

Ordinary Council Meeting



City of
Newcastle

DATE: Tuesday 28 February 2023

TIME: 6:00pm

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

23 February 2023

Please note:

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

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

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

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

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

Agenda

1. ATTENDANCE	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES / LEAVE OF ABSENCE / ATTENDANCE BY AUDIO VISUAL LINK	
5. DISCLOSURES OF INTEREST	
6. CONFIRMATION OF MINUTES	4
6.1. MINUTES - ORDINARY COUNCIL MEETING 13 DECEMBER 2022	4
7. LORD MAYORAL MINUTE	30
8. REPORTS	30
8.1. TABLING OF REGISTER OF DISCLOSURES OF INTEREST 1 NOVEMBER 2022 - 31 JANUARY 2023.....	30
8.2. FUTURE FUND POLICY.....	32
8.3. ENDORSEMENT OF MOTIONS TO THE 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT	35
8.4. DECEMBER QUARTERLY BUDGET REVIEW	56
8.5. VARIATIONS TO DEVELOPMENT STANDARDS (REPORTING FROM 1 OCTOBER TO 31 DECEMBER 2022).....	58
8.6. SIX MONTHLY PERFORMANCE REPORT ON THE DELIVERY PROGRAM	64
8.7. PEARSON STREET LAMBTON - LAMBTON PARK TO CROUDACE STREET CYCLING CONNECTION.....	66
8.8. ADOPTION OF THE COMPLIANCE AND ENFORCEMENT POLICY	71
8.9. ADOPTION OF MOBILE FOOD VENDING (LOCAL APPROVALS) POLICY	74
8.10. HUNTER WATER AMENITY IMPROVEMENT WORKS - LITCHFIELD PARK MAYFIELD	77
8.11. ACCEPTANCE OF OFFER - UTILITY RELOCATION - UNIVERSITY DRIVE CATCHMENT REHABILITATION.....	80
8.12. AUDIT AND RISK COMMITTEE ANNUAL REPORT.....	83
8.13. ENDORSEMENT OF PLANNING AGREEMENT FOR 30 AND 31 VISTA PARADE KOTARA	86
8.14. DETERMINATION OF INCOME TAXATION FOR COUNCILLORS	90
8.15. EXECUTIVE MONTHLY PERFORMANCE REPORT	93
8.16. ADMINISTRATION OF 2024 COUNCIL ELECTIONS	96

8.17. TENDER REPORT REPLACEMENT OF BOSCAWEN STREET BRIDGE - CONTRACT 2023/009T	100
9. NOTICES OF MOTION	105
9.1. LLEWELLYN STREET, MEREWETHER - LOSS OF RIGHT OF CARRIAGEWAY	105
9.1.1. REPORT ON NOTICE OF MOTION - LLEWELLYN ST, MEREWETHER - LOSS	116
9.2. IMPROVING OPERATING HOURS AND RESOURCES FOR BERESFIELD POLICE STATION	118
9.3. ADDRESSING PROBLEM GAMBLING AND MONEY LAUNDERING IN NEW SOUTH WALES.....	120
9.3.1 REPORT ON NOTICE OF MOTION ADDRESSING PROBLEM GAMBLING AND MONEY LAUNDERING IN NEW SOUTH WALES (<i>DISTRIBUTED UNDER SEPARATE COVER</i>)	
9.4. CALLING FOR FUNDING FOR WALLSEND FLOOD MITIGATION.....	122
9.5. SHARK MANAGEMENT PROGRAM IN NEWCASTLE	125
9.6. FUNDING FOR MINMI ROAD UPGRADES	142
9.7. BAR BEACH CAR PARK EARLIER CLOSURE OF GATES AT 9.00PM.....	145
9.7.1 REPORT ON NOTICE OF MOTION - BAR BEACH CAR PARK EARLIER CLOSURE OF GATES AT 9.00PM (<i>DISTRIBUTED UNDER SEPARATE COVER</i>)	
9.8. PEP11 AND OFFSHORE COAL, OIL AND GAS EXPLORATION AND MINING.....	146
 10. CONFIDENTIAL	
10.1 NEWCASTLE AIRPORT	

