule to meet in FY 2023/2024 is as follows:

- i) 14 September 2023 - Complete
- ii) 16 October 2023 - Complete
- iii) 7 December 2023 - Complete
- iv) 14 March 2024 - Planned
- v) 13 June 2024 - Planned

RISK ASSESSMENT AND MITIGATION

- 9 CN has an Enterprise Risk Management Framework which provides a consistent and structured approach to identifying, managing and embedding risk management into strategic and operational processes.
- 10 CN's Internal Audit function is CN's third line in the management of risks and provides independent assurance that the risk management and internal control framework is working as designed.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 22 February 2023, Council received the Audit and Risk Committee Annual Report for the 2021/2022 financial year.

CONSULTATION

- 12 The 2022/2023 Annual Report was approved by the Committee at its meeting held on 7 December 2023.
- 13 Councillors were briefed on the Annual Report by the Committee Chair at a workshop on 20 February 2024.

BACKGROUND

- 14 The purpose of the Committee is to provide independent oversight and monitoring of CN's Internal Audit function as part of the organisational governance framework. This oversight includes evaluating and improving the effectiveness of risk management, internal controls and governance processes, fraud and corruption, internal and external reporting, and internal and external audit and compliance. Internal Audit partners with Service Units and the CEO's Executive Leadership Team to deliver recommendations for improvement across the organisation.
- 15 The Committee's membership of three (3) independent members and two (2) Councillors is in accordance with the OLG's Internal Audit Guidelines (September 2010) and the Audit and Risk Committee Charter (approved by Council at the Ordinary Council Meeting held on 27 February 2018).
- 16 The Committee's membership, the Audit and Risk Committee Charter and Internal Audit charter will be aligned with the new OLG's Risk Management and Internal Audit Guidelines. These guidelines come into force on 1 July 2024.

OPTIONS

Option 1

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

Option 2

- 18 Council does not adopt the recommendations. This is not the recommended option.

REFERENCES

Office of Local Government - Internal Audit Guidelines

<https://www.olg.nsw.gov.au/wp-content/uploads/Internal-Audit-Guidelines-September-2010.pdf>

Office of Local Government - New Risk Management and Internal Audit Guidelines

<https://www.olg.nsw.gov.au/wp-content/uploads/2023/12/Guidelines-for-Risk-Management-and-Internal-Audit-updated-November-2023.pdf>

Audit and Risk Committee Charter

<https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Legal%20and%20Governance/Audit%20Committee/Audit-and-Risk-Committee-Charter.pdf>

ATTACHMENTS

Attachment A: Audit and Risk Committee Annual Report 2022/2023

Attachment A distributed under separate cover

8.8. EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2023/24 Operational Plan as at the end of January 2024.
- 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 (Report) for January 2024.

KEY ISSUES

- 2 At the end of January 2024 the consolidated YTD actual operating position is a surplus of \$10.1m which represents a positive variance of \$5.7m against the budgeted YTD surplus of \$4.4m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full revised budget for 2023/24 is a surplus of \$7.3m.
- 3 The net funds generated as at the end of January 2024 is a surplus of \$27.8m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$5.7m. This is primarily due the strong operating result and the \$12.6m drawdown for the Art Gallery expansion loan.
- 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 January 2024 is provided in the Report.

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.1 Inclusive and integrated planning

4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

- 12 The presentation of a monthly 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.

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - January 2024

Attachment A distributed under separate cover

**8.9. TENDER REPORT - BLACKBUTT CARA KIOSK AND COMMUNITY FACILITY -
CONTRACT NO. 2024/025T**

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

PURPOSE

To accept a tender for Construction of a New Kiosk and Community Facility at Carnley Avenue, Blackbutt, in accordance with Contract No. 2024/025T.

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

REASON FOR CONFIDENTIALITY

The discussion of a confidential attachment takes place in a closed session, with the media and public excluded. It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. In accordance with 10D (2) of the Act, the grounds for closure of part of the meeting must be recorded in the minutes of the meeting.

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

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

RECOMMENDATION

- 1 At Attachment A.

KEY ISSUES

Tender

- 2 This tender is for the construction of a new kiosk and community facility at Carnley Avenue, Blackbutt.

Contract Term

- 3 The term of the contract is 36 weeks, with a defect liability period of 12 months.

Advertising of Tenders

- 4 The tender was advertised nationally on the TenderLink website on 3 November 2023.

Tenders Received

- 5 Tenders closed at 2pm on 12 December 2023. Tender submissions were received from:
- i) Kingston Building Pty Ltd;
 - ii) Precise Build Pty Ltd;

Evaluation Process

- 6 The tenders were assessed against the following criteria:
- | | |
|-----------------------------------|-----|
| i) Tender Price | 35% |
| ii) Methodology | 10% |
| iii) Contract program | 10% |
| iv) Previous experience | 20% |
| v) Management and staff resources | 10% |
| vi) Work Health and Safety | 10% |
| vii) Supplier Diversity | 5% |
- 7 The tenders were assessed by a Tender Assessment Panel consisting of the relevant subject matter experts employed within City of Newcastle (CN).

