



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 22 October 2019

**TIME:** 5.30pm

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

J Bath  
Chief Executive Officer

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

16 October 2019

**Please note:**

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

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

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



**ORDINARY COUNCIL MEETING  
22 October 2019**

**CONTENTS**

<b>Item</b>	<b>Business</b>	<b>Page</b>
	<b>APOLOGIES/LEAVE OF ABSENCE</b>	
	<b>ORDERS OF THE DAY</b>	
	<b>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</b>	
	<b>CONFIRMATION OF PREVIOUS MINUTES</b>	5
	MINUTES - PUBLIC VOICE COMMITTEE 17 SEPTEMBER 2019	5
	MINUTES - ORDINARY COUNCIL MEETING 24 SEPTEMBER 2019	7
	<b>LORD MAYORAL MINUTE</b>	
	<b>REPORTS BY COUNCIL OFFICERS</b>	15
ITEM-73	CCL 22/10/19 - ADOPTION OF 2018/19 ANNUAL FINANCIAL STATEMENTS	15
ITEM-74	CCL 22/10/19 - TABLING OF DISCLOSURES BY DESIGNATED PERSONS - ANNUAL REPORT	23
ITEM-75	CCL 22/10/19 - ADMINISTRATION OF 2020 COUNCIL ELECTION	26
ITEM-76	CCL 22/10/19 - SUPPLEMENTARY REPORT - EXHIBITION OF DRAFT FERN BAY AND NORTH STOCKTON STRATEGY	30
ITEM-77	CCL 22/10/19 - ADOPTION OF COMMUNITY PARTICIPATION PLAN	33
ITEM-78	CCL 22/10/19 - ADOPTION OF THE JOSLIN STREET LOCAL CENTRE PUBLIC DOMAIN PLAN AND TRAFFIC PLAN	36
ITEM-79	CCL 22/10/19 - ACQUISITION OF 8A ALBERT STREET AND 161 RAILWAY STREET, WICKHAM	40
ITEM-80	CCL 22/10/19 - CARRINGTON GREENSPACE MASTERPLAN PUBLIC EXHIBITION	43
ITEM-81	CCL 22/10/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT	47
ITEM-82	CCL 22/10/19 - GREATER NEWCASTLE AEROTROPOLIS PTY LTD - APPOINTMENT OF COUNCIL'S SHAREHOLDER REPRESENTATIVES	50

## CITY OF NEWCASTLE

Ordinary Council Meeting 22 October 2019

Page 4

<b>NOTICES OF MOTION</b>	53
ITEM-36 NOM 22/10/19 - NATIONAL PARK PLAN OF MANAGEMENT	53
REPORT ON NOTICE OF MOTION - NOM 22/10/19 - NATIONAL PARK PLAN OF MANAGEMENT	54
ITEM-37 NOM 22/10/19 - EMERGENCY EGRESS FOR HIGHRISE OCCUPANTS WITH A DISABILITY	55
ITEM-38 NOM 22/10/19 - CONTRACTS WITH VALUE OF \$1 MILLION OR MORE	57
REPORT ON NOTICE OF MOTION - NOM 22/10/19 - CONTRACTS WITH VALUE OF \$1 MILLION OR MORE	58
ITEM-39 EXCLUDED - NOM 22/10/19 - NEWCASTLE MARITIME MUSEUM SOCIETY	

This item is excluded in accordance with clause 21.5 of the Code of Meeting Practice which provides "The CEO must not include in the agenda for any Meeting any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is (or the implementation of the business would be) unlawful". This item is excluded as, in the opinion of the Chief Executive Officer, the implementation would breach the Code of Meeting Practice clause 17.1 which stipulates that any person wishing to address Council apply either to the Public Voice Committee or the Briefings Committee.

ITEM-40 EXCLUDED - NOM 22/10/19 - CBRE BUSINESS CASE FOR MOVE INTO RENTED PREMISES AT 12 STEWART AVENUE, NEWCASTLE WEST	
---	--

This item is excluded in accordance with clause 21.5 of the Code of Meeting Practice which provides "The CEO must not include in the agenda for any Meeting any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is (or the implementation of the business would be) unlawful". This item is excluded as, in the opinion of the Chief Executive Officer, the implementation would be unlawful because it would disclose information that would breach commercial in confidence and confidentiality obligations to third parties. As communicated in regard to previous similar requests to make the lease details public, third party consultation is necessary under the Government Information (Public Access) Act 2009. This was previously undertaken in February 2019 with the lessor unwilling to waive his right to commercial in confidence.

### CONFIDENTIAL REPORTS

Nil

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

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 17 SEPTEMBER 2019**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 190917 Public Voice Committee Minutes

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

**CITY OF NEWCASTLE**

**Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on 17 September 2019 at 5.36pm.**

---

**PRESENT**

The Deputy Lord Mayor (Councillor D Clausen), Councillors M Byrne, J Church, J Dunn, K Elliott, J Mackenzie, A Robinson, A Rufo, 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), K Liddell (Director Infrastructure and Property), A Murphy (Director City Wide Services), D Guest (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Vescio (Executive Officer, Chief Executive Office), M Murray (Policy Officer, Lord Mayor's Office), A Knowles (Council Services/Minutes) and A Leach (Council Services/Webcasting).

**PRAYER**

The Deputy 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.

**MESSAGE OF ACKNOWLEDGEMENT**

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

**APOLOGIES**

**MOTION**

Moved by Cr Byrne, seconded by Cr Winney-Baartz

The apologies submitted on behalf of the Lord Mayor, Cr Nelmes, Councillors Duncan and Luke be received and leave of absence granted.

**Carried**

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

Nil.

**PUBLIC VOICE SESSIONS**

**ITEM-1 PV 17/09/19 - DA2019/00058 - 131 MARSHALL STREET KOTARA - RESIDENTIAL ACCOMMODATION (MULTI-UNIT), DEMOLITION AND STRATA SUBDIVISION**

Mr Glenn Evans and Mr Andrew Moss addressed Council and outlined concerns and objections to the development application.

Mr Chris Speak, Valley Planning on behalf of the DA applicant, addressed Council in support of the development application.

**The meeting concluded at 6.00pm**

**MINUTES - ORDINARY COUNCIL MEETING 24 SEPTEMBER 2019**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 190924 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, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 24 September 2019 at 5.36pm.**

---

**PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church (*left the meeting at 6.28pm*), D Clausen, J Dunn, K Elliott, J Mackenzie, A Robinson (*left the meeting at the commencement of Supplementary Notice of Motion Item 32*), A Rufo, E White and P Winney-Baartz.

**IN ATTENDANCE**

J Bath (Chief Executive Officer), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), D Guest (Acting Manager Legal), S Moore (Acting Chief Financial Officer), J Rigby (Manager Assets and Projects), L Duffy (Manager Parks and Recreation), D Moldrich (Manager Customer Experience), T Uren (Waste Manager), D Manderson (Manager Civil Construction and Maintenance), K Hyland (Manager Major Events and Corporate Affairs), E Dowswell (Media and Communications Advisor), J Vescio (Executive Officer, Chief Executive Office), M Murray (Policy Officer, Lord Mayor's Office), K Sullivan (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

**APOLOGIES**

**MOTION**

Moved by Cr Byrne, seconded by Cr Rufo

The apologies submitted on behalf of Councillors Duncan and Luke be received and leave of absence granted.

**Carried**

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

**Councillor Robinson**

Councillor Robinson declared a significant non-pecuniary interest in Supplementary Notice of Motion Item 32 - Sexism and Homophobia and stated that he would leave the Chamber for discussion on the item.



**Councillor Church**

Councillor Church declared a significant pecuniary interest in Item No. 70 - Adoption of Boundary Adjustments to Cooks Hill, The Hill and Hamilton South Heritage Conservation Areas stating that he lived adjacent to one of the conservation areas and would leave the Chamber for discussion on the item.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 27 AUGUST 2019**

**MINUTES - PUBLIC VOICE COMMITTEE MEETING 20 AUGUST 2019**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried**

**LORD MAYORAL MINUTE**

**ITEM-19 LMM 24/09/19 - STOCKTON COASTAL EROSION**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes with concern the devastation to Stockton Beach following ongoing and sustained coastal erosion, acknowledging the effects that the loss of much of Stockton Beach is having on the local community;
- 2 Reassures the Stockton community that the City of Newcastle stands with them, noting that we want Stockton Beach to be a useable beach enjoyed by the public, and that we will undertake all actions that are permissible by the NSW Government to achieve this goal;
- 3 Notes that any long-term solution to address coastal erosion at Stockton requires both approval and funding from the NSW Government, and that this was discussed at a recent meeting at Parliament House with the Minister for Local Government, the Hon. Shelley Hancock MP;
- 4 Writes to the NSW Premier, the Hon. Gladys Berejiklian; the Deputy Premier, the Hon. John Barilaro MP; the Minister for Local Government, the Hon. Shelley Hancock MP; and the Minister for Energy and the Environment, the Hon. Matt Kean MP, inviting them to Stockton to inspect the devastating coastal erosion occurring at Stockton Beach; and

- 5 Joins with Federal Member for Newcastle, Sharon Claydon MP, who has called on the Morrison Federal Government to intervene and provide support to address coastal erosion at Stockton at the Federal level, and writes to the Prime Minister, the Hon. Scott Morrison MP, seeking support from the Commonwealth Government.

