



City of  
Newcastle



## CITY OF NEWCASTLE

# Ordinary Council Meeting

Councillors,

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

**DATE:** Tuesday 29 June 2021

**TIME:** 6.00pm

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

J Bath  
Chief Executive Officer

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

24 June 2021

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<b>ORDINARY COUNCIL MEETING</b> <b>29 June 2021</b>
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**FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)**

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 25 MAY 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 210525 Ordinary Council Meeting Minutes

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

**CITY OF NEWCASTLE**

**Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 25 May at 6.09pm.**

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**PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church (*retired 9.04pm*), D Clausen, C Duncan, J Dunn (*retired 7.49pm*), K Elliott (*retired 9.04pm*), B Luke (*retired 9.04pm*), J Mackenzie, A Robinson (*arrived 6.29pm / retired 7.49pm*), E White and P Winney-Baartz.

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), S Moore (Manager Finance), M Bisson (Manager Regulatory, Planning and Assessment), S Gately (Manager Libraries and Learning), M Murray (Chief of Staff), A Mills (Manager Community Programs and Partnerships), N Grinpukel (Youth Engagement Facilitator), L Proctor (Youth Council vice-chair), L Zoneff (Media and Communications Advisor), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

**REQUEST TO ATTEND BY AUDIO VISUAL LINK / APOLOGIES**

**MOTION**

Moved by Cr Luke, seconded by Cr Clausen

The requests submitted by Councillor Dunn and Robinson to attend by audio visual link be received and leave granted.

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

**Carried**

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

**Councillor Church**

Councillor Church declared a less than significant, non-pecuniary interest in Item 48 – Hunter and Central Coast Regional Planning Panel Temporary Membership as he previously declared a conflict for the rezoning of 505 Minmi Road, Fletcher and declared the interest for consistency and managed the conflict by removing himself from the Chamber for discussion on the item.

**Councillor Clausen**

Councillor Clausen declared a less than significant non-pecuniary interest in Item 44 – Public Exhibition of Draft Wickham Masterplan 2021 Update as had a friend who lived in the Wickham area and managed the conflict by remaining in the Chamber for discussion on the item.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 20 APRIL 2021**

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

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried**

**LORD MAYORAL MINUTE**

**ITEM-12                      LMM 25/05/21 - CONDOLENCE MOTION - VERA DEACON  
OAM - FREEMAN OF THE CITY**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Acknowledges with great sadness that Vera Deacon OAM, Freeman of the City of Newcastle, passed away aged 94 on Sunday, 16 May 2021;
- 2 Notes that in 2018, the City of Newcastle named Mrs Deacon a Freeman of the City of Newcastle for her contribution to Newcastle's heritage, conservation and local history, as well as her commitment to progressive social and political movements;
- 3 Notes that in 2020, Vera received a Medal of the Order of Australia (OAM) for her services to community history and to conservation;
- 4 Notes that in 2020 Vera received an Honorary Doctorate from the University of Newcastle for her lifelong passion, commitment and tireless effort in the conservation of the region's history, her overarching social justice values, and for her important social and philanthropic contributions to the University of Newcastle and Hunter community;

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- 5 Acknowledges Vera's enduring commitment to social justice, environmentalism and Indigenous rights, as well her lifelong campaigning for the betterment of the living and working conditions of working class people;
- 6 Recognises that Vera Deacon OAM was an inspiration to so many Novocastrians, as trailblazer for women, who was always on the right side of history in the fight for equality and fairness for all;
- 7 Advises that a Memorial Service for Vera will be held on Thursday, 3 June 2021 at Pettigrew Family Funerals, Mayfield West and that in lieu of flowers Vera's family asks to please consider a donation to *The Vera Deacon Regional History Fund* at the University of Newcastle.

**Carried  
unanimously**

**ITEM-13                      LMM    25/05/21    -    SUPPORTING    HUNTER    TAFE  
  FOUNDATION SCHOLARSHIPS**

### **MOTION**

Moved by Lord Mayor, Cr Nelmes

### **PART A**

That City of Newcastle:

- 1 Currently supports students studying at TAFE in the Newcastle through the Lord Mayor's Art Scholarship (\$2000 per year), funded through the Lord Mayor's Earthquake Relief Fund and the City of Newcastle (CN) Aboriginal and Torres Strait Islander Scholarship (\$1000 per year), funded through the City of Newcastle People and Culture Directorate, aimed at further supporting the CN Aboriginal Employment Strategy;
- 2 Notes that the Hunter TAFE Foundation advise that both scholarships are set to expire, with funding from the Lord Mayor's Earthquake Relief Fund to be exhausted in 2023, and funding for the Aboriginal and Torres Strait Islander Scholarship not guaranteed beyond 2021;
- 3 Supports the continuation of both the Lord Mayor's Art Scholarship and the City of Newcastle Aboriginal and Torres Strait Islander Scholarship in perpetuity, to ensure ongoing financial assistance to disadvantaged Novocastrian TAFE Students;
- 4 Receives a report from the Director's Governance and People and Culture outlining the viability of bringing the City's scholarship contributions to the Hunter TAFE Foundation in line with our scholarship contributions to the University of Newcastle which currently support local disadvantaged students studying at the university.

**PART B**

That City of Newcastle:

- 5 Notes that the Hunter TAFE Foundation have raised concerns about the ongoing viability of funding the Reg Russom (1887- 1952) Memorial Drawing Prize, which was established in 1955 following the death of renowned Novocastrian artist, Hunter Art School (TAFE) Head Teacher, and Newcastle Herald artist, Reg Russom (\$1000 per year), and is currently the longest established regional drawing prize in Australia;
- 6 Notes that Newcastle Art Gallery currently has more than 40 Reg Russom drawings in its collection;
- 7 Notes that Hunter TAFE Foundation have not been able to secure a funding partner for the Reg Russom Memorial Drawing Prize since the funds raised in 1955 were exhausted in 2010;
- 8 Explores opportunities to partner with TAFE NSW, the Newcastle Art Gallery Society, and the Newcastle Herald to ensure the ongoing viability of the Reg Russom Memorial Drawing Prize in perpetuity.

**Carried**

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council alter the order of business to deal with Confidential Item 5 – Supplementary Code of Conduct Matter as the first item for discussion.

**Carried**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-43                      CCL 25/05/21 - TABLING OF REGISTER OF DISCLOSURES  
OF INTEREST - 1 FEBRUARY TO 30 APRIL 2021**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 February to 30 April 2021) by the Chief Executive Officer (CEO).

**Carried  
unanimously**



**ITEM-45 CCL 25/05/21 - VARIATIONS TO DEVELOPMENT STANDARDS**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the report on approved development variations between 1 January and 31 March 2021 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environment Plan 2012 (NLEP 2012).

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried  
unanimously**

**ITEM-47 CCL 25/05/21 - ADOPTION OF THE PLANNING AGREEMENT POLICY 2021**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Adopt the Planning Agreement Policy 2021 at **Attachment A**.

**Carried  
unanimously**

**ITEM-49 CCL 25/05/21 - HOBART ROAD AND WALLARAH ROAD, NEW LAMBTON - PROPOSED PEDESTRIAN REFUGES AND KERB EXTENSIONS**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council:

- 1 Approve a pedestrian refuge on Hobart Road east of Wallarah Road; a painted median on Hobart Road west of Wallarah Road; pedestrian refuges on Wallarah Road north and south of Hobart Road; and kerb extensions on the southern side of the intersection, as generally shown at **Attachment A**.

**Carried  
unanimously**

**ITEM-50 CCL 25/05/21 - MAWSON STREET, SHORTLAND - PROPOSED TRAFFIC CALMING DEVICES**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council:

- 1 Approve road humps and road cushions on Mawson Street, Shortland, as shown at **Attachment A**.

**Carried**

**ITEM-51 CCL 25/05/21 - MARCH QUARTERLY PERFORMANCE REPORT ON THE 2018 - 2022 DELIVERY PROGRAM**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Receives the 2018-2022 Delivery Program - March Quarterly Performance Report at **Attachment A**.

**For the Motion:**

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

**Against the Motion:**

Councillors Church and Elliott.

**Carried**

**ITEM-52 CCL 25/05/21 - MARCH QUARTERLY BUDGET REVIEW**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

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

**For the Motion:**

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

**Against the Motion:**

Councillors Church and Elliott.

**Carried**

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### ITEM-53 CCL 25/05/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT

#### MOTION

Moved by Cr Mackenzie, seconded by Cr White

That Council:

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

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

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

**Carried**

Councillor Robinson arrived at the meeting at 6.29pm.

All staff other than the Chief Executive Officer, Director Governance, Manager Legal, Councillor Services and IT Meetings Support left the meeting for Item 5 – Supplementary Report – Code of Conduct Matter.

### CONFIDENTIAL REPORTS

#### ITEM-5 CON 25/05/21 - SUPPLEMENTARY REPORT - CONFIDENTIAL CODE OF CONDUCT MATTER

##### PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr White

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

**Carried**

Council moved into confidential session at 6.29pm.

##### PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Mackenzie

Council move into open Council.

**Carried**

Council reconvened at 6.56pm.

The Chief Executive Officer reported the outcome of Item 5 at the conclusion of a subsequent confidential session on Item 6 (*refer page 18 of Ordinary Council Meeting Agenda 29 June 2021*).

**REPORTS BY COUNCIL OFFICERS**

**ITEM-40 CCL 25/05/21 - ADOPTION OF THE OUR BUDGET 2021/22 (DELIVERY PROGRAM 2018-2022 AND OPERATIONAL PLAN 2021/22)**

**MOTION**

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

That Council:

- 1 Adopts the 2021/22 Our Budget as at **Attachment A** and the 2021/22 Fees and Charges Register as at **Attachment B**.

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

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

**Carried**

**ITEM-41 CCL 25/05/21 - ADOPTION OF SHORTLAND LOCAL CENTRE PUBLIC DOMAIN AND TRAFFIC PLAN**

**MOTION**

Moved by Cr Byrne, seconded by Cr Dunn

That Council:

- 1 Adopts the Shortland Local Centre Public Domain and Traffic Plan as set out at **Attachment A**.
- 2 Adopts the Shortland Light Traffic Thoroughfare Plan as set out at **Attachment B**.

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

**Against the Motion:** Nil.

**Carried  
unanimously**

**ITEM-42 CCL 25/05/21 - ADOPTION OF THE ECONOMIC DEVELOPMENT STRATEGY**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Economic Development Strategy (2021) at **Attachment A**.

**Carried  
unanimously**

**ITEM-44 CCL 25/05/21 - PUBLIC EXHIBITION OF WICKHAM MASTERPLAN 2021 UPDATE**

Councillors Dunn and Robinson retired from the meeting at 7.49pm.

**MOTION**

Moved by Cr Clausen, seconded by Cr White

That Council:

- A i) Places the draft Wickham Masterplan 2021 update (WMP 2021) (**Attachment A**) on public exhibition for 28 days subject to:

- extending the village hub west along Bishopsgate Street from Union Street to Railway Street, Wickham.
- the expansion of the village hub be considered as an action within 5.3.2 of the WMP 2021.

- ii) Considers a report on submissions received following the public exhibition.

- B Consultation be held with Great Lifestyle of Wickham (GLOW) and the residents of Wickham as part of the general public exhibition.

**Carried  
unanimously**

**ITEM-46 CCL 25/05/21 - ADOPTION OF HERITAGE AMENDMENTS TO NEWCASTLE LEP 2012**

**MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

1 That Council:

- i) Endorse the Planning Proposal (**Attachment A**) with an amendment to maintain Heritage Item 29 on the heritage listing prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012).

- ii) Prepare a local environmental plan pursuant to Section 3.36(2) of the EP&A Act with or without variation to the exhibited plan as provided at **Attachment A** and forward the local environmental plan to the Department of Planning Industry and Environment (DPIE) for publishing on the NSW Planning Portal website.

Councillor Luke foreshadowed a substantive motion that being the Officer's recommendation as outlined in the business papers.

**For the Motion:**

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

**Against the Motion:**

Councillors Church, Elliott and Luke.

**Carried**

**ITEM-48**

**CCL 25/05/21 - HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL TEMPORARY MEMBERSHIP**

Lord Mayor, Cr Nelmes advised of a previously declared conflict in regard to an item to be determined by the Hunter and Central Coast Regional Planning Panel (HCCRPP) and managed the conflict by removing herself from the Chamber for discussion on the item.

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

The Deputy Lord Mayor took the Chair.

**MOTION**

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

That Council:

- 1 Appoints the Director Governance and a planning expert as temporary City of Newcastle (CN) representatives to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for one matter only, being consideration of the rezoning review of 505 Minmi Road, Fletcher.
- 2 Note that Councillors received a submission from the Green Corridor Coalition regarding a planning proposal to be determined by the HCCRPP and that the submission be forwarded to the assessing team at the NSW Department of Planning, Industry and Environment.

**Carried  
unanimously**

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

The Lord Mayor resumed the Chair.

**ITEM-54 CCL 25/05/21 - TENDER REPORT - BIENNIAL HIRE OF PLANT AND EQUIPMENT 2021/567T**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That the recommendation at **Attachment A** be adopted Council:

That Council:

- 1 Accepts the 57 tenders stated in **Attachment C** and awards separate contracts to each of the 57 tenderers in line with the rates and charges offered by each tenderer for the Biennial Hire of Trucks and Plant and Equipment for Financial Years 21-23 for Contract No. 2021/567T.
- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried  
unanimously**

**ITEM-55 CCL 25/05/21 - TENDER REPORT - SUPPLY OF WASTE COMPACTOR 2021/715T**

**MOTION**

Moved by Cr Elliott, seconded by Cr Mackenzie

That the recommendation at **Attachment A** be adopted:

That Council:

- 1 Council accept the tender of GCM Enviro Pty Ltd in the amount of \$1,378,623.87 (excluding GST) for the supply of a waste compactor for Summerhill Waste Management Centre (SWMC) for Contract No 2021/715T.
- 2 The confidential attachment 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**

**NOTICES OF MOTION**

**ITEM-12                      NOM 25/05/21 - LAMBTON PUBLIC SCHOOL TRAFFIC**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Formally receives the petition from the Lambton Public School Parents and Citizens' Association with more than 1,000 signatures expressing concern at a range of local and state traffic issues near Lambton Public School;
- 2 Notes that an onsite meeting between representatives from the Council (Transport and Compliance team), School Principal, President of the P&C, Department of Education – School Infrastructure, Police, and Transport for NSW is scheduled to occur in a couple of weeks; and
- 3 Refers issues raised in the petition and accompanying correspondence, and actions arising from the onsite meeting to the Newcastle Traffic Committee and Transport for NSW for further investigation and implementation.

**Carried  
unanimously**

**ITEM-13                      NOM 25/05/21 - YOUTH MOCK COUNCIL MOTIONS**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

- 1 Congratulates the City of Newcastle Youth Council and staff for hosting the Youth Mock Council on 29 and 30 April 2021;
- 2 Congratulates the 22 students from across Newcastle's high schools who participated in the two-day Mock Council to learn more about civic governance in the City of Newcastle;
- 3 Notes that the Youth Mock Council developed and unanimously carried three Notices of Motion on issues relevant to young people in Newcastle (motions attached); and
- 4 Receives the Youth Mock Council's motions, and refers onto the relevant Directorates for investigation alongside existing Council programs.

**Carried  
unanimously**



**ITEM-14                    NOM 25/05/21 - HAMILTON SOUTH COMMUNITY  
PLAYGROUND**

**MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Notes with disappointment the recent removal of the Hamilton South Community Playground by the NSW Government's Land and Housing Corporation;
- 2 Notes that the LAHC spent more than \$30,000 in removing the playground;
- 3 Expresses disappointment that the Minister for Housing has advised that the playground will not be replaced or upgraded (Minister's response to Parliamentary Question on Notice 5569);
- 4 Unites with the Hamilton South Community, the Lord Mayor and the Member for Newcastle in advocating for a new playground in Fowler/Ogden Street and Neill Terrace Hamilton South; and
- 5 Writes to the Attorney General, as the Acting Minister for Families, Communities and Disability Services, seeking his assistance in reviewing and resolving this matter.

**Carried  
unanimously**

**LATE ITEMS OF BUSINESS**

**ITEM-6                    CON 25/05/21 - SUPPLEMENTARY REPORT -  
CONFIDENTIAL CODE OF CONDUCT MATTER**

The Lord Mayor advised that she had been informed by the Chief Executive Officer of a late item of business *Supplementary Report – Confidential Code of Conduct Matter* and that the business proposed was of great urgency and required a decision by Council prior to the next scheduled Council meeting, because of advice received from the Office of Local Government that it would urgently consider the Code of Conduct matter once it was referred under the misconduct provisions of the Local Government Act 1993.

**PROCEDURAL MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Item 6 – Supplementary Report - Confidential Code of Conduct matter be heard as a late item of business in confidential session.

**Carried**

The Lord Mayor ruled the matter of Supplementary Report – Code of Conduct Matter be of great urgency on the grounds that it required a decision by Council before the next scheduled meeting.

**PROCEDURAL MOTION**

Moved by Cr Byrne, seconded by Cr Clausen

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

**Carried**

All staff other than the Chief Executive Officer, Director Governance, Manager Legal, Councillor Services and IT Meetings Support left the meeting for Item 6 – Supplementary Report – Code of Conduct Matter.

Councillors Church, Elliott and Luke retired from the meeting at 9.04pm, as Council moved into confidential session.

**PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

Council move into open session.

**Carried**

Council moved out of confidential session at 9.31pm.

The Chief Executive Officer reported the outcome of the earlier confidential session which dealt with Item 5 – Supplementary Report – Confidential Code of Conduct Matter, and the outcome of the subsequent confidential session which dealt with Item 6 – Supplementary Report – Confidential Code of Conduct Matter.