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

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

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 13 DECEMBER 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 221213 Ordinary Council Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, Newcastle West on Tuesday 13 December 2022 at 6.02pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Director Community and Creative Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), A Jones (Director and Interim Manager Waste Services), E Kolatchew (Manager Legal and Governance), S Moore (Manager Finance, Property and Performance), N Kaiser (Interim Manager Media Engagement Economy and Corporate Affairs), M Meehan (Media Advisor), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meetings Support), R Garcia (Information Technology Support) and C Urquhart (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

REQUEST TO ATTEND BY AUDIO VISUAL LINK

Nil.

APOLOGIES

MOTION

Moved by Cr Barrie, seconded by Cr Pull

The apologies submitted on behalf of Councillors Church and Wark be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Mackenzie

Councillor Mackenzie declared a conflict of duties in relation to Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as he was a member of the Hunter and Central Joint Regional Planning Panel (Panel) and wished to remain on the Panel to make a

determination on the proposal and managed the conflict by removing himself from the Chamber for discussion on the item.

Councillor Wood

Councillor Wood declared a non-pecuniary non-significant interest in NOM Item 42 – Greater Newcastle TAFE New Industries Training Centres as her son was a member of the Board of Hunter Joint Job Alliance and remained in the Chamber for discussion on the item.

Councillor Richardson

Councillor Richardson declared a non-significant non-pecuniary interest in Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as a close family member was an employee of the Lingard Hospital.

Councillor Clausen

Councillor Clausen declared a non-significant non-pecuniary interest in Notice of Motion Item 45 – Rates Reduction for Community Housing Providers (CHPS) noting that this was previously declared at the Ordinary Council meeting 22 November 2022. As he and his partner leased a property in Mayfield East to Home in Place (Compass Housing) there was no connection between the motion and any income he received. Councillor Clausen advised he declared the property each year on his pecuniary interest return and noted the tenant was Home in Place. He considered that he had a non-significant, non-pecuniary interest in the item being debated and managed the interest by remaining in the Chamber.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a conflict of duties in relation to Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as she was a member of the Joint Regional Planning Panel (Panel) and wished to remain on the Panel to make a determination on the proposal and managed the conflict by removing herself from the Chamber for discussion on the item.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a non-significant non-pecuniary interest in Notice of Motion Item 41 – 37 Lewellyn Street – Loss of Right of Way and managed the conflict by remaining in the Chamber for discussion on the item.

Councillor Pull

Councillor Pull declared an interest in Lord Mayoral Minute Item 24 as he was an alternative member on the Hunter and Central Coast Regional Planning Panel and managed the conflict by leaving the Chamber for discussion on the item.

Councillor Adamczyk

Councillor Adamczyk declared a conflict of duties in relation to Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as she was an alternate member of the Joint Regional Planning Panel (Panel). Councillor Adamczyk stated she did not know if she

would be required to attend the Panel to make a determination on the proposal and managed the conflict by leaving the Chamber for discussion on the item.

Councillor Duncan

Councillor Duncan declared a conflict in relation to Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as she was an alternate member of the Joint Regional Planning Panel (Panel) and would remain in the Chamber for discussion on the item to enable a quorum to discuss the item.

Lord Mayor, Cr Nelmes

Lord Mayor, Cr Nelmes declared a non-significant pecuniary interest in Item 112 – Tooke Street, Cooks Hill – Pedestrian Facility Upgrades as she knew people who lived in the street and managed the conflict by leaving the Chamber for discussion on the item.

At this stage of the meeting Councillor Clausen foreshadowed a Late Item of Business in relation to 505 Minmi Road, Fletcher.

Lord Mayor, Cr Nelmes

Lord Mayor, Cr Nelmes stated she had a standing non-pecuniary significant declaration in relation to 505 Minmi Road, Fletcher and would manage the conflict by leaving the Chamber for discussion on the item.