Recommended Tenderer

- 8 The recommended tenderer is an experienced contractor, with a management team who have completed several projects with CN. They are a locally based company who have accredited safety, quality and environmental management systems.

FINANCIAL IMPACT

- 9 The total estimated cost of this project, including the proposed contract amount, allowances for project management, contingency and other associated project costs, is within the multi-year budgeted amount allocated for this project.
- 10 The project is funded from the 2023/24 and 2024/25 Blackbutt Reserve program within the Planning & Environment - Environment and Sustainability portfolio of the capital works program.

IMPLICATIONS

Policy Implications

- 11 The project aligns with the following Newcastle 2040 Community Strategic Plan objectives:

Liveable

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Great Spaces
 - 1.1.2 Well-designed places
- 1.2 Connected and fair communities
 - 1.2.2 Inclusive communities

Sustainable

- 2.1 Action on climate change
 - 2.1.3 Resilient urban and natural areas

Creative

- 3.1 Vibrant and creative city
 - 3.1.3 Tourism and visitor economy

- 12 The proposed contract will contribute to the achievement of the following strategic plans:

- i) Blackbutt Reserve Plan of Management 2012 - 'Carnley Avenue Recreation Master Plan' Management Action E7
- ii) Disability Inclusion Action Plan 2022-2026
- iii) Newcastle Environment Strategy 2023.

Ecologically Sustainable Development (ESD)

- 13 The recommended tenderer has an Environmental Management System that is certified to Australian Standards.

IMPLEMENTATION

- 14 The contract program submitted with the tender meets CN's operational requirements for completion by December 2024. Construction will span over two financial years, and Blackbutt Reserve will remain operational throughout that time. Plans are in place to work with volunteers and keep Carnley Avenue facilities operational throughout the project.

CONSULTATION/COMMUNICATION

- 15 Consultation has been undertaken with key stakeholders within Environment and Sustainability, Assets and Facilities, and Corporate Services.

BACKGROUND

- 16 The tender is for the construction of a café / kiosk base-build, with a dry store, cool room, bin store / furniture storage area, rooftop garden, undercover seating / dining area, multi-purpose space, and all required siteworks including stormwater /

hydraulic / mechanical / and electrical service works. The new café / kiosk will be fitted out post completion of the base build construction by a future tenant.

- 17 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

Attachment A: Confidential Recommendation

Attachment B: Confidential Tender Evaluation Matrix - Summary

Refer Confidential Ordinary Council Meeting Agenda 27 February 2024 for Attachments A and B

8.10. TENDER REPORT - MEMORIAL DRIVE THE HILL - ROAD EMBANKMENT - CONTRACT NO. 2024/024T

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

PURPOSE

To accept a tender for the Memorial Drive, The Hill Road Embankment in accordance with Contract No. 2024/024T.

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

REASON FOR CONFIDENTIALITY

The discussion of a confidential attachment takes place in a closed session, with the media and public excluded. It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. In accordance with 10D (2) of the Act, the grounds for closure of part of the meeting must be recorded in the minutes of the meeting.

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

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

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

2 The tender is for the construction of road embankment at Memorial Drive, The Hill.

Contract Term

3 The term of the contract is 28 weeks, with a defect liability period of 12 months.

Advertising of Tenders

4 The tender was advertised nationally on the TenderLink website on 13 October 2023.

Tenders Received

5 Tenders closed at 2pm on 21 November 2023. Tender submissions were received from:

- i) ABI Civil Contracting Services (NSW) Pty Ltd
- ii) Civil & Civic Group Pty Ltd
- iii) Daracon Contractors Pty Ltd
- iv) MAK Construction (Aust) Pty Ltd
- v) McMahon Services Australia Pty Ltd
- vi) Michillis Pty Ltd
- vii) Saunders Civilbuild Pty Ltd
- viii) Symal Infrastructure Pty Ltd

Evaluation Process

6 The tenders were assessed against the following criteria:

- | | |
|---------------------------|-----|
| i) Tender Price | 40% |
| ii) Methodology | 20% |
| iii) Contract Program | 10% |
| iv) Previous Experience | 15% |
| v) Work Health and Safety | 10% |
| vi) Supplier Diversity | 5% |

7 The tenders were assessed by a Tender Assessment Panel consisting of City of Newcastle (CN) officers selected based on experience and knowledge of the project. External probity oversight was provided by Regional Procurement, who were present during all panel meetings in accordance with CN's Procurement Policy.

Recommended Tenderer

8 The recommended tenderer has a local office and presented a detailed methodology, supported by a thorough construction program with logical sequencing of work. They demonstrated relevant experience in delivering projects

of similar scope and value. Their clear understanding of the project specification will support their ability to complete the works to a high level of quality and safety.