**ITEM-5                      CON    25/05/21    -    SUPPLEMENTARY    REPORT    -  
CONFIDENTIAL CODE OF CONDUCT MATTER**

**MOTION**

Moved by Cr Byrne, seconded by Cr White

That Council:

- 1 notes that an investigation was undertaken into a Code of Conduct complaint against Councillor Kath Elliott. The investigation was undertaken by a Conduct Reviewer independent of City of Newcastle (CN), in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures);
- 2 receives the Final Investigation Report of the Conduct Reviewer in relation to the complaint at **Attachment A**;

- 3 notes that Councillor Elliott was consulted by the Conduct Reviewer throughout the investigation and that prior to imposing a sanction, Councillor Elliott was provided with a formal opportunity to make a written or oral submission to Council;
- 4 accepts the finding of the Conduct Reviewer in relation to the complaint that at the Extraordinary Council meeting held on 11 February 2020, Councillor Elliott breached clause 20.5 of the Code of Meeting Practice and clause 3.1(b) of the Code of Conduct for Councillors, by removing confidential papers from the confidential session of the meeting and refused to return the confidential papers when requested;
- 5 in accordance with section 440G of the Local Government Act 1993 (Act) and based on the findings and recommendation of the Conduct Reviewer:
  - (i) formally censures Councillor Elliott for breaching clause 20.5 of the Code of Meeting Practice and clause 3.1(b) of the Code of Conduct for Councillors, on the grounds that Councillor Elliott engaged in the following forms of conduct:
    - (a) did not return the confidential Business Papers at the conclusion of the Meeting as directed under the Code of Meeting Practice; and
    - (b) conducted herself in a manner that is contrary to statutory requirements, or CN's administrative requirements or policies; and
  - (ii) due to the repeated and serious nature of this matter, refers the matter to the Office of Local Government for further action under the misconduct provisions of the Act;
- 6 treats this confidential report and attachment relating to the matters specified in section 10A(2)(i) of the Act as confidential.

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

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

**Carried**

**ITEM-6 CON 25/05/21 - SUPPLEMENTARY REPORT - CONFIDENTIAL CODE OF CONDUCT MATTER**

**MOTION**

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 receives a supplementary report on the investigation of Code of Conduct complaint made against Councillor Allan Robinson, which Council laid on the table at the Ordinary Council meeting held on 24 November 2020 pending an opinion from the Office of Local Government (OLG);

- 2 notes the time since the Council meeting held on 24 November 2020 and that the OLG is yet to provide an opinion as requested;
- 3 considers options on how to proceed with this matter;

That Council:

- 4 notes that an investigation was undertaken into a Code of Conduct complaint, comprising seven allegations, against Councillor Robinson. The investigation was undertaken, by a Conduct Reviewer independent of City of Newcastle (CN), in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
- 5 receives the Final Investigation Report of the Conduct Reviewer in relation to the complaint at **Attachment A**;
- 6 notes that Councillor Robinson was consulted by the Conduct Reviewer throughout the investigation and was provided with a formal opportunity to make a written or oral submission to Council in relation to the complaint;
- 7 accepts the findings of the Conduct Reviewer that:
  - (i) in relation to Allegation 2, at the Ordinary Council meeting held on 23 July 2019, Councillor Robinson breached clauses 3.1(a) and (e), and 3.3 of the Code of Conduct for Councillors, by becoming argumentative with the meeting Chairperson, continually interjecting and making comments in an aggressive tone;
  - (ii) in relation to Allegation 3, at the Ordinary Council meeting held on 23 July 2019, Councillor Robinson breached clause 4.5.1 of the Code of Meeting Practice, by becoming argumentative with the meeting Chairperson, continually interjecting and making comments in an aggressive tone;
  - (iii) in relation to Allegation 4, at the Ordinary Council meeting held on 23 July 2019, Councillor Robinson breached clause 4.5.1 of the Code of Meeting Practice, by becoming argumentative and speaking to a Councillor in a disrespectful manner;
  - (iv) in relation to Allegation 6, at the Ordinary Council meeting held on 23 July 2019, Councillor Robinson breached clause 76.1.4 of the Code of Meeting Practice by referring to a Councillor by a homophobic slur;
  - (v) in relation to Allegation 7, on 25 and 26 July 2019 Councillor Robinson breached clause 3.7 (as defined in clause 3.8) of the Code of Conduct, by comments he made or were attributed to him in the Newcastle Herald, and in the Guardian on the 26 July 2019 that were derogatory, homophobic and sexist; and

- (vi) in relation to Allegation 8, on 25 and 26 July 2019 Councillor Robinson breached clause 3.9 (as defined in clause 3.10) of the Code of Conduct, by the comments he made or were attributed to him in the Newcastle Herald, and in the Guardian on the 26 July 2019 that were derogatory, homophobic and sexist.
- 8 in accordance with section 440G of the Local Government Act 1993 and based on the findings and recommendation of the Conduct Reviewer, formally censures Councillor Robinson for breaching clauses 3.1(a) and (e), 3.3, 3.7 (as defined in clause 3.8) and 3.9 (as defined in clause 3.10) of the Code of Conduct for Councillors, and clauses 4.5.1 and 76.1.4 of the Code of Meeting Practice, on the grounds that Councillor Robinson engaged in the following forms of conduct:
- (i) conducted himself in a manner that:
    - (a) brought CN or other CN officials into disrepute;
    - (b) caused, comprised or involved intimidation or verbal abuse;
  - (ii) did not treat others with respect at all times;
  - (iii) did not meet a Councillor's obligation to conduct themselves at Meetings in accordance with the Code of Conduct and accepted standards of behavior; and
  - (iv) committed an act of disorder under the Code of Meeting Practice by insulting or abusing any other Councillor or person.
  - (v) harassed or unlawfully discriminated against others, including but not limited to, harassment and discrimination on the grounds of sex, pregnancy, breastfeeding, age, race, responsibilities as a carer, marital or domestic status, disability, homosexuality, transgender status, infectious disease or political, religious or other affiliation. Noting that for purposes of the Code of Conduct for Councillors, "harassment" is any form of behaviour towards a person that:
    - (a) is not wanted by the person
    - (b) offends, humiliates or intimidates the person, and
    - (c) creates a hostile environment; and
  - (vi) engaged in bullying behaviour towards others. Noting that for the purposes of the Code of Conduct for Councillors, "bullying behaviour" is any behaviour in which:
    - (a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and;
    - (b) the behaviour creates a risk to health and safety.

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- 9 refer the matter to the OLG for further action under the misconduct provisions of the Act.
- 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  
unanimously**

**The meeting concluded at 9.41pm.**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-56                      CCL 29/06/21 - THE MEG PURSER COMMUNICATIONS SCHOLARSHIP**

**REPORT BY:                EXECUTIVE MANAGEMENT  
CONTACT:                 CHIEF EXECUTIVE OFFICER**

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**PURPOSE**

To establish The Meg Purser Communications Scholarship (Scholarship) to honour the significant contribution the late Ms Meg Purser made to Newcastle based not-for-profit groups and the broader city.

**RECOMMENDATION**

That Council:

- 1     Establishes The Meg Purser Communications Scholarship, in honour of the late Ms Meg Purser.
- 2     Allocates \$5,000 annually to the Scholarship for a period of three years.

**KEY ISSUES**

- 3     City of Newcastle (CN), with the support of the Purser family, proposes to establish this inaugural Scholarship with the intention of supporting local students who are committed to their local communities and are striving to make a difference in the corporate and not-for-profit communications field.
- 4     The Scholarship seeks to support a talented student who is in their second year of studying a Bachelor of Communications at the University of Newcastle, who can demonstrate some of the community focused attributes that made the late Meg Purser a truly outstanding local citizen.

**FINANCIAL IMPACT**

- 5     The Scholarship would require \$5,000 annually for a total of three years. This would be funded out of the annual Our Budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6     The Scholarship is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Smart and Innovative**

- 6.2a Support and advocate for innovation in business, research activities, education and creative industries.

6.2b Support and advocate for the small business sector .

**Open and Collaborative Leadership**

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

7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

**IMPLEMENTATION PLAN/IMPLICATIONS**

7 CN will liaise with the University of Newcastle to determine Scholarship eligibility criteria and terms and conditions. Scholarship application would require an explanation of how the funds were to be spent with an acquittal at the completion of the financial year.

**RISK ASSESSMENT AND MITIGATION**

8 Nil.

**RELATED PREVIOUS DECISIONS**

9 Nil.

**CONSULTATION**

10 Consultation has been undertaken with the Purser family and the University of Newcastle. Further consultation with the University of Newcastle will be undertaken (following Council approval) to determine the eligibility criteria and terms and conditions of the Scholarship.

**BACKGROUND**

11 Meg Purser built up the successful Purser Corporate Communications business, founded by her father Bob Purser.

12 Meg is remembered for her charitable and behind the scenes work for organizations' such as the Westpac Rescue Helicopter Service, Hunter Breast Care Foundation and Got Your Back Sister and specifically most recently remembered by City of Newcastle for her successful work re-establishing the Business Improvement Areas and critical support of the Hamilton Business Improvement Association that was recently recognised as the 2021 Community Group of the Year.

13 Meg served on many boards and committees over the past 20 years, including at the Hunter Breast Cancer Foundation, Throsby Basin Business Chamber, Hunter Manufacturing Awards committee, Newcastle Business Club (inc being awarded Life Membership in 2008), Got Your Back Sista and WEA Hunter.

14 Meg invested considerable time in mentoring young people, particularly young women, who were interested in making a positive contribution to the city via the charity and not for profit sector, as well as sporting groups and associations.



- 15 Meg was diagnosed with breast cancer in July 2019 and passed away on 14 January 2021, leaving behind a devastated local community who had come to rely on her for sound strategic business and marketing advice.
- 16 CN offers several existing scholarships. These include the Lord Mayor's Scholarship which aims to support students studying an undergraduate degree with University of Newcastle who are experiencing financial hardship and the Lord Mayor's Scholarship for Women which aims to support women studying an undergraduate degree with University of Newcastle who are experiencing financial hardship.

**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 recommendation as at Paragraphs 1 and 2. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

Nil.

**ITEM-57 CCL 29/06/21 - APPROVAL OF STAGING PLAN FOR BLACK HILL EMPLOYMENT LANDS**

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

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**PURPOSE**

To approve the Industrial Subdivision Staging Plan, dated April 2021, for Lot 30, DP870411, 198 Lenaghans Drive, Black Hill, known as Black Hill Employment Lands.

**RECOMMENDATION**

That Council:

- 1 Approves the Black Hill Industrial Subdivision Staging Plan, dated April 2021, for Black Hill Employment Lands (**Attachment A**), to satisfy condition 1.10 of Concept Plan Approval (MP10\_0093).

**KEY ISSUES**

- 2 On 19 November 2013, the NSW Planning Assessment Commission approved a Concept Plan for land in Black Hill, pursuant to former sections 75O and 75P (Part 3A) of the *Environmental Planning and Assessment Act 1979* (Act). The Concept Plan (MP10\_0093) was for the development of 183 hectares of employment lands, dedication of 545 hectares of conservation lands to the NSW State Government, conceptual road, pedestrian and cycleway network, conceptual lot layout and associated infrastructure. The Concept Plan Approval is known as "Black Hill Employment Lands".
- 3 The Concept Plan Approval includes a number of conditions that are required to be satisfied prior to the first application for subdivision. Specifically, condition 1.10, stipulates that the proponent must prepare a Staging Plan for City of Newcastle's (CN) approval. In accordance with condition 1.10(a) the Staging Plan must provide for an updated indicative lot layout, identifying how the development of the site would be staged. Additionally, the Staging Plan is required to include details on the provision of infrastructure, payment of contributions and management arrangements for elements of the development in accordance with conditions 1.10(b) and (c).
- 4 At the Ordinary Council Meeting held on 28 August 2018, Council resolved to exhibit a previous version of the Indicative Lot Layout and Staging Plan for Black Hill Employment Lands. This was exhibited from 3 September 2018 to 2 October 2018 with seven submissions being received.

- 5 Five of the submissions expressed general support for the proposal. Cessnock City Council (CCC) objected to the location of the signalised intersection and shared access presented in the Indicative Lot Layout and Staging Plan, with the preference that it be located along the Local Government Area (LGA) boundary between Newcastle and Cessnock as this would facilitate development of a site adjoining this boundary.
- 6 The original proposal was not reported to Council following public exhibition as a decision regarding the adequacy of the Indicative Lot Layout and Staging Plan was expected to be determined by the Court in association with a Class 1 Appeal lodged by the applicant in December 2018 in the Land and Environment Court (LEC) against CN's 'deemed refusal' of DA2018/00714, which was being assessed in parallel with CN's consideration of the Indicative Lot Layout and Staging Plan. However, on 3 July 2020 the LEC dismissed the appeal and DA2018/00714 was refused. This resulted in no decision being made regarding the Indicative Lot Layout and Staging Plan and, therefore, condition 1.10 of the Concept Plan Approval remains unsatisfied.
- 7 Following the LEC's decision, Transport for NSW (TfNSW) undertook its own strategic work relating to the anticipated traffic related impacts of the Black Hill Employment Lands, the wider Black Hill Catalyst Area, and the planned Pacific Motorway (M1) upgrades. This work assisted TfNSW to have a better understanding of the scope of road infrastructure upgrades to the classified road network that may be necessary to support development of this site and a similar development site in the adjoining CCC LGA. The intersection locations as modelled by TfNSW are consistent with the originally exhibited Indicative Lot Layout and Staging Plan and subsequent amended versions.
- 8 Following the original public exhibition, minor updates were made to the Indicative Lot Layout and Staging Plan in response to requirements of CN and TfNSW.
- 9 The updated Indicative Lot Layout and Staging Plan was exhibited from 30 November 2020 until 18 January 2021 with three submissions received. TfNSW raised no objection, subject to TfNSW comments and requirements of the Concept Plan Approval being met. CCC objected to the development on the basis that the signalised intersection location is not a shared access along the common boundary as proposed in the Concept Plan Approval. The third submission (made on behalf of the adjoining landowner) did not object to the development but registered a strong objection to the location of the proposed signalised intersection, suggesting instead that it be a shared access on the common boundary to serve the precinct.
- 10 CN wrote to TfNSW on 6 January 2021 seeking clarification on the potential site accesses as shown on the Indicative Lot Layout and Staging Plan. Advice was received from TfNSW on 12 April 2021 on the future strategic design requirements to support development of the subject site and a similar development site in the adjoining CCC LGA.

- 11 The overall Black Hill Industrial Subdivision Staging Plan, dated April 2021 (**Attachment A**), required to satisfy condition 1.10 of the Concept Plan Approval, was submitted to CN on 21 April 2021. This included a further amended version of the Indicative Lot Layout and Staging Plan (Ref. HD15-HD01 Revision 11 dated 20 April 2021) (**Attachment B**), which reflects the advice and recommendations provided by TfNSW and CN.
- 12 The amended Indicative Lot Layout and Staging Plan (**Attachment B – 20 April 2021**) was renotified to those who made submissions on the previously exhibited Plan. Two submissions were received, one from CCC outlining that their position on the westernmost access remains unchanged and that the new location does not significantly impact the timing, lot yield, subdivision layout or development costs associated with developing the Cessnock land. The other submission received (made on behalf of the adjoining landowner) objected to the location of the signalised intersection, requesting that it be located at the western boundary of the site, as well as raising concerns over general consistency with the Concept Approval and accessibility to the adjoining site to the west.
- 13 CN has reviewed the proposed Staging Plan and considers it to be sufficient to satisfy condition 1.10 of the Concept Approval (MP10\_0093).

#### **FINANCIAL IMPACT**

- 14 There is no financial impact to CN in approving the Staging Plan. Work to implement the Staging Plan will be undertaken by the developer as required by any future development approvals. The capital cost associated with any future development is the developer's responsibility. There is no additional financial impact to CN other than the usual work and costs required for maintenance of dedicated road and open space infrastructure affiliated with a successful subdivision determination.

#### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 15 The Black Hill Industrial Subdivision Staging Plan aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

##### **Liveable Built Environment**

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

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

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

### IMPLEMENTATION PLAN/IMPLICATIONS

- 16 The Staging Plan aligns with the Newcastle Local Strategic Planning Statement Action 8.1 to work with stakeholders to plan and prioritise infrastructure delivery with future development of Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.
- 17 The Staging Plan, if approved, will guide development of the site, and be used in the assessment of any development application/s for subdivision.

### RISK ASSESSMENT AND MITIGATION

- 18 No significant risks have been identified as a result of approving the Staging Plan.

### RELATED PREVIOUS DECISIONS

- 19 At the Ordinary Council Meeting held on 28 August 2018, Council resolved to exhibit the Indicative Lot Layout and Staging 'Plan' for Black Hill Employment Lands.

### CONSULTATION

- 20 The Indicative Lot Layout and Staging Plan was originally exhibited from 3 September 2018 to 2 October 2018 with seven submissions being received. This proposal did not proceed due to Court proceedings in relation to the development application.
- 21 An updated version (minor amendments) of the Indicative Lot Layout and Staging Plan was re-exhibited from 30 November 2020 until 18 January 2021. The exhibition included publication on CN's 'On Public Exhibition' webpage, letters to owners of adjoining and nearby properties, letters to previous submitters, notification to CCC and a referral to TfNSW for their comment. A total of three submissions were received. A summary of issues raised in the submissions is provided at **Attachment C**.
- 22 A further amended Indicative Lot Layout and Staging Plan was lodged in response to the latest public exhibition and additional correspondence received from TfNSW. Notification of this document was provided to the submitters from the previous public exhibition held from 27 April 2021 with the opportunity to provide further comment. Two submissions were received (**Attachment C**).

### BACKGROUND

- 23 A Concept Plan for the Black Hill Employment Lands was approved by the Planning Assessment Commission as delegate of the Minister of Planning and Infrastructure on 19 November 2013.

- 24 Since 2013, negotiations have been occurring between the Department of Planning and Environment (now Department of Planning, Industry and Environment), Roads and Maritime Services (now Transport for NSW), the applicant and CN to satisfy the relevant conditions of the Concept Plan Approval.
- 25 The Black Hill Industrial Subdivision Staging Plan has been prepared to satisfy condition 1.10 of the Concept Plan Approval. Condition 1.10 requires the proponent to prepare a Staging Plan for CN's approval, prior to the first application for subdivision.
- 26 The Staging Plan encompasses the indicative lot layout and describes the proposed order of delivery of the overall development. Furthermore, it includes details on the provision of infrastructure, payment of contributions and management arrangements for elements of the development. If approved, the Staging Plan will guide development of the site and be used in the assessment of any development application/s for subdivision of the land.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 28 Council resolves not to approve the Black Hill Industrial Subdivision Staging Plan. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Item 57 Attachment A:** Black Hill Industrial Subdivision Staging Plan

**Item 57 Attachment B:** 'Indicative Lot Layout and Staging' Plan

**Item 57 Attachment C:** Summary of Submissions

**Item 57 Attachments A, B and C distributed under separate cover**

**ITEM-58                    CCL 29/06/21 - COMPULSORY ACQUISITION OF ROAD RESERVE BY HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION**

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

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**PURPOSE**

To approve the compulsory acquisition by Hunter and Central Coast Development Corporation (HCCDC) of part of Honeysuckle Drive as part of the proposed subdivision plan of Lot 100 DP 1096718 and Lot 5 DP 1265104.

**RECOMMENDATION**

That Council:

- 1     Resolves to enter into a Deed of Compensation and Acquisition Section 30 Agreement (Deed) for the compulsory acquisition by Hunter and Central Coast Development Corporation of part of Honeysuckle Drive.
- 2     Grants authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the Deed.

