



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 27 October 2020

**TIME:** 6.00pm

**VENUE:** Council Chambers  
Level 1  
12 Stewart Avenue  
City Administration Centre  
Newcastle West NSW 2020

K Liddell  
Acting Chief Executive Officer

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

Wednesday 21 October 2020

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*The location of all meetings will be determined by the CEO in consultation with the Lord Mayor, having regard to any applicable Public Health Orders regarding COVID-19, and will be either via video conferencing platform or at an appropriate CN facility in accordance with the requirements of the Local Government Act 1993.*



<p><b>ORDINARY COUNCIL MEETING</b>  <b>27 October 2020</b></p>
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**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>	<b>5</b>
	MINUTES - ORDINARY COUNCIL MEETING 22 SEPTEMBER 2020	5
	<b>LORD MAYORAL MINUTE</b>	
	<b>REPORTS BY COUNCIL OFFICERS</b>	<b>23</b>
ITEM-74	CCL 27/10/20 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - ANNUAL REPORT	23
ITEM-75	CCL 27/10/20 - ADOPTION OF THE 2019/20 FINANCIAL STATEMENTS	26
ITEM-76	CCL 27/10/20 - ADOPTION OF AMENDMENTS TO THE NEWCASTLE DEVELOPMENT CONTROL PLAN 2012	35
ITEM-77	CCL 27/10/20 - ADOPTION OF HERITAGE STRATEGY 2020/2030	38
ITEM-78	CCL 27/10/20 - ENDORSEMENT OF HERITAGE AMENDMENTS TO NEWCASTLE LEP 2012	43
ITEM-79	CCL 27/10/20 - ADOPTION OF PLANNING PROPOSAL TO AMEND NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 FOR LAND AT WICKHAM	47
ITEM-80	CCL 27/10/20 - PUBLIC ART REFERENCE GROUP UPDATE	55
ITEM-81	CCL 27/10/20 - ADOPTION OF AMENDED COMMUNITY PARTICIPATION PLAN	59
ITEM-82	CCL 27/10/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT	63
	<b>NOTICES OF MOTION</b>	<b>66</b>
ITEM-27	NOM 27/10/20 - IMPLEMENTATION OF LIVE MUSIC AND AFTER DARK STRATEGIES - PLANNING CERTIFICATES	66
ITEM-28	NOM 27/10/20 - BROADMEADOW HERITAGE RAIL – NSW GOVERNMENT TRANSPORT HERITAGE ITEMS	67

**CONFIDENTIAL REPORTS**

ITEM-9 CON 27/10/20 – CODE OF CONDUCT MATTER

*(Business Paper to be distributed on the night in accordance with the Code of Meeting Practice, cl20.5)*

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

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 22 SEPTEMBER 2020**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 200922 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held via video conferencing platform Zoom on Tuesday 22 September 2020 at 6.03pm.**

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**PRESENT**

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

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), L Duffy (Manager City Wide Services), S Grierson (Manager Transport and Compliance), P Jukes (Interim Manager Community Strategy and Innovation), I Challis (Contracts Coordinator), K Sullivan (Councillor Services, Minutes), E Horder (Councillor Services, Meeting Support), G Axelsson, (Information Technology Support) and S Ray (Information Technology Support).

**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.

**MESSAGE OF ACKNOWLEDGEMENT**

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

**APOLOGIES**

**MOTION**

Moved by Cr Rufo, seconded by Cr Luke

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

**Carried**

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

**Councillor Church**

Councillor Church declared a significant non-pecuniary interest in Item 69 - Public Exhibition of Draft Planning Agreement - 73-79 Railway Lane, Wickham stating that he worked with the applicant in a previous job in the past. He stated there was no current commercial agreement in place but would manage the conflict by leaving the meeting.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 25 AUGUST 2020**  
**MINUTES - EXTRAORDINARY COUNCIL MEETING 1 SEPTEMBER 2020**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

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

**Carried  
unanimously**

**LORD MAYORAL MINUTE**

**ITEM-19 LMM 22/09/20 ENSURING COVID-SAFE BEACHES FOR  
NEWCASTLE**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that on 21 September 2020, the NSW Government released their COVID Safe Summer Plan, recommending that suspected breaches to the Public Health Order can be reported to Crime Stoppers, but falling short of adopting the recommendations of Local Government NSW (LGNSW) and Surf Life Saving NSW to fund COVID marshals for the state's City beaches over Summer;
- 2 Acknowledges the incredible and difficult work that our wonderful staff have undertaken to keep our community and visitors safe throughout the COVID-19 global pandemic, noting that it has now been more than 6-weeks since a positive COVID-19 case in Newcastle;
- 3 Notes that local government has a critical role in supporting our communities to be COVID-safe as managers of beaches, but requires additional assistance from the NSW Government to ensure that their Public Health Orders are adhered to over Summer;
- 4 Notes that LGNSW has written to the NSW Premier, the Hon. Gladys Berejiklian MP, calling on the NSW Government to make a commitment to:
  - a) Develop a NSW Government funded COVID Communications Strategy and Campaign for NSW beaches and open spaces;
  - b) Fund COVID-safe marshals in local government areas with major beaches;

- 5 Joins with LGNSW in calling on the NSW Government to provide support to the Newcastle Local Government Area, including the development of a COVID Communications Strategy and Campaign and funding to support COVID-Safe marshals at our beaches, to ensure Newcastle's beaches and open spaces remain safe throughout Summer;
- 6 Notes that City of Newcastle staff have already been developing a COVID Safe Summer Guide for the Newcastle LGA, with Surf Life Saving NSW, Hunter Surf Life Saving, and neighbouring councils to take a collaborative approach to managing our local beaches, including promoting social distancing and strict compliance with the Public Health Orders, ahead of the Summer Beach Patrol Season which commences on Saturday, 26 September 2020; and
- 7 Writes to the Hon. Rob Stokes MP, Minister for Planning and Public Spaces, calling on the NSW Government to assist City of Newcastle to keep our beaches safe over Summer by funding COVID-safe marshals at our City beaches.

**For the Motion:**

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

**Against the Motion:**

Councillor Luke.

**Carried**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-63 CCL 22/09/20 - ADOPTION OF CODE OF CONDUCT AND ASSOCIATED PROCEDURES**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Adopt the Code of Conduct for Councillors at **Attachment A**;
- 2 Adopt the Code of Conduct for Staff at **Attachment B**;
- 3 Adopt the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors at **Attachment C**; and
- 4 Adopt the Procedures for the Administration of the Code of Conduct at **Attachment D**.

**Carried  
unanimously**



**ITEM-70 CCL 22/09/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the Executive Monthly Performance Report for August 2020.

**For the Motion:**

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

**Against the Motion:**

Councillors Church and Elliott.

**Carried**

**ITEM-71 CCL 22/09/20 - ORGANISATIONAL CHANGE**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Relocate the Customer Experience Service Unit from the City Wide Services Directorate to the Strategy and Engagement Directorate within the organisational structure to enable the effective alignment and delivery of the Customer Experience Strategy (**Attachment A**).

**Carried  
unanimously**

**ITEM-64 CCL 22/09/20 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2020 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Endorse the motions for submission to the 2020 LGNSW Annual Conference as set out at **Attachment A**.

**PROCEDURAL MOTION**

Moved by Cr Church, seconded by Cr Duncan

Council deal with the motions for submission to the 2020 LGNSW Annual Conference in seriatim.

**Defeated**

The motion moved by Councillor Mackenzie and seconded by Councillor Clausen was put to the meeting.

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

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

**Carried**

**ITEM-65 CCL 22/09/20 - THE JUNCTION TO MEREWETHER CYCLEWAY**

In moving the motion, Councillor Clausen stated he was moving a Part B to the motion.

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

**PART A**

That Council:

- 1 Approve the following traffic changes for The Junction to Merewether cycleway project at **Attachment A**:
  - i) Raised pedestrian / cycle crossing on Watkins Street at The Junction Public School.
  - ii) Re-line marking of the raised crossing on Patrick Street as a pedestrian / cycle crossing.
  - iii) Continuous path treatments across Chester Lane, Buchanan Street and Coane Street.
  - iv) Upgrade of the pedestrian crossing on Helen Street to a raised pedestrian / cycle crossing.
  - v) Traffic calming on Helen Street, comprising road cushions and kerb extensions.
- 2 Approve raised pedestrian crossings on John Parade at Watkins Street and Coane Street.
- 3 Approve a combined pedestrian / cycle crossing on Berner Street.
- 4 Provide in principle approval for 'No Right Turn' from Watkins Street into Helen Street (as exhibited) for implementation later, subject to traffic assessment following a period of operation of the cycleway and advice to Councillors.

- 5 Provide in principle support to reduce the speed limit to 30km/h on:
  - i) Watkins Street between Glebe Road and John Parade.
  - ii) John Parade and Berner Street between Frederick Street and the roundabout at Dixon Park.
- 6 Refer the proposals for speed reduction to Transport for NSW (TfNSW) for determination.
- 7 Note that CN will undertake a comprehensive education campaign in conjunction with project implementation, including to encourage desired behaviours by cyclists, pedestrians and drivers on roads and paths.

**PART B**

That Council:

- 1 Notes that Transport for NSW is the approval authority for speed limit changes along Watkins St (between Glebe Rd and John Parade), and John Parade and Berner St (between Frederick St and the Dixon Park roundabout); and
- 2 Requests that community consultation is undertaken as part of the Transport for NSW process for the proposed reduction in speed limit.

The Lord Mayor declared a less than significant non-pecuniary interest in Item 65 - The Junction to Merewether Cycleway stating that the cycleway was a long linear piece of infrastructure and that she lived in the vicinity of one part of it but not adjacent to it. The Lord Mayor stated that she would remain in the meeting for discussion on the item.

Councillor Mackenzie foreshadowed a substantive motion that being the recommendation of Council Officers as outlined in the business papers.

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

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

**Against the Motion:** Nil.

**Carried  
unanimously**

**ITEM-66 CCL 22/09/20 - NEWCASTLE PORT COMMUNITY CONTRIBUTION FUND**

In moving the motion, Councillor Clausen stated he was moving a Part B to the motion.

**MOTION**

Moved by Cr Clausen, seconded by Cr Luke

**PART A**

That Council:

- 1 Endorses the inclusive playspace and waterplay project at Foreshore Park, part of CN's Harbour Foreshore Masterplan (Masterplan), as its nominated project for the 2020 NPCC. The aim of the Masterplan is to rejuvenate the precinct to meet the needs of the community and future generations through increased accessibility along the foreshore, a separated cycleway along Wharf Road, and improved amenities, landscaping and inclusive playspaces at Foreshore Park.