**Carried  
unanimously**

**ITEM-20 LMM 24/09/19 - CITY OF NEWCASTLE SUBMISSION TO 20-YEAR WASTE STRATEGY FOR NSW**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the NSW Government, through the Department of Planning, Industry and Environment, including the EPA, is currently calling for submissions regarding the development of a 20-Year Waste Strategy (20YWS) for NSW;
- 2 Recognises the need for a comprehensive Waste Strategy for NSW, particularly regarding the future of recycling, which is currently being impacted by the China 'Green Sword Policy', noting the Morrison Federal Government's vow to establish a plastic recycling industry in Australia;
- 3 Notes Newcastle Herald article 'Problems with plastic that can't be ignored', which outlines that only 12 per cent of the 103 kilograms of plastic waste generated per person in Australia each year was recycled, mostly overseas; and
- 4 Prepares a submission for the NSW Government's 20YWS, including:
  - a Strong support for the establishment of a plastic recycling industry in Australia;
  - b Calls for continued government assistance to further support organics recycling strategies for local government;
  - c Noting the need for additional resourcing requirements for Assisted Household Waste Collection Service for elderly and disabled ratepayers, particularly given our ageing population;
  - d Noting City of Newcastle's continued commitment to weekly kerbside general waste collection; and

- e Noting that Recommendation 4 of the NSW Legislative Council Portfolio Committee No. 6 – Planning and Environment report ‘Energy from waste’ technology report states that “the NSW Government hypothecate 100 per cent of the waste levy funds contributed by local councils back to these organisations to provide waste management services, including waste reduction, avoidance and re-use programs, and environmental programs to encourage the development of innovative waste management technology.”

**Carried  
unanimously**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-69 CCL 24/09/19 - ADOPTION OF CODE OF MEETING PRACTICE**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Adopts the Code of Meeting Practice at **Attachment A**.

**Carried**

**ITEM-71 CCL 24/09/19 - ACQUISITION OF 250 SCOTT STREET, NEWCASTLE**

**MOTION**

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

- 1 Resolves to accept the transfer of 250 Scott Street Newcastle (Lot 9 DP 1251435) from HCCDC for nil consideration.
- 2 Delegates to the Chief Executive Officer (CEO) authority to execute all relevant documentation to effect the transfer.
- 3 To publicly notify the proposal to classify the acquired land as Operational Land in accordance with Section 34 of the Local Government Act 1993 (Act).
- 4 If no public submissions are received objecting to the classification proposal, to classify the acquired land as Operational Land.

**Carried  
unanimously**

**ITEM-72 CCL 24/09/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the Executive Monthly Performance Report for August 2019.
- 2 Resolves to receive only the current month's Schedule of Investments as part of the Executive Monthly Performance Report.

**For the Motion:**

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

**Against the Motion:**

Councillors Church and Elliott.

**Carried**

**ITEM-70 CCL 24/09/19 - ADOPTION OF BOUNDARY ADJUSTMENTS TO COOKS HILL, THE HILL AND HAMILTON SOUTH HERITAGE CONSERVATION AREAS**

Councillor Church left the Chamber for discussion on this item.

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council:

- 1 Endorse the Planning Proposal (**Attachment A**) to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to make boundary adjustments to the existing Cooks Hill, The Hill and Hamilton South Garden Suburb Heritage Conservation Areas (HCAs).
- 2 Forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting that a draft NLEP 2012 be prepared and made pursuant to Section 3.36(1) of the Environmental, Planning and Assessment Act (EP&A Act).
- 3 Advise the Secretary of the DPIE that City of Newcastle (CN) does not seek to exercise delegations for undertaking the plan making steps pursuant to Section 3.36(1) of the EP&A Act.

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

**Against the Motion:** Nil.

**Carried**

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

## NOTICES OF MOTION

### ITEM-32 SUPPLEMENTARY NOTICE OF MOTION - NOM 27/08/19 - SEXISM AND HOMOPHOBIA

At the Ordinary Council meeting of 27 August 2019, an amended Notice of Motion Item 32 - Sexism and Homophobia was moved by Councillor Clausen and seconded by Councillor Duncan.

A procedural motion moved by Councillor Winney-Baartz and seconded by Councillor Byrne, to lay the motion on the table until the next meeting was resolved.

Council reconvened debate on Notice of Motion Item 32 - Sexism and Homophobia.

Councillor Robinson left the Chamber for discussion on the item.

#### MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism; and
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions.

#### AMENDMENT

Moved by Cr Mackenzie, seconded by Cr Byrne

- 5 Joins City of Newcastle employees in condemning in the strongest possible terms language and behaviour that is sexist and homophobic, including recent comments attributed to Councillor Allan Robinson.

The mover and seconder of the motion accepted the amendment to the motion.

## CITY OF NEWCASTLE

Ordinary Council Meeting 22 October 2019

Page 14

The Lord Mayor clarified the motion before the Chair consisted of Parts 1 to 5.

Councillors Church, Elliott and Rufo left the Chamber at 6.28pm.

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

**Against the Motion:** Nil.

**Carried  
unanimously**

Councillors Elliott and Rufo returned to the Chamber at the conclusion of this item.

### **ITEM-35 NOM 24/09/19 - FEDERAL INFRASTRUCTURE SPENDING**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

1. Notes that in the most recent quarter, the Australian economy recorded its lowest rate of growth since the Global Financial Crisis (GFC);
2. Notes the repeat comments from the Reserve Bank Governor calling for the Commonwealth Government to increase federal infrastructure spending;
3. Notes that the Commonwealth Government has access to record low borrowing rates for infrastructure investment;
4. Notes Council's record infrastructure spend in 2018-19 as an outstanding local result, delivering wider economic benefits, and notes that Council does not have fiscal tools of the Commonwealth Government;
5. Writes to the Prime Minister, Scott Morrison, calling on the Commonwealth Government to act on the RBA Governor's advice by speeding up infrastructure spending, especially outside of Sydney and Melbourne, including by prioritising Commonwealth investment on the Lower Hunter Freight Corridor, Newcastle Airport Expansion, Port of Newcastle diversification, Broadmeadow Sports and Entertainment Precinct, Newcastle Art Gallery Expansion, and active transport, as per City of Newcastle's recent submission to the Commonwealth Infrastructure Priority List.

**Carried  
unanimously**

**The meeting concluded at 6.46pm.**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-73                      CCL 22/10/19 - ADOPTION OF 2018/19 ANNUAL FINANCIAL STATEMENTS**

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

---

**PURPOSE**

To adopt City of Newcastle's (CN) 2018/19 audited annual Financial Statements.

**RECOMMENDATION**

That Council

- 1     Receives and adopts CN's Financial Statements and accompanying notes, in respect of the year ended 30 June 2019, together with the Auditor's Report (**Attachment A**).

**KEY ISSUES**

- 2     CN's external Audit Report for the year ended 30 June 2019 is unqualified.
- 3     CN's financial position as at 30 June 2019 shows sound liquidity with net assets of \$1,739m.
- 4     CN's operating result (before grants and contributions for capital purposes) for 2018/19 was a surplus of \$9.4m against a \$1.1m surplus in 2017/18.
- 5     Total revenue was \$336.3m or \$25.9m higher compared to 2017/18 actual revenue.
- 6     CN received \$31.1m in grants and contributions for capital purposes in 2018/19, compared to \$23.6m in the prior year. The operating result, including these capital grants and contributions, resulted in community equity increasing by \$40.5m in 2018/19, compared to an increase of \$24.7m in 2017/18.
- 7     Total operating expenditure was \$295.9m or \$10.2m higher than the 2017/18 actual expense.
- 8     In 2018/19 CN delivered a historic level of works across the Newcastle Local Government Area (LGA). The actual value delivered inclusive of capital and operational expenditure was \$91.6m compared to the adopted budget of \$100m. The focus of the program was CN's infrastructure assets with \$20m spent on buildings, \$18.9m on roads, \$14.5m on waste management assets and \$6.2m on stormwater.

Other key initiatives saw CN invest \$14.4m in transforming Newcastle into a Smart City and \$4.2m into the replacement of CN's plant and fleet assets.

- 9 Through prudent and rigorous financial management, CN has delivered a net operating result which exceeded the adopted budget expectation. CN also continued to maintain its focus on financial sustainability by maintaining a net operating surplus whilst renewing and maintaining assets within a sustainable range and achieving key sustainability targets within agreed timeframes.
- 10 Ensuring CN has reached a position of financial sustainability has remained a priority over the last six years. The audited financial results for the year ended 30 June 2019 demonstrate that CN has achieved an operating surplus for the sixth consecutive year. These operating surpluses have contributed towards an increase in CN's total equity of \$34m over a 6-year period.
- 11 In 2018/19 CN outperformed the benchmarks in all financial key performance ratios.