**KEY ISSUES**

- 3     The compulsory acquisition supports the finalisation of the realignment of Honeysuckle Drive. HCCDC and City of Newcastle (CN) agreed in principle that the former road alignment would be closed and amalgamated into the adjoining HCCDC land in exchange for the dedication of the new road reserve.
- 4     HCCDC are compulsorily acquiring part of Honeysuckle Drive under Section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991* (Act). The Act requires the Deed to be in writing between HCCDC and CN.
- 5     There is no delegation for Section 30 of the Act as this type of property dealing is a non-delegable function under the *Local Government Act 1993*, therefore a Council resolution is required to provide the necessary consent.

**FINANCIAL IMPACT**

- 6     There is no financial consideration. Part of the road reserve is being compulsorily acquired, and in return, part of the HCCDC land is being dedicated to CN as road reserve.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The compulsory acquisition of road reserve by HCCDC is consistent with the following Newcastle 2030 Community Strategic Plan directions:

### **Integrated and Accessible Transport**

1.3a Ensure safe road networks through effective planning and maintenance.

### **Liveable Built Environment**

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

### **Smart and Innovative**

6.3d Foster a collaborative approach to continue city centre renewal.

## IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The compulsory acquisition supports the Local Strategic Planning Statement's 'Catalyst Areas – Newcastle City Centre' strategy.

## RISK ASSESSMENT AND MITIGATION

- 9 Nil.

## RELATED PREVIOUS DECISIONS

- 10 Nil.

## CONSULTATION

- 11 There is no requirement for consultation.

## BACKGROUND

- 12 In February 2021, HCCDC completed the realignment of Honeysuckle Drive and construction of a new bridge at Cottage Creek. The new road alignment was designed in consultation with CN and has been constructed primarily on HCCDC land.
- 13 On 22 February 2021, HCCDC lodged a subdivision development application with CN to create the new road reserve. This proposed subdivision (**Attachment A**) shows the footprint of Honeysuckle Drive and includes the extent of the proposed road closure via the compulsory acquisition. The area for road dedication is approximately 3,958m<sup>2</sup> and the area of road closure is 1,559m<sup>2</sup>.



**OPTIONS**

**Option 1**

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

**Option 2**

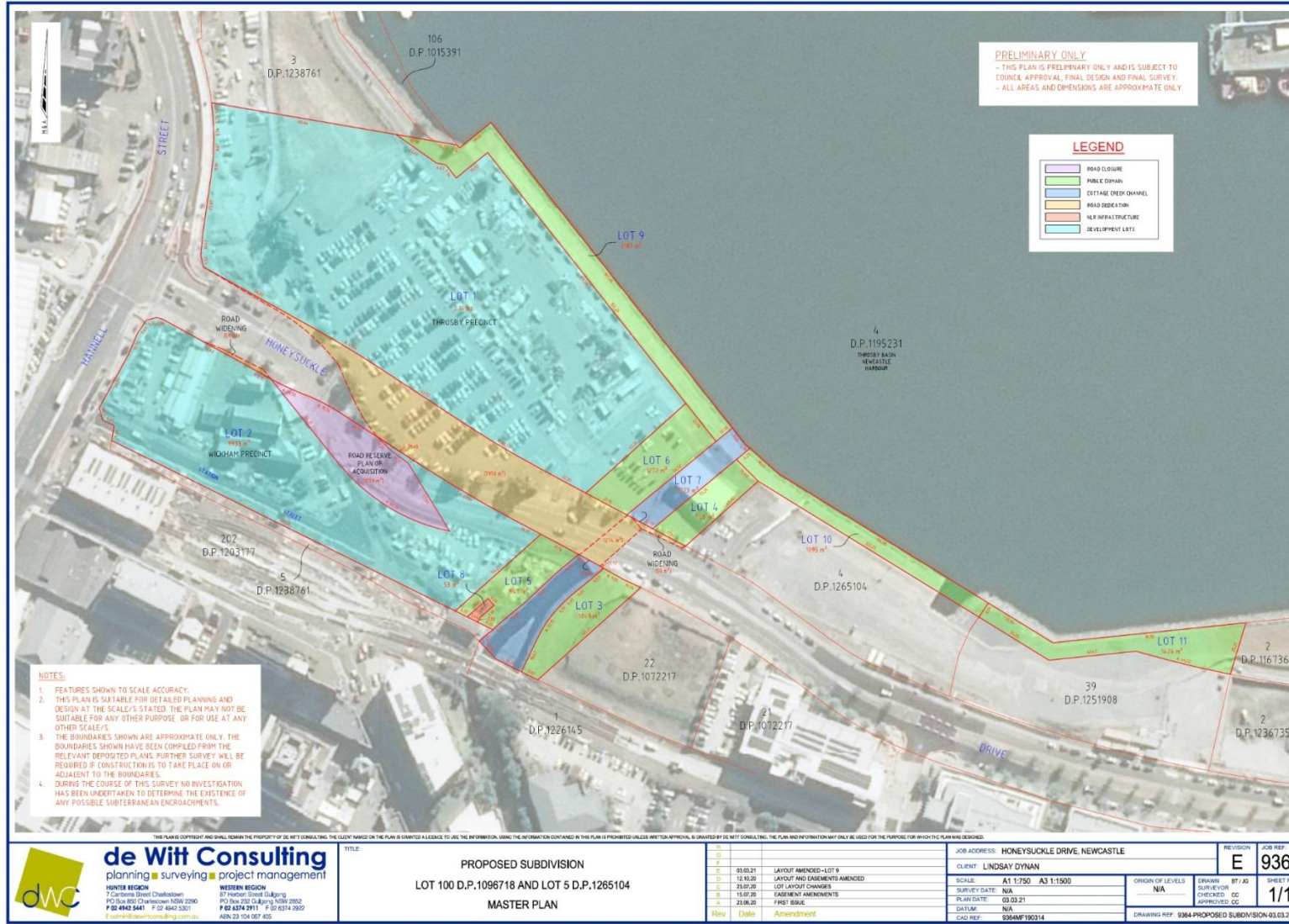
15 To not enter into the Deed of Agreement. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 57 Attachment A:** Proposed Subdivision Plan.

Item 58 Attachment A: Proposed Subdivision Plan.



**ITEM-59                    CCL 29/06/21 - MAKING OF THE RATE - HUNTER  
CATCHMENT CONTRIBUTION AND COMMISSION FOR  
2021/22**

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

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**PURPOSE**

To authorise the collection of the Hunter Catchment Contribution at the rate established by the NSW Government's Hunter Local Land Services for the 2021/22 rating year and to endorse the rate of commission to be applied by City of Newcastle (CN) for the collection of the Contribution on their behalf.

**RECOMMENDATION**

That Council:

- 1    Notes that NSW Government's Hunter Local Land Services has established the Hunter Catchment Contribution rate for the 2021/22 rating year at 0.00964 of a cent in the dollar on all relevant properties within the Newcastle Local Government Area (LGA), with a land value in excess of \$300.
- 2    Adopts the making, levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services at the rate detailed in Paragraph 1.
- 3    Adopts the rate of commission payable to CN for the collection of the 2021/22 Catchment Contribution at 5% of the Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

**KEY ISSUES**

- 4    CN, on behalf of Hunter Local Land Services, is obliged to levy the Hunter Catchment Contribution on all relevant properties within the LGA with a land value in excess of \$300 as per requirements of the *Local Land Services Act 2013* and the *Local Land Services Regulation 2014* (Regulation). Hunter Local Land Services has set the rate in the dollar that will apply to those rateable assessments liable to be charged the catchment contribution at 0.00964 of a cent in the dollar for the 2021/22 rating year.
- 5    The proposed rate of commission, payable by Hunter Local Land Services to CN for acting on their behalf, in the levying and collection of the 2021/22 Hunter Catchment Contribution is 5% of all monies collected, which is allowable under the legislation and as determined by Hunter Local Land Services.

- 6 In order to comply with legislation, CN must continue to levy the Hunter Catchment Contribution on its annual Rates and Charges Notices. The levy, less the commission payable to CN, is passed on to Hunter Local Land Services. The funds collected by CN on behalf of Hunter Local Land Services are used by this Authority for managing the land, vegetation, and water resources within the Hunter Catchment Area. This is done via various rehabilitation and flood mitigation projects.

### **FINANCIAL IMPACT**

- 7 The estimated total levy to be collected from the catchment contribution within the LGA is \$2.64 million. The estimated commission to be earned by CN and withheld from this levy for the 2021/22 rating year is \$132,000. This is sufficient to cover the administrative costs incurred by CN in collecting and dispersing the levy.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

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

- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning.

### **IMPLEMENTATION PLANNING / IMPLICATIONS**

- 9 The provisions of the Regulation require CN to collect this levy on behalf of Hunter Local Land Services. Information relating to the Hunter Catchment Contribution is outlined each year on CN's annual Rates and Charges Notices.

### **RISK ASSESSMENT AND MITIGATION**

- 10 By making and levying the 2021/22 Hunter Catchment Contribution by 1 August 2021 will ensure CN complies with the *Local Government Act 1993* (Act) and the Regulation.

### **RELATED PREVIOUS DECISIONS**

- 11 At the Ordinary Council Meeting held on 23 June 2020, Council adopted the rate for the 2020/21 rating year.

### **BACKGROUND**

- 12 In accordance with the provisions of the Regulation and the Act, CN is required to levy and collect the Hunter Catchment Contribution on behalf of Hunter Local Land Services. The Hunter Catchment Contribution has been collected by CN since 1976.

- 13 By Government Gazette dated 14 May 2021, Hunter Local Land Services confirms that the 2021/22 Hunter Catchment Contribution will be 0.00964 of a cent in the dollar. The rate of commission, set by Hunter Local Land Services, payable to CN for the levying and collection of the Hunter Catchment Contribution remains at 5%.

**OPTIONS**

**Option 1**

- 14 The recommendations as at Paragraphs 1 to 3. This is the recommended option.

**Option 2**

- 15 Council resolves not to make and levy the Hunter Catchment Contribution in accordance with the Local Land Services Regulation 2014. Failure to make and levy the 2020/21 Hunter Catchment Contribution will place CN in breach of the *Local Government Act 1993*. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

Nil.

**ITEM-60 CCL 29/06/21 - MAKING OF THE RATES AND CHARGES FOR 2021/22**

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

**PURPOSE**

To make the Rates and Charges for the period 1 July 2021 to 30 June 2022 in accordance with the provisions of sections 532 – 535 of the *Local Government Act 1993* (Act).

**RECOMMENDATION**

That Council:

- 1 Makes the following rates and charges for the 2021/22 financial year:

RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
<b>Ordinary Rates</b>					
Residential	Nil	0.220991	807.45	50	107,338,298
Farmland	\$1,094.00	0.286429	Nil	Nil	22,492
Business	\$1,094.00	1.533000	Nil	Nil	44,276,184
<b>Business Sub-Categories</b>					
Major Commercial Shopping Centre - Kotara	\$1,094.00	3.589973	Nil	Nil	1,619,078
Major Commercial Shopping Centre – Jesmond	\$1,094.00	4.473606	Nil	Nil	635,252
Major Commercial Shopping Centre – Waratah	\$1,094.00	4.954575	Nil	Nil	446,903
Major Commercial Shopping Centre – Wallsend	\$1,094.00	5.626590	Nil	Nil	450,127
Major Commercial Shopping Centre – The Junction	\$1,094.00	3.852405	Nil	Nil	238,849
Major Commercial Shopping Centre – Inner City	\$1,094.00	1.066379	Nil	Nil	238,869
Major Commercial Shopping Centre (Inner City-East)	\$1,094.00	1.439666	Nil	Nil	90,411
Suburban Shopping Centre – Hamilton	\$1,094.00	1.887207	Nil	Nil	62,089
Suburban Shopping Centre – Inner City	\$1,094.00	2.149223	Nil	Nil	120,571

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Suburban Shopping Centre	\$1,094.00	3.202810	Nil	Nil	213,307
Suburban Shopping Centre – Mayfield	\$1,094.00	2.149223	Nil	Nil	190,206
Kotara – Homemaker's Centre	\$1,094.00	1.354166	Nil	Nil	305,375
Kotara – Homemaker's Centre - South Zone	\$1,094.00	1.626144	Nil	Nil	331,733
Kooragang Industrial Coal Zone	\$1,094.00	1.873329	Nil	Nil	693,409
Kooragang North Industrial Coal Zone	\$1,094.00	2.553275	Nil	Nil	1,548,561
Kooragang Industrial Centre - Walsh Point	\$1,094.00	2.132945	Nil	Nil	2,143,029
Kooragang Industrial Centre	\$1,094.00	1.708865	Nil	Nil	1,097,413
Mayfield West Storage Units	\$547.00	2.790284	Nil	Nil	48,405
Mayfield North Heavy Industrial Centre	\$1,094.00	1.057252	Nil	Nil	659,144
Mayfield North Industrial Centre	\$1,094.00	1.672249	Nil	Nil	504,551
Mayfield North Industrial Centre - Future Development	\$1,094.00	1.800351	Nil	Nil	386,877
Carrington Industrial Port and Coal Zone	\$1,094.00	3.309761	Nil	Nil	1,565,517
Carrington Industrial Centre	\$1,094.00	2.376108	Nil	Nil	1,476,847
Carrington Industrial Port Operations Use	\$1,094.00	2.655545	Nil	Nil	283,028
Broadmeadow Industrial Centre	\$1,094.00	3.776156	Nil	Nil	169,927
Hexham Industrial Centre	\$1,094.00	2.470955	Nil	Nil	990,585
<b>Special Rates</b>					
Hunter Mall	Nil	0.166351	Nil	Nil	78,438
Mayfield Business District	Nil	0.093265	Nil	Nil	79,962
Hamilton Business District - Zone A	Nil	0.173403	Nil	Nil	91,794
Hamilton Business District - Zone B	Nil	0.086702	Nil	Nil	34,832
Hamilton Business District - Zone C	Nil	0.043351	Nil	Nil	14,466
Wallsend Business District - Zone A	Nil	0.362239	Nil	Nil	115,425
Wallsend Business District - Zone B	Nil	0.181119	Nil	Nil	16,190
Wallsend Business District - Zone C	Nil	0.271679	Nil	Nil	21,734
New Lambton Business District	Nil	0.096076	Nil	Nil	15,376
City Centre - City East	Nil	0.216442	Nil	Nil	182,092
City Centre - Darby Street	Nil	0.049833	Nil	Nil	34,248
City Centre - City West (Close Zone)	Nil	0.078350	Nil	Nil	250,685

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City Centre - City West (Distant Zone)	Nil	0.039175	Nil	Nil	14,656
City Centre – Tower	Nil	0.216442	Nil	Nil	174,590
City Centre – Mall	Nil	0.216442	Nil	Nil	113,491
City Centre – Civic (Close Zone)	Nil	0.113536	Nil	Nil	106,066
City Centre – Civic (Distant Zone)	Nil	0.056768	Nil	Nil	6,348
<b>TOTAL</b>					<b>169,497,430</b>

- 2 An Ordinary Rate of zero point two two zero nine nine one cents (0.220991c) in the dollar with a 50% base charge of eight hundred and seven dollars and forty five cents (\$807.45) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.
  
- 3 An Ordinary Rate of zero point two eight six four two nine cents (0.286429c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.
  
- 4 An Ordinary Rate of one point five three three zero zero zero cents (1.533000c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre – Hamilton, Major Commercial Shopping Centre (Inner City-East), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Mayfield West Storage Units, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.
  
- 5 An Ordinary Rate of three point five eight nine nine seven three cents (3.589973c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m<sup>2</sup>), providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.



- 6 An Ordinary Rate of four point four seven three six zero six cents (4.473606c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
- 7 An Ordinary Rate of four point nine five four five seven five cents (4.954575c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
- 8 An Ordinary Rate of five point six two six five nine zero cents (5.626590c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.
- 9 An Ordinary Rate of three point eight five two four zero five cents (3.852405c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.

- 10 An Ordinary Rate of one point zero six six three seven nine cents (1.066379c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, National Park, King and Steel Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
- 11 An Ordinary Rate of one point four three nine six six six cents (1.439666c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY-EAST)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, Steel, King and Ravenshaw Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City-East).
- 12 An Ordinary Rate of three point two zero two eight one zero cents (3.202810c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m<sup>2</sup> which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres - Jesmond, Major Commercial Shopping Centres - Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres - The Junction, Major Commercial Centres (Inner City), Major Commercial Centres (Inner City-East), Suburban Shopping Centre - Mayfield or Suburban Shopping Centre - Hamilton. This land is categorised as Sub-category Business - Suburban Shopping Centres.
- 13 An Ordinary Rate of two point one four nine two two three cents (2.149223c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - SUBURBAN SHOPPING CENTRES - INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West situated on a site of greater than four thousand and nine hundred square metres (4,900m<sup>2</sup>) which operates as a Supermarket excepting the land categorised as Major Commercial Centres (Inner City) or Major Commercial Centres (Inner City-East). This land is categorised as Sub-category Business - Suburban Shopping Centres - Inner City.
- 14 An Ordinary Rate of one point eight eight seven two zero seven cents (1.887207c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS - SUBURBAN SHOPPING CENTRES - HAMILTON**. This sub-category applies to all rateable land within the centre of commercial activity defined by the land bounded by Hudson, Swan Donald and Bennett Streets, Hamilton which operates as a Supermarket. This land is categorised as Sub-category Business - Suburban Shopping Centres - Hamilton.

- 15 An Ordinary Rate of two point one four nine two two three cents (2.149223c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – SUBURBAN SHOPPING CENTRE – MAYFIELD** apply to all rateable land within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m<sup>2</sup>) with a minimum 4,000m<sup>2</sup> of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 16 An Ordinary Rate of one point three five four one six six cents (1.354166c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker's Centre.
- 17 An Ordinary Rate of one point six two six one four four cents (1.626144c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre - South Zone.
- 18 An Ordinary Rate of one point eight seven three three two nine cents (1.873329c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.
- 19 An Ordinary Rate of two point five five three two seven five cents (2.553275c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 4, 5, 6, 10, 11, 12 DP 1207051, Lots 3, 7, 8, 9, 13, 14, 15 DP 1207051 and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.

- 20 An Ordinary Rate of two point one three two nine four five cents (2.132945c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 3 DP 234288, Lot 3 DP 1117013, and Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 DP 271222, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1 DP 57567, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lots 3 DP 858206, Lots 2, 4, 5 DP 1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lots 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 123/1223462. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.
- 21 An Ordinary Rate of one point seven zero eight eight six five cents (1.708865c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land not used primarily as a service station and categorised as Business in terms of Section 518 of the Act which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.
- 22 An Ordinary Rate of one point zero five seven two five two cents (1.057252c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lots 224, 225 DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.