**PART B**

That Council:

- 1 Notes its previous success in receiving funding under the NPCC including Nobby's Surf Club restoration, South Stockton Reserve Active Hub, and Camp Shortland precinct playground and active space. These three projects have provided significant community benefit for both residents and visitors.
- 2 Thanks the Port of Newcastle for the provision of these funds, which has supported the delivery of revitalised infrastructure in the City of Newcastle. The Port of Newcastle provides approximately \$1 million annually to the Newcastle Port Community Contribution Fund, which is administered by the NSW Government (Department of Regional NSW).
- 3 Writes to the Deputy Premier and Minister for Regional NSW, and State Member for Newcastle, highlighting the successful delivery of popular community facilities by CN with the support of NPCC funding, noting the importance of local government in the delivery of community infrastructure projects, particularly during this COVID-19 pandemic. The delivery of community infrastructure by local government promotes local employment, supports local business and stimulates the economy with local construction projects known to have an employment multiplier of 2.9.

Councillor Mackenzie proposed that Part A, 1 be amended to include the words 'in principle' and to read as follows:

- 1 *Endorses in principle the inclusive playspace and waterplay project at Foreshore Park, part of CN's Harbour Foreshore Masterplan (Masterplan), as its nominated project for the 2020 NPCC. The aim of the Masterplan is to rejuvenate the precinct to meet the needs of the community and future generations through increased accessibility along the foreshore, a separated cycleway along Wharf Road, and improved amenities, landscaping and inclusive playspaces at Foreshore Park.*

Councillor Clausen and Councillor Luke accepted Councillor Mackenzie's amendment to the motion.

The motion moved by Councillor Clausen and seconded by Councillor Luke, as amended, was put to the meeting.

**Carried  
unanimously**

**ITEM-67 CCL 22/09/20 - NIGHT-TIME ECONOMY TRIAL - DPIE PUBLIC EXHIBITION**

In moving the motion, Councillor Clausen stated he was moving a Part B to the motion.

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

**PART A**

That Council:

- 1 Receives the report on the outcome of DPIE's public exhibition of a 'Proposed SEPP to amend the Newcastle Local Environmental Plan 2012 to temporarily extend trading hours in small bars and restaurants'.
- 2 Supports a controlled trial of amended late-night trading hours of operation conditions on specific and targeted low-impact and low-risk venues in the Newcastle City Centre to promote the activation and recovery of the Newcastle night-time economy, as proposed in the approved Newcastle After Dark Strategy 2018-2022.
- 3 Endorses the temporary amendment to the Newcastle Local Environment Plan to facilitate the trial, as requested by the Minister for Planning, and following the public exhibition for a period of 14 days, which concluded 17 September 2020.

**PART B**

That Council:

Endorses the extension of the trial to 12-months, to provide certainty to participants and the community, noting the gradual return of business as part of the ongoing recovery from the COVID-19 pandemic.

Councillor Rufo declared a non-pecuniary, significant conflict of interest in Item 67 – Night-Time Economy Trial - DPIE Public Exhibition stating that members of his family owned and ran small bars in Newcastle and would manage the conflict by leaving the meeting.

Councillor Rufo left the meeting at 6.56pm.

**PROCEDURAL MOTION**

Moved by Cr Church, seconded by Cr Mackenzie

Parts A and B of the motion be dealt with seriatim.

**Defeated**

The motion moved by Councillor Clausen and seconded by Councillor Duncan was put to the meeting.

**For the Motion:**

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

**Against the Motion:**

Councillors Church, Elliott and Mackenzie.

**Carried**

Councillor Rufo returned to the meeting at 7.14pm.

**ITEM-68 CCL 22/09/20 - ADOPTION OF THE BLACKBUTT VILLAGE, ORCHARDTOWN ROAD, NEW LAMBTON, LOCAL CENTRE PUBLIC DOMAIN AND TRAFFIC PLAN**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Adopt the Blackbutt Village Orchardtown Road, New Lambton, Public Domain and Traffic Plan as set out at **Attachment A**

**Carried  
unanimously**

**ITEM-69 CCL 22/09/20 - PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT - 73-79 RAILWAY LANE, WICKHAM**

Councillor Church left the meeting for discussion on the item at 7.22pm.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 That Council places the draft Planning Agreement for 73 - 79 Railway Lane, Wickham (**Attachment A**) on public exhibition for 28 days and considers a report back to Council on the draft Planning Agreement following the public exhibition period.

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

**Against the Motion:** Nil.

**Carried**

Councillor Church returned to the meeting at 7.25pm.

**ITEM-72 CCL 22/09/20 - SALE OF PART 63 WALLSEND ROAD, SANDGATE**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Elliott

That Council:

- 1 Resolve to sell part of 63 Wallsend Road, Sandgate as shown at **Attachment A** to the adjoining landowner.
- 2 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to give effect to the transaction.
- 3 Resolve that the proceeds from the sale be allocated to City of Newcastle's (CN) 'Works Program: Specific Projects'.

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

**Against the Motion:** Nil.

**Carried**

**ITEM-73 CCL 22/09/20 - TENDER REPORT - SOUTH NEWCASTLE BEACH SKATEPARK - 2020/239T**

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

The recommendation at **Attachment A** be adopted.

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

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

**Carried**

The Chief Executive Officer reported the outcome of Item 73 - Tender Report - South Newcastle Skatepark - 2020/239T.

- 1 Council accept the tender of Convic Pty Ltd in the amount of \$1,370,000 (excluding GST) for South Newcastle Beach Skate Park for Contract No. 2020/239T.
- 2 The confidential attachment relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**NOTICES OF MOTION**

**ITEM-19 NOM 22/09/20 - CITY OF NEWCASTLE AND UBE CITY SISTER CITY 40TH ANNIVERSARY**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That City of Newcastle:

- 1 Notes that on 21 November 1980, the City of Newcastle officially established a Sister City Affiliation with Ube City, Yamaguchi Prefecture, Japan, thanks to significant relationship building by then Lord Mayor, Joy Cummings;
- 2 Recognises that 21 November 2020 will mark the 40<sup>th</sup> anniversary of our Sister City relationship with Ube City;
- 3 Notes with sadness that we will be unable to host a delegation from Ube City and that City of Newcastle cannot visit our friends in Ube City, due to the COVID-19 global pandemic; and



- 4 Asks our Major Events and Corporate Affairs and Community Strategy & Innovation teams to work with our Local History Library to mark this important occasion, through an appropriate civic gift such as a commemorative booklet, to be sent to Ube City Mayor Kimiko Kubota, local Newcastle schools and to be made available at our Libraries, the Newcastle Museum and Newcastle Visitor Information Centre, to mark this very significant anniversary and the deep importance of our ongoing relationship with Ube City.

**Carried  
unanimously**

**ITEM-20 NOM 22/09/20 - WICKHAM SCHOOL OF ARTS - STATE HERITAGE LISTING**

**MOTION**

Moved by Cr Duncan, seconded by Cr Byrne

That City of Newcastle:

- 1 Notes that on 1 May, 2018, it was resolved by Notice of Motion to establish a Newcastle Heritage Working Party to assist in identifying areas for possible inclusion as Heritage Conservation Areas, and the protection of our historically significant sites;
- 2 Notes that the Wickham School of Arts has been identified as a site of significant historical and cultural value to Newcastle and New South Wales, with the NSW Government Statement of Significance noting '*The Former Wickham School of Arts has both social and historical significance*' and the building's association with Henry Lawson and as the first meeting place of the Newcastle Permanent Building Society;
- 3 Notes that on 21 July 2020, Lord Mayor Nuatali Nelmes wrote to the NSW Premier, the Hon. Gladys Berejiklian MP, asking the NSW Government to implement a Heritage Protection Plan, to ensure that the former Wickham School of Arts Building is not demolished; and
- 4 Calls on the NSW Government to list the former Wickham School of Arts Building on the NSW Government's State Heritage Register, to protect this significant historical asset, following Hunter & Central Coast Development Corporation's public declaration that they have no intention of demolishing the building.

Councillor Duncan moved that *Notice of Motion Item 24 – Wickham School of Arts* be included as a Part B to the motion.

As authors of Notice of Motion Item 24 – Wickham School of Arts, Councillors Church, Elliott and Rufo agreed that the motion be dealt with in conjunction with Notice of Motion Item 20 and included as Part B.

With the addition of Part B, the substantive motion read as follows:

**PART A**

That City of Newcastle:

- 1 Notes that on 1 May, 2018, it was resolved by Notice of Motion to establish a Newcastle Heritage Working Party to assist in identifying areas for possible inclusion as Heritage Conservation Areas, and the protection of our historically significant sites;
- 2 Notes that the Wickham School of Arts has been identified as a site of significant historical and cultural value to Newcastle and New South Wales, with the NSW Government Statement of Significance noting '*The Former Wickham School of Arts has both social and historical significance*' and the building's association with Henry Lawson and as the first meeting place of the Newcastle Permanent Building Society;
- 3 Notes that on 21 July 2020, Lord Mayor Nuatali Nelmes wrote to the NSW Premier, the Hon. Gladys Berejiklian MP, asking the NSW Government to implement a Heritage Protection Plan, to ensure that the former Wickham School of Arts Building is not demolished; and
- 4 Calls on the NSW Government to list the former Wickham School of Arts Building on the NSW Government's State Heritage Register, to protect this significant historical asset, following Hunter & Central Coast Development Corporation's public declaration that they have no intention of demolishing the building.

**PART B**

That City of Newcastle:

- 1 Notes the historical significance of the Wickham School of Arts building, located on land owned by the Hunter and Central Coast Development Corporation.
- 2 Notes the connection with Henry Lawson who improved his education on the site in 1891 and went on to become one of Australia's much loved writers.
- 3 Notes the building has a Local Heritage Protection order and seeks to work with the State Government to place the building on the NSW Heritage register
- 4 Seeks written assurances from HCCDC that it has no plans to demolish the building.

- 5 Works with the State Government to develop a plan for the building and the surrounding site which would see the structure repaired and refurbished for a future adaptive reuse and the adjacent land preserved as green space for public recreation and for enhancing the city's connections with the harbour.

The motion moved by Councillor Duncan and seconded by Councillor Byrne, as amended, was put to the meeting.

**Carried  
unanimously**

**ITEM-21 NOM 22/09/20 - MAKING PARKING EASY**

**MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That City of Newcastle

- 1 Notes that the City is currently reviewing its Parking and Cycling Plans, with stakeholder input currently underway, and public exhibition scheduled before the end of 2020;
- 2 Notes the rapid uptake of the EasyPark app since its introduction in 2018, currently outranking both cash and credit card as a form of payment for parking (45,000 transactions on the app per month prior to COVID-19);
- 3 Notes that the app significantly improves the user experience, including advanced predictive technology that assists users in quickly locating vacant parks, the ability to seek an instant refund for any unused parking, and immediate digital receipting;
- 4 Notes that car parking transactions made through the EasyPark app are currently subject to a 10 per cent surcharge (set by the app manufacturer) which covers the application's cost;
- 5 Notes that local health workers have contacted City of Newcastle to request changes to this surcharge so that using EasyPark is no more expensive for commuters than using a credit card at a physical parking meter; and
- 6 Amends the surcharge on the EasyPark App so that the total cost is no greater than paying via credit card at a physical parking meter, to ensure equity across the two contactless payment methods.