FINANCIAL IMPACT

- 9 The total estimated cost of this project, including the proposed contract amount, is within the multi-year budgeted amount allocated for this project.
- 10 The works will be co-funded by Australian Government Roads to Recovery 2019 to 2023 and 2024 to 2029 programs totalling \$3.092 million in funding across 2023/24 and 2024/25.

IMPLICATIONS

Policy Implications

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

Liveable

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Great spaces
 - 1.1.2 Well-designed places

Sustainable

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

- 12 The Proposed contract will contribute to the achievement of the following strategic plans:
 - i) Asset Management Strategy 2022-2032
 - ii) Bathers Way Public Domain Plan
 - iii) Newcastle Biodiversity Strategy
 - iv) Stormwater Management Plan

Environmental Implications

- 13 The recommended tenderer has a certified environmental management system. This environmental management system will identify and address environmental risks associated with construction activities. All contractors are required to comply with CN's work health safety and environmental requirements.

Ecologically Sustainable Development (ESD)

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

IMPLEMENTATION

- 15 The project is considered a priority for delivery due to the risk of further rain events impacting the embankment and use of Memorial Drive.

- 16 As Memorial Drive is a main access road into Newcastle, maintaining the two-lane, two-way traffic flow on Memorial Drive for the duration of the construction period is critical. Any traffic flow disruptions during peak traffic periods and busy summer months would cause congestion. Only two tenderers indicated they could undertake the works whilst maintaining two-way traffic flow throughout construction.

CONSULTATION/COMMUNICATION

- 17 Internal stakeholders across Environmental Assets, Bushland Services, Support Services (Structural), Stormwater and Roads Teams were consulted and involved from project inception through to completion of detailed design.
- 18 Early liaison occurred with the most affected adjacent property to gain access for site investigation during design and maintenance phases, and CN has ongoing liaison with the local Landcare Group that operates within the work site.
- 19 Broad communication has been provided through the project webpage, which provides project updates. In addition, onsite corflutes have been developed, and notification for night lane closures to install temporary concrete road barriers to enable pedestrian access will be undertaken as required.

BACKGROUND

- 20 Memorial Drive, The Hill is an Unclassified Regional Road carrying approximately 10,000 vehicles per day. The road provides an important north-south link between Adamstown Heights and Newcastle CBD. The current road and embankment alignment of Memorial Drive is based on the 1932 reconstruction.
- 21 The project is located on the section of Memorial Drive, The Hill that spans Bar Beach and Strzelecki Lookout car parks, between 2 Fenton Avenue, Bar Beach and 32 Memorial Drive, The Hill.
- 22 The existing footpath is in poor condition and the embankment has minimal downstream protection from stormwater into a steep bushland parcel. 115m of the embankment requires stabilisation works to maintain the required serviceability of Memorial Drive and the adjacent footpath, which was severely compromised during a significant rainfall event in March 2021. Interim protection measures have been in place since, with temporary footpath access reinstated in 2023.
- 23 The works will include footpath reconstruction and embankment stabilisation works. The stabilisation works are complex with numerous site constraints, including steep embankment batters, existing overhead high voltage powerlines, narrowness of the site area adjacent to Memorial Drive, proximity to recently repaired stormwater drainage, limited site space for contractor compound and storage facilities, and a requirement to maintain traffic flow for the duration of the works. Due to these complexities, there are some potentially high inherent risks during delivery.
- 24 The existing overhead powerlines will impact the approach to the construction of the embankment stabilisation, due to the low clearance for plant and equipment access. Relocation of the existing powerlines was not deemed reasonably practicable due to the significant cost and time impacts, and risks of further damage

to the embankment, impacting the stability of Memorial Drive. Constructability advice was obtained during the concept design phase that indicated low clearance plant and equipment could be utilised to complete the construction of the retaining wall structure.

- 25 The project will provide embankment stabilisation works enabling the implementation of Stage 7 of the Bathers Way Master Plan (2012). These works are a prerequisite to the commencement of the Bathers Way - Bar Beach and Memorial Drive project to ensure the roadway is sufficiently stabilised, providing for both existing and future traffic flows, and to enable any proposed footpath widening to accommodate the future Bathers Way pavement design.
- 26 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

- Attachment A:** Confidential Recommendation
- Attachment B:** Confidential Tender Evaluation Matrix - Summary

Refer Confidential Ordinary Council Meeting Agenda 27 February 2024 for Attachments A and B

8.11. NEWCASTLE ART GALLERY PARTNERSHIP AGREEMENT

REPORT BY: CREATIVE & COMMUNITY SERVICES
CONTACT: EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES / ART GALLERY DIRECTOR

PURPOSE

To endorse a partnership agreement between Newcastle Art Gallery and the University of Newcastle for a period of four years.