- 23 An Ordinary Rate of one point six seven two two four nine cents (1.672249c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 Lots 5, 6 and 7 DP 1204575 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 24 An Ordinary Rate of one point eight zero zero three five one cents (1.800351c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE - FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982, Lots 51, 52, 53 and 54 DP 1229869 and Lot 332 DP 1176879. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 25 An Ordinary Rate of two point seven nine zero two eight four cents (2.790284c) in the dollar with a minimum rate of five hundred and forty seven dollars and zero cents (\$547.00) named **BUSINESS – MAYFIELD WEST STORAGE UNITS** apply to all rateable land in CN LGA within the centre of activity defined by all lots contained within Strata Plan 99055. This land is categorised as sub-category Business - Mayfield West Storage Units.
- 26 An Ordinary Rate of three point three zero nine seven six one cents (3.309761c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199, the land contained within Railway Land Lease reference number 115/75/2261, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP 1187068, Lot 30 DP 1190075, Lots 8 and 11 DP 1190231, Lots 13, 14, 15, 16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91, 92, 93 DP 1193181, Lots 1, 2, 3 DP 1195231, Lots 219, 220 DP 1195310 . and Lots 1, 2, 3 in DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.
- 27 An Ordinary Rate of two point six five five five four five cents (2.655545c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 834572. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.

- 28 An Ordinary Rate of two point three seven six one zero eight cents (2.376108c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m<sup>2</sup>) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 29 An Ordinary Rate of three point seven seven six one five six cents (3.776156c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 30 An Ordinary Rate of two point four seven zero nine five five cents (2.470955c) in the dollar with a minimum rate of one thousand and ninety four dollars and zero cents (\$1,094.00) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham or Tarro excepting Lots 2 and 3 DP 874409 and Lot 1 DP 90824. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 31 A Special Rate of zero point one six six three five one cents (0.166351c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District. This rate applies to all properties within the defined area categorised as Business.
- 32 A Special Rate of zero point zero nine three two six five cents (0.093265c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “Mayfield Business District” as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District. This rate applies to all properties within the defined area categorised as Business.

- 33 A Special Rate of zero point one seven three four zero three cents (0.173403c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 34 A Special Rate of zero point zero eight six seven zero two cents (0.086702c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 35 A Special Rate of zero point zero four three three five one cents (0.043351c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 36 A Special Rate of zero point three six two two three nine cents (0.362239c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 37 A Special Rate of zero point one eight one one one nine cents (0.181119c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.

- 38 A Special Rate of zero point two seven one six seven nine cents (0.271679c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 39 A Special Rate of zero point zero nine six zero seven six cents (0.096076c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "New Lambton Business District" as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District. This rate applies to all properties within the defined area categorised as Business.
- 40 A Special Rate of zero point two one six four four two cents (0.216442c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City East" as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East. This rate applies to all properties within the defined area categorised as Business.
- 41 A Special Rate of zero point zero four nine eight three three cents (0.049833c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area -Darby Street" as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street. This rate applies to all properties within the defined area categorised as Business.
- 42 A Special Rate of zero point zero seven eight three five zero cents (0.078350c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City West" as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone). This rate applies to all properties within the defined area categorised as Business.



- 43 A Special Rate of zero point zero three nine one seven five cents (0.039175c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -City West” as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 44 A Special Rate of zero point two one six four four two cents (0.216442c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower. This rate applies to all properties within the defined area categorised as Business.
- 45 A Special Rate of zero point two one six four four two cents (0.216442c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall. This rate applies to all properties within the defined area categorised as Business.
- 46 A Special Rate of zero point one one three five three six cents (0.113536c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 47 A Special Rate of zero point zero five six seven six eight cents (0.056768c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area –Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 48 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.

- 49 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$1,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 48.
- 50 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m<sup>2</sup> or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$1,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 51 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$500 for each non-strata property. This charge shall only apply where a property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 52 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of four hundred dollars and fifty two cents (\$400.52) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.
- 53 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and sixty seven dollars and forty one cents (\$267.41) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

## KEY ISSUES

- 54 This report formalises the specific rates in the dollar amounts to apply to CN's Ordinary and Special Rates for the period 1 July 2021 to 30 June 2022. Additionally, specific charge amounts for waste and storm water management purposes are recommended.

**FINANCIAL IMPACT**

- 55 Making of the Rates and Charges is a statutory requirement to enable rates and charges revenue to be raised and levied as detailed in the 2021/22 Our Budget. The estimated amount of levy to be raised is as per the totals shown in the table within paragraph 1 of this report.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 56 This report is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Open and Collaborative Leadership**

- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 57 In accordance with Section 405 of the Act Council must adopt the 2021/22 Operational Plan incorporating CN's Revenue Policy and Rating Structure by 30 June 2021. This Operational Plan must be adopted by Council prior to the making of the Rates and Charges.
- 58 Sections 532 and 535 of the Act, require Council to make the Rates and Charges by resolution for the period 1 July 2021 to 30 June 2022. These Rates and Charges must be made by 1 August 2021.

**RISK ASSESSMENT AND MITIGATION**

- 59 Failure to make the 2021/22 Rates and Charges will prevent the service of the Rates and Charges Notices. Should these Notices not be served by 1 August 2021 the due date for payment of the Notices will be delayed until 30 November 2021.

**RELATED PREVIOUS DECISIONS**

- 60 At the Ordinary Council Meeting held on 23 March 2021, Council resolved to place the draft 2021/22 Our Budget (2018-2022 Delivery Program, 2021/22 Operational Plan and Fees and Charges) on public exhibition for a minimum 28 days. The documents were subsequently placed on public exhibition from 24 March 2021 to 23 April 2021.
- 61 A Councillor Workshop was held on 11 May 2021 to provide Councillors with feedback received during the public exhibition of the draft 2021/22 Our Budget (2018-2022 Delivery Program and 2021/22 Operational Plan and Fees and Charges).
- 62 At the Ordinary Council Meeting held on 25 May 2021, Council adopted the 2021/22 Our Budget.

**CONSULTATION**

- 63 It is a requirement of the Act that CN must not make a rate or charge until it has given public notice of the draft 2021/22 Our Budget and has considered any submission made concerning that plan.
- 64 The draft 2021/22 Our Budget was placed on public exhibition from 24 March 2021 to 23 April 2021. This document incorporated details of the proposed rating structure for 2021/22.
- 65 During the public exhibition period, an engagement webpage was set up to receive submissions and enable downloading of the draft Our Budget 2021/22 and draft Fees and Charges 2021/22. A summary video and the engagement webpage were also publicised using social media (Facebook and LinkedIn), through NovoNews, CN Intranet and Website, and with print advertising in the Newcastle Weekly.
- 66 All submissions received regarding the draft 2021/22 Our Budget, including those relating to rates and charges, have been considered and were reported separately in the report to Council recommending adoption of the 2021/22 Our Budget.

**BACKGROUND**

- 67 The adoption of the rate structure contained within the 2021/22 Our Budget, satisfies the provisions of Section 532 of the Act and allows the making of the Rates and Charges for the period 1 July 2021 to 30 June 2022.

**OPTIONS**

**Option 1**

- 68 The recommendations as at Paragraphs 1 - 53. This is the recommended option.

**Option 2**

- 69 Council does not adopt the Rates and Charges as detailed in this report. Any delay in making the Rates and Charges may also delay the issuing of rate notices which may have a significant negative cash flow impact on CN. This also places CN in a position where it may breach the Act. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

- Item 60 Attachment A:** Schedule A - Hunter Mall
- Item 60 Attachment B:** Schedule B - Mayfield Business District
- Item 60 Attachment C:** Schedule C - Hamilton Business District - Zone A
- Item 60 Attachment D:** Schedule D - Hamilton Business District - Zone B
- Item 60 Attachment E:** Schedule E - Hamilton Business District - Zone C
- Item 60 Attachment F:** Schedule F – Wallsend Business District - Zone A
- Item 60 Attachment G:** Schedule G – Wallsend Business District - Zone B
- Item 60 Attachment H:** Schedule H – Wallsend Business District - Zone C
- Item 60 Attachment I:** Schedule I - New Lambton Business District - Zone A
- Item 60 Attachment J:** Schedule J – City Centre - City East
- Item 60 Attachment K:** Schedule K – City Centre - Darby Street
- Item 60 Attachment L:** Schedule L – City Centre City West (Close Zone)
- Item 60 Attachment M:** Schedule M – City Centre City West (Distant Zone)
- Item 60 Attachment N:** Schedule N - City Centre – Tower
- Item 60 Attachment O:** Schedule O - City Centre – Mall
- Item 60 Attachment P:** Schedule P - City Centre - Civic (Close Zone)
- Item 60 Attachment Q:** Schedule Q - City Centre - Civic (Distant Zone)
- Item 60 Attachments A – Q distributed under separate cover**

**ITEM-61                      CCL 29/06/21 - INTEREST ON OVERDUE RATES AND CHARGES FOR 2021/22**

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

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**PURPOSE**

To establish the rate of interest to be charged by City of Newcastle (CN) in respect of overdue rates and charges for the period 1 July 2021 to 30 June 2022 (inclusive).

**RECOMMENDATION**

That Council:

- 1     Adopts the rate of 6.0% per annum on interest on overdue rates and charges for the period 1 July 2021 to 30 June 2022.
- 2     Adopts the rate of 2.37% per annum on interest on overdue rates and charges that are deferred against an eligible ratepayer's estate for the period 1 July 2021 to 30 June 2022.

**KEY ISSUES**

- 3     CN has discretion to set the rate of interest in respect of overdue rates and charges each year. However, it must not exceed the limit specified by the Minister for Local Government (Minister). On 16 April 2021, the Minister advised that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2021 to 30 June 2022 is 6.0% per annum.
- 4     In order to maintain a sufficient deterrent to the late payment of rates and charges it is proposed the maximum rates of interest allowable by the Minister apply to CN's overdue rates and charges. This rate is 6.0% per annum for the period 1 July 2021 to 30 June 2022. By comparison, the maximum rate set by the Minister for the 2020/21 year was 7.0% per annum with this rate resolved for use by Council at the Ordinary Council Meeting held on 23 June 2020.
- 5     At the Ordinary Council Meeting held on 23 June 2020, Council resolved to provide a discounted interest rate on overdue rates and charges deferred against a ratepayer's estate, commensurate with CN's weighted average rate of return earned on surplus cash invested. The discounted rate for the 2020/21 rating year was 2.3% per annum. For the 2021/22 rating year the discounted rate has been determined at 2.37% per annum, which is CN's weighted average rate of return as calculated at 31 May 2021.

## FINANCIAL IMPACT

- 6 Imposition of interest on overdue rates and charges for the 2021/22 rating year will ensure cash flow is maintained and deter the late payment of debts. Estimated income from interest charges for the period 1 July 2021 to 30 June 2022 is \$170,000 based on existing and anticipated take-up of hardship assistance arrangements under the new rates.

## COMMUNITY PLAN STRATEGIC ALIGNMENT

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

### Open and collaborative leadership

- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning.

## IMPLEMENTATION PLANNING / IMPLICATIONS

- 8 CN will collect overdue rates and charges in accordance with relevant guidelines and approvals.

## RISK ASSESSMENT AND MITIGATION

- 9 The *Local Government Act 1993* (Act) provides for interest charges to accrue on unpaid rates and charges at the interest rate resolved by Council. Provision is also made within the Act to allow special payment arrangements where ratepayer hardship exists.
- 10 If the rate of interest is set too low there is a risk that it may be considered as a relatively cheap form of finance thereby resulting in an increase in arrears. This situation would disadvantage the majority of ratepayers who pay their rates by the due date. Setting the interest rate at the maximum rate allowable by the Minister mitigates this risk. There are specific relief provisions available to pensioners and any ratepayers experiencing genuine financial hardship.

## RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 23 June 2020, Council adopted the rate of interest on overdue rates and charges for 2020/21.

## CONSULTATION

- 12 The Minister annually establishes the maximum interest rate on overdue rates and charges in accordance with section 566 of the Act. All ratepayers are advised of the applicable rate of interest on their annual Rates and Charges and Instalment Notices.

- 13 CN's draft 2021/22 Our Budget (2018-2022 Delivery Program and 2021/22 Operational Plan) was placed on public exhibition and included information regarding interest free payment periods and waiving of interest charges for ratepayers suffering financial hardship.

## **BACKGROUND**

### **Interest Charges**

- 14 In respect of eligible pensioners, the current practice provides that interest on overdue rates and charges shall:
- i) Not be applied where the net rates and charges are paid in full in the current year or suitable arrangements to pay are entered into; and
  - ii) Be waived where arrears of net rates and charges are paid in accordance with an arrangement in subsequent years, except as provided for postponement of rates and charges under section 585 of the Act.
- 15 The practice of waiving interest charges for eligible pensioners who make arrangements to pay their rate obligation remains unchanged.

### **Writing-off Accrued Interest**

- 16 The Act provides that special payment arrangements may be implemented, and interest charges be waived where these charges cause hardship to the ratepayer, or where circumstances exist that the late payment of the outstanding rates and charges was caused by reasons beyond the control of the ratepayer. CN's practice is consistent with these requirements.

### **Defer Rates and Charges Against Estate**

- 17 Ratepayers may, subject to annual written applications and assessment, be eligible to defer the payment of rates and charges, allowing them to accrue against their estates.
- 18 At the Ordinary Council Meeting held on 23 June 2020, Council previously resolved that the deferral of rates and charges against the estate should attract a lower rate of interest somewhat commensurate with CN's investment rate.
- 19 The benchmark used and considered appropriate is CN's weighted average rate of return earned on surplus cash invested. This is currently 2.37% per annum as at 31 May 2021.

## **OPTIONS**

### **Option 1**

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



**Option 2**

- 21 Council resolves not to adopt the recommendations and adopts alternate interest rates or different practices for the charging of interest on overdue rates and charges owed by eligible pensioners. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

Nil.

**ITEM-62                    CCL 29/06/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

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

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**PURPOSE**

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

- a) Monthly financial position and year to date (YTD) performance against the 2020/21 Operational Plan as at the end of May 2021.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 2     At the end of May 2021 the consolidated YTD actual operating position is a deficit of \$4.6m which represents a positive variance of \$17.7m against the budgeted YTD deficit of \$22.3m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year budget for 2020/21 is a deficit of \$24.7m.
- 3     The net funds generated as at the end of May 2021 is a surplus of \$8.4m (after capital revenues, expenditure, and loan principal repayments). This is a positive variance of \$26.8m to the YTD budgeted deficit position of \$18.5m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4     CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

**FINANCIAL IMPACT**

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

## COMMUNITY STRATEGIC PLAN ALIGNMENT

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

### Open and collaborative Leadership

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

## IMPLEMENTATION PLAN/IMPLICATIONS

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

## RISK ASSESSMENT AND MITIGATION

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

## RELATED PREVIOUS DECISIONS

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

## CONSULTATION

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

## BACKGROUND

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

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

**Item 62 Attachment A:** Executive Monthly Performance Report –  
May 2021

**Item 62 Attachment A distributed under separate cover**

**ITEM-63                      CCL 29/06/21 - PROPOSED ACQUISITION OF 228 TURTON ROAD, WARATAH**

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

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**PURPOSE**

To approve the acquisition of 228 Turton Road, Waratah (Property).

**REASON FOR CONFIDENTIALITY**

The 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, or confer a commercial advantage on a competitor of the council.
- Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:
  - a     only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - b     the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**GROUNDS FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to 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 and Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of the council.
- B The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- C The meeting will discuss commercial in confidence property offers by private parties.

### RECOMMENDATION

That Council:

- 1 Resolve to acquire 228 Turton Road, Waratah (Lot 3, DP 19305) as shown at **Attachment A**.
- 2 Resolve that the land be classified as Operational Land.
- 3 Grant authority to the Chief Executive Officer (CEO) or his delegate to execute all relevant documentation to effect the transaction.
- 4 The confidential attachment 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.

### KEY ISSUES

- 5 The Property adjoins the City of Newcastle's (CN) Waratah Depot (Depot).
- 6 By acquiring the Property, there is future opportunity in maximising the value to the depot site.

### FINANCIAL IMPACT

- 7 The acquisition will be funded from CN's 'Works Program: Specific Projects' internal reserve.

### COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The proposed acquisition aligns with the following Newcastle 2030 Community Strategic Plan directions:

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

- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning.

7.4b Provide services that deliver on sustainable community service expectations.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

9 The resolution recommends that the CEO be delegated authority to sign the contract for the property sale.

### **RISK ASSESSMENT AND MITIGATION**

10 There is no foreseeable risk with the proposed acquisition.

### **RELATED PREVIOUS DECISIONS**

11 Nil.

### **CONSULTATION**

12 Nil.

### **BACKGROUND**

13 CN officers have previously approached the owner of the Property to seek their interest in selling the Property to CN.

14 The Property was due to be taken to the market, however CN officers agreed with the vendor to negotiate directly, and, if terms were agreed, CN would present the proposal to Council to seek resolution to acquire the Property before it is taken to the market.

15 Following direct negotiation, CN and the vendor agreed on a purchase price (**Attachment B**).

### **OPTIONS**

#### **Option 1**

16 The recommendation as at Paragraphs 1 to 4. This is the recommended option.

#### **Option 2**

17 To not proceed with the acquisition. This is not the recommended option.

### **REFERENCES**

### **ATTACHMENTS**

**Item 63 Attachment A:** Aerial Site Diagram

**Item 63 Attachment B:** Confidential Attachment (*refer Confidential Ordinary Council Meeting Agenda 29 June 2021*)

Item 63 Attachment A



Key



Depot



Subject Property (228 Turton Rd, Waratah)



**ITEM-64                    CCL 29/06/21 - RSPCA ANIMAL MANAGEMENT SERVICES AGREEMENT**

**REPORT BY:                GOVERNANCE**  
**CONTACT:                 DIRECTOR GOVERNANCE / MANAGER TRANSPORT AND COMPLIANCE**

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**PURPOSE**

To enter into a contract for Animal Management Services in accordance with Contract No. 2021/858T.

There are no competitive tenderers for these services locally therefore requires a resolution of Council to accept the only tender.

Notwithstanding the above due to the estimated total value of the contract exceeding \$1m, the Chief Executive Officer's (CEO) delegation requires a resolution of Council to accept the tender.

**REASON FOR CONFIDENTIALITY**

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.

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to entering into a contract for Animal Management Services for Contract No. 2021/858T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

**RECOMMENDATION**

That Council:

- 1 At **Attachment A**.