**Carried  
unanimously**

**ITEM-22 NOM 22/09/20 - FORT SCRATCHLEY AND FORT SCRATCHLEY HISTORICAL SOCIETY**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Recognises and acknowledges the historical and cultural importance of Fort Scratchley;
- 2 Recognises and acknowledges the work undertaken by The Fort Scratchley Historical Society (FSHS) to preserve this invaluable piece of Newcastle's military history; and
- 3 Drafts a Memorandum of Understanding between CN and FSHS recognising the importance of Fort Scratchley to the people of Newcastle and committing to the ongoing support of FSHS.

Councillor Church proposed that the Memorandum of Understanding come back to Council for endorsement.

Councillor Winney-Baartz and Councillor Duncan accepted Councillor Church's amendment to the motion.

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

**Carried  
unanimously**

**ITEM-23 NOM 22/09/20 - ONE HOUR FREE PARKING TRIAL ON HUNTER STREET**

**MOTION**

Moved by Cr Church, seconded by Cr Elliott

That City of Newcastle

- Notes the progress on the city's Parking Plan and the anticipated completion of a draft plan for consultation before the end of the year;
- Accepts and notes a petition signed by more than 658 residents seeking the introduction of one-hour free parking in Hunter Street;
- Notes the negative impact on inner city businesses due to the Light Rail construction, Supercars street closures and now Covid-19 Pandemic;

- Notes that Council received approx. \$8million in fees from parking meters and parking stations and another \$4million in parking fines during the 2018-2019 financial year;
- Conducts a trial of one-hour free parking in Hunter Street, and provides Councillors with a report on the costs and benefits of such an arrangement becoming permanent; and
- Writes to the petition organiser to inform them of the outcome of this motion.

Councillor Clausen foreshadowed a substantive motion that being the recommendation of Council Officers as outlined in the business papers.

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

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

**Defeated**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Notes that two previous trials of free timed parking have been ceased due to resulting reductions in parking availability, and didn't deliver increases in visitation or business turnover.
- 2 Promotes an evidence-based discussion about parking via City of Newcastle's upcoming Parking Plan and engagement.

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

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

**Carried**

**ITEM-24 NOM 22/09/20 - WICKHAM SCHOOL OF ARTS**

Item 24 – Wickham School of Arts was dealt with in conjunction with Item 20 – Wickham School of Arts – State Heritage Listing.

**ITEM-25 NOM 22/09/20 - MANAGEMENT OF AMMONIUM NITRATE STOCKPILES**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Elliott

That City of Newcastle

- Request a briefing from Orica on current and proposed safety and risk management measures associated with the production, storage and transport of ammonium nitrate; and
- Works collaboratively with Orica and Crawfords to support the relocation of their stocks of ammonium nitrate away from all residential areas in the Newcastle LGA.

Councillor Clausen proposed the following revised wording to the motion.

*That City of Newcastle:*

- 1 Requests a briefing from Orica and its regulatory authorities (the NSW EPA and Safe Work NSW) on current and proposed safety and risk management measures associated with the production, storage and transport of ammonium nitrate;*
- 2 Writes to the Minister responsible for SafeWork NSW, Minister Anderson, and the Minister responsible for the EPA, Minister Kean, seeking assurances that the regulation of Orica meets world's best practice.*

Councillor Mackenzie and Councillor Elliott accepted Councillor Clausen's revised wording providing that the revised motion also include 'Crawfords' as outlined in points one and two.

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

**Carried  
unanimously**

**ITEM-26 NOM 22/09/20 - UPDATE ON SMART DRUMLINE TRIALS IN  
NEWCASTLE**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That City of Newcastle

- Request a briefing from the NSW Department of Primary Industries on the outcomes of the trials of SMART drumlines undertaken across Newcastle beaches in 2019.

**Carried  
unanimously**

**The meeting concluded at 9.07pm.**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-74                      CCL 27/10/20 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - ANNUAL REPORT**

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

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**PURPOSE**

To table the Register of Disclosures of Interest (Register) for the financial year 2019/2020 in accordance with the Code of Conduct for Councillors, Staff, and Committee Members, Delegates of Council and Council Advisors respectively (Codes of Conduct).

**RECOMMENDATION**

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (Register) (for the financial year 2019/2020) by the Chief Executive Officer (CEO); and
- 2 Commit to publishing the Register on City of Newcastle's (CN) website in accordance with the *Government Information (Public Access) Act 2009*.

**KEY ISSUES**

- 3 Councillors, the CEO, the Executive Leadership Team, Audit and Risk Committee members, and staff who exercise functions that may give rise to conflicts of interest (Designated Persons), are required to disclose their personal pecuniary interests in a publicly available Disclosure of Interest Return (Return). The Returns operate as a key transparency mechanism for promoting community confidence in Council decision making.
- 4 The Codes of Conduct require:
  - i) Councillors and designated persons to lodge a Return in the prescribed form by 30 September each year;
  - ii) The CEO to table all lodged Returns at the first Ordinary Council Meeting held after the lodgment date; and
  - iii) The CEO to keep a Register which is accessible in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).
- 5 Since the last Return year, the Information and Privacy Commissioner (IPC) issued 'Guideline 1: For local Councils on the disclosure of information contained in the returns disclosing the interests of Councillors and designated

persons' (Guideline). The Guideline provides that the Returns must be made publicly available free of charge on CN's website, unless there is an overriding public interest against disclosure of the information contained in them or to do so would impose unreasonable additional costs on CN.

- 6 In order to comply with the Guideline, the Register containing Councillors, the Executive Leadership Team, and Audit and Risk Committee member Returns will be published on CN's website. The Returns of other Designated Persons, which due to CN's size and complexity is over 300 staff, may be accessed by the public on request in accordance with the GIPA Act.

### **FINANCIAL IMPACT**

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

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 8 The tabling of the Register is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

#### **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.

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

3.5 Open and transparent disclosures.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 The Register containing Councillors, the Executive Leadership Team, and Audit and Risk Committee member Returns will be made publicly available on CN's website. Returns of other Designated Persons may be accessed by the public on request in accordance with the GIPA Act.

### **RISK ASSESSMENT AND MITIGATION**

- 10 Lodgment, tabling and publication of Returns supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements.



**RELATED PREVIOUS DECISIONS**

- 11 At the Ordinary Council meeting held on 22 October 2019, Council noted the tabling of the annual disclosures of interest returns (for the period 1 July 2019 to 30 June 2020) by the CEO.

**CONSULTATION**

- 12 No consultation is required as this is a statutory process required under the Codes of Conduct.

**BACKGROUND**

- 13 Nil.

**OPTIONS**

**Option 1**

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

**Option 2**

- 15 Council does not adopt the recommendation. The Codes of Conduct require the Register to be tabled at a Council meeting. Failure to do so would constitute a breach of the Codes. This is not the recommended option.

**REFERENCES**

Codes of Conduct for Councillors, Staff and Council Committee Members, Delegates of Council and Council Advisors

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

Model Code of Conduct for Local Councils in NSW: A Guide to Completing Returns of Interest

<https://www.olg.nsw.gov.au/wp-content/uploads/Model-Code-of-Conduct-Completing-returns-of-interest.pdf>

OLG Circular 19-21 Release of IPC Guideline 1 Returns of Interests

<https://www.olg.nsw.gov.au/council-circulars/19-21-release-of-ipc-guideline-1-returns-of-interests/>

**ATTACHMENTS**

Nil.

**ITEM-75 CCL 27/10/20 - ADOPTION OF THE 2019/20 FINANCIAL STATEMENTS**

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

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**PURPOSE**

To adopt City of Newcastle's (CN) 2019/2020 audited annual Financial Statements.

**RECOMMENDATION**

That Council:

- 1 Receives and adopts City of Newcastle's 2019/2020 audited annual Financial Statements and Auditor's Report (**Attachment A**).

**KEY ISSUES**

- 2 The Audit Office of NSW issued an unqualified assessment of CN's financial statements, and compliance with accounting standards and relevant laws, regulations and directions, outperforming all key financial performance benchmarks.
- 3 CN received and Engagement Closing Report at the conclusion of the external audit. This report stated that the external audit found no significant reportable issues or material exceptions and thanked CN for the cooperation and help they received from CN's staff. The low risk audit issues that were found will be addressed in the management letter issued by the Audit Office in November 2020.
- 4 CN's financial position is robust with net assets of \$1.723B and total cash reserves of \$353.1M, including unrestricted cash reserves of \$22.6M.
- 5 CN's operating result was a deficit of \$3.6M (before grants and contributions for capital purposes) compared with a \$9.4M surplus in 2018/19.
- 6 Total revenue was \$326.3M or \$10.0M lower compared to 2018/19.
- 7 CN received \$25.0M in grants and contributions for capital purposes in 2019/20, compared to \$31.1M in the prior year.
- 8 The operating result, including these capital grants and contributions, resulted in community equity increasing by \$21.4M compared to \$40.4M in 2018/19.
- 9 Total operating expenditure was \$304.9M or \$9.0M higher than 2018/19.

- 10 CN delivered a record \$92.5M investment in works across the Newcastle Local Government Area (LGA), significantly exceeding the \$80.9M adopted budget. Highlights include \$16.6M on waste management incorporating the expansion of Cell 9 at the Summerhill Waste Management Centre, \$14.1M on infrastructure and property investment including the newly opened Local Emergency Operations Centre, \$9.9M on roads, \$7.8M on stormwater, \$7.6M for fleet renewal, \$6.5M on IT modernisation, \$5.0M on smart city initiatives including large scale solar farm, \$3.7M for City Hall façade upgrades and the new Visitor Information Centre, \$3.5M on parks, facilities and open space including the playground replacement program and \$2.4M on Libraries including the new Digital Library.
  
- 11 As a result of prudent fiscal management and a robust financial situation, CN was able to respond assertively to the social and economic disruption of COVID-19 including a community and economic resilience package and additional community infrastructure that has created new jobs.
  
- 12 The total financial impact of COVID-19 reduced CN's operating position by \$9.9M including a reduction in user charges of \$5.0M, interest revenue of \$2.9M and additional expenditure of \$2.0M. Despite this impact, CN has delivered a net operating deficit of \$3.6M, less than the forecast deficit predicted in March 2020 of \$8.3M.
  
- 13 Prior to COVID-19, CN had produced net operating surpluses for the last six financial years. This reflects a positive pattern of financial performance, the commitment of CN to long term financial sustainability and the ability to generate annual funding to facilitate key objectives identified in Our Budget.

**FINANCIAL IMPACT**

**Operating Result**

- 14 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.
  