REASON FOR CONFIDENTIALITY

The discussion of a confidential report takes place in a closed session, with the media and public excluded. The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. The grounds for closure of part of the meeting must be recorded in the minutes of the meeting.

This confidential attachment has been classified confidential in accordance with the provisions of the Local Government Act 1993 as follows:

Section 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Section 10A(2) (d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

RECOMMENDATION

That Council:

- 1 Endorses the multi-year partnership agreement between the University of Newcastle and Newcastle Art Gallery for a period of four years.
- 2 The confidential attachment relating to the matters specified in s10A(2)(c) and s10A(2)(d)(i) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

KEY ISSUES

- 3 Newcastle Art Gallery is located in Newcastle's CBD and is the city's major cultural institution for visual arts.
- 4 Newcastle Art Gallery is responsible for the curation and preservation of its nationally significant collection and aims to develop and present high quality exhibitions, public programs and events that connect to diverse audiences locally and nationally, fostering a passion and curiosity for the visual arts.

- 5 In preparation for the reopening of Newcastle Art Gallery, partnership agreements have been negotiated to recognise the mutual significance of culture in Newcastle to the Newcastle Art Gallery and the University of Newcastle.
- 6 This agreement formalises a community partnership between the University of Newcastle and Newcastle Art Gallery as well as provide valuable opportunities for learning and professional development which will enrich the city's cultural and academic landscape.
- 7 The partnership will provide University students on-the-job experience through career-ready placements, forging strong relationships and preparing for their future workplaces. Career-ready placements are designed to provide students with valuable opportunities for learning and professional development and with a bespoke focus on Gallery operations which will enrich the city's cultural and academic landscape. Students with the drive to bring fresh ideas and new perspectives will have the opportunity to contribute to programming, enabling the Gallery to further foster growth with new audiences.
- 8 Over the next 4 years the Art Gallery will commit to a minimum of 10 (maximum of 13) career ready placements (each for a maximum period of 3 months). A key component is the opportunity to provide mentorship and support of an Indigenous Cadetship with a First Nations student employed by the University of Newcastle.
- 9 The agreement will create a symbiotic relationship where academic expertise and resources merge with the Gallery's artistic collections and public reach. This collaboration will foster artistic growth, contribute to research and knowledge exchange, and provide students with valuable opportunities for learning and professional development, all enriching the city's cultural landscape.

FINANCIAL IMPACT

- 10 The funding agreement between Newcastle Art Gallery and the University of Newcastle is for a period of four years and is detailed at Confidential **Attachment A**.
- 11 The agreement will be included within the income of the 2023/24 Operational Plan and approved budget.
- 12 There is no cost to City of Newcastle from entering into or co delivering the partnership agreement.

NEWCASTLE 2040 ALIGNMENT

- 13 The agreement is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan as follows:

Creative Newcastle

3.1 Vibrant and creative city

- 3.1.1 Vibrant events
- 3.1.2 Bold and challenging programs
- 3.1.3 Tourism and visitor economy

- 3.2 Opportunities in jobs, learning and innovation
 - 3.2.1 Inclusive opportunities
 - 3.2.2 Skilled people and businesses
 - 3.2.3 Innovative people and businesses

- 3.3 Celebrating culture
 - 3.3.1 Nurture cultural and creative practitioners
 - 3.3.2 Promote Newcastle as a major arts and cultural destination
 - 3.3.3 Culture in everyday life

- 3.4 City-shaping partnerships
 - 3.4.1 Optimise city opportunities
 - 3.4.2 Government relations and advocacy

Achieving together

- 4.1 Inclusive and integrated planning
 - 4.1.1 Financial sustainability

- 4.2 Trust and transparency
 - 4.2.1 Genuine engagement
 - 4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

14 Nil

RISK ASSESSMENT AND MITIGATION

15 There is no known risk to Newcastle Art Gallery entering into a partnership agreement with the University of Newcastle. The agreement is governed by the law in force in NSW and the Commonwealth of Australia.

RELATED PREVIOUS DECISIONS

16 Nil

CONSULTATION

17 The partnership agreement and schedule of benefits has been prepared in consultation with Newcastle Art Gallery and the University of Newcastle.

18 Key stakeholders including the Newcastle Art Gallery Foundation have also been included in conversations regarding the agreement.

BACKGROUND

- 19 Newcastle Art Gallery was Australia's first purpose-built regional Art Gallery, officially opened by Her Majesty Queen Elizabeth II in 1977. The nationally recognised permanent collection of over 7,000 works of art is valued at \$126 million and provides a time capsule of Australian art dating back to the earliest days of Newcastle more than 200 years ago when it became Australia's second city to be settled. It is the most valuable art collection in regional Australia.
- 20 As a major cultural asset for NSW, the Newcastle Art Gallery offers the ability to tell local stories and inspire new ones through the creation, collection and display of works of art of local, national and international importance.

OPTIONS

Option 1

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

Option 2

- 22 Council does not adopt the recommendation as at Paragraph 1-2. This is not the recommended option.