**KEY ISSUES**

**Tender**

- 2 This contract is for the provision of animal management services for City of Newcastle's (CN) impounded and seized animals which includes:
- i) Companion Animals (cats and dogs)
  - ii) Livestock

**Contract Term**

- 3 The term of the contract is 2 years.

**Advertising of Tenders**

- 4 Not applicable.

**Tenders Received**

- 5 Not applicable.

**Evaluation Process**

- 6 Not applicable.

**Recommended Tenderer**

- 7 As at **Attachment A**.

**Tender Exemption**

- 8 This contract is to provide animal management services as CN's designated animal impound facility. The Royal Society for the Prevention of Cruelty to Animals, NSW (RSPCA) is CN's existing animal management services provider and the only organisation within the region that has the capability, experience and facilities to provide this service to CN. On this basis, the calling of tenders is not considered to provide CN with any benefit.
- 9 Under section 55(3)(i) of the Act, an exemption to calling tenders for a contract of this value is allowed, but it requires a Council resolution. The relevant part of the Act states:

*s55(3)(i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a Council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.*

**FINANCIAL IMPACT**

- 10 This estimated cost of this contract is within the amount included in the adopted 2020/21 budget for these services.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 11 This project is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Liveable Built Environment**

- 5.4 Sustainable infrastructure to support a liveable environment.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 12 This contract ensures that service delivery requirements for CN's impounded animals will be continued.
- 13 Failure to enter into this contract would result in CN incurring significantly higher expenditure to set up and operate its own facility to provide the required services.

**Environmental Implications**

- 14 There are no environmental implications.

**Social Implications**

15 There are no social implications.

**Ecological Sustainability**

16 There are no ecological sustainability implications.

**RISK ASSESSMENT AND MITIGATION**

17 The RSPCA is CN's existing animal management services provider and the only organisation within the region that has the capability, experience and facility to provide this service to CN.

**RELATED PREVIOUS DECISIONS**

18 At the Ordinary Council Meeting held on 28 July 2015, Council resolved to award a five-year contract to the RSPCA to provide facilities and services to CN for the management of impounded animals, primarily dogs and cats.

**CONSULTATION**

19 There is no requirement for consultation.

**BACKGROUND**

20 The purpose of the contract is to provide animal management services for impounded animals in the Newcastle Local Government Area.

21 The current contract with the RSPCA expired in September 2020, and was extended, by agreement, to June 2021.

22 During the 2020/2021 financial year, the RSPCA impounded 293 dogs and 46 cats on CN's behalf. A further 59 dogs were returned to their owners after coming to the attention of CN or the RSPCA but before they were impounded.

23 Under section 55 of the Act, CN is required to call tenders for a contract of this value. However, the RSPCA is CN's existing animal management services provider and the only organisation within the region that has the capabilities, experience and facility to provide this service to CN.

24 The Act allows exemptions from calling tenders in circumstances where there are no other providers, or where a satisfactory result would not be achieved by inviting tenders.

25 Section 55(3)(i) of the Act allows for this type of exemption but requires a Council resolution and Council must state the reasons for seeking the exemption in its resolution.

**OPTIONS**

**Option 1**

26 The recommendations as set out in **Confidential Attachment A**. This is the recommended option.

**Option 2**

27 Council defers a decision at this time to allow further consideration of this report. This is not the recommended option.

**Option 3**

28 Council resolves not to proceed with the contract. Council must state a reason for this in its resolution. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 64 Attachment A** Confidential Recommendation – (*refer Confidential Ordinary Council Meeting Agenda 29 June 2021*)

**ITEM-65                    CCL 29/06/21 - TENDER REPORT - UNIVERSITY DRIVE  
WARATAH WEST - CATCHMENT REHABILITATION -  
CONTRACT 2021/266T**

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

**PURPOSE**

To accept a tender for the construction of the University Drive, Waratah West catchment rehabilitation, consisting of the construction of a new footbridge and associated works, in accordance with Contract No. 2021/266T.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUNDS FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for University Drive, Waratah West – Catchment Rehabilitation for Contract No. 2021/266T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- 

## RECOMMENDATION

- 1 At **Attachment A**.

## KEY ISSUES

### Tender

- 2 To construct a new footbridge with approach cycleways along with civil earthworks associated with the restoration of Boatman Creek. The site is located immediately north of University Drive, West Waratah. This tender includes the formation of creek alignment, excavation of embankment, stabilisation of earthworks, construction of retaining walls and service supports.

### Advertising of Tenders

- 3 The tender was advertised in the Newcastle Herald on Saturday 27 March 2021, Sydney Morning Herald on Tuesday 30 March 2021, and nationally on the Tenderlink website.

### Tenders Received

- 4 Tenders closed at 2pm on Tuesday 4 May 2021. Tender submissions were received from:
- i) Statewide Civil Pty Ltd,
  - ii) Kerroc Constructions Pty Ltd,
  - iii) Gleeson Civil Engineering Pty Ltd, and
  - iv) Daracon Contractors Pty Ltd.

### Evaluation Process

- 5 The tenders were assessed against the following criteria:
- i) Supplier Diversity 5%
  - ii) WHS 10%

- iii) Tender Price 40%
- iv) Methodology 20%
- v) Quality Assurance 10%
- vi) Previous Experience 10%
- vii) Environmental Sustainability 5%

- 6 The tenders were assessed by a Tender Assessment Panel consisting of the following City of Newcastle (CN) officers: Program Delivery Coordinator, Asset Engineer, and Project Manager.
- 7 The Contracts Management team provided probity for the tender evaluation in accordance with CN's Procurement Policy.

**Recommended Tenderer**

- 8 The recommended tender submission demonstrated a thorough understanding of the construction requirements, demonstrated extensive suitable experience and provided value for money pricing.

**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 \$4,240,069. This estimated cost is within the multi-year budgeted amount allocated for this project.

**IMPLICATIONS**

**Policy Implications**

- 10 This project aligns with the following Newcastle 2030 Community Plan directions:
- i) Integrated and Accessible Transport,
  - ii) Protected Environment, and
  - iii) Liveable Built Environment.

**Environmental Implications**

- 11 The recommended tenderer has an environmental management system that is AS/NZS ISO14001 certified and has demonstrated an ability to construct the works in a manner utilising best environmental management practices.
- 12 The recommended tenderer will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for the management of traffic, dust, erosion and sediment control, risk and waste management.



**Ecological Sustainability**

- 13 The recommended tenderer does not have a specific Ecologically Sustainable Development 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**

- 14 The project will be delivered across two financial years.

**CONSULTATION/COMMUNICATION**

- 15 Consultation throughout the detailed design phase has been undertaken with the following property / asset owners:
- i) Hunter Water Corporation (HWC),
  - ii) University of Newcastle (UoN),
  - iii) Transport for NSW (TfNSW),
  - iv) John Holland (maintenance contractor for TfNSW),
  - v) Residential property at 42 Queen Street, Waratah West,
  - vi) Ausgrid, and
  - vii) TPG.
- 16 Each property or asset owner has reviewed the design throughout development and provided input where their respective assets or property is impacted.

**BACKGROUND**

- 17 The purpose of the tender is to engage an external contractor to install the cycle and pedestrian bridge to replace aged culvert infrastructure, and to reestablish flood flows from the upper reaches of the Boatman Creek catchment.
- 18 CN has undertaken significant investigation and condition assessment of the aged culvert at this location. The culvert is difficult to access and maintain due to its depth and the water levels within the culvert and creekline. The investigations have determined that the existing culvert is beyond its serviceable life and replacement with like for like is not feasible due to site constraints.
- 19 The construction of a new footbridge over Boatman Creek at the location of the existing culvert will enable the reestablishment of the natural watercourse. These works are design to maximise conveyance and are configured to enable future upgrades of upstream stormwater infrastructure.

- 20 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

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

### Option 2

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

### Option 3

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

### Option 4

- 24 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

- 25 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

**Item 65 Attachment A:** Confidential Recommendation

**Item 65 Attachment B:** Tender Evaluation Matrix - Summary

*(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 65 Attachments A and B)*

**ITEM-66 CCL 29/06/21 - TENDER REPORT - PROVISION OF CIVIL DESIGN AND CAD DRAFTING SERVICES - CONTRACT 2021/517T**

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

**PURPOSE**

To accept a tender for the provision of civil design and Computer-Aided Design (CAD) drafting services on a casual hire basis, in accordance with Contract No. 2021/517T.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for the Provision of Civil Design and CAD Drafting Services for Contract No. 2021/517T.

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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 To engage a tender panel for the provision of civil design and drafting services for projects within City of Newcastle's (CN) capital works program. The services are casual and on demand as required over a three-year period and will include civil design and CAD drafting services for civil infrastructure projects.
- 3 It is intended to engage tenderers as a prequalified panel engagement.

### **Contract Term**

- 4 The contract period is three years.

### **Advertising of Tenders**

- 5 The tender was advertised in the Newcastle Herald on Saturday 24 April 2021, the Sydney Morning Herald on Tuesday 27 April 2021, and nationally on the Tenderlink website.

### **Tenders Received**

- 6 Tenders closed at 2pm on Tuesday 18 May 2021. Tender submissions were received from:
- i) ADW Johnson Pty Ltd,
  - ii) Arkhill Industries Pty Ltd,
  - iii) BG&E Pty Ltd,
  - iv) Cardno (NSW/ACT) Pty Ltd,
  - v) Constructive Solutions Pty Ltd,
  - vi) Crossroads Civil Design Pty Ltd,

- vii) GHD Pty Ltd,
- viii) International Consulting Engineers Pty Ltd,
- ix) JJ Ryan Consulting Pty Ltd,
- x) Kellogg Brown & Root Pty Ltd,
- xi) MPC Consulting Engineers Pty Ltd,
- xii) WPS Australia Pty Ltd,
- xiii) RGH Consulting Group Pty Ltd,
- xiv) Samana Blue Engineering Pty Ltd,
- xv) Taylor Thomson Whitting (NSW) Pty Ltd,
- xvi) Technical Services Australia Pty Ltd, and
- xvii) Van Der Meer (NSW) Pty Ltd.

**Evaluation Process**

7 The tenders were assessed against the following criteria:

- i) Tendered Prices 45%
- ii) Management and Staff Resources 25%
- iii) Previous Experience 15%
- iv) Supplier Diversity 5%
- v) Workplace Health and Safety 10%

8 The tenders were assessed by a Tender Assessment Panel (Panel) consisting of the following CN officers: Assets Coordinator - Support Services, Senior Civil Projects Officer, and Project Support Officer.

9 The Contracts Management team provided probity for the tender evaluation in accordance with CN's Procurement Policy.

**Recommended Tenderers**

10 The recommended tenderers have been assessed as satisfying the requirements of CN. They have demonstrated a capability to undertake the work to a high standard, and all have local offices.

11 The Panel's assessment ensures that the successful tenderers can provide the best value for money to CN, whilst also being capable of meeting CN's delivery targets for the contract period.

**FINANCIAL IMPACT**

- 12 The total estimated expenditure for the three-year contract is \$6 million, which will be adjusted as required to fall within the adopted project budgets for the 2021/22, 2022/23 and 2023/24 financial years.
- 13 The proposed contract is a standing offer contract. Under a standing offer contract the hire of persons will be at the discretion of CN. That is, a cost to CN is only incurred when CN engages the service. Payments to the consultant will be based on the tendered hourly rates.

**IMPLICATIONS**

**Policy Implications**

- 14 This project aligns with the following Newcastle 2030 Community Strategic Plan directions:
  - i) Integrated and Accessible Transport,
  - ii) Protected Environment, and
  - iii) Liveable Built Environment.

**Ecological Sustainability**

- 15 The recommended tenderers do not have a specific ecologically sustainable development policy in place. Despite this, the recommended tenderers have not been prosecuted for environmental offences, nor are they involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

**IMPLEMENTATION**

- 16 The implementation of the tendered contract will support CN in the delivery of timely civil design and drafting to support the delivery of CN's works program. The contract will be managed by Assets and Projects.

**CONSULTATION/COMMUNICATION**

- 17 Nil.

**BACKGROUND**

- 18 The tendered contract is for civil design and drafting services. The purpose being to engage external resources as required to support CN's works program delivery.
- 19 The tender provides CN with the option of accepting more than one tender. This is considered necessary to ensure that CN can obtain the services of a suitable, cost effective contractor to meet CN's timeframes.

- 20 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

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

### Option 2

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

### Option 3

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

### Option 4

- 24 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

- 25 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

**Item 66 Attachment A:** Confidential Recommendation

**Item 66 Attachment B:** Confidential Tender Evaluation Matrix - Summary

*(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 66 Attachments A and B)*

**ITEM-68 CCL 29/06/21 - TENDER REPORT - BIENNIAL MINOR CIVIL WORKS AND SERVICES - 2021/586T**

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

**PURPOSE**

To accept tenders for the provision of minor civil works and services across the Newcastle Local Government Area (LGA).

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for Minor Civil Works for Contract No. 2021/586T.



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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 This contract has been prepared to allow City of Newcastle (CN) to engage additional civil works and services resources as required to deliver the works program throughout the LGA.
- 3 Service providers will be required to perform ad-hoc maintenance and construction activities including footpath and driveway reconstruction, kerb and gutter replacement, subsoil drainage and stormwater drainage repairs, and upgrade works.

### **Contract Term**

- 4 The contract period is two years. At the discretion of CN, the contract may be extended for a further two 12 month periods.

### **Advertising of Tenders**

- 5 The tender was advertised in the Newcastle Herald on Saturday 20 March 2021, the Sydney Morning Herald on Tuesday 23 March 2021, and nationally on the Tenderlink website.

### **Tenders Received**

- 6 Tenders closed at 2pm on Tuesday 13 April 2021. Tender submissions were received from:
- i) Accurate Asphalt & Road Repairs Pty Ltd,
  - ii) All Kerbs and Concrete Pty Ltd,
  - iii) ANA Industries Pty Ltd,
  - iv) Durham & Sons Pty Ltd,
  - v) Buildsmore Pty Ltd,

- vi) Civil Connect Group Pty Ltd,
- vii) Eire Constructions Pty Ltd,
- viii) Finn Valley Plant & Civil Pty Ltd,
- ix) Fluren Pty Ltd,
- x) Fulton Hogan Industries Pty Ltd,
- xi) Gotrala Contracting Pty Ltd,
- xii) Hunter Wide Civil Pty Ltd,
- xiii) Ian Rich Asphalt Pty Ltd,
- xiv) Jefcon Pty Ltd,
- xv) Killard Infrastructure,
- xvi) Knock Contractors Pty Ltd,
- xvii) Lawcon Constructions Pty Ltd ATF Elza Family Trust,
- xviii) Mack Civil Pty Ltd,
- xix) MRDiggitt Pty Ltd,
- xx) NSW Kerbing Pty Ltd,
- xxi) Planet Civil Pty Ltd,
- xxii) QC Asphalts Pty Ltd,
- xxiii) RL Civil Works Pty Ltd,
- xxiv) Site Worx Civil Pty Ltd,
- xxv) Stateline Asphalts Pty Ltd,
- xxvi) Statewide Civil Pty Ltd,
- xxvii) TL Excavations Pty Ltd,
- xxviii) TGB & Son Pty Ltd,
- xxix) Tipp Exc Civil Pty Ltd, and
- xxx) Yates Civil Pty Ltd,

**Evaluation Process**

7 The tenders were assessed against the following criteria:

- i) Cost Estimate (Price) 50%
- ii) Supplier Diversity 5%
- iii) WHS 15%
- iv) Previous Experience 10%
- v) Quality / Environmental Assurance 10%
- vi) Management & Staff Resources / Physical Resources 10%

8 The tenders were assessed by a Tender Assessment Panel consisting of the following CN officers: Contract Coordination Manager, Construction Manager, and Road Maintenance Manager.

9 The Contracts Management Unit provided probity for the tender evaluation in accordance with CN's Procurement Policy.

**Recommended Tenderer**

10 This contract is a standing order (panel) contract comprising six work categories:

- i) road pavement heavy patching,
- ii) kerb and gutter repairs and construction,
- iii) footpath and driveway repairs and construction,
- iv) stormwater drainage pipe works,
- v) sub-soil drainage works, and
- vi) miscellaneous drainage structures repairs and construction.

**FINANCIAL IMPACT**

11 The categories of works under this contract cover a range of budget line items. Funding is from the approved 2021/22 Our Budget and will be included in the 2022/23 draft budget.

12 The total estimated expenditure over the two-year period is \$12 million. A further \$6 million is anticipated for each of the 12 month extension periods. This will be adjusted as required to fall within adopted budgets.

13 As this is a panel contract arrangement, costs will only be incurred when CN requests works during the contract period.

## IMPLICATIONS

### Environmental Implications

- 14 Tenderers will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for the management of noise, air quality, vibration, and waste management. Tenderers have submitted their Environmental Management Plans for review as part of the tender process, and ongoing management against those plans will be undertaken by Civil Construction and Maintenance officers during the delivery of works.

### Ecological Sustainability

- 15 The recommended tenderers have Environmental Management Systems that have been reviewed by CN. They have not been prosecuted for environmental offences, nor involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

## IMPLEMENTATION

- 16 In order to deliver CN's significant capital works program, there is an ongoing need to supplement the workforce via subcontract. The Minor Civil Works contract provides CN with the ability to proactively manage contractor conformance, performance, and risk, through the implementation of effective contractor management processes.

## CONSULTATION/COMMUNICATION

- 17 Nil.

## BACKGROUND

- 18 This tender provides CN with the flexibility to respond to the needs of the community in an agile manner.
- 19 The contract replaces existing contract 2019/088T, which has been in place for the past two years for the same purpose and expires in June 2021.
- 20 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

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

### Option 2

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

**Option 3**

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

**Option 4**

24 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**

25 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**

**Item 68 Attachment A:** Confidential Recommendation

**Item 68 Attachment B:** Tender Evaluation Matrix - Summary

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 68 Attachments A and B)***

**ITEM-69 CCL 29/06/21 - TENDER REPORT - BIENNIAL SPRAY SEALING SERVICES - 2021/575T**

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

**PURPOSE**

To accept a tender for the provision of spray sealing services to deliver pavement maintenance and renewal across the Newcastle Local Government Area (LGA).

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for Spray Sealing Services for Contract No. 2021/575T.

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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 This tender will provide for the delivery of contract spray sealing required for road pavement maintenance and upgrade works on City of Newcastle's (CN) local and regional road network.

### **Contract Term**

- 3 The contract period is two years. At the discretion of CN, the contract may be extended for a further two 12 month periods.