- 15 To facilitate comparison, the Income Statement from the Financial Statements is reformatted and summarised below:

<b>Line No</b>		<b>2019/20 (\$'000) Actual</b>	<b>2018/19 (\$'000) Actual</b>
i)	Operating Income before Capital Amounts	301,304	305,288
ii)	Operating Expenditure before Depreciation	(253,259)	(251,260)

iii)	Operating Result before Depreciation / Capital Amounts	48,045	54,028
iv)	Depreciation	(51,664)	(44,641)
v)	<b>Operating Surplus / (Deficit) before Capital Amounts</b>	<b>(3,619)</b>	<b>9,387</b>
vi)	Capital Amounts (Grants and Contributions)	25,017	31,059
vii)	Net Operating Result for the Year (as reported in the Income Statement)	21,398	40,446

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

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

17 Represents a decrease of \$4.0M on the 2018/19 revenue. Rates and annual charges income increased by \$12.6M arising from the Independent Pricing and Regulatory Tribunal approved rate increase of 2.7% and Special Rate Variation (SRV) of 5.3%. This was offset by a decrease in user charges and fees of \$16.0M, largely from reduced tipping fees at Summerhill of \$4.3M, a decrease in Newcastle Airport income of \$4.6M, reduced revenue from parking fees \$1.3M and the reclassification of rental income \$5.6M to Leases which are classified within Depreciation.

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

18 The 2019/20 expenditure represents an increase of \$2.0M on the 2018/19 result. This was largely due to increase in materials and contracts of \$7.6M, net loss on disposal of assets of \$7.6M. All offset by a reduction in other expenses of \$20.1M as last year included a one-off increase in the waste remediation provision.

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

19 This line reflects the operating result for the year prior to allowing for depreciation and shows a decrease of \$6.0M on the equivalent 2018/19 result. This was due to a decrease in income of \$4.0M and an increase in expenditure of \$2.0M.

**Line (iv): Depreciation**

20 Infrastructure depreciation had a significant impact on the operating result, increasing by \$7.0M 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.

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

- 21 CN's operating result before capital amounts shows an operating deficit of \$3.6M for 2019/20, this is a decrease of \$13.0M from 2018/19.

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

- 22 In the 2019/20 financial year capital grants and contributions decreased by \$6.0M. The major decrease is attributable to the decline in CN's non-cash capital contributions for Community land \$5.2M and Roads and Drainage \$4.1M; and lower s7.12 Developer Contributions of \$3.3M. Capital grants for Smart City initiatives were lower than in the prior year by \$4.6M and Roads to Recovery funding also decreased by \$1.2M. This was offset by an increase in funding at Newcastle Airport of \$3.2M in cash contributions and \$7.2M in grants.

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

- 23 This represents the net impact of all of the above line items. The net operating result of \$21.4M is a decrease of \$19.0M against the 2018/19 net operating result of \$40.4M.

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

- 24 The budget disclosed in the income statement on page 4 of the financial statements is the original budget as detailed in the 2019/20 'Our Budget' (2019/20 Delivery Program and Operational Plan) adopted at the Ordinary Council Meeting held on 25 June 2019 and does not include the budgets for capital works in progress carried forward from 2018/19 or any other budget adjustments approved by Council at the quarterly budget reviews during 2019/20. The actual result shows a net deficit of \$3.6M against an original budget surplus of \$12.0M.

- 25 The explanation of the key variances between actual and budget results is as follows:

- i) User charges and fees achieved lower than budgeted revenue through user charges of \$10.0M. The major drivers of the variance are: tipping fees at CN's waste management facility of \$6.5M unfavourable as a direct result of cell 9 construction constraints. In addition, the Newcastle Airport income was lower by \$2.6M and parking revenue was down \$2.4M, due to the impacts of COVID-19.
- ii) Interest and investment revenue was \$3.1M lower than budget due to volatility in global investment markets arising from the COVID-19 pandemic.

- iii) Capital grants and contributions favourably over budget by \$11.2M with \$10.3M received from Newcastle Airport.
- iv) Materials and contracts exceeded budget by \$5.2M; the variance is due to the operating component of the capital works program spend of \$3.3M higher than budget and the increased ordered works from RMS of \$2.5M (offset by increased revenue).
- v) Employee benefits and on-costs is \$4.3M favourable from savings due to vacancies.
- vi) Depreciation was \$3.3M over budget due to the increased scope of capital works program.
- vii) Fair value decrement on investment properties of \$2.8M from unfavourable valuations on Queens Wharf and Hamilton Clocktower as a result of COVID-19 impacts.
- viii) Net loss from disposal of assets of \$2.0M was a result of IT hardware write-offs of \$1.0M and that the expected gain on sale of fleet disposals of \$1.0M was not realised.

26 A high level analysis of material budget variations (above 10%) is shown in Note 24 of the Financial Statements.

### **Audited Key Performance Ratios**

27 Note 28(a) on Page 101 of the Financial Statements details CN's key financial performance measures. Key variances are discussed below.

#### **Operating Performance Ratio 2.39%**

28 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 2019/20 is above the benchmark ratio.**

#### **Own source operating revenue ratio 86.83%**

29 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.**

#### **Unrestricted current ratio 2.09x**

- 30 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.**

**Debt service cover ratio 5.24x**

- 31 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.**

**Rates and annual charges outstanding ratio 4.38%**

- 32 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 Council's classified as regional and rural) and CN has achieved this benchmark.**

**Cash expense cover ratio 5.85 months**

- 33 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.**

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

- 35 The cost to bring assets to a satisfactory standard has decreased from \$126.0M to \$40.0M over the last financial year. This decrease has occurred as CN no longer deems satisfactory assets to be within its infrastructure backlog in-line with changes the OLG made in the Code of Accounting Practice and consistent with the practice of other Councils.

**Financial Performance Measures**

- 36 The Audit and Risk Committee has been proactive in reviewing CN's financial position during 2019/20 and commitment to continuing financial sustainability.

- 37 Ensuring CN continues to be financial sustainable remains a priority. With the impacts of COVID-19 on our city, CN's audited financial results for 30 June 2020 show that CN has recorded an operating deficit of \$3.6M.

- 38 CN will continue to manage its long-term financial sustainability, including the impacts of the COVID-19 pandemic.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 39 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

- 40 The Financial Statements reflect the outcomes of actions, activities and projects contained in the 2019/20 Operational Plan and subsequent Quarterly Reviews which have been approved by Council.
- 41 The OLG has extended the lodgement date of the audited financial statements as the Audit Office, their external audit partners and Councils work through complications caused by the COVID-19 pandemic. CN's financial statements are required to be lodged with the OLG prior to 30 November 2020.

## RISK ASSESSMENT AND MITIGATION

- 42 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 2019/20 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 19 October 2020. A presentation on the financial statements was held during a workshop to Council on 20 October 2020.

## RELATED PREVIOUS DECISIONS

- 43 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 2019/20 Operational Plan. These actions, activities and projects contributed to the delivery of CN's social, environmental and economic objectives.
- 44 At the Ordinary Council Meeting held on 25 August 2020, Council resolved the following:
- 1 *That Council notes the preparation of its Financial Statements for the year ended 30 June 2020 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**

- 45 The Director, Financial Audit, The Audit Office of New South Wales provided a Client Service report to CN's Audit and Risk Committee on 19 October 2020. A presentation on the financial statements was held during a workshop to Council on 20 October 2020 and presented by CN management with the Audit Office of New South Wales in attendance.
- 46 In accordance with the provisions of section 418, of the *Local Government Act 1993* (as amended) and OLG Circular 20-12, public notice of the meeting date at which CN's Financial Statements will be presented was on CN's website on 20 October 2020. Copies of CN's Financial Statements, together with the Auditor's Report, were available for inspection by members of the public from 20 October 2020 to 5 pm on 27 October 2020 at the Customer Enquiry Centre of the City Administration Centre. Written submissions can be lodged by 5pm close of business on 27 October 2020.

## **BACKGROUND**

- 47 CN's Financial Statements in respect of the year ended 30 June 2020 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.
- 48 Following presentation of the Financial Statements to Council, copies will be available from the City Administration Centre or CN's website.

## **OPTIONS**

### **Option 1**

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

**Option 2**

50 Council resolves not to receive and adopt CN's Financial Statements and Accompanying Notes, in respect of the year ended 30 June 2020, 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**

Nil.

**ATTACHMENTS**

**Item 75 Attachment A:** City of Newcastle's Financial Statements

**Item 75 Attachment A distributed under separate cover**

**ITEM-76 CCL 27/10/20 - ADOPTION OF AMENDMENTS TO THE  
NEWCASTLE DEVELOPMENT CONTROL PLAN 2012**

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

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**PURPOSE**

To adopt the amended Newcastle Development Control Plan 2012.

**RECOMMENDATION**

1 That Council:

Adopts the amended Newcastle Development Control Plan 2012 (NDCP 2012) at **Attachment A**.

**KEY ISSUES**

2 On 28 July 2020 Council resolved:

i) To place the following draft NDCP 2012 sections on public exhibition: Section 4.02 Bush Fire Protection and associated Section 9.0 Glossary, Section 3.12 Sex Industry Establishments, Section 7.03 Traffic, Parking and Access and Section 7.08 Waste Management.

ii) To receive a report on feedback received during the public exhibition period and any further amendments made to respond to submissions as per clause 21 of the Environmental Planning and Assessment Regulation 2000.

3 No submissions were received during the exhibition period and no amendments are recommended to the NDCP 2012 sections as exhibited.

4 The amendments were made as part of an administrative review of the NDCP 2012 with the aim of updating outdated references and addressing minor issues related to ambiguity in clauses or misalignment with City of Newcastle's (CN) policy or industry standards.

**FINANCIAL IMPACT**

5 The costs to CN associated with the preparation and implementation of the NDCP 2012 sections are met under CN's operational budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

6 The proposed amendments are consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

**Protected Environment**

- 2.2 Our unique natural environment is maintained, enhanced and connected.
- 2.3 Environment and climate change risks and impacts are understood and managed.

**Integrated and Accessible Transport**

- 1.3 Safe, reliable and efficient road and parking networks.

**Liveable Built Environment**

- 5.1 A built environment that maintains and enhances our sense of identity.
- 5.2 Mixed-use urban villages supported by integrated transport networks.
- 5.4 Sustainable infrastructure to support a liveable environment.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 The process for preparing and amending Development Control Plans (DCP) and the matters that a DCP may deal with are specified in the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and associated Regulation.
- 8 Following consideration of any submissions, Council may approve the NDCP 2012 (with or without amendments) or decide not to proceed.

**RISK ASSESSMENT AND MITIGATION**

- 9 There are no risks to CN in the proposed amendments to the NDCP 2012. The process as detailed in the EP&A Act is being followed. This included the recommended public exhibition period of 28 days.

**RELATED PREVIOUS DECISIONS**

- 10 At the Ordinary Council Meeting held on 15 November 2011, Council adopted the NDCP 2012 and it came into effect on 15 June 2012 when the new Local Environmental Plan 2012 was gazetted.
- 11 At the Ordinary Council Meeting held on 28 July 2020, Council resolved to place the NDCP 2012 amendment on public exhibition for 28 days.

**CONSULTATION**

- 12 The amended NDCP 2012 Section 4.02 Bush Fire Protection was required to incorporate the statutory controls contained within the updated NSW Rural Fire Service (RFS) publication *Planning for Bush Fire Protection (PBP) 2019*. In accordance with the recommendations outlined within the PBP, CN wrote to RFS advising of the amendments made to Section 4.02 of the NDCP 2012. No feedback was received from RFS.