ATTACHMENTS

Attachment A - Confidential Newcastle Art Gallery Partnership Agreement

Refer Confidential Ordinary Council Meeting Agenda 27 February 2024 for Attachment A (distributed under separate cover)

9. NOTICES OF MOTION

9.1. BRING THE RUGBY WORLD CUP TO NEWCASTLE

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

PURPOSE

The following Notice of Motion was received on 15 February 2024 from the abovementioned Councillors.

MOTION

That City of Newcastle:

1. Notes that Rugby Union's biggest sporting event, The Rugby World Cup, is returning to Australia in 2027, 40 years on from the inaugural event, and again for the women's tournament in 2029 for the first time.
2. Writes to the following who have been tasked with developing and delivering the Rugby World Cup, advocating for Newcastle to be a Host City:
 - a. Sir Rod Eddington, Chair, Rugby World Cup Local Operating Company
 - b. Phil Kearns AM, Director, Rugby World Cup Local Operating Company
 - c. Hon Steve Kamper MP, NSW Minister for Sport
3. Notes that Newcastle is well equipped to host Rugby World Cup games as well as teams, given its status as a preferred destination for live music, sporting and major events which are a primary driver of the local tourism visitor economy.
4. Looks forward to the opportunity to be considered a Rugby World Cup Host City and welcome athletes and rugby fans from across the world in 2027 and 2029.

BACKGROUND

<https://australia2027-29.rugby/news/game-on-australia-confirmed-as-host-of-rugby-world-cup-2027-and-2029-2022512>

GAME ON! Australia confirmed as host of Rugby World Cup 2027 and 2029

Thu, May 12, 2022, 8:25 PM by Rugby Australia

- World Rugby Council confirms Australia as host of Rugby World Cup 2027 and 2029
- Australia set to become first nation to have hosted three men's Rugby World Cups (1987, 2003, 2027)
- Australia to host women's Rugby World Cup for the first time
- Rugby World Cup to return to Australia on the 40th anniversary of the inaugural tournament
- Two Rugby World Cups in three years to deliver \$2.8b economic windfall for Australia and boost grassroots Rugby with 30,000+ participants

- Rugby Australia to work with World Rugby and State and Territory Governments to finalise host cities and venues
- Rugby Australia to mark announcement with 'National Day of Celebration', featuring a public activation/media opportunity in every capital city on Friday 13 May

The announcement, which follows a vote by World Rugby Council in Dublin, means Australia will become the first country to host the showpiece men's Rugby event for a third time in 2027 (following the inaugural event in 1987 and then again in 2003), while also welcoming the women's tournament for the first time in 2029.

Rugby Australia Chairman Hamish McLennan said: "This is a historic day for Rugby in Australia. We're beyond thrilled to be welcoming not one, but two Rugby World Cups to our shores.

"It's a game-changer for Rugby in this country, a once-in-a-generation opportunity to revitalise and secure the future of the sport here and see the game we all love grow and thrive for years to come.

"I'd like to thank our Federal and State and Territory Governments for the belief and support they've all shown in Rugby Australia's bid over the last four years. This is a bid that has received unanimous bi-partisan support. The shared enthusiasm of our government partners for our vision to bring Rugby World Cup back to Australia has helped demonstrate that we are a safe pair of hands and ready to welcome the world.

"I would particularly like to acknowledge and sincerely thank our formidable Bid Advisory Board, chaired by Sir Rod Eddington AO FTSE, the Rugby Australia Board and CEO Andy Marinos, along with the Bid Team led by Wallaby great Phil Kearns AO and Anthony French, for their tireless work throughout this campaign.

"Today's announcement is also the result of an incredible amount of hard work and cooperation from across the Rugby community over many years. It is a project that has been a constant source of inspiration for our code through some challenging times in recent years and we have worked in lockstep with our Member Unions throughout the bid campaign, united by our common goal of growing this great game of ours.

"Today is a significant moment in time for our game. I look forward to working together with our Member Union and Government Partners over the coming years to ensure that we make the most of this opportunity and continue the resurgence of Rugby in this country."

Rugby Australia CEO Andy Marinos said: "This is an incredible day for our Country and our game and in many ways, the start of a new era for Australian Rugby.

"Through Rugby World Cup 2027 and 2029 we look forward to sharing this great game, showcasing our beautiful and diverse country and its people and importantly growing the sport in communities all over the country.

"We now have a golden decade of Rugby in front of us, with the British & Irish Lions series in 2025, Rugby World Cups in 2027 and 2029, 2032 Olympic Games and a host of international men's and women's teams due to visit Australia for XV's and 7s fixtures.

Australia will become the centre of the Rugby world over the next decade and that is incredibly exciting.

“This is a chance to grow in every sense of the word, providing aspirational pathways and unprecedented investment and support for our players, from the grassroots to the elite, in our infrastructure and in our people.