### **Advertising of Tenders**

- 4 The tender was advertised in the Newcastle Herald on Saturday 20 March 2021, the Sydney Morning Herald on Tuesday 23 March 2021, and nationally on the Tenderlink website.

### **Tenders Received**

- 5 Tenders closed at 2pm on Tuesday 13 April 2021. Tender submissions were received from:
- i) All Pavement Solutions Pty Ltd,
  - ii) Bitupave Limited trading as Boral Asphalt,
  - iii) Colas NSW Pty Ltd,
  - iv) Fenworx Pty Ltd,
  - v) New South Wales Spray Seal Pty Ltd,
  - vi) State Asphalt Services Pty Ltd, and
  - vii) Stateline Asphalt Pty Ltd.

**Evaluation Process**

6 The tenders were assessed against the following criteria:

- i) Cost Estimate (Price) 50%
- ii) Supplier Diversity 5%
- iii) WHS 15%
- iv) Previous Experience 10%
- v) Quality / Environmental Assurance 10%
- vi) Management & Staff Resources / Physical Resources 10%

7 The tenders were assessed by a Tender Assessment Panel consisting of the following CN officers: Contract Coordination Manager, Construction Manager, and Road Maintenance Manager.

8 The Contracts Management Unit provided probity for the tender evaluation in accordance with CN's Procurement Policy.

**Recommended Tenderer**

9 The recommended tenderers have been assessed as satisfying CN requirements as outlined in the tender documentation. Selected tenderers have demonstrated a capability to undertake the work to a high standard and have been selected as providing the best value for money as determined by assessing their rates against common scenarios.

**FINANCIAL IMPACT**

10 The categories of works under this contract cover a range of budget line items. Funding is from the approved 2021/22 Our Budget, and will be included in the 2022/23 draft budget.

11 The current estimated total expenditure for the two year contract term is \$1 million, which would be adjusted as required to fall within adopted budgets. A further \$500,000 is anticipated for each of the two optional 12 month extension periods. Project costs will be closely monitored to ensure budgets are not exceeded.

12 This contract is a standing offer arrangement. That is, costs to CN are only incurred when CN requests works during the contract period.



## IMPLICATIONS

### Environmental Implications

- 13 Tenderers will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for the management of noise, air quality, vibration, and waste management. Tenderers have submitted their Environmental Management Plans for review as part of the tender process, and ongoing management against those plans will be undertaken by Civil Construction and Maintenance officers during the delivery of works.

### Ecological Sustainability

- 14 The recommended tenderers have Environmental Management Systems that have been reviewed by CN, and to the best of CN knowledge, have not been prosecuted for environmental offences, nor involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

## IMPLEMENTATION

- 15 The contract will allow CN to undertake spray sealing maintenance and renewal works as required throughout the LGA. CN does not have the resources (staff, plant, equipment or materials) required to undertake this work internally.

## CONSULTATION/COMMUNICATION

- 16 Nil.

## BACKGROUND

- 17 The tender provides CN with the option of accepting more than one tender. This is considered necessary to ensure that CN can obtain the services of a suitable, cost effective contractor to meet CN's timeframes.
- 18 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

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

### Option 2

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

### Option 3

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

**Option 4**

22 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**

23 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**

**Item 69 Attachment A:** Confidential Recommendation

**Item 69 Attachment B:** Tender Evaluation Matrix - Summary

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 69 Attachments A and B)***

**ITEM-70 CCL 29/06/21 - TENDER REPORT - BIENNIAL ASPHALTIC CONCRETE SERVICES - 2021/551T**

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

**PURPOSE**

To accept a tender for the provision of asphaltic concrete services required to deliver pavement maintenance and renewal across the Newcastle Local Government Area (LGA).

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for Asphaltic Concrete Services for Contract No. 2021/551T.

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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 This tender will provide for contract asphaltic concrete resurfacing works required for the maintenance and upgrade of City of Newcastle's (CN) local and regional road network, as well as state roads under contract to CN via the Road Maintenance Council Contract (RMCC) with Transport for NSW (TfNSW).
- 3 The tender is for the supply, supply and delivery, and the supply, delivery and laying of asphalt, including removal of existing asphalt pavement material as required. The works will be at various locations throughout the Newcastle LGA.

### **Contract Term**

- 4 The contract period is two years. At the discretion of CN, the contract may be extended for a further two 12 month periods.

### **Advertising of Tenders**

- 5 The tender was advertised in the Newcastle Herald on Saturday 20 March 2021, the Sydney Morning Herald on Tuesday 23 March 2021, and nationally on the tenderlink website.

### **Tenders Received**

- 6 Tenders closed at 2pm on Tuesday 13 April 2021. Tender submissions were received from:
- i) Accurate Asphalt & Road Repairs Pty Ltd,
  - ii) ANA Industries Pty Ltd,
  - iii) Bernipave Road Solutions Pty Ltd,
  - iv) Bitupave Limited Trading as Boral Asphalt,
  - v) Civil Connect Group Pty Ltd,

- vi) Colas NSW Pty Ltd,
- vii) Downer EDI Works Pty Ltd,
- viii) Fenworx Pty Ltd Trading as Newpave Asphalt,
- ix) Ian Rich Asphalt Pty Ltd,
- x) Mr Diggitt Pty Ltd,
- xi) Plant Civil Pty Ltd,
- xii) QC Asphalts Pty Ltd, and
- xiii) RL Civil Works Pty Ltd.

**Evaluation Process**

7 The tenders were assessed against the following criteria:

- |   |     |
|---|-----|
| i) Cost Estimate (Price)                              | 50% |
| ii) Supplier Diversity                                | 5%  |
| iii) WHS  | 15% |
| iv) Previous Experience                               | 10% |
| v) Quality / Environmental Assurance                  | 10% |
| vi) Management & Staff Resources / Physical Resources | 10% |

8 The tenders were assessed by a Tender Assessment Panel consisting of the following CN officers: Contract Coordination Manager, Construction Manager, and Road Maintenance Manager.

9 The Contracts Management Unit provided probity for the tender evaluation in accordance with CN's Procurement Policy.

**Recommended Tenderer**

10 The recommended tenderers have been assessed as satisfying CN requirements as outlined in the tender documentation. Selected tenderers have demonstrated a capability to undertake the work to a high standard and have been selected as providing the best value for money as determined by assessing their rates against common scenarios.

**FINANCIAL IMPACT**

11 The categories of works under this contract cover a range of budget line items. Funding is from the approved 2021/22 Our Budget, and will be included in the 2022/23 draft budget.

- 12 The current estimated total expenditure under this contract over the two year period is \$18 million which would be adjusted as required to fall within adopted budgets. A further \$9 million is anticipated for each of the 12 month optional extension periods. Project costs will be closely monitored to ensure budgets are not exceeded.
- 13 This contract is a standing offer arrangement. That is, costs to CN are only incurred when CN requests works during the contract period.

## **IMPLICATIONS**

### **Environmental Implications**

- 14 Tenderers will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for the management of noise, air quality, vibration, and waste management. Tenderers have submitted their Environmental Management Plans for review as part of the tender process, and ongoing management against those plans will be undertaken by Civil Construction and Maintenance officers during the delivery of works.

### **Ecological Sustainability**

- 15 The recommended tenderers have Environmental Management Systems that have been reviewed by CN, and to the best of CN knowledge, have not been prosecuted for environmental offences, nor involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

## **IMPLEMENTATION**

- 16 The contract will allow CN to undertake asphaltic concrete pavement resurfacing and reconstruction works as required throughout the LGA. CN does not have the resources (staff, plant, equipment, or materials) required to undertake this work internally.

## **CONSULTATION/COMMUNICATION**

- 17 Nil.

## **BACKGROUND**

- 18 The tendered contract was for asphalt pavement resurfacing and reconstruction. The purpose being to engage external resources as required in delivery of the CN road resurfacing and civil construction programs.
- 19 The tender provides CN with the option of accepting more than one tender. This is necessary to ensure the services of a suitable, cost effective contractor to meet CN's timeframes can be secured as needed.
- 20 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**

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

**Option 2**

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

**Option 3**

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

**Option 4**

24 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**

25 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**

**Item 70 Attachment A:** Confidential Recommendation

**Item 70 Attachment B:** Tender Evaluation Matrix - Summary (CONFIDENTIAL)

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 70 Attachments A and B)***

**ITEM-71 CCL 29/06/21 - TENDER REPORT - SUPPLY OF FOUR GREEN WASTE TRUCKS - 2021/714T**

**REPORT BY: INFRASTRUCTURE AND PROPERTY**  
**CONTACT: ACTING DIRECTOR INFRASTRUCTURE AND PROPERTY /**  
**MANAGER DEPOT OPERATIONS**

**PURPOSE**

To accept a tender for the supply and delivery of four side loading green waste collection vehicles.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for the Supply and Delivery of Four Green Waste Trucks for Contract No. 2021/714T.



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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 The contract provides for the commissioning, delivery, and ongoing supplier support of fit for purpose side loading collection vehicles for City of Newcastle's (CN) kerbside pickups, and regulatory obligations for Summerhill Waste Management Centre (SWMC).

### **Contract Term**

- 3 The contract period is four years.

### **Advertising of Tenders**

- 4 The tender was advertised in the Newcastle Herald on Saturday 10 April 2021, the Sydney Morning Herald on Tuesday 13 April 2021, and nationally on the Tenderlink website.

### **Tenders Received**

- 5 Tenders closed at 2pm on Monday 3 May 2021. Tender submissions were received from:
- i) Auto Pool Pty Ltd – Gilbert & Roach,
  - ii) Penske Aust. – Option 1,
  - iii) Penske Aust. – Option 2,
  - iv) Volvo Commercial – Option A, and
  - v) Volvo Commercial – Option B.

### **Evaluation Process**

- 6 The tenders were assessed against the following criteria:
- i) Tender Price 10%

ii)	Supplier Diversity	5%
iii)	WHS (safety compliance)	10%
iv)	Whole of Life Cost	20%
v)	Operational Review	25%
vi)	Mechanical Review	20%
vii)	Parts & Supplier Support	10%

7 The tenders were assessed by a Tender Assessment Panel consisting of the following CN officers: Waste and Commercial Collection Manager, Manager Depot Operations, and Fleet Officer.

8 The Contracts Management Unit provided probity for the tender evaluation in accordance with CN's Procurement Policy.

#### **Recommended Tenderer**

9 The recommended tender has been assessed as satisfying the requirements set out in the tender specification. The equipment has demonstrated the capability to undertake the high standard of specific operational work required for public kerbside pickups and fulfils all National Heavy Vehicle Regulator (NHVR) obligations.

#### **FINANCIAL IMPACT**

10 The total cost including allowances for project management, contingency, and other associated costs is \$1,843,899. Funding is allocated within the adopted 2020/21 and 2021/22 Our Budgets.

#### **IMPLICATIONS**

##### **Policy Implications**

11 This contract is consistent with the Newcastle Waste Avoidance and Resource Recovery Policy.

##### **Environmental Implications**

12 This tender recommendation will assist SWMC maintain CN's Environment Protection Authority (EPA) licence and ability to comply with waste regulations.

13 The recommended tenderer complies with current Australian Vehicle Emission Standards and NHVR requirements.

##### **Ecological Sustainability**

14 The recommended tenderer does not have a specific Ecologically Sustainable Development 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 contract enables the replacement of expiring waste collection vehicles within CN's fleet.

**CONSULTATION/COMMUNICATION**

- 16 Nil.

**BACKGROUND**

- 17 The side loader green waste collection vehicles required to ensure the effective operation of kerbside collections are due for replacement. Not replacing these high-volume units would impact operational budgets as wearable items reach failure points, leading to disruptions in service and missed collection runs.
- 18 The calling of tenders was in accordance with the requirements 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**

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

**Option 2**

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

**Option 3**

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

**Option 4**

- 22 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**

- 23 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**

**Item 71 Attachment A:** Confidential Recommendation

**Item 71 Attachment B:** Tender Evaluation Matrix - Summary

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 71 Attachments A and B)***

**ITEM-72                    CCL 29/06/21 - TENDER REPORT - TREE WORK SERVICES  
2021/692T**

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

**PURPOSE**

To accept a tender panel for the provision of tree pruning and removal services on public lands, roads, and footways.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for Tree Work Services for Contract No. 2021/692T.

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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 The tender is for tree work services including the removal or pruning of trees, and the removal and grinding of tree stumps and roots, on public lands, roads, and footways.

### **Contract Term**

- 3 The contract term is three years, with the option of a 12 month extension.

### **Advertising of Tenders**

- 4 The tender was advertised in the Newcastle Herald on Saturday 1 May 2021, Sydney Morning Herald on Tuesday 4 May 2021, and nationally on Tenderlink website.

### **Tenders Received**

- 5 Tenders closed at 2pm on Tuesday 25 May 2021. Tender submissions were received from:
- i) Active Tree Services Pty Ltd,
  - ii) Agility Professional Tree Care Pty Ltd,
  - iii) C.J.Murphy Tree Recycling Pty Ltd,
  - iv) Forest Tree Services Pty Ltd,
  - v) Plateau Trees Pty Ltd,
  - vi) Summit Open Space Services,
  - vii) TreeServe Pty Ltd, and
  - viii) Waratah Professional Tree Care Pty Ltd.

**Evaluation Process**

6 The tenders were assessed against the following criteria:

- i) Supplier Diversity 5%
- ii) WHS 10%
- iii) Tender Price 15%
- iv) Capability 25%
- v) Previous Experience 20%
- vi) Resources 25%

7 The tenders were assessed by a Tender Assessment Panel (Panel) consisting of the following City of Newcastle (CN) Officers: City Greening Services Manager, City Greening Coordinator, and Tree Inspection Officer.

8 The Contracts Management Unit provided probity for the tender evaluation in accordance with CN's Procurement Policy.

**Recommended Tenderer**

9 The recommended tenders have been assessed as satisfying CN's requirements. They have demonstrated a capability to undertake the work to a high standard and have been selected as providing the best value for money.

10 The Panel's assessment ensures that the successful tenderers are capable of providing the best value for money to CN, whilst also being capable of meeting CN's delivery targets for the contract period.

**FINANCIAL IMPACT**

11 The total estimated expenditure for the contract term is \$1.2 million, which will be adjusted as required to fall within the adopted budgets for the 2021/22, 2022/23 and 2023/24 financial years, with a further \$1.1 million in 2024/25 should the contract extension be triggered by CN.

**IMPLICATIONS**

**Policy Implications**

12 This contract aligns with the following Newcastle 2030 Community Strategic Plan direction:

**Protected Environment**

5.4 Sustainable infrastructure to support a liveable environment.

**Environmental Implications**

13 All of the recommended tenderers have an environmental policy in place, and will be required to implement strict environmental controls whilst engaged by CN.

**Ecological Sustainability**

- 14 The recommended tenderers do not have a specific Ecologically Sustainable Development policy in place. Despite this, the recommended tenderers have not been prosecuted for environmental offences, nor are they involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

**IMPLEMENTATION**

- 15 This contract will allow for the continuation of existing services and will not otherwise impact CN.

**CONSULTATION/COMMUNICATION**

- 16 Nil.

**BACKGROUND**

- 17 CN requires the services of tree contractors, principally to carry out large scale works through the use of specialist equipment. These services are required to supplement CN's in-house tree maintenance crews to meet demands and manage risk.
- 18 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**

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

**Option 2**

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

**Option 3**

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

**Option 4**

- 22 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**

- 23 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**

**Item 72 Attachment A:** Confidential Recommendation

**Item 72 Attachment B:** Tender Evaluation Matrix - Summary

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 72 Attachments A and B)***

**ITEM-73 CCL 29/06/21 - TENDER REPORT - TREE PLANTING AND TREE ESTABLISHMENT 2021/693T**

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

**PURPOSE**

To accept a tender for tree planting and tree establishment works on public lands, roads, and footways.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for Tree Planting and Tree Establishment Services for Contract No. 2021/693T.

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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 This tender is for the provision of tree planting services and the associated establishment works.

### **Contract Term**

- 3 The contract period is two years, with the option of a two year extension.

### **Advertising of Tenders**

- 4 The tender was advertised in the Newcastle Herald on Saturday 1 May 2021, Sydney Morning Herald on Tuesday 4 May 2021, and nationally on the Tenderlink website

### **Tenders Received**

- 5 Tenders closed at 2pm on the Tuesday 25 May 2021. Tender submissions were received from:
- i) Agility Professional Tree Care Pty Ltd,
  - ii) B&K Revegetation & Landscaping Pty Ltd,
  - iii) Paramount Landscaping Pty Ltd,
  - iv) Summit Open Space Services,
  - v) TreeServe Pty Ltd, and
  - vi) Waratah Professional Tree Care Pty Ltd.

### **Evaluation Process**

- 6 The tenders were assessed against the following criteria:
- i) Supplier Diversity 5%

- ii) WHS 10%
- iii) Tender Price 15%
- iv) Capability 25%
- v) Previous Experience 20%
- vi) Methodology 25%

7 The tenders were assessed by a Tender Assessment Panel consisting of the following City of Newcastle (CN) Officers: City Greening Services Manager, City Greening Coordinator, and Tree Planting Officer.

8 The Contracts Management Unit provided probity for the tender evaluation in accordance with CN's Procurement Policy.

**Recommended Tenderer**

9 The recommended tenders have been assessed as satisfying CN's requirements. They have demonstrated a capability to undertake the work to a high standard and have been selected as providing the best value for money.

**FINANCIAL IMPACT**

10 The total estimated expenditure for the contract term is \$2.4 million, which will be adjusted as required to fall within the adopted budgets for the 2021/22 and 2022/23 financial years, with a further \$2.4 million in 2023/24 and 2024/25 should the contract extension be triggered by CN.

11 The contract is a standing offer contract. Under a standing offer contract, the performance of work will be at the discretion of CN. A cost is only incurred when CN requests a Contractor to perform work.

**IMPLICATIONS**

**Policy Implications**

12 This contract aligns with the following Newcastle 2030 Community Strategic Plan direction:

**Protected Environment**

5.4 Sustainable infrastructure to support a liveable environment.

**Environmental Implications**

13 All of the recommended tenderers have an environmental policy in place, and will be required to implement strict environmental controls whilst engaged by CN.

**Ecological Sustainability**

- 14 The recommended tenderers do not have a specific Ecologically Sustainable Development policy in place. Despite this, the recommended tenderers have not been prosecuted for environmental offences, nor are they involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

**IMPLEMENTATION**

- 15 This contract will allow for the continuation of existing services and will not otherwise impact CN.

**CONSULTATION/COMMUNICATION**

- 16 Nil.