- 13 The amendments to the NDCP 2012 were exhibited for 28 days from 17 August to 14 September 2020. The public exhibition was in accordance with CN's Community Participation Plan (CPP) and the requirements of clause 18 of the Environmental Planning and Assessment Regulation 2000. Exhibition of the amendments to the NDCP 2012 provided an opportunity for stakeholders, including the community, to provide their feedback to CN. No submissions were received.

## **BACKGROUND**

- 14 The NDCP 2012 is kept under regular review and has been amended numerous times since its adoption in 2012. This review was undertaken as a "housekeeping" amendment to update anomalies and inconsistencies in the NDCP 2012.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 16 Council does not proceed with the adoption of the amendments to the NDCP 2012 Sections and associated changes to Section 9.0 Glossary. This is not the recommended option.

## **REFERENCES**

Nil

## **ATTACHMENTS**

- Item 76 Attachment A:** Newcastle Development Control Plan 2012 Section 4.02 Bush Fire Protection
- Item 76 Attachment B:** Newcastle Development Control Plan 2012 Section 9.0 Glossary
- Item 76 Attachment C:** Newcastle Development Control Plan 2012 Section 3.12 Sex Industry Establishments
- Item 76 Attachment D:** Newcastle Development Control Plan 2012 Section 7.02 Traffic, Parking and Access
- Item 76 Attachment E:** Newcastle Development Control Plan 2012 Section 7.08 Waste Management

**Item 76 Attachments A - E distributed under separate cover**

**ITEM-77 CCL 27/10/20 - ADOPTION OF HERITAGE STRATEGY 2020/2030**

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

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**PURPOSE**

To adopt the Heritage Strategy 2020-2030.

**RECOMMENDATION**

- 1 That Council:
  - i) Adopts the Heritage Strategy 2020-2030 at **Attachment A**.

**KEY ISSUES**

- 2 At the Ordinary Council Meeting held on 26 May 2020, Council resolved to place the draft Heritage Strategy on public exhibition.
- 3 The purpose of the Heritage Strategy is to:
  - i) Provide a strategic framework to guide City of Newcastle's (CN) management of heritage matters over the next ten years.
  - ii) Ensure CN meets its statutory obligations and community expectations for managing heritage matters.
  - iii) Identify actions and services that when implemented are commensurate with the Newcastle Heritage Policy, best practice, legislative responsibilities and community expectations.
- 4 The draft Heritage Strategy was placed on public exhibition between 15 June 2020 to 13 July 2020 and then extended, at the request of a resident, for an additional 14 days until 27 July 2020. Throughout the public exhibition period, CN's Community Engagement service unit facilitated community engagement including administering an online guided submission / feedback form.
- 5 18 written submissions were received. A further 37 responses were received from the online web form. Refer to **Attachment B** for the Summary of Submissions.
- 6 Overall feedback was supportive of the draft Heritage Strategy's vision and content. Some submissions expressed concern that CN needs to improve its protection and support for heritage conservation through increased resourcing

and improved regulation and management of development relating to heritage items and places in heritage conservation areas. A number of submissions requested improvements to community consultation and heritage interpretation.

- 7 The Heritage Strategy has been revised taking into account comments in the submissions. In particular, the outcomes, measures and survey questions contained within the Heritage Strategy have been refined to clarify CN's objectives and how these aims can be measured. Monitoring the community's satisfaction level in relation to managing heritage is proposed through community engagement surveys as part of the ongoing tracking and reporting of CN's Integrated Planning and Reporting Framework. These changes improve clarity and strengthen the Heritage Strategy.
- 8 The Heritage Strategy builds on the principles of best practice in heritage management as recommended by the Heritage Council of NSW and Heritage NSW.
- 9 The Heritage Strategy incorporates the principles for managing Aboriginal cultural heritage articulated in CN's Aboriginal Heritage Management Strategy 2018-2021 which was adopted at the Ordinary Council Meeting held on 26 June 2018. The Heritage Strategy contains actions for ensuring Aboriginal heritage is managed in accordance with those principles. Elements of the Strategy relating to Aboriginal Cultural Heritage have been reviewed by the Guraki Aboriginal Advisory Committee.
- 10 The Heritage Strategy provides a framework to implement the four core principles of CN's Newcastle Heritage Policy (**Attachment C**).
- 11 The Heritage Strategy's Action Plan specifies under each of the four core principles, the actions, timeframes, responsibilities and measures to protect and promote heritage in Newcastle. As the Action Plan is a live document, which aligns with CN's delivery plan, it will not be appended to the Heritage Strategy. The Action Plan is provided at **Attachment D**.

#### **FINANCIAL IMPACT**

- 12 The Heritage Strategy identifies the need to continue to invest in asset management and cyclical maintenance of CN's heritage listed items and facilities.
- 13 The costs to CN associated with the implementation of the Heritage Strategy will continue to be determined in accordance with the delivery program and budget.

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

- 14 The Heritage Strategy is consistent with the strategic directions of the Community Strategic Plan (CSP), including:

**Vibrant and Activated Public Spaces**

3.2a Celebrate Newcastle's cultural heritage and diversity.

3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

**Liveable and Distinctive Built Environment**

5.1a Protect and promote our unique built and cultural heritage.

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

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 15 The Heritage Strategy forms part of CN's broader heritage management framework that includes statutory listings in the Newcastle Local Environmental Plan 2012 (NLEP 2012), the Newcastle Development Control Plan 2012 (NDCP 2012) and Heritage Technical Manual, Newcastle City-Wide Heritage Study 1997 (City of Newcastle and Sutera Architects Snell Pty Ltd, 1997), the Archaeological Management Plan 1997 and 2013 (City of Newcastle, 1997 and 2013) and projects such as Cathedral Park Revitalisation.
- 16 By developing an updated Heritage Strategy that aligns to the CSP, the United Nation's Sustainable Development Goals, the Local Government Heritage Guidelines and Recommendations for Local Council Heritage Management, CN keeps its heritage practices in line with best practice and will be in a stronger position to obtain funding from government and non-government sources to undertake heritage projects.

**RISK ASSESSMENT AND MITIGATION**

- 17 The Heritage Strategy is a statement of intent that CN will manage the City's heritage based on best practice and the guidelines and principles of heritage management developed by the NSW Heritage Council and Heritage NSW.

**RELATED PREVIOUS DECISIONS**

- 18 At the Ordinary Council Meeting held on 26 May 2020, Council resolved to place the draft Heritage Strategy 2020/2030 on public exhibition for 28 days.

**CONSULTATION**

- 19 A Heritage Working Party was established under the Liveable Cities Advisory Committee (LCAC) to review the implementation of the existing Heritage



Strategy and provide advice on producing the draft Heritage Strategy. The Working Party was chaired by Councillor Winney-Baartz, coordinated by CN's Heritage Planner and included representatives from the community, local Aboriginal Land Councils, Heritage NSW, University of Newcastle, Hunter and Central Coast Development Corporation, National Trust, and private heritage practitioners. The Heritage Working Party completed its work in February 2020.

- 20 The draft Heritage Strategy was circulated to internal and external stakeholders with exhibition material placed in Newcastle Regional Library. Key stakeholders were notified by email. Presentations were made at CN's Guraki Aboriginal Advisory Committee and the University of Newcastle's Hunter Living Histories meeting. Elements of the Strategy relating to Aboriginal Cultural Heritage have been reviewed by the Guraki Aboriginal Advisory Committee.
- 21 During the formal public exhibition period, CN's Community Engagement service unit facilitated the following community engagement:
  - i) A dedicated Newcastle Have Your Say with FAQs and image gallery – over 880 visits.
  - ii) Online guided submission / feedback form.
  - iii) Stakeholder correspondence.
  - iv) Tailored marketing and communications.
- 22 The Engagement Activity Report is at **Attachment E**.
- 23 The final Strategy was circulated to the Heritage Working Party and Guraki Aboriginal Advisory Committee members for information.

## BACKGROUND

- 24 At the Ordinary Council Meeting held on 25 March 2014, Council adopted the current Heritage Strategy 2013-2017. The Heritage Strategy has been updated to align with the Newcastle 2030 CSP, United Nation's Sustainable Development Goals, Newcastle Heritage Policy and operational and business requirements of the ten year Delivery Plan (2020–2030).
- 25 Local Government has played a pivotal role in heritage management in NSW since 1985. At that time, Local Government was given responsibility for protecting local heritage through the local environmental planning process, under the *Environmental Planning and Assessment Act 1979* (EP&A Act). Since then, the role of Local Government has been expanded following changes made in 1999 to the *NSW Heritage Act 1977* (Heritage Act). Heritage management in NSW is now a two-tier system where items of local heritage significance are listed and managed by Local Councils, and items of State heritage significance are listed on the State Heritage Register by the Minister

for the Department of Premier and Cabinet and managed by the Heritage Council of NSW.

- 26 In order to support Local Government, NSW Heritage developed the Local Government Heritage Guidelines and Recommendations for Local Council Heritage Management. These documents provide a framework for proactive Local Government heritage management. Key recommendations are the preparation and adoption of a policy and strategy for managing heritage matters. CN's Heritage Strategy is consistent with these guidelines.

**OPTIONS**

**Option 1**

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

**Option 2**

- 28 Council resolves not to adopt the Heritage Strategy. This option will not provide the best practice strategic framework for CN over the next ten years, will not achieve the strategic directions of the CSP, and will not be consistent with NSW Heritage Council directions and guidelines. This is not the recommended option.

**ATTACHMENTS**

**Item 77 Attachment A:** Heritage Strategy 2020/2030

**Item 77 Attachment B:** Summary of Submissions

**Item 77 Attachment C:** Newcastle Heritage Policy

**Item 77 Attachment D:** Action Plan - Heritage Strategy 2020/2030

**Item 77 Attachment E:** Engagement Activity Report

**Item 77 Attachments A to E distributed under separate cover**

**ITEM-78                      CCL 27/10/20 - ENDORSEMENT OF HERITAGE AMENDMENTS  
TO NEWCASTLE LEP 2012**

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

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**PURPOSE**

This report seeks endorsement of a Planning Proposal to commence the statutory process to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to address various heritage matters.

**RECOMMENDATION**

- 1    That Council:
  - i)    Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 in order to address various heritage matters.
  - ii)   Forward to the Minister for Planning the Planning Proposal for Gateway determination pursuant to section 3.34 of the EP&A Act.
  - iii)   Consult with the community and relevant government agencies as instructed by the Gateway Determination.
  - iv)   Receive a report on the Planning Proposal following the exhibition period.

**KEY ISSUES**

- 2    The Planning Proposal details amendments required to address a number of heritage matters that have been identified in the NLEP 2012. The matters are of a minor and administrative nature that correct obvious errors and will reduce risk by keeping the heritage schedule up to date.
- 3    The proposed amendments include corrections to schedule 5 Environmental Heritage and the Heritage Maps of the NLEP 2012 that address matters including:
  - i)    Removal of five items from Part 1 of schedule 5 as the heritage significance of these built items have been compromised by their demolition.
  - ii)   Update the level of significance of items where items have been nominated to be on the State Heritage Register (SHR), have been included on the SHR, or are no longer nominated to be on the SHR.