LORD MAYORAL MINUTE

ITEM-24 LMM 13/12/22 – HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL REFUSAL OF WINTEN DEVELOPMENT APPLICATION IN MINMI

Councillor Pull left the Chamber for discussion on the item.

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Notes that on 13 December 2022, the Hunter & Central Coast Regional Planning Panel determined to refuse Development Application – DA2018/01351 at 144 Woodford Street, Minmi, pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, and that this was a unanimous decision of the Panel;
- 2 Commends City of Newcastle's Planning team for preparing a detailed Assessment Report and Recommended Reasons for Refusal report, which highlighted many inadequacies of the application and a disregard for the potential significant impacts on the local Minmi community;
- 3 Notes the Hunter & Central Coast Regional Planning Panel provided 15 Reasons For Refusal (**Attachment A**) regarding Development Application –

DA2018/01351 at 144 Woodford Street, Minmi, including its inconsistencies with the terms of the approval of the concept plan, failure to address strong concerns regarding traffic safety and public transport, insufficient information to demonstrate the developments impact on the natural or built environment, lack of compliance with flood planning regulations, insufficient information regarding the elimination or mitigation of mine subsidence, insufficient noise mitigation measures and importantly, insufficient information for an assessment of the biodiversity impacts of the proposed development.

- 4 Advocates that any future application should not impact the operations of the Summerhill Waste Management Centre, particularly the future southern access road, which provides an opportunity for a new entry/exit to the facility, and must include the implementation of a 1000m buffer to ensure the future operations of the site is not compromised from residential development, odour, acoustic, noise or gas impacts;
- 5 Make an application to the Local Government Boundaries Commission noting resolutions of both Lake Macquarie and City of Newcastle elected Councils that agreed to adjust the LGA boundaries to ensure that consistent planning is applied to this strategic site, in particular, Summerhill Waste Management Centre

**Carried
unanimously**

Councillor Pull returned to the Chamber at the conclusion of the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 15 NOVEMBER 2022

MINUTES - BRIEFING COMMITTEE MEETING 15 NOVEMBER 2022

MINUTES - ORDINARY COUNCIL MEETING 22 NOVEMBER 2022

MOTION

Moved by Cr Pull, seconded by Cr Barrie

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

**Carried
unanimously**

**ITEM-25 LMM 13/12/22 – COP27 – 2022 UNITED NATIONS CLIMATE
CHANGE CONFERENCE**

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Notes the recently concluded 2022 United Nations Climate Change Conference (COP27) which was held in Egypt.

- 2 Notes the Lord Mayor's virtual attendance with other global local government leaders, as a guest panelist to speak to City of Newcastle's challenges and opportunities in relation to natural disaster risk and recovery.
- 3 Acknowledges that more work is required, however congratulates the Australian Government on its commitments made at COP27 to achieve net zero and limit global temperature rise to 1.5 degrees Celsius.
- 4 Reiterates its long-standing commitment and action on climate change.
- 5 Writes to the Hon Chris Bowen, Minister for Energy and Climate Change, expressing City of Newcastle's interest in hosting a COP29 delegation, should Australia be successful in its bid as host nation, to demonstrate the transformation within the Newcastle LGA from an industrialised town to a naturally diverse, sustainable and livable global city.

**Carried
unanimously**

ITEM-26 LMM 13/12/22 – FINANCIAL SUSTAINABILITY OF LOCAL GOVERNMENT

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Notes strongly held concerns regarding the financial sustainability of the local government sector.
- 2 Acknowledges the causes of those concerns are many and complex, being structural, policy related and political, including but not limited to, rate capping, cost shifting, shifting community expectations and devastating natural disasters.
- 3 Notes the most up-to-date data from Local Government NSW's report " *Impact of cost-shifting on local government in NSW*" shows a shift of costs from state to local government totals more than \$820 million in 2018, and more than \$6.2 billion since 2008.
- 4 Notes the difficulties already faced by councils in relation to their long-term financial sustainability and service and infrastructure delivery, particularly following year-on-year multiple natural disasters and a world-wide pandemic and recognizes the increased costs such events place on councils, in addition to the continued attempt by state government to shift its costs and responsibilities, as was recently announced regarding RFS Assets.
- 5 Calls on the NSW State Government and Labor Opposition to commit to the recommendations of that LGNSW report, including:
 - a) End cost shifting immediately: Make a commitment that no new, increased or transferred responsibilities will be imposed on local government without

a sufficient, corresponding source of revenue or revenue-raising capacity. This could be achieved immediately by amending the NSW Government's Policy Proposal Evaluation guidelines to include specific requirements for agencies when developing regulation involving local government.