“So to all of the boys and girls out there who dream of playing for their country, I hope that today provides you with an incredible level of excitement about what you can do in our great game of Rugby - playing for your country in some of the biggest sporting events in the world on home soil.”

Executive Director of Australia’s Bid, Phil Kearns said: “What a brilliant day for everyone involved in the Australian Rugby community and also in the Pacific region.

“We’ve connected with hundreds of thousands of Australians throughout the bid campaign and their passion and enthusiasm for the game is incredible. Today is just reward for the hard work and support they give to the game on a daily basis.

“Rugby World Cup is coming home to Australia in 2027 and 2029. We are all committed to make the most of this golden opportunity.

“This is also a significant moment for our neighbours in the Pacific and we want it to be embraced and treated as a home world cup by players and fans in the region.

We look forward to working with our government partners and our colleagues at World Rugby and Oceania Rugby to deliver a legacy program that ensures this is achieved and the impact of the tournament extends into the Pacific region. Game on!”

Rugby World Cup 2027 Bid Advisory Board Chairman, Sir Rod Eddington AO FTSE said: “It has been a real privilege to chair the Rugby Australia Bid Advisory Board. We have been incredibly fortunate to have a board full of wonderful, dedicated Australians who all believed in the opportunity to bring Rugby World Cup 2027 and 2029 to our country. To each and every one of them, today, we say thank you.

“I would also like to acknowledge and thank the Members of the World Rugby Council, World Rugby Chair Sir Bill Beaumont, CEO Alan Gilpin and the broader World Rugby team for all their work and partnership over the past two years as we have progressed through the bidding process.

“It is a terrific opportunity and a real honour that has been granted to Australia in being the first country in the history of the game to deliver consecutive Rugby World Cups and to host three Men’s Rugby World Cup.

“We are grateful to World Rugby for the trust and belief they have shown in our vision to deliver an exceptional tournament experience for players, officials and fans under the new partnership hosting model. We look forward to working with Sir Bill, Alan and the team over the coming golden decade and welcoming the Rugby world to our shores in 2027 and 2029. Game On for Australia and Game On for World Rugby!”

Hosting Rugby World Cup 2027 and 2029 in Australia is projected to generate \$2.8 billion in direct and indirect expenditure to the economy, while also creating 14,000 FTE jobs and stimulating more than \$500 million in new trade and investment.

<https://www.planetrugby.com/news/a-two-time-wallabies-world-cup-winner-is-now-tasked-with-delivering-one>

A two-time Wallabies World Cup winner is now tasked with delivering one

Colin Newbould 03 Jul 2023 8:09 AM

Wallaby great and two-time Rugby World Cup winner Phil Kearns has been appointed to the board which will help deliver the 2027 tournament in Australia.

The 56-year-old has joined the Local Operating Company (LOC) as director of the board, which will be chaired by Sir Rod Eddington.

As well as the men's competition in 2027, LOC will also help deliver the women's World Cup in 2029.

Kearns is one of just 21 players to lift the Webb Ellis Cup twice – in 1991 and 1999 – and in total earned 67 caps for the **Wallabies**.

Following the conclusion of his playing days, the ex-hooker has gone on to become a pundit while he has also enjoyed a successful career in business.

“Obviously, I have a great affinity with the **Rugby World Cup**, having been to three of them as a player and winning two,” he said.

“Nothing fills you more with pride than representing your country on one of the largest sporting stages in the world – and then to have success is mind-blowing.

“Unfortunately, I did not get to play at home in Australia in 2003 – you feel a certain responsibility representing your country, especially on home soil, and it gives me a great deal of satisfaction to be able to do that again in bringing this massive event home to Australia once more.

“I was proud to be involved with a fantastic group of people, governments and stakeholders that all worked tirelessly to ensure the Rugby World Cup returned to Australian shores – and I am excited to be able to play a role in finishing the job, developing and delivering the event, and leaving a lasting legacy for rugby in this country.”

Collaboration

LOC is a collaboration between Rugby Australia and World Rugby, but it is majority owned by the global governing body and it is responsible for delivering World Cups until at least 2033.

Kearns played a key part in helping Australia win the bid for the 2027 and 2029 tournaments, and will now remain involved as the country continues its preparations for hosting the two World Cups.

Rugby Australia chairman Hamish McLennan said: “Phil played a significant role in our bid team, and it only makes sense for him to continue on and see the job through with the LOC.

“He was a wonderful Wallaby, and he has demonstrated great passion for the Rugby World Cup, and for the game of Rugby in Australia – it is clear that he sees these as not

just major events for Rugby in Australia, but as a genuine opportunity to shift the sporting landscape in this country.

“That is what we need, and along with the appointment of Sir Rod Eddington as Chair, and Chris Stanley as Managing Director, we have continuity that can build on the vision, and the foundation that has been established to deliver two incredible events that will be key moments in our golden decade of Rugby.”