- iii) Update various item names, addresses / property descriptions and or heritage maps to better reflect the item.
  - iv) Include an item listed on the SHR as a new heritage item in Part 1 of schedule 5. The new NLEP 2012 item is consistent with the heritage listing on the SHR, and incorporates most of the existing NLEP 2012 heritage item for Newcastle Railway Station, being all parts of the Newcastle Railway Station (buildings, platforms, former rail track and former Newcastle Bus Station) located to the north and west of the station buildings fronting Scott Street and the covered section of the southern platform (with this excluded part of the Newcastle Railway Station fronting Scott Street subject to a separate and existing heritage listing in the NLEP 2012). The new item also includes the Newcastle Signal Box which, although listed as a heritage item in the SHR, is not identified as a heritage item by the NLEP 2012.
- 4 The Planning Proposal is consistent with CN's Heritage Strategy 2020-2030 in relation to assessing potential heritage items and undertaking reviews of the Heritage Schedule to the NLEP 2012.

**FINANCIAL IMPACT**

- 5 There is no financial impact with the matter to be undertaken within current work program and budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6 The Planning Proposal is consistent with the strategic directions of the Newcastle Community Strategic Plan 2030 including:

**Vibrant and Activated Public Spaces**

- 3.2a Celebrate Newcastle's cultural heritage and diversity.
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

**Liveable and Distinctive Built Environment**

- 5.1a Protect and promote our unique built and cultural heritage.
- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 The Planning Proposal has been undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012) which identifies the processes and responsibilities for amending an LEP in accordance with Part 3 of the EP&A Act.
- 8 With Council's endorsement, the Planning Proposal will be forwarded for a Gateway Determination to the Minister for Planning. The Gateway Determination will confirm initial support for the Planning Proposal and identify any further technical studies and community consultation required prior to the proposed amendment being finalised and reported to Council for determination.

**RISK ASSESSMENT AND MITIGATION**

- 9 The process of amending an LEP is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces the risk by ensuring that a Planning Proposal is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.

**RELATED PREVIOUS DECISIONS**

- 10 At the Ordinary Council Meeting held on 21 June 2011, Council adopted the NLEP 2012.
- 11 At the Ordinary Council Meeting held on 25 March 2014, Council adopted the Heritage Strategy 2013-2017.
- 12 At the Ordinary Council Meeting held on 26 May 2020, Council resolved to place the Heritage Strategy 2020-2030 on public exhibition for 28 days.

**CONSULTATION**

- 13 Consultation with stakeholders (including the community) will occur in accordance with the Minister's requirements following Gateway Determination.
- 14 The Planning Proposal is considered low impact under the Department of Planning Industry and Environment's (DPIE) Guide to Preparing LEP's and will be publicly exhibited for 14 days, unless otherwise advised by the Gateway Determination.
- 15 The Gateway Determination will confirm consultation requirements, however, it is envisaged that this will include, at a minimum, publication on the CN website and letters to owners of adjoining and nearby properties.

**BACKGROUND**

- 16 Schedule 5 Environmental Heritage of the NLEP 2012 is kept under regular review to ensure item descriptions and listings are up to date.

**OPTIONS**

**Option 1**

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

**Option 2**

18 Council resolves not to proceed with the Planning Proposal. This would not enable the necessary amendments to allow efficient administration of the NLEP 2012. This is not the recommended option.

**REFERENCES**

Nil.

**ATTACHMENTS**

**Item 78 Attachment A:** Planning Proposal - Heritage Amendments

**Item 78 Attachment A distributed under separate cover**

**ITEM-79                    CCL 27/10/20 - ADOPTION OF PLANNING PROPOSAL TO  
AMEND NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012  
FOR LAND AT WICKHAM**

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

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**PURPOSE**

To adopt the Planning Proposal that includes various amendments to the Newcastle Local Environmental Plan 2012 (NLEP 2012) to implement actions identified in the Wickham Masterplan (WMP).

**RECOMMENDATION**

- 1    That Council:
  - i)    Adopts the Planning Proposal at **Attachment A** that includes various amendments to the Newcastle Local Environmental Plan 2012 to implement actions identified in the Wickham Masterplan.
  - ii)   Forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting the amendments be made.

**KEY ISSUES**

- 2    The Planning Proposal seeks to amend the NLEP 2012, in order to:
  - i)    Increase the base Floor Space Ratio (FSR) in parts of Wickham from 1:1 to 1.5:1 to ensure redevelopment is feasible. The proposed amendment seeks to correct the FSR for some larger parcels fronting Lindus Street which currently have an FSR of 1:1. There is no documented rationale as to why a lower FSR was originally assigned to this land.
  - ii)   Preparation of the Wickham Masterplan included economic and market analysis by AEC Group to ensure the vision for Wickham may be realised through the redevelopment of existing former industrial uses. The study included feasibility testing of various scenarios across the study area. From this it was concluded that land consisting an FSR of 1:1 was not feasible for redevelopment and that an FSR of 1.5:1 should be applied as a minimum.
  - iii)   Rezone private land from RE1 Public Recreation to B4 Mixed Use at Lot 3212 DP725530, 18 Albert Street, Wickham, as that land is used for a purpose that is not permissible within the existing zoning for the site (place of public worship) but is permissible within the adjoining land's B4 Mixed Use zoning. This zoning also facilitates a range of future uses for the site

which forms part of the 'Park Edge Precinct' outlined in the Wickham Masterplan.

- iv) Include new Land Reservation Acquisitions (LRA) identified for local road (ie. identified intersection works, road widening, providing new connections and enabling public domain improvements). This will facilitate widening of the road reserve in select streets to enable adequate capacity of traffic, parking and the establishment of new footpaths and shared paths.
- v) The establishment of LRAs will also facilitate a key action identified within the Wickham Masterplan, to create opportunities for additional open space within the public domain, facilitating uses such as:
  - a) Shade trees and plantings
  - b) Community gardens
  - c) Rain gardens or other landscape stormwater features
  - d) Furnishings (seating, bins, and drinking fountains)
  - e) Play equipment
  - f) Lawns and / or paved areas
  - g) Small staged areas with plugin facilities for open air music, performances, or screenings
  - h) Illumination
  - i) Wi-Fi
  - j) Public facilities
- vi) Land acquisitions to give effect to LRAs are usually triggered when land is being sold or redeveloped and funded through developer contributions or provided in lieu of a monetary contribution under individual planning agreements. It is envisaged that part of the identified LRA along the former Bullock Island Railway Corridor will be transferred to City of Newcastle (CN) under agreement by the State Government.
- vii) List the former Bullock Island Railway Corridor as an item of Local Heritage. The heritage significance of the former Bullock Island Railway Corridor is identified in the Wickham Masterplan and reflected in the development controls for the area. Adequate protection is required to ensure continuity of the corridor is maintained and not compromised by redevelopment where located on private land.
- viii) A Statement of Heritage Significance, prepared in accordance with 'Assessing Heritage Significance', NSW Heritage Office July 2001, is included in **Attachment A**, Appendix B – draft State Heritage Inventory sheet, for this proposed heritage item.
- ix) Introduce high technology industries as a permitted use within the B4 Mixed-Use zone. This change will apply to all land zoned B4 Mixed-Use, which includes the Newcastle City Centre and the Urban Renewal Corridors. 'High Technology Industries' are considered to be compatible



with the mix of uses permitted within the B4 Mixed-Use zone across Newcastle.

- x) This use was not included within B4 Mixed-Use Zone during the preparation of the NLEP 2012, given uses were simply transferred from the former Zone 3 (d) Mixed-Use Zone of the Newcastle Local Environmental Plan 2003.
  - xi) The inclusion of High Technology Industries as a permissible use across all B4 zones in the NLEP 2012 will contribute to the economic resilience of businesses within this zone, by allowing a wider range of uses that by definition are of a scale and nature that will not interfere with the amenity of their surroundings. Further to this, the Wickham Masterplan outlines the aim of facilitating new clean and high-tech industries in line with CN's Smart City Strategy.
- 3 Following endorsement of the Planning Proposal on 22 May 2018, DPIE issued a Gateway Determination with conditions on 31 August 2018.
- 4 CN addressed the conditions of the Gateway Determination as follows:
- i) Completion of a statement of heritage significance prepared by a heritage consultant to support the inclusion of the 'former Bullock Island Railway Corridor' as a local item of heritage. The curtilage of this heritage item was established as a result of this heritage assessment.
  - ii) Completion of administrative and formatting updates as requested.
  - iii) Referring the Planning Proposal to the following relevant State Agencies:
    - a) Transport for NSW
    - b) Subsidence Advisory NSW
    - c) Office of Environment and Heritage
    - d) Roads and Maritime Services
  - iv) After addressing the Gateway conditions and completing consultation with State Agencies, the Planning Proposal was placed on public exhibition between 18 November 2019 and 2 December 2019.

**Issues raised during community consultation**

- 5 Seven written submissions were received during public exhibition. Key issues raised in public submissions included the effect of proposed LRA on development, mixed support / objection to the proposed increased height and FSR and support for additional open space facilitated through proposed LRA.

- 6 The Planning Proposal has been updated post-exhibition in response to submissions received, and the extent of LRAs originally proposed has been reduced. Refer to **Attachment B** for the Summary of Submissions and CN response.

**Issues raised by State agencies**

**Transport for NSW**

- 7 Transport for NSW (TfNSW) requested a traffic report to understand the impact of the intensification of Wickham on the surrounding State road network, including impacts on Hannell Street and its intersections and the impact on public transport services.
- 8 CN provided TfNSW with the 'Traffic and Transport Assessment Report' prepared by Bitzios Consulting, which considered the maximum envisaged land use yields within Wickham and surrounding areas, the implications of the Newcastle Transport Interchange, and the Newcastle Light Rail project. This report informed the preparation of the WMP, together with a Local Area Traffic Management Plan for Wickham, which modelled the potential impact of full development on the local street network. The findings of these transport studies, along with recommended interventions for addressing transport issues were supplied to TfNSW and incorporated into both the WMP and this Planning Proposal. Given the Planning Proposal's consistency with the modelling previously undertaken and supplied to TfNSW, CN have informed TfNSW that it does not intend to undertake any further traffic assessment at this time.

**Office of Environment and Heritage (now Environment, Energy and Science Group)**

- 9 Office of Environment and Heritage (OEH) noted the presence of locally listed heritage items within the subject area, including Hawkins Oval and R A Richie & Sons and Hudson Bros Engineering. OEH requested that CN be satisfied that the proposed amendments do not impact the significance of these local heritage items. OEH also encouraged the inclusion of the "Former Bullock Island Railway Corridor" as a local heritage item as part of this proposal, provided that the necessary due diligence, assessments and notifications have been undertaken.
- 10 The inclusion of the 'Former Bullock Island Railway Corridor' as a local item of heritage was assessed and justified by the completion of a Statement of Heritage Significance prepared by a heritage consultant. The Statement of Heritage Significance was publicly exhibited with the Planning Proposal.
- 11 CN is satisfied the proposed amendments will not impact the significance of heritage items within the subject area, as this proposal does not facilitate development of a form or scale likely to have any adverse impact on the significance of local heritage items. Further to this, proposed LRA will provide new connections and enable public domain improvements which are anticipated

to contribute to the overall streetscape and interpretation of heritage items within the subject area, including the Former Bullock Island Railway Corridor.