- b) Return 100% of income from the waste levy to councils in NSW: Just 18% of the waste levy collected from local government by the NSW Government is returned to councils for community waste minimisation and recycling programs. We call for 100% of the levy to be returned to local government.
- c) Sustainable funding for public libraries: Increase total state government public library grants and subsidies to meet the current and future demand for library services. Bookings to use the internet in public libraries alone hit 9.4 million in 2015/16 – an increase of four million bookings in just four years. Demand for library services will continue to increase due to rapid population growth.
- d) Reimburse councils for mandatory pensioner rate rebates: The NSW Government funds just 55% of pensioner rate rebates, with councils funding the remaining 45%. All other state and territory governments in Australia fund 100% of pensioner concessions. LGNSW's position is that, as a welfare measure, pensioner concessions should be managed, funded and financed by other spheres of government with broader taxation bases; i.e. the NSW and/or federal government.
- e) Introduce fairer emergency services funding: Introduce a broad-based property levy to replace both the Emergency Services Levy on insurance policies and the 11.7% Emergency Services Levy on local government. Revisit the state government's (deferred) Fire and Emergency Services Levy legislation as promised, and work with local government and the business community to make it fairer and more transparent.
- f) Greater financial independence: Allow councils to raise revenue as they see fit through levies, value capture, voluntary planning agreements, fees and charges.

**Carried
unanimously**

**ITEM-27 LMM 13/12/22 – A ROBUST, RESILIENT REGION – THE NEED
FOR A 'HUNTER VALLEY AUTHORITY'**

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Acknowledges the many Novocastrian workers, families, unions and businesses in traditional heavy industries who have brought great prosperity to our City, region, State and nation over many decades.

- 2 Notes the concerning current and future global economic indicators as well as energy market security and those potential impacts on the local Newcastle and Hunter economy and employment.
- 3 Notes the need for a cohesive and evidence-based plan to ensure the future prosperity of the Newcastle and Greater Hunter economies, by maximising opportunities for affected workers, diversifying the local economy, committing to a Just Transition as well as celebrating the Hunter Valley's history whilst promoting its new, renewable future.
- 4 Reaffirms its long-standing commitment to taking significant action on climate change, demonstrated by various actions which enables the management of climate change risks and opportunities, and supporting our local community and businesses to transition towards net zero emissions.
- 5 Calls on the NSW Government to establish a statutory authority recognising that the transformation is underway in our energy industry. This authority will be charged with mitigating the adverse impacts of coal power station closures on Hunter Valley workforces and communities, as a priority. The authority will, as a minimum, have the power to implement job transfer schemes for workers in coal power stations and associated mines allowing for voluntary redundancy and redeployment opportunities to be shared across sites and the capacity to develop and implement economic development programs for impacted regions. The authority's governance structure shall include major stakeholders including unions and industry and will work cooperatively and on a complementary basis with federal, state and local government bodies, charged with energy, climate and structural adjustment responsibilities.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Winney-Baartz and Wood.

Against the Motion:

Councillor Barrie.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-105

CCL 13/12/22 - CODE OF CONDUCT ANNUAL STATISTICS

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council:

- 1 Notes City of Newcastle's Code of Conduct Complaints Statistics Report for the period 1 September 2021 to 31 August 2022 at **Attachment A**.