**BACKGROUND**

- 17 The services are required to supplement CNs in-house tree planting crew to meet the large volume of demand. The service involves tree planting and the associated establishment works on public land, roads, and footways throughout the Newcastle Local Government Area.
- 18 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**

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

**Option 2**

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

**Option 3**

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

**Option 4**

- 22 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**

- 23 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**

**Item 73 Attachment A:** Confidential Recommendation

**Item 73 Attachment B:** Tender Evaluation Matrix - Summary

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 73 Attachments A and B)***

**ITEM-74**                    **CCL 29/06/21 - TENDER REPORT - SUMMERHILL WASTE MANAGEMENT CENTRE - PROVISION OF ENVIRONMENTAL PROJECT SERVICES - BUILDING AND DEMOLITION LANDFILL LEACHATE SYSTEM UPGRADE - CONTRACT NO 2021/496T**

**REPORT BY:**            **CITY WIDE SERVICES**  
**CONTACT:**            **DIRECTOR CITY WIDE SERVICES / MANAGER WASTE SERVICES**

**PURPOSE**

To accept a tender for construction of a leachate collection system for the transfer of leachate from holding tanks to the main leachate pond at the Summerhill Waste Management Centre (SWMC) in accordance with Contract No. 2021/496T.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for Building and Demolition Landfill Leachate System Upgrade for Contract No. 2021/496T.

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

**RECOMMENDATION**

- 1 At Attachment A.

**KEY ISSUES**

**Tender**

- 2 Tenders have been called and received to construct a leachate collection system for the transfer of leachate from holding tanks at the former Building and Demolition landfill area to the main leachate pond. The project requires the procurement of pumps, pipework and all civil works and components required to ensure the infrastructure is built to the detailed design. Testing and commissioning of the system will be required to be demonstrated to ensure outcomes are met.
- 3 The collection and transfer of leachate is subject to ongoing monitoring and reporting by the NSW Environment Protection Authority (EPA) which regulates Summerhill via an Environment Protection Licence (EPL). The ongoing monitoring and reporting of leachate and appropriate environmental site management controls requires this infrastructure to be built to ensure the EPL is maintained for the site.

**Advertising of Tenders**

- 4 Tenders were advertised in the Sydney Morning Herald on Tuesday 30 March 2021 and Tenderlink reference NCC-962726.

**Tenders Received**

- 5 Tenders closed at 2pm on 27 April 2021. Tender submissions were received.

**Evaluation Process**

- 6 The tender was assessed against the following criteria:
  - i) Supplier Diversity 5%
  - ii) Work, Health & Safety 10%
  - iii) Methodology 20%
  - iv) Project Schedule 10%
  - v) Capability 15%
  - vi) Experience 15%
  - vii) Price Score 25%



The relative weights of these criteria are detailed at **Attachment B**.

- 7 The tender was assessed by a Tender Assessment Panel comprising City of Newcastle (CN) officers from Waste Services including the Environmental Compliance Manager, Site Operations Manager and Project Manager.

**Recommended Tenderer**

- 8 The recommended tenderer has experience in delivering civil, mechanical and electrical engineering solutions. They design, supply, manufacture and install water and sewage systems and recently upgraded the leachate plant in Lake Macquarie City Council's Awaba Landfill.

**FINANCIAL IMPACT**

- 9 An amount of \$180,000 was budgeted in 2020/21 to investigate and commence the project. This has allowed the development of a design and management of a procurement process.
- 10 The total estimated cost of this project including the proposed contract amount, allowances for project management, contingency and other associated project costs is \$1,094,053. The tendered amount has been reviewed by a Quantity Surveyor who has confirmed it is within an acceptable expectation.
- 11 The project delivery cost will be accommodated within the 2021/22 Our Budget.

**IMPLICATIONS**

**Policy Implications**

- 12 This project is consistent with the following Newcastle 2030 Community Strategic Plan Direction:

**Protected Environment**

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

**Liveable Built Environment**

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

**Open and Collaborative Leadership**

7.4b Provide services that deliver on sustainable community service expectations.

**Environmental Implications**

- 13 Impacts to surface water and groundwater will occur if there are insufficient controls in place for the leachate management system. The recommended tenderer has a certified ISO 14001:2015 Environmental Management System.

**IMPLEMENTATION**

- 14 An upgrade to the leachate management system will decrease the risks of pollution incidents associated with storage capacity. Recent leachate overflow incidents highlight the need for improvements to these control measures. Leachate incidents require significant resources for incident prevention, incident reporting, water treatment, and may result in legal proceedings for water pollution.
- 15 The collection and transfer of leachate is subject to ongoing monitoring and reporting by the EPA which regulates Summerhill via an EPL. The ongoing monitoring and reporting of leachate and appropriate environmental site management requires this infrastructure to be built to ensure the EPL is maintained for the site.

**RISK ASSESSMENT AND MITIGATION**

- 16 A risk assessment was undertaken which assessed WHS, procurement, environmental and business risk of the tender and implementation of the recommended controls. Recommended control measures are required to prevent pollution of waters and the cross-contamination of leachate and surface water. The risk rating of not proceeding with the works is severe based on risk being related to legislative compliance risks associated with CN's reputation/image for causing environmental harm.

**RELATED PREVIOUS DECISIONS**

17. Nil.

**CONSULTATION/COMMUNICATION**

- 18 The detailed design was completed by Haskoning Australia Pty Ltd. A mandatory pre-tender meeting was held on 7 April 2021. Vasey Consulting was engaged to provide a Quantity Surveyor's report as a budget estimate for comparison in the concept design stage.
- 19 The design and tender work has been reported to the EPA. The EPA are currently monitoring the approval and the delivery of this work.
- 20 Council's Audit and Risk Committee have been briefed on this project which will resolve outstanding audit recommendations and actions.

**BACKGROUND**

- 21 CN has general obligations under the Protection of Environmental Operations Act 1997 to comply with its EPL, control pollution of waters and report incidents.
- 22 The calling of tenders was in accordance with the requirements of section 55 of the Local Government Act. The process followed was in accordance with Part 7 of the Local Government Regulation (Regulation). Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

**OPTIONS**

**Option 1**

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

**Option 2**

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

**Option 3**

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

**Option 4**

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

**Option 5**

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

**ATTACHMENTS**

**Item 74 Attachment A:** Confidential Recommendation

**Item 74 Attachment B:** Confidential Tender Evaluation Matrix - Summary

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 74 Attachments A and B)***

**ITEM-75 CCL 29/06/21 - TENDER REPORT - SUMMERHILL WASTE MANAGEMENT CENTRE - PROVISION OF ENVIRONMENTAL PROJECT SERVICES - LEACHATE CAPACITY UPGRADE - CONTRACT NO 2021/498T**

**REPORT BY: CITY WIDE SERVICES**  
**CONTACT: DIRECTOR CITY WIDE SERVICES / MANAGER WASTE SERVICES**

**PURPOSE**

To accept a tender for construction of a new leachate pond and associated leachate pumping station at the Summerhill Waste Management Centre (SWMC) in accordance with Contract No. 2021/498T.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for Leachate Capacity Upgrade for Contract No. 2021/498T.

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

## RECOMMENDATION

- 1 At Attachment A.

## KEY ISSUES

### Tender

- 2 Tenders have been called and received to construct a leachate storage pond and associated reticulation pipework. The project requires leachate to be transferred through a series of ponds by installing pumps, valves and pipework. Civil works are required to construct a leachate storage pond. Testing and commissioning of the leachate transfer system will be required to be demonstrated to ensure outcomes are met.
- 3 The collection, transfer and management of leachate is subject to ongoing monitoring and reporting by the NSW Environment Protection Authority (EPA) which regulates Summerhill via an Environment Protection Licence (EPL). The ongoing monitoring and reporting of leachate and appropriate environmental site management controls requires this infrastructure to be built to ensure the EPL is maintained for the site.

### Advertising of Tenders

- 4 Advertised in the Sydney Morning Herald on Tuesday 30 March 2021 and Tenderlink reference NCC-962737.

### Tenders Received

- 5 Tenders closed at 2pm on 27 April 2021. Tender submissions were received.

### Evaluation Process

- 6 The tenders were assessed against the following criteria:

i) Supplier Diversity	5%
ii) Work, Health & Safety	10%
iii) Methodology	20%
iv) Project Schedule	10%
v) Capability	15%
vi) Experience	15%
vii) Price Score	25%

The relative weights of these criteria are detailed at **Attachment B**.

- 7 The tender was assessed by a Tender Assessment Panel comprising City of Newcastle (CN) officers from Waste Services including the Environmental Compliance Manager, Site Operations Manager and Project Manager.

**Recommended Tenderer**

- 8 The recommended tenderer has experience in delivering civil, mechanical, and electrical engineering solutions. They design, supply, manufacture and install water and sewage systems and recently upgraded the leachate plant at Lake Macquarie City Council's Awaba landfill.
- 9 This new infrastructure shall increase storage capacity and efficiently transfer leachate during wet weather events to prevent further environmental incidents.

**FINANCIAL IMPACT**

- 10 An amount of \$750,000 was budgeted in 2020/21 to investigate and commence the Stormwater and Leachate Program. This has allowed the development of planning, design and management of multiple procurement processes.
- 11 Early works in this program have identified the existing leachate system requires additional capacity. Leachate capacity has also been raised by the EPA in recent communications. This work is an interim measure to increase capacity in the short term, while longer term planning and upgrades continue.
- 12 The total estimated cost of this project including the proposed contract amount, allowances for project management, contingency and other associated project costs is \$1,180,714 (excluding GST). The tendered amount has been reviewed by a Quantity Surveyor who has confirmed it is within an acceptable expectation.
- 13 The project delivery cost will be accommodated within the 2021/22 Our Budget.

**IMPLICATIONS**

**Policy Implications**

- 14 This project is consistent with the following Newcastle 2030 Community Strategic Plan Direction:

**Protected Environment**

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

**Liveable Built Environment**

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

**Open and Collaborative Leadership**

7.4b Provide services that deliver on sustainable community service expectations.

**Environmental Implications**

- 15 Impacts to surface water and groundwater may occur if there are insufficient controls in place for the leachate management system. The recommended tenderer has a certified ISO 14001:2015 Environmental Management System.

**IMPLEMENTATION**

- 16 An increase in leachate storage capacity and permanent pumping systems will decrease the risks of water pollution. Upgrades to the leachate management systems is required to minimise risks associated with storage capacity. Recent leachate overflow incidents highlight the need for improvements to these control measures. Leachate incidents require significant resources for incident prevention, incident reporting, water treatment, and legal proceedings for water pollution.
- 17 The collection and transfer of leachate is subject to ongoing monitoring and reporting by the EPA which regulates Summerhill via an EPL. The ongoing monitoring and reporting of leachate and appropriate environmental site management requires this infrastructure to be built to ensure the EPL is maintained for the site.

**RISK ASSESSMENT AND MITIGATION**

- 18 A risk assessment was undertaken by CN staff which assessed WHS, procurement, environmental and business risk of the tender and implementation of the recommended controls. Recommended control measures are required to prevent pollution of waters and the cross-contamination of leachate and surface water. The risk rating of not proceeding with the works is severe based on risk being related to legislative compliance risks associated with CN's reputation/image for causing environmental harm.

**RELATED PREVIOUS DECISIONS**

- 19 Nil.

**CONSULTATION/COMMUNICATION**

- 20 The detailed design was completed by Haskoning Australia Pty Ltd. A mandatory pre-tender meeting was held on 7 April 2021.
- 21 The design and tender work has been reported to the EPA. The EPA are currently monitoring the approval and the delivery of this work.
- 22 Council's Audit and Risk Committee have also been briefed on this project which will resolve outstanding audit actions.

**BACKGROUND**

- 23 CN has general obligations under the Protection of Environmental Operations Act 1997 to comply with its EPL, control pollution of waters and report incidents.

- 24 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

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

### Option 2

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

### Option 3

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

### Option 4

- 28 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

- 29 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

**Item 75 Attachment A:** Confidential Recommendation

**Item 75 Attachment B:** Confidential Tender Evaluation Matrix - Summary

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 75 Attachments A and B)***



**ITEM-76 CCL 29/06/21 - TENDER REPORT - SUMMERHILL WASTE MANAGEMENT CENTRE - SIX-YEAR WASTE AUDIT PROGRAM - CONTRACT NO 2021/418T**

**REPORT BY: CITY WIDE SERVICES**  
**CONTACT: DIRECTOR CITY WIDE SERVICES / MANAGER WASTE SERVICES**

**PURPOSE**

To accept a tender for delivery of a Waste Audit Program for the Summerhill Waste Management Centre (SWMC) in accordance with Contract No. 2021/418T.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for Waste Audit Program for Contract No. 2021/418T.

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

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 This tender is to engage a Waste Audit Consultant to deliver a six-year waste audit program to audit all City of Newcastle's (CN's) waste and recycling services multiple times across the Contract period. The program will include a compositional analysis of CN's:
- i) residential kerbside three-bin waste and recycling collection service;
  - ii) kerbside bulk waste collection service;
  - iii) public place waste and recycling service; and
  - iv) waste delivered to SWMC.
- 3 The waste composition audit program, when coupled with customer and operational data, will enable CN to make evidence-based decisions and accurately assess the composition of kerbside waste streams for the city.

### **Contract Term**

- 4 The Contract term is for an initial period of three years, with an option for three one-year extensions from the commencement of the audit program.

### **Advertising of Tenders**

- 5 The tender was advertised in the Newcastle Herald on 13 March 2021, the Sydney Morning Herald on 16 March 2021 and nationally on the Tenderlink website.

### **Tenders Received**

- 6 Tenders closed at 2pm on 6 April 2021. Tender submissions were received from:
- i) A.Prince Consulting Pty Ltd; and
  - ii) EC Sustainable Pty Ltd.

**Evaluation Process**

7 The tenders were assessed against the following criteria:

i) Tender Price	25%
ii) Supplier Diversity	5%
iii) WHS	20%
iv) Methodology	20%
v) Capacity and Previous Experience	30%

The relative weights of these criteria are detailed at **Attachment B**.

8 The tenders were assessed by a Tender Assessment Panel comprising CN officers from Waste Services including the Business Development Manager, Strategy & Systems Project Manager and Waste Education & Program Coordinator. The panel was selected based on previous experience managing waste audit programs.

**Recommended Tenderer**

9 The recommended tenderer achieved the highest ranking via the assessment process. Their extensive experience delivering large scale, multi-year audit programs demonstrates the capability to undertake the required program of work at a high standard and provides the best value for money.

**FINANCIAL IMPACT**

10 The total estimated cost of this project, including the proposed contract amount, allowances for project management, contingency and other associated project costs is \$1,256,975 (including GST) over the six-year program.

11 The waste audit program delivery in 2021/22 will be funded through the NSW Environment Protection Authority’s Better Waste and Recycling Fund.

12 CN will fund years two to six through the NSW Environment Protection Authority’s Better Waste and Recycling Fund whilst it remains available. Ongoing budget will be requested each year through CN’s Our Budget to deliver years two to six, should it be required.

**IMPLICATIONS**

**Policy Implications**

13 This project is consistent with the following Newcastle 2030 Community Strategic Plan Direction:

**Protected Environment**

2.1a Improved waste minimisation and recycling practices in homes, work places, development sites and public places.

2.1c Encourage energy and resource efficiency initiatives.

**Environmental Implications**

- 14 There is the potential for littering to occur when the tenderer is emptying residential and public place bins for auditing purposes. The tenderer has an Environmental Management System in place and work method statements that address this potential issue.

**IMPLEMENTATION**

- 15 Development of comprehensive, statistically accurate, long-term waste composition data program for CN's waste collection services and waste and recyclables received at SWMC is integral to the management of waste and the overall waste strategy for CN.
- 16 The Audit Program will enable CN to monitor and respond to trends in waste disposal, develop, deliver and evaluate behaviour change programs and plan for future infrastructure and service needs. It will also support the SWMC to transition to a resource recovery hub, with an emphasis on circular economy.

**RISK ASSESSMENT AND MITIGATION**

- 17 A risk assessment undertaken by CN staff assessed WHS, procurement and business risk for the waste audit tender and implementation of the recommended controls indicate a low-level risk.

**RELATED PREVIOUS DECISIONS**

- 18 Nil.

**CONSULTATION/COMMUNICATION**

- 19 The tender specification has also been informed by a methodology developed by Waste Services which has been guided by the NSW EPA Waste Audit Guidelines.

**BACKGROUND**

- 20 As part of the development of the waste strategy for Newcastle, CN is undertaking a comprehensive review of existing waste and recycling infrastructure and services and reliable data related to waste composition is very limited. Integral to this review is understanding the composition of the waste which CN manages now and into the future.
- 21 By taking a long-term approach to the collection of waste data, CN will be able to plan for future services and infrastructure, provide proactive, evidence-based community education and behaviour change programs and evaluate the success of projects, programs and interventions.
- 22 Regular auditing of waste composition will increase CN's agility to respond to a constantly changing environment, including legislative and market changes, thereby providing long-term, sustainable and cost-effective programs to increase waste diversion and resource recovery while safely disposing of waste for which no beneficial reuse exists.

- 23 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

- 24 The recommendation is at **Confidential Attachment A**. This is the recommended option.

### Option 2

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

### Option 3

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

### Option 4

- 27 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

- 28 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

**Item 76 Attachment A:** Confidential Recommendation

**Item 76 Attachment B:** Confidential Tender Evaluation Matrix - Summary

***(refer Confidential Ordinary Council Meeting Agenda 29 June 2021 for Item 76 Attachments A and B)***

**NOTICES OF MOTION**

**ITEM-15                      NOM 29/06/21 - GEORGETOWN LOCAL CENTRE**

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

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**PURPOSE**

*The following Notice of Motion was received on 17 June 2021 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle:

- 1 Commends our staff for the successful implementation of the Local Centres Program which has seen almost \$14 million invested into the delivery of infrastructure renewal at Beresfield (\$3 million), Carrington (\$3 million), Kotara (\$2 million), Merewether (\$2 million) and Wallsend (\$3.3 million Tyrrell Street Bridge replacement, with an additional \$20.8 million committed for staged Wallsend Local Centre and Ironbark Creek Flood Mitigation strategy);
- 2 Notes that Local Centres Program projects have been initiated at Mitchell Street, Stockton; James Street Plaza, Hamilton; Orchardtown Road, New Lambton; Shortland Local Centre; as well as the next stages of delivery for the Wallsend Local Centre;
- 3 Notes that an upgraded Georgetown Local Centre has the potential to deliver a significantly improved public domain for Georgetown businesses and the local community;
- 4 Initiates the Georgetown Local Centre upgrade, to improve the local public domain including footpaths, guttering and road renewal, parking improvements, updated cycleway and pedestrian connections, street tree planting, street furniture upgrades and drainage improvements, while also partnering with local businesses through the Façade Improvement Scheme; and
- 5 Consults with the local community and local businesses regarding the design and implementation of the Georgetown Local Centre upgrade.