**Subsidence Advisory NSW**

- 12 Subsidence Advisory NSW (SA NSW) indicated that as significant parts of the subject area are within Newcastle Mine Subsidence District, development taller than two storeys will in most instances require elimination of the subsidence hazard through remediation in the form of bulk grouting. During post exhibition consultation with SA NSW, CN was made aware of the possible cost and extent of remediation works required to enable redevelopment within the mine subsidence risk affected parts of Wickham at a scale envisaged in the WMP. SA NSW have estimated the cost of bulk grouting in the tens of millions of dollars and operations requiring several years of around-the-clock drilling and pumping of concrete slurry in order to complete the grouting operations.
- 13 CN's understanding is that the remediation works identified by SA NSW within the WMP area are unlikely to be a viable option within the near future. Accordingly, CN has removed any amendments proposed to the NLEP 2012 that are no longer applicable or appropriate including:
  - i) Raising the Height of Building (HOB) from 10m to 11m to accommodate increased floor levels from flooding in order to reduce the need to vary HOB for individual Development Applications (DA). However, given that the scale of new development is likely to be maintained at two storeys the existing 10m maximum will suffice.
  - ii) A reduction in scale of new buildings in undermined areas will result in lower gross yields and therefore also the number of sites viable for redevelopment. As a result, CN has identified a number of proposed LRA for road widening that are no longer required. These are in addition to those LRAs no longer possible due to the sites having already been redeveloped in recent years.

**FINANCIAL IMPACT**

- 14 The preparation and exhibition of this Planning Proposal is resourced in the 2020/21 operational plan.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 15 The amended Planning Proposal is consistent with the objectives of the Community Strategic Plan and will particularly contribute to implementing the following objectives:

**Integrated and Accessible Transport**

- 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.

**Vibrant, Safe and Active Public Places**

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.
- 3.2a Celebrate Newcastle's cultural heritage and diversity.

**Inclusive Community**

- 4.2a Ensure people of all abilities can enjoy our public places and spaces.

**Liveable Built Environment**

- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.

**Smart and Innovative**

- 6.1b Attract new business and employment opportunities.
- 6.3d Foster a collaborative approach to continue city centre renewal.

**Open and Collaborative Leadership:**

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 16 The amended Planning Proposal seeks to implement the outcomes of the following adopted strategies, plans and policies of CN:
  - i) Newcastle 2030 - Community Strategic Plan 2018-2028, as identified above.

- ii) Newcastle Local Strategic Planning Statement (LSPS), includes the following relevant Planning Priorities:
  - a) **Planning Priority 8:** Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.
  - b) **Planning Priority 9:** Sustainable, healthy and inclusive streets, neighbourhoods and local centres.
  - c) **Planning Priority 10:** Development responds to the desired local character of our communities.
  - d) **Planning Priority 14:** Enable the transition to new economy job and grow creative industries.
- iii) The WMP.

## RISK ASSESSMENT AND MITIGATION

- 17 The amended Planning Proposal has been prepared to address the additional information CN received on Mine Subsidence Risk by opting to introduce reduced redevelopment densities that minimise the level of impact from this risk.

## RELATED PREVIOUS DECISIONS

- 18 At the Ordinary Council Meeting held on 28 November 2017, Council adopted the current WMP.
- 19 At the Ordinary Council Meeting held on 23 October 2018, Council adopted the current section 6.03 Wickham within the Newcastle Development Control Plan 2012.
- 20 At the Ordinary Council Meeting held on 22 May 2018, Council endorsed a Planning Proposal to amend the NLEP 2012 in relation to land in Wickham that seeks to implement several actions identified in current the WMP.

## CONSULTATION

- 21 The Planning Proposal was placed on public exhibition between 18 November 2019 and 2 December 2019. Seven written submissions were received during this period. Refer to **Attachment B** for the Summary of Submissions and CN response.
- 22 CN consulted with State Agencies as required by the DPIE Gateway Determination issued on 31 August 2018. The Planning Proposal has been revised taking submissions into account and responds to issues raised during consultation with State Agencies and the community.

**BACKGROUND**

23 At the Ordinary Council Meeting held on 28 November 2017, Council adopted the WMP which identified Strategies and Actions to achieve the key objectives for delivering the long-term vision for urban renewal for Wickham.

**OPTIONS**

**Option 1**

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

**Option 2**

25 Not support the recommendation thereby not achieving the actions of the WMP and not implementing the vision for Wickham. This is not the recommended option.

**REFERENCES**

Nil

**ATTACHMENTS**

**Item 79 Attachment A:** Planning Proposal - Wickham

**Item 79 Attachment B:** Summary of Submissions

**Item 79 Attachments A - B distributed under separate cover**

**ITEM-80 CCL 27/10/20 - PUBLIC ART REFERENCE GROUP UPDATE**

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

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**PURPOSE**

To update Council on the work of the Public Art Reference Group (PARG).

**RECOMMENDATION**

That Council:

- 1 Receives the Public Art Reference Group Annual Report 2020 as at **Attachment A**.
- 2 Notes the Public Art in the Private Domain Procedures 2020 as at **Attachment B**.
- 3 Endorses the continuation of the Public Art Reference Group as a 'standing committee' of Council to continue outside the term of the elected Council.
- 4 Endorses expansion of the membership of the Public Art Reference Group in 2021 to include up to five external experts with:
  - i) Three positions for persons with a strong demonstrated relationship to Newcastle who have acclaimed reputations for excellence in the field/s of visual art, architecture, landscape architecture, cultural leadership and / or design;
  - ii) One specific position for a cultural knowledge holder from the Indigenous community; and
  - iii) One specific position for a heritage expert.
- 5 Terminates the previous Public Art and Placemaking Policy 2002 as at **Attachment C**.

**KEY ISSUES**

- 6 The PARG has met seven times since December 2018 when Council resolved to continue with PARG and appointed three Councillors to the membership. The Annual Report documents the activities of PARG during the period 2018/19 – 2019/20.
- 7 The PARG has played a critical role during that time, considering public art proposals in the private domain via development applications which trigger

clause B.5 of the Newcastle Development Control Plan 2012 (NDCP 2012) which requires public and civic buildings, developments on key sites and developments over 45m in height to allocate 1% of the capital cost of the development towards public artwork for the development.

- 8 During the period 2018/19 – 2019/20, the PARG considered and endorsed three public art proposals in the City and is currently considering a further five proposals.
- 9 To provide guidance to the PARG, developers and the broader community, regarding public art in the private domain, which is triggered by the NDCP 2012, PARG oversaw the development of the Public Art in the Private Domain Procedures 2020. These Procedures outline the process to enable a public art proposal to be considered by PARG, including requirements for documentation, consultation and record keeping.
- 10 The Procedures outline a Principle Framework for Public Art in Newcastle, to ensure high standards of public art are delivered in the private domain, by outlining requirements regarding artistic excellence, local character, heritage and culture, invigoration of the public domain, sustainability and materiality, and maintenance.
- 11 At the Ordinary Council Meeting held on 11 December 2018, Council resolved to continue the PARG and appointed three Councillors as members. At that time, it was proposed that the PARG would be reconstituted as a working part by the Community and Culture Advisory Committee. However, it is now considered more appropriate to establish the PARG as a 'standing committee' of Council, given the important and ongoing role the PARG plays in advising on the commissioning and development of new public art works in the public and private domain in the Newcastle Local Government Area (LGA).
- 12 At its recent meeting, the PARG agreed to expand its membership to strengthen its capabilities to oversee public art in the LGA, in both the public and private domains. To achieve this, it is proposed to appoint up to five external experts to PARG in 2021, with:
  - i) Three positions for persons with a strong demonstrated relationship to Newcastle who have acclaimed reputations for excellence in the field/s of visual art, architecture, landscape architecture, cultural leadership and / or design;
  - ii) One specific position for a cultural knowledge holder from the Indigenous community; and
  - iii) One specific position for a heritage expert.
- 13 The PARG also proposes to undertake an audit of all existing public art in the LGA during 2021. This will align with and build on the 'Pin the City's Art' project designed to capture data and images on all forms of public art to preserve



temporal works, documenting the city's intangible cultural heritage and urban landscape. Consistent with City of Newcastle's (CN) adopted Asset Management Policy, the audit will provide a basis to assess public art condition and maintenance, and provide a basis for ongoing public art management, disposals, acquisitions and funding.

## **FINANCIAL IMPACT**

- 14 Additional resourcing may be required to support the PARG's 2021 priorities, including costs associated with expanding the membership and audit costs. Council may be asked to consider additional funding as part of the December quarterly review process.
- 15 The PARG is considering options for future funding arrangements for public art, noting that outside of the NDCP 2012 requirement for developments over 45m in height, there is currently no other ongoing or sustainable funding basis or requirement for public art management, acquisitions and maintenance in the LGA.

## **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 16 The PARG is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

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

- 3.2a Celebrate Newcastle's cultural heritage and diversity
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

### **Inclusive Community**

- 4.1a Acknowledge and respect First Nations peoples.

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 17 Implementation of the PARG's 2021 priorities will proceed subject to adequate resourcing.

## **RISK ASSESSMENT AND MITIGATION**

- 18 The PARG is contributing to the City by overseeing public art proposals in the private domain. By conducting an audit of public art and securing ongoing funding, PARG seeks to mitigate the risk that public art will fall into disrepair and not proactively contribute to a vibrant, liveable City.

## **RELATED PREVIOUS DECISIONS**

- 19 At the Ordinary Council Meeting held on 11 December 2018, Council resolved to continue the PARG (working party) and appoint Councillor Duncan as Chairperson, Councillor MacKenzie as Deputy Chairperson and Councillor Winney-Baartz as a reference group member.

## **CONSULTATION**

- 20 The PARG Annual Report 2020 will be reported to the Community and Cultural Advisory Committee and the Liveable Cities Advisory Committee at their next meetings.

## **BACKGROUND**

- 21 The role of the PARG is:

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

## **OPTIONS**

### **Option 1**

- 22 The recommendation as at Paragraphs 1 – 5. This is the recommended option.

### **Option 2**

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

## **REFERENCES**

Nil.

## **ATTACHMENTS**

**Item 80 Attachment A:** Public Art Reference Group Annual Report 2020

**Item 80 Attachment B:** Public Art in the Private Domain Procedures 2020

**Item 80 Attachment C:** Public Art and Placemaking Policy 2002

**Item 80 Attachments A – C distributed under separate cover**

**ITEM-81 CCL 27/10/20 - ADOPTION OF AMENDED COMMUNITY PARTICIPATION PLAN**

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

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**PURPOSE**

To adopt the amended Community Participation Plan (CPP).

**RECOMMENDATION**

- 1 That Council:
  - i) Adopts the amended Community Participation Plan at **Attachment A**.