**FINANCIAL IMPACT**

**Operating Result**

- 12 The operating result is calculated on a full accruals basis which means that all costs / income which relate to the current financial year are included irrespective of whether a cash inflow / outflow has been made or not.
- 13 To facilitate comparison, the Income Statement from the Financial Statements is reformatted and summarised below:

Line No		2018/19 (\$'000) Actual	2017/18 (\$'000) Actual
i)	Operating Income before Capital Amounts	305,288	286,802
ii)	Operating Expenditure before Depreciation	(251,260)	(243,591)
iii)	Operating Result before Depreciation / Capital Amounts	54,028	43,211
iv)	Depreciation	(44,641)	(42,134)
v)	<b>Operating Surplus / (Deficit) before Capital Amounts</b>	<b>9,387</b>	<b>1,077</b>
vi)	Capital Amounts (Grants and Contributions)	31,059	23,596
vii)	Net Operating Result for the Year (as reported in the Income Statement)	40,446	24,673

Analysis of the movement of individual line items from the table above are:



**14 Line (i): Operating Income before capital amounts**

Represents an increase of \$18.5m on the 2017/18 revenue. Rates and annual charges income increased by \$12.8m arising from the Independent Pricing and Regulatory Tribunal approved rate increase of 2.3% and SRV of 5.7%. User charges and fees has increased by \$4.2m largely for tipping fees at Summerhill of \$1.9m and an increase in Newcastle Airport income of \$1.9m. Interest income has increased by \$1.5m. Offset slightly by a decrease in other revenues of \$755k due to CN receiving disaster recoveries in 2017/18 with no payment received in 2018/19.

**15 Line (ii): Operating expenditure before depreciation**

The 2018/19 expenditure represents an increase of \$7.7m on the 2017/18 result. This was largely due to the increase in the waste remediation provision for CNs former waste site – Astra Street of \$17.8m. Employee benefits and on costs have increased by \$4.5m which includes a 2.5% award salary increase for staff. Borrowing costs have increased by \$1.3m due to the unwinding of the discount for Astra Street remediation. All offset by a reduction in contractor and consultancy costs of \$9.2m.

**16 Line (iii): Operating result before depreciation / capital amounts**

This line reflects the operating result for the year prior to allowing for depreciation and shows an increase of \$10.8m on the equivalent 2017/18 result. This was due to an increase in income of \$18.5m as outlined in paragraph 13 and an increase in expenditure of \$7.7m as outlined in paragraph 14.

**17 Line (iv): Depreciation**

Infrastructure depreciation had a significant impact on the operating result, increasing by \$2.5m on the prior year. Under the Office of Local Government and Accounting Standard requirements CN is required to revalue its infrastructure, property, plant and equipment every five years. It is important to note that depreciation variations may occur in future reporting periods due to this revaluation regime.

**18 Line (v): Operating surplus / (deficit) before capital amounts**

CN's operating result before capital amounts shows an operating surplus of \$9.4m for 2018/19, this is an increase of \$8.3m from 2017/18.

**19 Line (vi): Capital grants and contributions**

In the 2018/19 year capital grants and contributions increased by \$7.5m. The major increase is attributable to CN's non cash capital contributions for Community land \$6.8m and Roads and Drainage \$4.7m and S7.4 and 7.11 Developer contributions of \$2.7m. Offset by a reduction in transport grants of \$1.5m, reduction in capital waste grants of \$750k and an increase in recreation and culture grants of \$1.6m and a reduction in roads and drainage contributions of \$2.5m.

**20 Line (vii): Net operating result for the year (as reported in the Income Statement)**

This represents the net impact of all of the above line items. This amount is transferred to retained earnings and reflects an increase in Net Assets. The net operating result of \$40.5m is an increase of \$15.8m against the 2017/18 net operating result of \$24.7m.

**21 Budget to actual comparison (Page 4 of the financial statements)**

The budget disclosed in the income statement on page 4 of the financial statements is the original budget as detailed in the 2018/19 'Our Budget' (2018/19 Delivery Program and Operational Plan) adopted at the Ordinary Council meeting held on 26 June 2018 and does not include the budgets for capital works in progress carried forward from 2017/18 or any other budget adjustments approved by Council at the quarterly budget reviews during 2018/19. The actual result shows a net surplus of \$9.4m against an original budget surplus of \$6.5m.

**22 The explanation of the key variances between actual and budget results is as follows:**

- i) User charges and fees achieved higher than budgeted revenue through user charges of \$13.6m. The major drivers of the variance are: Tipping fees at CN's waste management facility are \$7m favourable as a direct result of securing additional tonnes through commercial agreements. In addition the Newcastle Airport income of \$2.9m and work performed for RMS are higher than budgeted.
- ii) Capital grants and contributions additional asset donations of \$14.0m including Community land \$6.8m and Roads and Drainage \$6.1m.
- iii) Other Expenses exceeded budget by \$29.1m; the variance is due to the increase in the waste remediation provision for CNs former waste site – Astra Street of \$17.8m and a higher NSW Government state waste levy of \$9.2m which is offset by higher revenues.

**23 A high level analysis of material budget variations (above 10%) is shown in Note 21 of the Financial Statements.**

**Audited Key Performance Ratios**

**24 Note 25(a) on Page 88 of the Financial Statements details CN's key financial performance measures. Key variances are discussed below.**

**25 Operating Performance Ratio 2.13%**

This ratio measures a Council's achievement of containing operating expenditure within operating revenue. It is important to distinguish that this ratio focuses on operating performance and includes capital grants and contributions, fair value adjustments, net gains or losses on sale of assets, net shares of interests in joint venture and associates.

The reversal of revaluation decrements are excluded. The benchmark is greater than 0%. **Accordingly CN's performance in 2018/19 is above the benchmark ratio.**

**26 Own source operating revenue ratio 85.42%**

This ratio measures fiscal flexibility and the degree of reliance on external funding sources such as operating grants and contributions. CN's financial flexibility improves the higher the level of its own source revenue. **The benchmark is greater than 60% and CN has exceeded this benchmark.**

**27 Unrestricted current ratio 2.08x**

The unrestricted current ratio measures CN's ability to meet its obligations (current liabilities) using current assets. **The benchmark is greater than 1.5x and CN has exceeded this benchmark.**

**28 Debt service cover ratio 6.83x**

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments. **The benchmark is greater than 2x and CN has exceeded this benchmark.**

**29 Rates and annual charges outstanding ratio 2.95%**

This ratio assesses the impact of uncollected rates and annual charges on liquidity and the adequacy of recovery efforts. **The benchmark is less than 10% (for Councils classified as regional and rural) and CN has achieved this benchmark.**

**30 Cash expense cover ratio 7.57 months**

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow. **The benchmark is greater than three months and CN has exceeded this benchmark.**

31 Special Schedule No. 7 addresses the condition of public infrastructure and the estimated cost to bring assets up to a satisfactory standard.

32 The cost to bring assets to an agreed service level as set by CN has decreased from \$95.5m to \$86.2m over the last financial year.

**Financial Performance Measures**

33 The Audit and Risk Committee has been proactive in reviewing CN's financial position and commitment to continuing financial sustainability.

34 Ensuring CN reached a position of financial sustainability has remained a priority over the last six years. The audited financial results for the year ended 30 June 2019 demonstrate that CN has achieved an operating surplus for the sixth consecutive year.

- 35 The 30 June 2019 operating surplus is recorded at \$9.4m.
- 36 CN continues to prudently manage its long-term financial sustainability.
- 37 These results can be evidenced by the trends in CN's Income Statement and Statement of Financial Position for FY2019 as detailed above.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 38 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership'. In particular 7.1b *Ensure long-term financial sustainability through short, medium and long-term financial planning.*

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 39 The Financial Statements reflect the outcomes of actions, activities and projects contained in the 2018/19 Operational Plan and subsequent Quarterly Reviews which have been approved by Council.

### **RISK ASSESSMENT AND MITIGATION**

- 40 Risk mitigation is achieved through:
- i) The Local Government Act 1993 (as amended) requires the Financial Statements to be externally audited. This audit has been completed by the NSW Audit Office, who has issued an Unqualified Audit opinion for the 2018/19 financial year.
  - ii) Director, Financial Audit, the Audit Office of New South Wales provided a Client Service report to CN's Audit and Risk Committee on 10 October 2019. A presentation on the financial statements was held during a workshop to Council on 15 October 2019.

### **RELATED PREVIOUS DECISIONS**

- 41 The actual revenue and expenditure classifications and movements in assets and liabilities detailed in the Financial Statements are the outcomes of the strategic actions, activities and projects contained in the 2018/19 Operational Plan. These actions, activities and projects contributed to the delivery of Council's social, environmental and economic objectives.
- 42 Council resolved the following at the Ordinary Council Meeting held on 27 August 2019:
- 1 *That Council notes the preparation of its Financial Statements for the year ended 30 June 2019 are underway and upon completion they will be referred for audit in accordance with the requirements of s. 413 (1) of the Act.*

- 2 *Council authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the relevant statements in accordance with s. 413 (2) of the Act at the conclusion of the external audit (Attachments A and B). In the event that the Lord Mayor and a Councillor are no longer in Office post the appointment of an Administrator, Council authorises the Administrator in their stead to sign the relevant statements.*

## **CONSULTATION**

- 43 Director, Financial Audit, The Audit Office of New South Wales provided a Client Service report to CN's Audit and Risk Committee on 10 October 2019. A presentation on the financial statements was held during a workshop to Council on 15 October 2019 and presented by CN management with Director, Financial Audit, and The Audit Office of New South Wales in attendance. In accordance with the provisions of s.418, of the Local Government Act 1993 (as amended), public notice of the meeting date at which the CN's Financial Statements will be presented was advertised in The Newcastle Herald on 15 October 2019.
- 44 In accordance with the provisions of s.418, of the Local Government Act 1993 (as amended), public notice of the meeting date at which the CN's Financial Statements will be presented was advertised in The Newcastle Herald on 15 October 2019. Copies of CN's Financial Statements, together with the Auditor's Report, were available for inspection by members of the public from 15 October 2019 to 5 pm on 22 October 2019 at the Customer Enquiry Centre of the City Administration Centre. Written submissions can be lodged by 5pm close of business on 22 October 2019.