9.2. CELEBRATING 150 YEARS OF LOCAL GOVERNMENT IN WALLSEND

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

PURPOSE

The following Notice of Motion was received on 15 February 2024 from the abovementioned Councillors.

MOTION

That City of Newcastle:

1. Notes that this year, Wallsend will be celebrating its 150th anniversary as a municipality, marking 150 years of Local Government for the Wallsend community.
2. Reaffirms its support for the planned large community event in August to commemorate the 150th Anniversary of Wallsend's municipality.
3. Seeks support under the NSW Government Vibrant Streets Package Open Streets Program which provides financial assistance of up to \$150,000 for Councils to facilitate the temporary closure of streets for community events and activities, and writes to the Minister for Transport, the Hon. Jo Haylen MP, notifying her of the City's application for grant funding.
4. Looks forward to celebrating this special anniversary with the local community and creating a vibrant, safe and accessible event for everyone to enjoy.

BACKGROUND:

WALLSEND'S RICH HISTORY TO BE CELEBRATED WITH 150TH EVENT

02 Nov 2023

City of Newcastle will host a large-scale community event to celebrate the 150th anniversary of Wallsend's municipality in 2024.

The event will be planned in partnership with the Wallsend community and include family-friendly activations throughout the town centre, cultural performances, storytelling and a legacy time capsule to be developed with local schools.

Lord Mayor Nuatali Nelmes said Wallsend's Indigenous and post-colonial history was unique to the region and the suburb's emergence as a strong multicultural community was worth celebrating.

"Wallsend's history stretches back tens of thousands of years and in 1874 was declared a municipality home to many workers and their families of the Wallsend-Newcastle Coal Company," Cr Nelmes said.

"In recognition of the important role Wallsend's community has played in our city's growth and development, City of Newcastle is planning a large-scale celebratory event for the community with a range of free activities for locals and visitors to enjoy.

"The event will be held in August, a time where in recent years thousands of people have descended on the town centre for the popular Winter Fair, activating Wallsend Park and Nelson Street."



Ward Four Councillors welcomed the event, which will be an opportunity to showcase Wallsend's history and culture to a broader audience while demonstrating the town centre's modern vibrancy.

"Wallsend is a unique, dynamic and close-knit community, which has emerged as a multicultural hub attracting many young families to set down their roots in the area," Cr Deahna Richardson said.

"Our 150th celebration will be the hallmark event of the year for Wallsend, with rides, music, cultural activities and the opportunity for people to immerse themselves in the suburb's history," Cr Callum Pull said.

"City of Newcastle will engage with the community including traditional custodians, schools, businesses, sporting groups, and the heritage association to deliver an event that celebrates Wallsend through time, its present community and leave a legacy through public art and a time capsule for future generations," Cr Elizabeth Adamczyk said.

"We know the community loved the Wallsend Winter Fair delivered through the former business association and while that event has stalled post COVID-19, the 150th celebration will be an opportunity to bring thousands of visitors back to the beautiful Wallsend town centre." Cr Nelmes said.

The Wallsend 150th celebration will be held on Saturday 17 August 2024 from 1-6pm, with the full program of events to be delivered in consultation with the local community.



<https://newcastle.nsw.gov.au/about-us/news-and-updates/latest-news/wallsend-s-rich-history-to-be-celebrated-with-150t>

<https://www.transport.nsw.gov.au/industry/cities-and-active-transport/cities-revitalisation-and-place/festival-of-place/grant-1>

VIBRANT STREETS PACKAGE

The **Vibrant Streets Package** (the Package) is a \$15 million investment to inject vibrancy into our streets and create thriving local spaces that support businesses, creative sectors, and the community, now and into the future.

Under the Package, councils across NSW will have the opportunity to temporarily close streets to cars for community activities, and trial place management strategies that aim to reduce the cost and complexity of delivering events on streets.

The Vibrant Streets Package will be delivered through two programs:

- **Open Streets** – A grant program for NSW councils to temporarily close streets and bring them to life for a day, or series of days, with community events and activations. The program aims to transform our streets into vibrant, walkable public spaces for people to enjoy and safely access. Applications are now open.
- **Permit/Plug/Play Pilot** – A program partnering with pilot councils to help reduce the cost and complexity of delivering street-based events through an innovative “local problems, local solutions” model to allow for global pre-approvals for streets as event sites.



MyMoree by the Moonlight, Summer Night Fund. Credit: Tourism Moree

The Package builds on significant and continued investment into our public spaces in transport hub precincts, including our streets, roads and laneways, that play a critical role in supporting local businesses, community connection and physical and mental well-being.

More information on the Vibrant Streets Package will be available soon.

9.3. FAIRNESS FOR REGIONAL HOSPITAL WORKERS

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

PURPOSE

The following Notice of Motion was received on 15 February 2024 from the abovementioned Councillors.