**KEY ISSUES**

- 2 In response to the COVID-19 Pandemic, the Department of Planning, Industry and Environment (DPIE) issued the Environmental Planning and Assessment Amendment (Public Exhibition) Regulation 2020 (Regulation). This amendment, published on 17 April 2020, removed the requirement for planning matters to be given public notice in a local newspaper. In place of publishing in a local newspaper, the Regulation directs the equivalent public notice to City of Newcastle's (CN) website and / or the NSW planning portal.
- 3 This amendment was issued to alleviate the 'red tape' administrative burden on Councils and reduce costs. In addition, a number of local newspapers in NSW have closed, suspended publication, or moved exclusively online (often including a paywall) making the requirement to place notices in newspapers unable to be adhered to in some cases. This in conjunction with the transition to ePlanning through the NSW planning portal has rendered newspaper notices obsolete.
- 4 CN's existing CPP contains references to newspaper notices. The amended CPP replaces these references with their online equivalents, aligning the plan with current NSW regulation.
- 5 In addition, minor amendments have been made to the CPP to update or clarify meaning, including:
  - i) A disclaimer about the temporary removal of face-to-face engagement during COVID-19.
  - ii) An inserted reference to public hearings.

- iii) Removal of the term 'advertised development' and replaced with the current terms 'nominated integrated development' or 'threatened species development'.
  - iv) Emphasis on a preference for emailed submissions.
  - v) Directing website traffic to the 'Get Involved' page.
- 6 All proposed amendments are shown in red text in the CPP (**Attachment A**). It should be noted that while the requirement to place notices in a newspaper has been removed, it remains an option for matters where it is considered warranted.
- 7 Consistent with advice received from the DPIE it is not intended to place the proposed CPP amendments on public exhibition, as they are not major changes and do not alter our adopted community participation objectives.

### **FINANCIAL IMPACT**

- 8 The CPP is implemented through CN's current allocated work programs and budget.
- 9 The amendment to remove the requirement to give public notice of planning matters in a local newspaper will result in a cost saving to CN estimated at \$70K per annum.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

#### **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**

- 11 All NSW Councils are required to have a CPP in place by 1 December 2019. The proposed amendments to the CPP will allow the plan to be up-to-date with

legislative changes and CN processes. CN's internal procedures will need to be amended to ensure notices are now correctly placed on CN's "Get Involved" website pages.

**RISK ASSESSMENT AND MITIGATION**

- 12 Changes to newspaper advertising in the CPP do not impact statutory requirements as its removal is in response to changes to the Local Government (General) Regulation 2005 (the Regulation).
- 13 There are potential consequences of removing newspaper advertisements as a form of prescribed public notification. This may exclude members of the public who source development information directly from the newspaper. To mitigate these potential impacts, it is intended to place an advertisement in the newspaper outlining the change in advertising planning matters. The advertisement will contain information on where to find relevant information on CN's website.
- 14 CN will maintain transparent notification and engagement through online tools such as application tracking, Have Your Say page and other pages listed on CN's website under 'Get-Involved'.

**RELATED PREVIOUS DECISIONS**

- 15 At the Ordinary Council Meeting held on 22 October 2019, Council adopted the CPP.

**CONSULTATION**

- 16 DPIE has advised Councils that they are not required to exhibit the amended CPP in order for it to reflect the Regulation. It is noted that the CPP was publicly exhibited in 2019 and no submissions were received.
- 17 The adopted CPP refers to a broad range of engagement methods and does not mandate any particular method, allowing CN to determine the most appropriate method to consult with the community depending on the nature of the planning matter (which may include a newspaper advertisement if needed).
- 18 The updated CPP will be accompanied by an advertisement in the Newcastle Herald and Newcastle Star redirecting readers to CN's 'Get Involved' website pages for planning and development notices.

**BACKGROUND**

- 19 CPPs are a requirement for all Councils under the *Environmental Planning and Assessment Act 1979* and came into effect on 1 July 2018. They are intended to make it easier for the community to participate in planning matters and be informed on how planning decisions have been made. CN's CPP was adopted

on 22 October 2019. This is an update to that plan to respond to the Regulation and update to terms and procedures.

**OPTIONS**

**Option 1**

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

**Option 2**

21 Council resolves not to adopt the amended CPP. This is not the recommended option.

**REFERENCES**

Nil.

**ATTACHMENTS**

**Item 81 Attachment A:** Amended Community Participation Plan

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

**ITEM-82 CCL 27/10/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

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

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**PURPOSE**

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

- a) Monthly financial position and year to date (YTD) performance against the 2020/21 Operational Plan as at the end of September 2020.
- 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 2020.

**KEY ISSUES**

- 2 The consolidated YTD operating position is a surplus of \$6.4m representing a positive variance of \$8.9m against the budgeted YTD deficit of \$2.5m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year budget for 2020/21 is a deficit of \$22.7m.
- 3 Net funds generated is a surplus of \$11.9m (after capital revenues, expenditure and loan principal repayments) presenting a positive variance of \$12.9m to the YTD budgeted deficit position of \$1m. This is primarily due to a timing variance in project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

**FINANCIAL IMPACT**

- 5 The variance between YTD budget and YTD actual results at the end of September 2020 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 section 625 of the Act.

### **RISK ASSESSMENT AND MITIGATION**

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

### **RELATED PREVIOUS DECISIONS**

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

### **CONSULTATION**

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

### **BACKGROUND**

- 12 The Monthly Executive Performance Report and Councillor workshop addresses the Council resolution for monthly reporting and exceeds statutory requirements.

### **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**

Nil.

**ATTACHMENTS**

**Item 83 Attachment A:** Executive Monthly Performance Report – September 2020

**Item 83 Attachment A distributed under separate cover**

**NOTICES OF MOTION**

**ITEM-27                    NOM 27/10/20 - IMPLEMENTATION OF LIVE MUSIC AND  
AFTER DARK STRATEGIES - PLANNING CERTIFICATES**

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

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**PURPOSE**

*The following Notice of Motion was received on Thursday 15 October 2020 from the abovenamed Councillors.*

The purpose is to seek a report back to Council on the implementation of the Live Music Strategy and After Dark Strategy item regarding planning certificate notation.

**MOTION**

That City of Newcastle:

- Note the outcomes of the endorsed Live Music Strategy and After Dark Strategy, with particular note to the support of Newcastle’s Live Music Industry.
- Acknowledge the importance of growing the City’s night time economy.
- Receive a report at the next Ordinary meeting to provide a detailed update of the progress of the implementation of Action 2 of the Live Music Strategy ‘Develop a suite of planning controls to reduce the risk of land use conflict including notification in the Section 10.7(5) Planning Certificates.

**BACKGROUND**

Newcastle’s Live Music Strategy was adopted in 2019 and the After Dark Strategy in 2018.

An additional Notice of Motion on 28 November 2019 saw a report to Council on progress of the action items to date. These included:

Develop a suite of planning controls to reduce the risk of land use conflict including notification in the Section 10.7(5) Planning Certificates.

**ATTACHMENTS**

- Attachment A:**                    [CN After Dark Strategy](#)  
**Attachment B:**                    [CN Live Music Strategy](#)  
**Attachment C:**                    [NOM 28 November 2019](#)

**ITEM-28                      NOM 27/10/20 - BROADMEADOW HERITAGE RAIL – NSW  
GOVERNMENT TRANSPORT HERITAGE ITEMS**

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

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**PURPOSE**

*The following Notice of Motion was received on 15 October 2020 from the abovenamed Councillors.*

The purpose is to ensure the NSW Government follow due process regarding the state heritage-listed Broadmeadow Rail Depot.

**MOTION**

That City of Newcastle:

- Notes the importance of the state heritage-listed Broadmeadow Rail Depot.
- Notes community concern of the removal of heritage-listed rolling stock from Broadmeadow to Chullora, in particular some 22 items considered to be of particular relevance to the rail heritage of Newcastle and the Hunter Region.
- Write to the NSW Minister for Transport ensuring that any required under Section 60 of the Heritage Act are obtained before any further removals of locomotive stock occur and noting that City of Newcastle will not support removal of the heritage items from Broadmeadow Rail Depot.
- The Greater Newcastle Metropolitan Plan identifies the site as the “Locomotive Depot Precinct” within the Broadmeadow Catalyst Area. This precinct is identified for investigation for medium density housing and business uses which do not impact on heritage values and respond to risk. Given the investigation for future development of the site, it is important and recommended that a Master Plan be commissioned to ensure that some part of the rolling stock can be incorporated into the heritage interpretation of the former use of the site when planning for the site’s redevelopment.

**BACKGROUND**

Australia’s very first railway was constructed in Newcastle in 1831 for the transport of coal and Newcastle has played a key role in the development of rail transport in NSW, being the hub for Northern and North Western NSW.

Opened in 1924, the Broadmeadow Rail Depot contains the only conjoined rail roundhouses in the world.

Transport Heritage NSW proposes to move all 70+ rail heritage locomotives and rolling stock from Broadmeadow to Chullora for storage.

Closed in 1994, the Broadmeadow locomotive depot did receive restoration works in 2009, however the site remains closed to volunteers and the public.

The “All Aboard” report was commissioned by the NSW Government and published in 2013 reviewed all Transport Heritage sites in NSW, including Broadmeadow. The report authors –were former Director General of the Internal Audit division of the UN, Patricia Azarias, and two rail heritage experts from the UK – Lord Richard Faulkner and Andrew Scott.

Findings of the report included that a detailed master plan for Broadmeadow should be prepared, concentrating on the widest possible public benefit to be obtained. All recommendations of the report were accepted by the then-Transport Minister, Gladys Berejiklian. In 2017, current NSW Transport Minister, Andrew Constance, agreed that the refurbishment should be completed.

**Recommendation 4 of the All Aboard report states:**

*Following an indepth review to be commissioned by Government, a detailed Master Plan for Broadmeadow, also concentrating on the widest possible benefits, should be prepared. It is now time for the state government to step up and take the lead on developing this outstanding site. Transport for NSW should bring together all the owners and commission a Master Plan which fully respected the history and atmosphere of the place but which would maximise the total public benefit. A tiny fraction of the funds used by RailCorp should go towards this Master Plan. In short, the Government should initiate action to rescue the beautiful Broadmeadow site by:*

- a. bringing together all its several owners*
- b. commissioning a Master Plan which respects the site’s history and fully realises its potential for the benefit of the public*
- c. using for the purpose a small fraction of RailCorp funds.*

There is concern noted by supports of rail heritage in the City of Newcastle that the Broadmeadow site “will be adapted for new uses” and that Transport Heritage NSW will no longer be involved with the Broadmeadow site.\*

**ATTACHMENTS**

**Attachment A:** [Wikipedia Listing – Broadmeadow Locomotive Depot\\*](#)

**Attachment B:** [NSW Heritage Listing](#)

**Attachment C:** [Report: ‘All Aboard! A Fresh Start for Transport Heritage in NSW.](#)

**Attachment D:** [Greater Newcastle Metropolitan Plan 2036](#)

**Attachment E:** [Drone footage over Broadmeadow Depot 2017](#)