## **BACKGROUND**

- 45 CN's Financial Statements in respect of the year ended 30 June 2019 have been prepared in accordance with:
- i) The Local Government Act 1993 (as amended) and the Local Government (General) Regulations 2005;
  - ii) Australian Accounting Standards and professional pronouncements;
  - iii) The Local Government Code of Accounting Practice and Financial Reporting (Guidelines); and
  - iv) The Local Government Asset Accounting Manual.
- 46 Following presentation of the Financial Statements to Council, copies will be available from the City Administration Centre or CN's website.

## **OPTIONS**

### **Option 1**

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

**Option 2**

- 48 Council resolves not to receive and adopt the presentation of CN's Financial Statements and Accompanying Notes, in respect of the year ended 30 June 2019, together with the Auditor's Report. This would result in CN not complying with the requirements of the Local Government Act 1993 (as amended). This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 73 Attachment A:** City of Newcastle's Financial Statements

**Item 73 Attachment A distributed under separate cover**

**ITEM-74                      CCL 22/10/19 - TABLING OF DISCLOSURES BY DESIGNATED PERSONS - ANNUAL REPORT**

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

---

**PURPOSE**

For the Chief Executive Officer (CEO) to table the annual disclosures of interest by designated persons returns in accordance with the Code of Conduct for Councillors, Code of Conduct for Staff, and Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors respectively (Codes of Conduct).

**RECOMMENDATION**

That Council:

- 1 Note the tabling of the annual disclosures of interest by designated persons returns (for the financial year 2018/2019) by the CEO.

**KEY ISSUES**

- 2 The Codes of Conduct require:
  - i) Councillors and designated persons to lodge a disclosure of interest return (Return) in the prescribed form within three months of the end of each financial year disclosing interests for the previous financial year;
  - ii) The CEO to table the Returns lodged at the first Ordinary Council Meeting held after the lodgment of Returns; and
  - iii) The CEO to keep a register of Returns which may be accessed in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).
- 3 The Codes of Conduct, adopted by Council at the Ordinary Council Meeting held on 25 June 2019, are consistent with the *Model Code of Conduct for Councillors / Staff / Committee Members and Delegates* (Model Codes) prescribed by the Office of Local Government pursuant to sections 440 and 440AA of the *Local Government Act 1993* (the Act) and regulation 420 of the *Local Government (General) Regulation 2005* (the Regulation).
- 4 Designated persons are:
  - i) CEO (General Manager);
  - ii) Senior staff;

- iii) City of Newcastle (CN) officers designated because of the exercise of Council functions; and
  - iv) Committee members because of the exercise of Council functions.
- 5 In accordance with s739 of the Act, CN has amended the register of Returns to omit information that discloses a designated person's place of living where:
- i) The designated person requested that such information be deleted on the grounds that it would place their personal safety or their family's safety at risk; and
  - ii) The CEO was satisfied that disclosing the information would place the designated person's safety or their family's safety at risk.

### **FINANCIAL IMPACT**

- 6 CN's adopted Our Budget 2019/20 provides for arrangements for Council meetings. There is no budget implication in adopting the tabled annual Returns.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

- 7.2a Conduct Council business in an open, transparent and accountable matter.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

#### **8 Open and Transparent Governance Strategy**

- 3.5 Open and transparent disclosures.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 On the day following the meeting, the register of Returns may be accessed by members of the public (at CN's City Administration Centre) during business hours without an appointment.
- 10 Alternatively, the register of Returns is available for inspection in accordance with the GIPA Act. CN's procedure requires a person to make an appointment to view the register during business hours.

### **RISK ASSESSMENT AND MITIGATION**

- 11 Compliance with legislative requirements for tabling of disclosures of interest is a key process supporting CN's Open and Transparent Governance Strategy and ensures CN complies with the Model Codes.



**RELATED PREVIOUS DECISIONS**

- 12 The last annual report on disclosures of interest returns was tabled at the Ordinary Council Meeting held on 23 October 2018.

**CONSULTATION**

- 13 No consultation was required as this is a statutory process under the Model Code.

**BACKGROUND**

- 14 At the Ordinary Council Meeting held on 26 June 2019, Council adopted the Code of Conduct for Councillors, Code of Conduct for Staff, and Code of Conduct for Council Committee Members and Delegates. These Codes are based on the Office of Local Government's Model Codes.
- 15 The Model Code incorporates the pecuniary interest provisions previously contained in the Act and the Regulation.
- 16 New provisions require that Councillors are required to disclose in their Return whether they are a property developer or a close associate of a property developer.

**OPTIONS**

**Option 1**

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

**Option 2**

- 18 Council does not adopt the recommendation. The Model Code requires the Return to be tabled at a Council meeting. Failure to do so would constitute a breach of the Model Code and the Act. This is not the recommended option.

**REFERENCES**

- 19 Model Code of Conduct for Local Councils in NSW: A Guide to Completing Returns of Interest  
<https://www.olg.nsw.gov.au/sites/default/files/Model%20Code%20of%20Conduct%20-%20Completing%20returns%20of%20interest.pdf>

**ATTACHMENTS**

Nil.

**ITEM-75                    CCL 22/10/19 - ADMINISTRATION OF 2020 COUNCIL ELECTION**

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

---

**PURPOSE**

To determine election arrangements for the Local Government election in the Newcastle Local Government Area in September 2020.

**RECOMMENDATION**

That Council:

- 1 Resolves, pursuant to s.296 (2) and S.296 (5) of the Local Government Act 1993 (NSW) ("the Act"), that an election arrangement be entered into by contract for the Electoral Commissioner to administer the 2020 ordinary election of the Council.

**KEY ISSUES**

- 2 Council resolved at its Ordinary Council Meeting held on 26 February 2019 that an election arrangement be entered into by contract for the Electoral Commissioner to administer the 2020 election of the Council provided that the cost does not increase by more than 10% of the 2017 election costs.
- 3 The Independent Pricing and Regulatory Tribunal (IPART) recently conducted a review of the costs of conducting Local Government elections in NSW. The purpose of IPART's review was to ensure a robust methodology for determining costs is applied, in order to minimise the financial burden on Councils and to ensure Local Government elections are conducted efficiently and cost effectively.
- 4 On 18 September 2019, the NSW Government released its response to IPART's review, including providing \$19.9m to fund the NSW Electoral Commission's (NSWEC) core costs for the September 2020 Local Government elections.
- 5 In light of the Government's response, NSWEC has provided an estimate of the cost of administering Council's election in 2020. The cost estimate is \$1,005,360 (excluding GST) (**Attachment A**). This represents an increase of 33% over the 2017 election costs and is greater than the 10% threshold included in Council's February 2019 resolution.

**FINANCIAL IMPLICATIONS**

- 6 NSWEC's cost to administer Council's election in 2017 was \$754,561 (excluding GST).

7 Budget for the 2020 election will be sought in the 2020/2021 budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

8 Nil.

**RISK ASSESSMENT AND MITIGATION**

9 Appointing the NSWEC to conduct the 2020 Local Government election on behalf of CN mitigates risk to CN.

**RELATED PREVIOUS DECISIONS**

10 At the Ordinary Council Meeting held on 24 February 2015, Council resolved to have the NSWEC administer the 2016 Local Government election.

11 On 9 December 2014, Council resolved to have the NSWEC administer the 2015 Ward 4 by-election.

12 On 26 August 2014, Council resolved to have the NSWEC administer the 2014 Lord Mayoral by-election.

13 On 26 February 2019, Council resolved, conditionally, to have NSWEC administer the 2020 Local Government election.

**CONSULTATION**

14 CN has consulted with the NSWEC.

**OPTIONS**

**Option 1**

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

**Option 2**

16 Council resolves, pursuant to section 297 of the Act, to make application to the Electoral Commissioner to delegate to the CEO the authority to administer the 2020 Council election. This is not the recommended option.

**BACKGROUND**

17 Under the Act, Local Government elections are held every four years. The Act was amended in 2011 (and again in 2014) to remove the monopoly of the NSWEC in conducting Local Government elections.