**BACKGROUND**

**City of Newcastle Local Centres Program**

The Local Centres Public Domain Program guides the infrastructure renewal works within the local and neighbourhood centres throughout the Newcastle Local Government Area. The aim is to ensure quality outcomes, as these centres play an important role in the community and local economy.

As stated in Newcastle's Local Planning Strategy (2015) 'commercial centres play an important role serving a more holistic function than just employment. They provide for the retail, entertainment, recreational, community and social needs of the community.

Local centres are those centres zoned B2, and neighbourhood centres are those centres zoned B1 under the Newcastle LEP 2012. To avoid confusion, both local and neighbourhood centres will be referred to as 'local centres' in our communications with the community.

The Public Domain Plan for each centre aims to resolve streetscape, access and traffic issues and inform infrastructure renewal, such as footpaths, tree planting and street furniture.

## **Multimillion-dollar investment for a smarter, safer Beresfield**

Beresfield has received the first free Wi-Fi outside of the Newcastle city centre as part of a \$3 million investment to revitalise and beautify the area.

Newcastle Lord Mayor Nuatali Nelmes said the Beresfield upgrades, which include pedestrian-friendly footpaths, outdoor dining spaces, free public Wi-Fi and a more appealing streetscape, were driven by feedback from residents and businesses.



"We're listening to our residents across the City of Newcastle and investing in projects that are important to local communities," the Lord Mayor said.

“Our local centres program is delivering key infrastructure upgrades that respond to the needs and concerns of the community. In Beresfield, this has included a strong focus on both safety and beautification works by realigning and renewing roads, reducing speed limits, relocating and installing new pedestrian crossings and upgrading street lighting.

“We have also installed a series of smart poles in the Beresfield local centre, providing the first free public Wi-Fi from the City of Newcastle to any area outside of the CBD.

“Extensive tree and ground cover planting and raised garden planters have beautified the local centre while also having a cooling effect on the area in the warmer months.

“We have received positive feedback about the changes to date, with local residents and businesses now looking forward to the next stage of the project, which will include a new community public open space at the intersection of Beresford Avenue and Lawson Avenue.”



A community placemaking project is developing concepts for creative and heat-reducing elements for the space, with the public given the chance to vote for their favourite design later this year.

The work is part of City of Newcastle’s local centres program, which is investing millions of dollars in new and improved public infrastructure across the local government area. Infrastructure improvements completed to date at the Beresfield local centre include:



- A 40km/hr zone and pedestrian-friendly street design
- Road and pedestrian lighting upgrade, with additional lighting to the railway station
- Drainage renewal and installation of a rain garden, which will improve the quality of water run-off that enters Hexham Wetlands
- Street trees
- Seating, bike racks and bins
- New kerbs, gutters and footpaths
- Upgraded road pavement
- Free Wi-Fi via the installation of smart poles.

## **Carrington upgrade hailed in park celebration**

City of Newcastle and the local community have celebrated the revitalisation of Carrington following a \$3 million upgrade of its local centre.

Dramatic infrastructure improvements - to roads, pathways and parking - along Young Street and the addition of street trees, bike racks and bins will be followed by the installation of a smart bus shelter that will provide free Wi-Fi coverage.

The local centre overhaul was marked by the City staff and locals in Jubilee Park this morning.



***The Lord Mayor opening the upgraded Carrington Local Town Centre with the help of City staff, locals and students***

"I'm proud to say that after more than 12 months of construction, Young Street is looking brand new and has been future proofed with new drainage and infrastructure to improve the amenity of the Carrington Local Centre," Lord Mayor Nuatali Nelmes said.

"The City continues to deliver on our vision for city-wide urban renewal, setting the direction for growth and revitalisation.

"We want our city's local centres to reflect a sense of place and local character, and I'm particularly pleased with finishing touches like the stone inlays celebrating Carrington's heritage.

"Planning for this project included extensive community consultation on all aspects of the upgrades, including the choice of Brushbox and Tuckeroo street trees and the provision of more designated on street car parking."

"We have also chosen best practice drainage solutions tailored to the area, including permeable paving and rain gardens."



***Patrick Burgess, Sarah Horan and Chris Martin take a stroll across the revitalised Young Street***

The City consulted with locals to hear their ideas and ensure their feedback was incorporated into the public domain plan for the area.

The Young St Carrington renewal project included:

- Drainage renewal
- Permeable paving to improve stormwater capacity
- Water sensitive urban design
- New site appropriate street trees
- Pedestrian-friendly Street design
- Existing street furniture retained where possible, and new bike racks and bins
- New kerb, gutter and footpath
- Renewed road surface
- Road and pedestrian lighting upgrade• Improved pedestrian crossings at both ends

## **\$2.4 million makeover for Kotara unveiled**

City of Newcastle has completed a \$2.4 million upgrade of Joslin Street, Kotara with a safe and welcoming new public space created at the heart of the renewal.

The upgrade saw the replacement of drainage infrastructure, footpaths and road surfaces, installation of new street furniture and street planting, alongside pedestrian safety improvements including a pedestrian refuge to enable a safer crossing between Rae Crescent and the busy local shopping area.

The public open space at the corner of Joslin Street and Rae Crescent features a playful sandstone stack, stepping logs for children to explore and relax, seating areas, a drinking fountain and a dog drinking bowl.

The space was unveiled by Newcastle Lord Mayor Nuatali Nelmes, who encouraged the local community to visit the space and the nearby local businesses.

“When we spoke to the community about upgrading this busy local centre we heard of the desire for a safer, more vibrant space to gather and shop,” the Lord Mayor said.



“With \$2.4 million invested to completely overhaul the entire local centre, we’ve delivered a more modern and safe public space for local residents and visitors to Kotara.”

“We’re particularly proud of the new, innovative open space which is a great place to catch up with friends over a coffee or bite to eat from the fantastic local businesses.”

The Lord Mayor said that the local community had significantly shaped the new public spaces by providing the City with invaluable feedback through detailed community consultation.

“Input from the community and local business-owners has been critical in making these improvements to the area, which we hope will benefit the Kotara community both now and into the future.”

Sami Mamalis, owner of Joslin Street’s Schnitty City said the project has improved safety in the area, and that locals are enjoying the new space. “This is great for Joslin Street, it’s good to see people using the space and it gives our customers and visitors somewhere to sit and enjoy the area.”

Future plans for the space include a collaboration with nearby Kotara South Public School to gather themes and ideas for the decoration of an interactive artwork to be installed in the public open space – bringing a climbable caterpillar sculpture to life with colour and character created by local school children.

“We want the community to interact with the new space and key to this is ensuring that local children from Kotara South Public School will get to see their ideas and designs for the new interactive public art come to life,” the Lord Mayor said.

The Joslin Street upgrade was delivered under the City’s Local Centres program, which is delivering upgrades to suburban centres across the local government area including the recently commenced upgrade of Mitchell Street, Stockton, and upgrades due for delivery later this year at Shortland and at James Street Plaza, Hamilton.

## **City delivers new local centre for Merewether**

City of Newcastle has delivered its \$2 million upgrade of Llewellyn Street, Merewether ahead of schedule and to budget, creating a safe, attractive space for the community to shop and enjoy.

The upgrade includes new street furniture and landscaping, alongside a range of pedestrian safety improvements including three new raised crossings, kerb extensions to reduce road crossing distances and upgraded footpaths.

City of Newcastle Lord Mayor Nuatali Nelmes said the project has made the area more accessible for people and has addressed safety and flooding issues along Llewellyn Street.

“This upgrade has completely revitalised this precinct and the improvements will benefit both the businesses and the community now and long into the future,” Cr Nelmes said.

“A highlight is the upgraded space at Dent Street which features new street furniture and an open space for locals and visitors to gather and enjoy a bite to eat and a coffee from the nearby café.”

Councillor Carol Duncan said the project has brought vibrancy and a sense of community to the small precinct.



“I’m really glad the project is now complete as it’s going to benefit a wide range of people. This was a streetscape in need of some love and it’s great to see what City of Newcastle crews have been able to deliver.”

Local business owner Kurt Banks said the upgrades have revitalised the space outside his café, Cuppa Joe’s, and significantly increased the appeal of outdoor dining for his patrons.

“This upgrade is good for the community and businesses and we are looking forward to the positives the new outdoor seating and upgraded footpaths will bring. Both will be great in getting more people to the space and increasing trade.”

The Llewellyn Street upgrade was delivered under the City’s Local Centres program, which is delivering upgrades to suburban centres across the local government area including the recently completed upgrade at Joslin Street, Kotara, the upgrade underway at Mitchell Street, Stockton, and upgrades due for delivery later this year at Shortland and at James Street Plaza, Hamilton.

To find out more about the Local Centres program visit [newcastle.nsw.gov.au/localcentres](http://newcastle.nsw.gov.au/localcentres)

## Wallsend gets \$2 million overhaul

City of Newcastle is investing \$2 million to improve traffic and pedestrian conditions in Wallsend's local centre while opening the conversation on its long-term masterplan.



City staff will consult with the Wallsend community over the next month on local improvements ahead of a project to replace the busy Kokera/Cowper Street roundabout with traffic lights.

A joint public domain-flood mitigation program over the next 12 months includes design of the Boscawen and Nelson Street bridge replacements - to facilitate widening and naturalisation of the Hunter Water owned Ironbark Creek channel.

Flood mitigation work will also be completed on the channel within Wallsend Park, along with completion of a new shared pedestrian and cycle path.

Lord Mayor Nuatali Nelmes said the City's local centres program would increase safety for pedestrians, cyclists and motorists and improve the overall look and appeal of commercial centres.

"As we have shown with upgrades to the Beresfield and Carrington town centres, the work will significantly improve the appeal of Wallsend with high-quality infrastructure, such as new seating, street trees and landscaping," the Lord Mayor said.

"Wallsend is a suburb brimming with history and character, which is why it's so important we work with the community to determine what's important as we make long-term improvements in the area.

“I encourage everyone to take part in the community engagement program for Wallsend before future projects transform Cowper Street into a high pedestrian activity area with a reduced speed limit and safer connections.”



In the past few months, City of Newcastle has completed the replacement of Tyrrell Street Bridge at a cost of \$3.3 million and committed \$20.7 million to reconstruct and raise the two other bridges as part of an overall flood-mitigation scheme.

Detailed design of upgraded traffic lights for the Nelson Street and Cowper Street intersection and a proposed roundabout at Cowper Street and Newcastle Road will also be carried out in the 2020/21 financial year.

Community members can have their say on the Wallsend upgrades from Tuesday 28 July at <https://www.newcastle.nsw.gov.au/YourSay>

The local centre overhaul is part of an \$8 million investment into the revitalisation of eight suburban commercial precincts in the 2020/21 financial year.

### **\$3.3 million Tyrrell Street Bridge opens in Wallsend**

Construction is complete on the new \$3.3 million Tyrrell Street Bridge, marking an important milestone in addressing flooding in Wallsend.

Lord Mayor Nuatali Nemes said the finished project is part of a multi-million-dollar program of work underway in Wallsend with the City of Newcastle commencing a series of projects to improve public amenity and the suburb's resilience to floods.

“The replacement of Tyrrell Street Bridge is an important piece of work in an ongoing process of flood mitigation and renewal in Wallsend.

“The Wallsend community has been hit hard during the past decade from flash flooding. This is why we prioritised this \$3.3 million project in what is a long term, generational change project in Wallsend.



“This project saw the demolition of the former smaller and lower structure which was built in 1930. In its place is a 26.6-metre-long two-span, two-lane concrete plank road bridge, allowing more water to flow through Hunter Water’s drain during storm events.

“I thank the community for their patience and cooperation during the construction of the new bridge and am pleased the City is making progress in improving the suburbs resilience to flooding.”

Replacing Tyrrell Street Bridge forms part of the Ironbark Creek Flood Mitigation Plan, which proposes another two bridges at Boscawen Street and Nelson Street be replaced, increasing the flow capacity at the Cowper Street Bridge, and planning for how Hunter Water’s channel can be widened to allow better water flow during heavy rainfall.

Ward Four Councillor Jason Dunn said the project was also the starting point of a larger program of work to benefit residents, businesses, property owners and visitors to the suburb.

“A long-term vision for the renewal of the Wallsend local centre is starting to take place following the adoption of the Wallsend Local Centre Public Domain and Traffic Plan,” Cr Dunn said.

“The plan aims to increase safety for pedestrians, cyclists and traffic as well as improve amenity, accessibility and connectivity for the community.

“We’ll also be restoring aging infrastructure including roads, footpaths, lighting and drainage throughout the town centre.



“Wallsend’s flood mitigation project and public domain plan form one long term vision to allow the town centre to thrive as the population grows in our western suburb.”

### **\$3.3 million upgrade to Stockton’s Mitchell Street**

A \$3.3 million facelift to Stockton’s Mitchell Street is underway with new footpaths, landscaping, street furniture, increased shade and improved pedestrian and cyclist safety set to be delivered as part of the City’s Local Centres program.

Lord Mayor Nuatali Nelmes said that upgrading Stockton’s main street will provide a range of benefits for locals and visitors.

“I’m pleased to see our teams commence work on this important upgrade which will create a safer, and more vibrant public space for the Stockton community to enjoy for generations to come,” Cr Nelmes said.

“The feedback from the community highlighted the need for improved spaces to shop, dine, and meet with friends.



“The Mitchell Street upgrade will include significant drainage improvements, new footpaths and street furniture, landscaping, raingardens, 40 new street trees and a reduction in speed limit to 40 km/hr to improve pedestrian and cyclist safety.

“In a nod to Stockton’s character and heritage, sandstone from existing kerbs will be retained and reused to frame garden beds and raingardens at three key intersections along Mitchell Street.”

City of Newcastle is delivering the Mitchell Street upgrade as part of its record capital works program designed to support the local economy in response to COVID-19.

The upgrade is one of 26 projects valued at more than \$17 million delivered in Stockton over the past five years, including coastal protection works and the much-loved Stockton Active Hub.

The City's Local Centres program is delivering upgrades to suburban centres across the local government area including those nearing completion at Llewellyn Street, Merewether and Joslin Street, Kotara.

This adds to earlier upgrades completed at Carrington and Beresfield and upgrades due for delivery later this year at Shortland and at James Street Plaza, Hamilton.

## **Transformation of Hamilton's James Street Plaza begins**

City of Newcastle is kicking off work on its transformation of James Street Plaza to revitalise the space and attract more visitors, families, and shoppers to the popular spot on Beaumont Street.

Following community engagement on concept designs the Hamilton community will be able to enjoy the revitalised space sooner than first planned, with work now underway.

The upgrade will see an overhaul of paving, new street furniture and landscaping, and new artworks and ground etchings acknowledging Hamilton's rich history.

Newcastle Lord Mayor Nuatali Nelmes said the upgrade will transform the plaza into a more safe, inclusive, and inviting place for local businesses and the community.



“James Street Plaza is an important space in the Beaumont Street shopping area, and this upgrade will improve the look and feel of the plaza as well as create a safer space for the community to enjoy,” the Lord Mayor said.

“Throughout our community engagement and regular discussions with business owners we have heard lots of ideas of how to improve the space, and in particular address concerns about safety at night.”

Upgrades to the plaza designed to improve activity in the space include an interactive lighting display developed in collaboration with the University of Newcastle, intended to create interest and celebrate Hamilton’s unique character and heritage.

Councillor Carol Duncan said the design reflects the broad feedback from the community, as well as contributions from local historian Ruth Cotton, author of *Hidden Hamilton*.

“Etchings on ground paving and signage in the plaza have been informed by Ruth’s extensive research of Hamilton’s history – from its traditional owners, through the suburb’s history as a mining settlement, its rich European influence from the Lettopalena Italian migrant community, and the impact of the 1989 earthquake,” Cr Duncan said.

“Upgrades to seating, paving and landscaping will better facilitate activation of the space for markets and live music.

“Once this valuable upgrade is complete, the design of James Street Plaza will reflect the rich culture of the suburb of Hamilton and will be an attractive central meeting place for people.”

Community feedback on the lighting concept options will be sought towards the end of the construction period.

Works are underway and are expected to be completed by mid 2021.

## Shortland local centre upgrade plans out for feedback



City of Newcastle is calling for community feedback on a proposal to improve safety for pedestrians and amenity of the local centre in Shortland.

Community consultation undertaken in April 2019 and June 2020 highlighted pedestrian safety at Sandgate Road as a high priority issue for residents and business owners in the local area.

In response to this feedback the City is placing the Draft Shortland Local Centre Public Domain and Traffic Plan on public exhibition, seeking feedback on proposed changes including implementation of a 40km/hr High Pedestrian Activity Area.

Newcastle Lord Mayor Nuatali Nelmes said that safety for the community who shop and work in the Shortland Local Centre is a key priority.

“The plan on exhibition addresses community concerns and helps keep the community safe, as well as delivering improved public domain with upgraded footpaths and new street furniture,” Cr Nelmes said.

“We want to create an inviting space for locals to do their shopping and support local small business.”

Ward Four Councillor Jason Dunn said the proposed changes are a critical step in improving the area for the benefit of Shortland locals.

“Feedback on this next step is important, so we encourage the community to view the plan and share their views,” Councillor Dunn said.

Long-term Shortland resident Wendy Heys also encourages the Shortland community to have their say.

“I really welcome the upgrade to the shopping area making it safer for pedestrians, especially school children in the area.”

As well as a reduced speed limit, the plan includes construction of a pedestrian refuge and speed cushions to reduce driver speeds and create safer crossings for pedestrians.

The City has also engaged a mural artist to work with the community to determine a theme for a new mural installation at the pharmacy on Hansen Place. The mural will be delivered in conjunction with construction of the safety and public domain upgrades, currently scheduled for mid 2021.

Visit [www.newcastle.nsw.gov.au/yoursay](http://www.newcastle.nsw.gov.au/yoursay) to have your say on the proposed safety improvements. Consultation starts Monday February 22 and is open until March 21.

## Orchardtown Road, New Lambton



### What's planned for Orchardtown Road?

We are addressing streetscape, access and traffic issues in Blackbutt Village, Orchardtown Road, New Lambton as part of our Local Centres program.

Key features include:

- A new 40km/hr zone to improve safety.
- An off-road shared pedestrian and cycle path.
- A new pedestrian crossing and footpath connections to Blackbutt Reserve and Richley Reserve.
- Wider footpaths and new plazas to improve outdoor dining and promote activation of the centre.
- Renewal of drainage, kerb, gutter, road, footpaths, lighting and street furniture.
- Tree planting and landscaping.

### ATTACHMENTS

Nil.