MOTION

That City of Newcastle:

1. Acknowledges with disappointment that the reinstatement of paid parking for staff at John Hunter Hospital came into effect on 1 February 2024, at a cost of at least \$20.90 per week or \$1,700 annually.
2. Notes that John Hunter Hospital is the largest hospital in the Hunter New England Local Health District which services more than 1 million people and employes more than 16,033 staff across 25 local government areas in regional NSW including the Hunter, New England and Mid North Coast regions.
3. Questions the NSW Government's inclusion of John Hunter Hospital in the paid parking program, given the re-introduction of paid parking is for metropolitan hospitals only.
4. Notes this situation again highlights the inconsistent manner in which the Newcastle Local Government Area is classified as sometimes regional and sometimes metropolitan, and the financial impact of this inconsistency on our community, as illustrated by City of Newcastle's detailed submission in this regard made in 2020 to the Public Accountability Committee's *Inquiry into the integrity, efficacy and value for money of the NSW Government grant programs*.
5. Notes that the setting of the new staff parking fees by the NSW Government takes into account public transport fares to encourage employees to use public transport, which City of Newcastle supports, however, recognises that many health care workers are shift workers and public transport, particularly in regional NSW, may not always provide a suitable level of accessibility at all times.
6. Supports the efforts of John Hunter Hospital staff and the NSW Nurses & Midwives Association in highlighting the additional financial strain these changes places on workers in the midst of a cost-of-living crisis.

ATTACHMENTS:

1. NSW Government Policy Directive, *Hospital Car Parking Fees Policy: Campuses which are subject to car parking development*, dated 20 September 2013.
2. NSW Government Information Bulletin, *Increase in Car Parking Fees*, dated 17 November 2023.
3. CN Submission to Public Accountability Committee's Inquiry into NSW Government Grants dated 21 August 2020, together with attachments.

BACKGROUND:

JOHN HUNTER NURSES AND MIDWIVES FIGHT FOR FREE PARKING

Posted on 9 February 2024

Lower Hunter nurses and midwives are angry and deflated over the NSW government's decision to reinstate paid parking for staff at John Hunter Hospital.

Following the re-introduction of paid parking at metropolitan hospitals on 1 February, nurses and midwives began paying \$20.90 a week for access to the hospital car park. As a result, essential healthcare workers will fork out more than \$1700 in one year to park at work.

Given the cost-of-living crisis, lack of affordable housing and a surge in COVID-19 presentations, the decision to slap nurses and midwives with parking fees has been considered a major blow.

Members of the NSW Nurses and Midwives' Association (NSWNMA) rallied outside the hospital in their own time and called on the government to value the hard work of Hunter nurses and midwives by immediately revoking its decision.

NSWNMA John Hunter and John Hunter Children's Hospital Branch Secretary, Matthew Rispen, said the government was wrong to compare John Hunter to other metropolitan hospitals, as the same public transport networks simply did not exist.

"Efficient public transport options around Newcastle and the Lower Hunter are extremely limited, especially outside traditional business hours. Many of our nurses and midwives work unsociable hours, including at night and on weekends, when public transport options are not available," Mr Rispen said.

"John Hunter is also experiencing a significant upgrade, which has further increased traffic around the hospital and significantly affects parking availability, with around 150 staff parking spaces currently closed for construction works. These works are expected to continue for at least another 18 months.

"For day and afternoon shifts, nurses and midwives are arriving at least an hour prior to their shift in an attempt to secure a staff parking space, or risk being late for their shift. Meanwhile, on night shift, staff are still required to pay for parking in an almost empty car park."

John Hunter Hospital has also been dealing with an influx of COVID-19 cases over recent months.

“We have seen an uptick in positive cases, resulting in a reintroduction of masks and an increase in staff on sick leave with COVID-19, meaning nurses and midwives are working short staffed or being asked to pick up overtime shifts,” Mr Rispen said.

“Nurses and midwives are being expected to return to pre-COVID times, financially, while still having to work with COVID-19, professionally.”

NSWNMA Assistant General Secretary, Michael Whaites, says the government’s decision to reintroduce paid parking for healthcare workers show a lack of regard and appreciation for the workforce.

“The below inflation 4% pay increase that public sector nurses and midwives received in 2023 is being clawed back by the government’s decision to rescind free parking,” said Mr Whaites.

“It isn’t right that our hardworking healthcare staff should be slugged these fees while trying to care for our community.”

“These car parking changes have the potential to further hinder recruitment and retention of health staff and we call on the NSW government to urgently reconsider this decision.”

<https://www.nswnma.asn.au/john-hunter-nurses-and-midwives-fight-for-free-parking/>

10. CONFIDENTIAL REPORTS

10.1. PROPOSED LAND ACQUISITION

10.2. PROPOSED LAND ACQUISITION

10.3. PROPOSED LAND ACQUISITION

10.4. CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Refer Confidential Ordinary Council Meeting Agenda 27 February 2024 for Confidential Items 10.1 to 10.4.