**REFERENCES**

**ATTACHMENTS**

**Item 75 Attachment A:** 2020 Local Government Election - Cost Estimate  
Newcastle City Council

Item 75 Attachment A



2020 Local Government Election - Cost Estimate  
Newcastle City Council

Projects / Deliverables	Amount
Ballot Papers	38,752
Call Centre	32,827
Event Management	38,478
Event Staffing	558,730
Information Technology	66,488
Logistics	66,422
Multi-Area Polling	3,048
Postal Voting	49,470
Venues	95,989
Voter Awareness	55,156
<b>TOTAL (excluding GST)</b>	<b>1,005,360</b>
<b>GST</b>	<b>100,536</b>
<b>TOTAL (Including GST)</b>	<b>1,105,896</b>

Assumptions

*LGE 2020 Election Status - Fully Contested*

*NSWEC will conduct a similar proportion of council elections to 2016-17*

*Excludes cost for any referendum or poll a council may request NSWEC to conduct*

*All aspects of the election process will be as 2016/2017*

*Shared resources will be utilised where practical*

Contact Details

Enquiries to Steve Robb, Director Customer Service & Relationship Management Tel: 02 9290 5431 Email: [Steve.Robb@elections.nsw.gov.au](mailto:Steve.Robb@elections.nsw.gov.au)

Level 25, 201 Kent Street Sydney 2000, GPO Box 832, Sydney 2001 Tel 02 9290 5999 Fax 02 9290 5991 ABN 94 828 824 124

**ITEM-76 CCL 22/10/19 - SUPPLEMENTARY REPORT - EXHIBITION OF DRAFT FERN BAY AND NORTH STOCKTON STRATEGY**

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

---

**PURPOSE**

To endorse the Draft Fern Bay and North Stockton Strategy for public exhibition.

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 3 Councillors considered a report on the Draft Fern Bay North Stockton Strategy at the Ordinary Council Meeting held on 28 May 2019 (**Attachment D**) where it was resolved that exhibition of the Draft Fern Bay and North Stockton Strategy lay on the table pending a workshop with Councillors at City of Newcastle (CN) and potentially Port Stephens Council.
- 4 A joint workshop was held with Port Stephens and CN Councillors at Port Stephens Council on 8 August 2019. Amendments have been made to the Draft Strategy to reflect the outcomes of the workshop. The amendments are in relation to the following matters.
  - i) Location of preferred town centre – the preferred town centre location is identified within the North Stockton Precinct. This was the location that had the highest rating in the Hill PDA Commercial Lands Analysis assessment.
  - ii) Tourism opportunities – the Draft Strategy has been strengthened to support tourism within the strategy area by inclusion of a separate tourism goal to support the regional visitor economy and Newcastle Airport. Supporting visitor and tourist accommodation within the new town centre has also been included within the town centre goal.

- iii) Nelson Bay Road – the transport goal has been amended to include that Nelson Bay Road should be duplicated for its full length from Newcastle Airport to Stockton to support regional journeys. Transport planning principles have also been amended to include that Nelson Bay Road should be widened to two lanes of travel in each direction from Stockton to Newcastle Airport and the carriageway should be of sufficient width to allow a shared bike / pedestrian path, public transport lane and access lanes to Fern Bay properties adjoining Nelson Bay Road. An indicative road section map has been included in the background investigations report to show these lanes.

### **FINANCIAL IMPACT**

- 5 The amendments to the Draft Strategy do not raise any additional impacts on CN to those identified in the report to Council on 28 May 2019.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 6 Minor amendments have been made to the Implementation Plan to include that CN and Port Stephens Councils should advocate for Nelson Bay Road widening and to remove the notation for an RV campground under Stockton Bridge. The updated Draft Strategy more broadly supports visitors and tourists within the Strategy Area by recommending further consideration of supporting uses in appropriate locations along the Nelson Bay Road and within the proposed town centre. These amendments do not raise significant implications for the Implementation Plan.
- 7 Councillors from CN and Port Stephens Councils requested at the workshop held on 8 August 2019 that a further joint workshop be held following the public exhibition period to discuss issues raised through public submissions.

### **OPTIONS**

#### **Option 1**

- 8 The recommendations as at Paragraphs 1 and 2. This is the recommended option.

#### **Option 2**

- 9 Council does not proceed with the Draft Fern Bay and North Stockton Strategy. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 76 Attachment A:** Draft Fern Bay and North Stockton Strategy

**Item 76 Attachment B:** Implementation Plan

**Item 76 Attachment C:** Background Investigations

**Item 76 Attachment D:** Original Council Report of 28 May 2019

**Item 76 Attachments A to D distributed under separate cover**



**ITEM-77                    CCL 22/10/19 - ADOPTION OF COMMUNITY PARTICIPATION PLAN**

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

---

**PURPOSE**

To adopt the Community Participation Plan following public exhibition.

**RECOMMENDATION**

That Council:

- 1     Adopt the Community Participation Plan (CPP) (**Attachment A**) and publish it on the NSW ePlanning portal by 1 December 2019.
- 2     Repeal Section 8 Public Participation of Newcastle Development Control Plan 2012 (NDCP 2012) effective on the date the CPP is published on the NSW ePlanning portal.

**KEY ISSUES**

- 3     The CPP has been prepared in accordance with Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). As per Schedule 1 of the EP&A Act, the Draft CPP was placed on public exhibition for a total of 28 days. No submissions were received.
- 4     As a result of internal consultation, minor amendments to the CPP have been made to clarify wording to ensure consistency with the EP&A Act, including a reference to City of Newcastle's (CN) Public Voice Policy and social impacts as a matter for consideration in the DA notification process.

**FINANCIAL IMPACT**

- 5     Work will be undertaken by CN within current allocated work programs and budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6     The CPP contains principles to guide CN's approach to community participation. These principles are based on the strategic directions contained within CN's CSP:

**Inclusive Community**

- 4.1b     Support initiatives and facilities that encourage social inclusion and community connections.

**Open and Collaborative Leadership**

- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 All Councils are required to have a CPP in place by 1 December 2019. Section 8 of the NDCP 2012 currently sets out CN's requirements for public participation. This section will be replaced by the CPP. All final CPPs are to be published on the NSW ePlanning Portal and will be considered valid if the CPP has not been challenged in proceedings commenced in the Land and Environment Court within three months of it being published on the Portal. To ensure compliance and consistency, Department of Planning, Industry and Environment (DPIE) will undertake a review and audit of all CPPs in 2020. CN is required to review its CPP periodically.

**RISK ASSESSMENT AND MITIGATION**

- 8 The CPP has been prepared in accordance with the EP&A Act and using DPIE's draft CPP as a template. Adherence to the relevant NSW legislation reduces risks associated with community participation in plan and decision making.

**RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council Meeting held on 23 July 2019, Council resolved to place the Draft CPP on public exhibition for a period of 28 days.

**CONSULTATION**

- 10 During the public exhibition, the following methods of consultation were carried out:
  - i) Creation of a CPP 'Public Exhibition' webpage (which was viewed 187 times);
  - ii) An advertisement and digital tile in the Newcastle Herald; and
  - iii) One Have Your Say Facebook post.
- 11 A series of internal workshops were carried out with relevant teams at CN (customer service and building and development assessment).

**BACKGROUND**

- 12 CPPs are a new requirement under the EP&A Act. This requirement came into effect on 1 July 2018 and is intended to make it easier for the community to participate in planning matters and be informed on how planning decisions have been made.

**OPTIONS**

**Option 1**

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

**Option 2**

- 14 Council resolves not to adopt the CPP. Due to the legislation timeframes for completion of the CPP, this is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 77 Attachment A:** Community Participation Plan

**Item 77 Attachment A distributed under separate cover**

**ITEM-78                      CCL 22/10/19 - ADOPTION OF THE JOSLIN STREET LOCAL CENTRE PUBLIC DOMAIN PLAN AND TRAFFIC PLAN**

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

---

**PURPOSE**

To adopt the Joslin Street Local Centre Public Domain and Traffic Plan (PDP).

**RECOMMENDATION**

That Council:

- 1     Adopts the Joslin Street Local Centre Public Domain and Traffic Plan as set out at **Attachment A**.

**KEY ISSUES**

- 2     Joslin Street has traffic volumes in excess of 2,800 vehicles per day which, whilst within the expected range for a collector road, results in Joslin Street having a high rating under City of Newcastle's (CN) Local Area Traffic Management (LATM) rating system. Traffic and pedestrian safety issues in Joslin Street Local Centre are compounded by this traffic volume, vehicle speed, poor intersection layouts and lack of pedestrian connectivity.
- 3     The PDP as shown at **Attachment A** seeks to provide the following improvements:
  - i)     provide a pedestrian refuge on Joslin Street to facilitate safer crossing by pedestrians and to slow the traffic;
  - ii)    relocate bus stops and create an eastbound bus bay to facilitate sightlines for safe functioning of the pedestrian refuge;
  - iii)   slow the traffic through the provision of speed control devices and realignment of the Rae Crescent / Joslin Street intersection;
  - iv)    improve sight lines for traffic exiting the existing one-way service lane;
  - v)     provide additional connecting footpaths for improved pedestrian access to shops and services such as the postal box and bus stops;
  - vi)    create a more useable, aesthetically pleasing and comfortable public domain, with improved landscaping, new infrastructure and upgrade of the green triangle space through removal of the existing slip road between Rae Crescent and Joslin Street;

- vii) provide environmental improvements which will reduce urban heat island effect, through a reduction in asphalt surfacing and additional tree planting; and
  - viii) balance the need for convenient parking by providing overflow parking spaces off Rae Crescent.
- 4 An online community survey was open from 6 to 20 December 2017. The survey was advertised through the 'Have Your Say' post cards delivered within the project area, posters and social media. There were a total of 86 respondents (**Attachment B**). The community's top priorities were pedestrian safety, access and connectivity (40%), traffic safety (30%), and aesthetics (15%).
- 5 On 18 March 2019, the Newcastle City Traffic Committee (NCTC) provided in principle support for the draft PDP and recommended proceeding with a public exhibition.
- 6 The draft PDP was publicly exhibited to the community from 29 April to 27 May 2019 with submissions collected via an online survey. The survey was advertised in The Herald on Saturday 27 April 2019 and through leaflets delivered within the project area, posters and social media (**Attachment C**).
- 7 There were 43 submissions to the public exhibition with submission issues and CN comments summarised at **Attachment D**. The main submission themes are grouped as follows:
- i) concerns about parking quantity, turnover, and zoning (16 comments);
  - ii) concern over the potential loss of mature trees (11 comments);
  - iii) the extension of footpaths outside of the project scope (7 comments);
  - iv) suggested improvements for the green space (5 comments); and
  - v) concern over safety when exiting the shopping strip service lane (4 comments).
- 8 In response to community concern over the potential loss of parking and mature trees, CN officers undertook further investigations. As a result the PDP has been revised and tree removal reduced to one tree which now results in a net loss of two parking spaces.

## FINANCIAL IMPACT

- 9 A preliminary cost estimate to deliver the whole project is approximately \$1.3 million. The PDP was developed within existing resources and will be delivered through CN's operational budget (subject to approval by the elected Council).

## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The PDP aligns with the following Newcastle 2030 Community Strategic Plan directions:

### **Integrated and Accessible Transport**

- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3a Ensure safe road networks through effective planning and maintenance.
- 1.3b Ensure community and business needs for adequate and accessible parking are prioritised.

### **Inclusive Community**

- 4.1c Improve, promote and facilitate equitable access to services and facilities.
- 4.2a Ensure people of all abilities can enjoy our public places and spaces.

### **Liveable Built Environment**

- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

## IMPLEMENTATION PLAN/IMPLICATIONS

- 11 Detailed design, followed by construction of the project, is scheduled to commence in the 2019 / 2020 financial year under the Local Centres Public Domain Infrastructure Renewal Program.

## RISK ASSESSMENT AND MITIGATION

- 12 The proposed improvements identified to be addressed in the PDP are intended to mitigate traffic and pedestrian safety issues. The proposed works will be undertaken in accordance with the relevant Austroads and RMS guidelines.

## RELATED PREVIOUS DECISIONS

- 13 The Kotara and Adamstown Heights Traffic and Parking Study was finalised and adopted by Council on 5 June 2012. The purpose of the study was to develop treatments for implementation to improve safety and to reduce the impact of traffic on the local area.

## CONSULTATION

- 14 On 19 August 2019, the NCTC supported the PDP including support for the proposed bus stop locations by Newcastle Transport. NCTC recommended referral to the elected Council for final determination.
- 15 A Councillor Workshop was held on Tuesday 10 September 2019 to examine the issues and potential solutions.
- 16 Further community consultation through a placemaking process is proposed for the detailed design stage.

## BACKGROUND

- 17 Joslin Street Kotara Local Centre is a high priority under the Local Centres Infrastructure Renewal Program.
- 18 The full process for developing the PDP is shown at **Attachment E**.

## OPTIONS

### Option 1

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

### Option 2

- 20 Do not adopt the Joslin Street Local Centre Public Domain and Traffic Plan. This is not the recommended option.

## REFERENCES

## ATTACHMENTS

- Item 78 Attachment A:** Joslin Street Local Centre Public Domain and Traffic Plan  
**Item 78 Attachment B:** Community Online Survey Analysis December 2017  
**Item 78 Attachment C:** Exhibition leaflet and poster  
**Item 78 Attachment D:** Summary of Exhibition Submissions  
**Item 78 Attachment E:** Joslin Street PDP Process Flow Chart

**Item 78 Attachments A to E distributed under separate cover**





**IMPLEMENTATION PLAN/IMPLICATIONS**

7 It is anticipated that the properties will be transferred to CN in late 2019.

**RISK ASSESSMENT AND MITIGATION**

8 There are no foreseeable risks associated with accepting the transfer of the properties.

**RELATED PREVIOUS DECISIONS**

9 Nil

**CONSULTATION**

10 Not applicable.

**BACKGROUND**

11 The subject parcels of land are part of the disused rail corridor. 8A Albert Street, Wickham (Lot 51 DP830679) is a grassed verge 116.4m<sup>2</sup> which is required for the road widening project and 161 Railway Street, Wickham (Lot 53 DP830679) 74.7m<sup>2</sup> is already being used as road and is to be dedicated as public road.

**OPTIONS**

**Option 1**

12 The recommendation as at Paragraph 1 – 2. This is the recommended option.

**Option 2**

13 The elected Council resolve not to acquire the land. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 79 Attachment A:** Location Drawing – 8A Albert Street, Wickham and 161 Railway Street, Wickham.

Item 79 Attachment A



DISCLAIMER: Although great care has been taken in the preparation of these documents/maps, City of Newcastle makes no representation or warranty as to the accuracy or completeness of any information contained in them. City of Newcastle accepts no responsibility for any misprints, errors, omissions or inaccuracies in these documents/maps or for loss or damages resulting from reliance on any information provided



Scale: 12,000.00 at A4

**ITEM-80                    CCL 22/10/19 - CARRINGTON GREENSPACE MASTERPLAN  
PUBLIC EXHIBITION**

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

---

**PURPOSE**

To seek Council's approval to place the draft Carrington Greenspace Masterplan on public exhibition.

**RECOMMENDATION**

That Council:

- 1 Resolves that the draft Carrington Greenspace Masterplan (Masterplan) **Attachment A** be placed on public exhibition for a period of 60 days.
- 2 Considers a further report following the exhibition period.

**KEY ISSUES**

- 3 The greenspace in Carrington, including parklands, foreshore, road reserves and sporting ovals, play a key role in defining the character and livability of the area and are integral to reducing localised urban heat island impacts associated with climate change.
- 4 Development of the draft Masterplan has enabled City of Newcastle (CN) to work with user groups, stakeholders and the local community to identify and prioritise future greenspace opportunities subject to available funding.
- 5 As further development occurs in the nearby suburbs of Wickham and Newcastle West, there will be increased pressure on the Carrington parklands to support local recreation needs.
- 6 Key priorities identified in the draft Masterplan include additional greening throughout the suburb (large canopy trees, median and verge plantings) and improved passive and active recreation opportunities.
- 7 The Carrington community have been proactive in seeking funding opportunities to improve community outcomes for the suburb with the draft Masterplan assisting the community to apply for future funding for these greenspaces.
- 8 CN is currently preparing a strategic sports plan examining current and future sports facility provision across the city. Once adopted relevant recommendations from the strategic sports plan will be incorporated into the Masterplan.

## FINANCIAL IMPACT

- 9 Exhibition of the draft Masterplan will have no financial impact on the 2019/20 Our Budget.
- 10 Following the public exhibition period, if adopted the draft Masterplan will require allocation of funding through future capital works programs, and the securing of State and Federal government grants. Partnerships will be explored with local businesses, community groups and other stakeholders.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

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

- 3.1a Provide quality parkland and recreation facilities that encourage social inclusion and community connections.

#### **Inclusive Community**

- 4.1b Support initiatives and facilities that encourage social inclusion and community connections.
- 4.1c Improve, promote and facilitate equitable access to services and facilities.
- 4.2c Promote recreation, health and wellbeing programs.

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

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

## IMPLEMENTATION PLAN/IMPLICATIONS

- 12 The actions contained within the draft Masterplan provide a direction for the development and enhancement of community facilities in Carrington in a staged approach.

## RISK ASSESSMENT AND MITIGATION

- 13 There is no foreseen risk in exhibiting the draft Masterplan. CN has worked with the local community, user groups and key stakeholders to develop the actions contained within.
- 14 The draft Masterplan references several areas of open space utilised by the community that are not under CN care and control. Whilst a reference exists to these locations in broad terms, CN is not responsible for further development of these spaces.

## RELATED PREVIOUS DECISIONS

- 15 At the Ordinary Council Meeting of 27 February 2018 Council resolved to commence engagement with the Carrington community towards the development of a Carrington parkland concept plan.

**CONSULTATION**

- 16 A participatory approach to engagement was designed to ensure diverse input as well as extensive community engagement throughout the planning process and a high level of community interest.
- 17 A range of engagement methods were used to capture feedback. A summary is provided below, with the full engagement report included in **Attachment B**.

<b>Phase 1 place-based idea development (8 October to 12 November 2018)</b>	
<b>Method</b>	<b>Respondents</b>
Flyers	1300 distributed
Online survey	38 responses
Onsite engagement boards	130 comments documented
Community design workshops x 2	50+ attended
Stakeholder workshops x 2	6 clubs attended
Online interactive map	190 unique visitors
<b>Phase 1 idea feedback and prioritisation (3 to 17 December 2018)</b>	
<b>Method</b>	<b>Respondents</b>
Online feedback survey	574 comments
Design feedback drop in session	25 attendees

- 18 A Councillor Workshop was held on Tuesday 8 October 2019 to examine the issues and potential solutions.

**BACKGROUND**

- 19 Funding was allocated within the 2018/19 Operational Plan to commence development of the Carrington Greenspace Plan.
- 20 The draft Masterplan recognises the strategic recommendations of the Low Lying Suburbs Strategic Position Paper 2017 in formulating its recommendations with the suburb of Carrington identified as a low-lying area with the identification of a number of actions that will impact the Carrington foreshore.

**OPTIONS**

**Option 1**

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

**Option 2**

- 22 The draft Masterplan not be exhibited. The development of the draft Masterplan has involved extensive community and stakeholder engagement with an expectation it will be placed on public exhibition. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 80 Attachment A:** Carrington Greenspace draft Masterplan Report

**Item 80 Attachment B:** Carrington Greenspace Concept Plan – Engagement report January 2019

**Item 80 Attachment A and B distributed under separate cover**

**ITEM-81 CCL 22/10/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

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

---

**PURPOSE**

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

- a) Monthly financial position and year to date (YTD) performance against the 2018/19 Operational Plan as at the end of September 2019.
- b) Investment of temporary surplus funds under section 625 of the Local Government Act 1993 (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 2 At the end of September 2019 the consolidated YTD actual operating position is a surplus of \$9.1m which represents a positive variance of \$6.7m against the budgeted YTD surplus of \$2.4m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2019/20 is a surplus of \$12m.
- 3 The net funds generated as at the end of September 2019 is a surplus of \$7.1m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position which is in balance. This is primarily due to a timing variance in the delivery of CN's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under s.625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

**FINANCIAL IMPACT**

- 5 The variance between YTD budget and YTD actual results at the end of September 2019 is provided in the Executive Monthly Performance Report.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

**RISK ASSESSMENT AND MITIGATION**

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

**RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council Meeting held on 25 September 2018 Council resolved 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 At the Ordinary Council Meeting held on 24 September 2019 Council adopted to receive only the current month’s Schedule of Investments as part of the Executive Monthly Performance Report. 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 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 81 Attachment A:** Executive Monthly Performance Report - September 2019

**Item 81 Attachment A distributed under separate cover**

**ITEM-82                    CCL 22/10/19 - GREATER NEWCASTLE AEROTROPOLIS PTY LTD - APPOINTMENT OF COUNCIL'S SHAREHOLDER REPRESENTATIVES**

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

---

**PURPOSE**

To approve Newcastle City Council's (Council) Shareholder Representatives in respect of Greater Newcastle Aerotropolis Pty Ltd.

**RECOMMENDATION**

That Council:

- 1 In accordance with section 250D of the *Corporations Act 2001* (Cth) and clauses 1.1 and 1.2 of the Constitution of Greater Newcastle Aerotropolis Pty Ltd (GNAPL), in its capacity as one of the two shareholders of GNAPL, resolves to appoint Shareholder Representatives as follows:
  - i) Lord Mayor, Councillor Nuatali Nelmes, and
  - ii) Jeremy Bath, Chief Executive Officer.
- 2 In accordance with Clause 400(4) of the *Local Government (General) Regulation 2015* (NSW), approves and authorises Council's seal to be affixed to the Appointment of Shareholder Representative form on the grounds that such appointment relates to the business of Council.

**KEY ISSUES**

- 3 Council and Port Stephens Council (PSC) have jointly owned Newcastle Airport since its establishment in 1993. GNAPL is one of the associated companies and was formed on 19 October 2018. Council is one of two shareholders of GNAPL along with PSC.
- 4 The Annual General Meeting (AGM) of GNAPL has been scheduled for 1 November 2019. Council is entitled to attend and vote at this meeting by way of appointed Shareholder Representative.
- 5 A report to Council is required following a change in company structure or change in representative/s.
- 6 The appointments for NAPL remain in place and this report provides for GNAPL only.

**FINANCIAL IMPACT**

- 7 There is no financial impact in authorising and appointing the Shareholder Representatives. Member representatives do not receive remuneration from either Council or Newcastle Airport.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 8 Appointment of the Council Shareholder Representatives aligns with the following strategic direction:

**Open and collaborative leadership**

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting; and
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 The appointment of Shareholders Representatives form with the seal affixed will be forwarded to GNAPL.
- 10 The appointment of Shareholder Representatives will remain in place until such time as there is a change in position title or representatives.

**RISK ASSESSMENT AND MITIGATION**

- 11 Not attending the AGM will prevent Council from being involved in decision-making with respect to GNAPL's AGM.

**RELATED PREVIOUS DECISIONS**

- 12 At the Ordinary Council Meeting held on 23 July 2019, Council resolved to affix Council's seal to Deeds of Indemnity for Newcastle Airport companies including GNAPL.
- 13 At the Ordinary Council Meeting held on 25 September 2018, Council appointed the Lord Mayor, Councillor Nuatali Nelmes and Jeremy Bath, Chief Executive Officer as shareholder representatives in respect of Newcastle Airport Pty Ltd (NAPL).
- 14 At the Ordinary Council Meeting held on 1 May 2018, Council voted in favour of a re-structure for NAPL associated with and to facilitate the purchase of land which resulted in the creation of GNAPL.

**CONSULTATION**

- 15 Not required.

**BACKGROUND**

16 Council is a 50% shareholder of GNAPL, the other 50% shareholder being PSC.

**OPTIONS**

**Option 1**

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

**Option 2**

18 Council does not adopt the recommendation as at Paragraphs 1 - 2. This will prevent Council from the opportunity to be involved in decision-making with respect to GNAPL's operations which in turn may have a negative impact on Council as a shareholder. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

Nil

**NOTICES OF MOTION**

**ITEM-36                      NOM 22/10/19 - NATIONAL PARK PLAN OF MANAGEMENT**

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

---

**PURPOSE**

*The following Notice of Motion was received on Thursday 10 October 2019 from the abovenamed Councillors.*

**MOTION**

That CN:

1. Notes the importance of National Park precinct, in the heart of Newcastle's new CBD, for sporting, recreational, passive and educational uses;
2. Notes the community interest in being involved in the future planning of the National Park precinct, including the future use of the former Life Without Barriers and bowling club site; and
3. Commences the production of a site specific Plan of Management through comprehensive consultation with the community and relevant stakeholders.

**BACKGROUND**

Nil.

**ATTACHMENTS**

Nil

**REPORT ON NOTICE OF MOTION - NOM 22/10/19 - NATIONAL PARK PLAN OF MANAGEMENT**

**REPORT BY: CITY WIDE SERVICES**

**CONTACT: INTERIM DIRECTOR CITY WIDE SERVICES**

---

**DIRECTOR COMMENT**

Preparation of the National Park Plan of Management (PoM) would take approximately twelve to eighteen months to complete, including extensive community and stakeholder consultation prior to the public exhibition period. Broadly, development of the plan would involve:

Stage 1 – Establishment

Stage 2 – Initial community and stakeholder engagement

Stage 3 – Site analysis

Stage 4 – Plan development

Stage 5 – Reporting and public exhibition

Council has recently undertaken strategic planning at a regional and city level as part of the development of the draft Strategic Sports Plan. The draft Strategic Sports Plan will provide critical input to the National Park PoM.

Two State Plans will also inform the development of the PoM being the Draft Hunter Sport and Recreation Plan (2018-2023) prepared by the Office of Sport and the Hunter Sports and Entertainment Precinct (Broadmeadow) Concept Plan developed by Venues NSW.

Internal resources will be available to commence establishment of the National Park PoM.

**RECOMMENDATION**

That Council:

- 1 Seek to commence in the first half of 2020 the development of the National Park POM.

**ITEM-37                    NOM 22/10/19 - EMERGENCY EGRESS FOR HIGHRISE  
OCCUPANTS WITH A DISABILITY**

**COUNCILLOR:        J MACKENZIE**

---

**PURPOSE**

*The following Notice of Motion was received on Thursday 10 October 2019 from the abovenamed Councillor.*

**MOTION**

That City of Newcastle

- 1     Note the commencement of the review of the City of Newcastle's Disability Inclusion Action Plan 2016-2019, and the preparation of the draft revised plan for the period 2020-2024.
- 2     Note the successful pilot program of events and activities to acknowledge International Day of People with Disabilities under the title of "Count Us In Newcastle" over the past month.
- 3     Receive a report on emergency and evacuation egress for occupants or visitors with a disability in high-rise buildings, including options for amendments to City of Newcastle planning documents and advocacy opportunities, to ensure safe, dignified and independent egress for all.

**BACKGROUND**

The City of Newcastle Disability Inclusion Action Plan 2016-2019 was prepared in accordance with s.12 of the NSW Disability Inclusion Act and adopted by Council on 22 March 2016. The plan commits Council to advocating for equal rights for all and to improving our city as an accessible and inclusive place. Review of this plan has recently commenced, with a suite of engagement activities to be undertaken in the coming months.

The City of Newcastle Disability Inclusion Advisory Committee was established in 2017 and first met on 28 February 2018. The committee assists with the implementation of the Disability Inclusion Action Plan 2016-2019 and also provides advice on current and relevant local matters related to disability inclusion in Newcastle.

In consultation with the Disability Inclusion Advisory Committee, Council is currently hosting a trial program of inclusive events and activities under the title of "Count Us In Newcastle". Instead of a one-day event or activity that would traditionally be held on 3 December to acknowledge International Day of People with Disabilities, this month-long program has been running since 27 September until 25 October this year. Inclusive events and activities have been hosted, promoted and supported by

City of Newcastle to demonstrate that Newcastle is an inclusive and caring community.

Every Australian has the right to feel confident that they will be able to evacuate from a building in a safe, dignified and independent manner should the need arise as a result of an emergency event. The City of Newcastle continues to progress practical solutions to assist in providing independent and equitable access to buildings for occupants with disability, however there has been limited consideration of ensuring egress in the event of an emergency. This issue is compounded by the increase in the construction of highrise residential buildings in the LGA, especially in the inner city and along the growth corridors.

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 establish building requirements “to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability”. However, this standard provides limited guidance for addressing the challenges that some people face during an emergency evacuation.

In some instances and increasingly, the needs of occupants with disability are met through the establishment of evacuation management procedures and Personal Emergency Evacuation Plans (PEEPs), which are designed to address the needs of the person in relation to the specific characteristics of the building. PEEPs are not a regulatory requirement but are increasingly recognised as a necessary and effective measure to assist people with disability respond to an emergency by addressing any inadequacies of the built environment. However, the reliance on individual building management practice insufficient and may not be feasible in all circumstances.

This motion calls for a review of current best practice in emergency egress for all, with a view to the identification of options that can be implemented by Council through development controls or other mechanisms, or through advocacy at a state or federal level. As part of our City’s commitment to inclusion, this motion gives weight to ensuring everyone in Newcastle has a right to feel safe, protected and confident in the built environment.

**ATTACHMENTS**

Nil



**ITEM-38                    NOM 22/10/19 - CONTRACTS WITH VALUE OF \$1 MILLION  
OR MORE**

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

---

**PURPOSE**

*The following Notice of Motion was received on Thursday 10 October 2019 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle

1. Notes that City of Newcastle has entered into numerous contracts for IT services in 2019 valued at more than \$10 million.
2. Notes that this coincides with a major restructure of the IT department and the move of council's administration staff to rented premises at 12 Stewart Avenue, Newcastle West.
3. Notes that 2 of the largest contracts are for values of \$2,050,000 and \$2,781,857 and that these contracts did not go to formal tender and were not approved by the elected council.
4. Notes The City of Newcastle's ongoing commitment to improving Corporate Governance through greater transparency and accountability.
5. Resolves that all contracts valued at \$1million or more must come to the fully elected council for approval before being awarded, regardless of the tendering process used for the procurement.

**BACKGROUND**

Nil.

**ATTACHMENTS**

Nil

**REPORT ON NOTICE OF MOTION - NOM 22/10/19 - CONTRACTS WITH VALUE OF \$1 MILLION OR MORE**

**REPORT BY: GOVERNANCE**

**CONTACT: DIRECTOR GOVERNANCE**

---

**DIRECTOR COMMENT**

Legislative and Policy Arrangements

Comprehensive legislative arrangements govern the tendering and contracting activities undertaken by City of Newcastle (CN) and provide a high level of transparency and accountability.

All Councils in NSW are required to comply with Section 55 of the *Local Government Act 1993* (the Act) which outlines Councils' requirements for tendering:

- Section 55(1) outlines the circumstances when a Council must invite tenders before entering into contracts.
- Section 55(3) outlines the exemptions which apply.

Under section 55(3), there are a range of exemptions which Councils can utilise in appropriate circumstances, including a specific exemption from the requirement to call for tenders, which states:

*s55(3)(g) a contract for the purchase of goods, materials or services specified by the NSW Procurement Board or the Department of Administrative Services of the Commonwealth, made with a person so specified, during a period so specified and, if a rate is so specified, at a rate not exceeding the rate so specified,*

On 12 December 2017, Council approved an Instrument of Delegation recognising that certain functions are conferred on the Chief Executive Officer (CEO) under section 335 of the Act, including the day-to-day management of Council. This Instrument of Delegation includes a limitation:

10. *The awarding of contracts for any tender called pursuant to section 55 (1) of the Act where the value is greater than \$1m;*

The effect of this limitation on the CEO's delegation is that all contracts greater than \$1m which CN awards following tender processes called by CN in accordance with section 55(1) of the Act, must be reported to Council for approval.

However, as has previously been communicated to Councillors via internal memo, the limitation does not apply to those contracts (of any value) which CN awards by utilising the legislative exemption under section 55(3) of the Act, on the basis that such contracts have already been the subject of a rigorous tender process undertaken by the NSW Procurement Board (see Appendix 1), on behalf of the State Government.

In relation to disclosures, the *Government Information (Public Access) Act* requires all Councils to keep a Contracts Register for each contract to which they are a party that has (or is likely to have) a value of \$150,000 (incl GST) within 45 days after the contract becomes effective.

### Audit and Risk Committee Oversight

CN's Audit and Risk Committee provides oversight of governance and financial matters, consistent with its terms of reference.

In 2019, CN engaged Centium to undertake an internal audit of CN's end-to-end procurement processes, as part of CN's approved 2018/19 Internal Audit Plan. The findings of this audit were reported to CN's Audit and Risk Committee in May 2019, with ongoing reporting to the Committee of agreed management actions.

### IT Contracts

CN's annual spend on IT contacts for 2018/19 was \$7.743m against a budget of \$9.2m (not \$10m as stated in the Notice of Motion). This represents 8% of the \$91.6m record works spend for the year.

The IT spend is largely unrelated to either the recent restructure of the IT service unit or the move to 12 Stewart Avenue.

CN commenced the development of an IT Strategic Plan in July 2017, which was prior to preliminary consideration of a move to a new co-located site for staff based at the CAC, FAB or City Hall buildings. This strategic plan was undertaken by KPMG and involved significant consultation with IT staff and the broader organisation.

A contract with KPMG was finalised in July 2018 to support the implementation of the ICT Strategic Plan Stage 1. This work included three priority initiatives: Next Generation ICT Operating Model (ITOM), Governance for Information and Technology and a Review of the OneCouncil Implementation.

This work, including implementation of the IT Service Unit Plan to support the new IT operating model, has continued since. The new operating model applies to all 1,300 CN employees, regardless of their work location and is unrelated to the move to 12 Stewart Avenue.

The two IT contracts referred to in the Notice of Motion are:

- Contract 2019/358T – the supply and on-going support of desktop PCs, laptops and tablet devices to CN staff. Estimated contract value of \$2.78million over 3 years.
- Contract 2019/390T - the installation and on-going management of WiFi equipment to various CN sites (eg. Depot, Libraries, 12 Stewart Avenue, Museum, etc.). Estimated contract value of \$2.05million over 3 years.

The two IT contracts were purchased through a NSW Procurement Board panel contract for the provision of ICT services (SCM0020). This is an existing ICT services contract which all NSW government departments, agencies and local Councils can purchase from.

CN did not call tenders for these two contracts because it was purchasing through the existing contract (SCM0020) that was awarded by the NSW Procurement Board. As the NSW Procurement Board had already undertaken its own rigorous tender process and awarded the contract to a panel of suppliers, the exemption under s55(3)(g) applies.

The effect of the section 55(3)(g) exemption is that, because there is an existing contract which has been awarded by the NSW Procurement Board, there was no requirement for CN to call its own tenders for these purchases.

As such, CN (through the CEO) was able to enter into the two contracts without referring them to Council for approval, as the organisation did not call for tenders.

Utilising these exemptions means CN is able to rely on the purchasing power and governance processes of the State Government, by contracting suppliers which have already been through a tender process awarded by the NSW Procurement Board.

All contracts entered into by CN, whether by public tender or by relying on appropriate exemptions under the Act, and regardless of value, are evaluated for value for money.

Further, all expenditure on contracts, regardless of the method of procurement must have the appropriate budget available, consistent with the Operational Plan and budget approved by Council each year (subject to any quarterly review adjustments).

CN maintains a public Contracts Register which complies with legislative requirements and which lists all contracts which CN enters into greater than \$150,000, regardless of the method of procurement. The Contracts Register is available at:

<http://www.newcastle.nsw.gov.au/Council/Our-Responsibilities/Access-to-Information/Contracts-Register>

Reporting all contracts valued at \$1 million or more to Council for approval regardless of the procurement method is inconsistent with CN's legislative requirements and would provide no additional accountability or transparency outcomes (also noting Council's consideration of tenders are dealt with as confidential items).

There is no justification to amend CN's current governance processes for contracts – noting those governance processes are based on and comply with the legislative requirements for all Councils in NSW and provide an appropriate level of accountability and transparency.

**RECOMMENDATION**

That Council:

- 1 Notes the City of Newcastle's ongoing commitment to improving governance through greater transparency and accountability, in accordance with legislative and policy requirements.
- 2 Resolves that all tenders called by City of Newcastle pursuant to section 55(1) of the Act valued at \$1 million or more, are awarded by the elected Council, in accordance with legislative requirements and the CEO's Instrument of Delegation.

**Appendix 1 – NSW Procurement Board**

The Minister for Finance and Small Business appoints members of the NSW Procurement Board. The Board is made up of the Secretaries of the principal departments and is chaired by the Secretary of The Treasury.

The objectives of the Board under Section 171 of the Public Works and Procurement Act 1912 are to:

- Develop and implement a Government-wide strategic approach to procurement.
- Ensure best value for money in the procurement of goods and services by and for government agencies.
- Improve competition and facilitate access to Government procurement business by the private sector, especially by small and medium enterprises and regional enterprises.
- Reduce administrative costs for government agencies associated with procurement.
- Simplify procurement processes while ensuring probity and fairness.