**Carried
unanimously**

ITEM-106 CCL 13/12/22 - ADOPTION OF 2023 COUNCIL MEETING SCHEDULE

MOTION

Moved by Cr Barrie, seconded by Cr Pull

That Council:

- Adopts the following schedule for Council Meetings to be held in the 2023 calendar year:

	Week 1	Week 2	Week 3	Week 4	Week 5
February	Quarterly Advisory Committee meetings Additional workshops, Councillor professional development or other sessions, as required	Councillor Workshops or other sessions, as required	Public Voice, Public Briefing and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
March		Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
April		No meetings	No meetings	<i>Note: Anzac Day Tuesday 25 April 2023</i> <i>The following meetings will be held on</i> Wednesday 26 April 2023: Public Voice, Public Briefings, and Development Applications Committee Meetings, as required and Ordinary Council Meeting	No week 5
May	Quarterly Advisory	Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and	Ordinary Council Meeting	Councillor Workshops or other sessions

	Week 1	Week 2	Week 3	Week 4	Week 5
	Committee Meetings		Development Applications Committee Meetings, as required		may be scheduled as required
June	Additional workshops, Councillor professional development or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	<i>No meetings</i> <i>Australian Local Government Association - National General Assembly (18-21 June 2023)</i>	Ordinary Council Meeting	No week 5

	Week 1	Week 2	Week 3	Week 4	Week 5
July	Quarterly Advisory Committee Meetings	Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
August	Additional workshops, Councillor professional development or other sessions, as required	Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	Councillor Workshops or other sessions, as required
September		Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
October		Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	Councillor Workshops or other sessions, as required

November	Councillor Workshops or other sessions, as required	<i>No meetings</i> <i>LGNSW State Conference</i> <i>(12-14 November 2023)</i>	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
December	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	<i>Recess period</i>	<i>Recess period</i>	No week 5

- 2 Notes that all Council Meetings will normally commence at 6:00pm on a Tuesday with the location of all Council Meetings being the City Administration Centre, 12 Stewart Avenue, Newcastle West, unless otherwise determined by the Chief Executive Officer (CEO) in consultation with the Lord Mayor. Council Meetings are livestreamed and attendance may be by audio-visual means in accordance with CN's Code of Meeting Practice (COMP).

- 3 Notes that for the purposes of the Instruments of Delegation to the Lord Mayor and CEO, Council's "Recess Period" commences from midnight 12 December 2023 and ceases at midnight on Monday 5 February 2024.

**Carried
unanimously**

**ITEM-107 CCL 13/12/22 - SUPPLEMENTARY REPORT -
COMPULSORY ACQUISITION OF COMMUNITY LAND BY
TRANSPORT FOR NSW - NEWCASTLE INNER CITY
BYPASS**

MOTION

Moved by Cr Duncan, seconded by Cr Barrie

That Council:

- 1 Notes the compensation value of the land compulsorily acquired by Transport for NSW (TfNSW) as determined by the Valuer General was \$2,140,000.

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

Against the Motion: Nil.

Carried

ITEM-108 CCL 13/12/22 – ADOPTION OF COUNCIL POLICIES

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Adopts the Investment and Borrowing Policy at **Attachment A**.
- 2 Adopts the Community Grants Policy at **Attachment B**.
- 3 Adopts the Housing Policy at **Attachment C**.
- 4 Adopts the Procurement Policy at **Attachment D**.

AMENDMENT

Moved by Cr McCabe, seconded by Cr Mackenzie

To include a Part B

- 1 That the Asset Advisory Committee investigate ways that CN could strengthen the Investment and Borrowing Policy to ensure increased investments in ESG funds within our Credit and Market risk framework.
- 2 Notes that the Office of Local Government Investment Policy Guidelines were last updated in 2010 and the Investment Order in 2011. CN writes to the OLG asking they update the guidelines and include provisions to support ESG investments.
- 3 That the Community and Culture Committee investigate changes to the Community Grants Policy – Annexure A (Definitions) to include:

“the extraction and sale of fossil fuel products” under the definition of socially harmful activities, such that the section would instead read:

“**Socially Harmful Activity** includes any activity involving the abuse of human rights or labour rights; involvement in bribery or corruption; production or supply of armaments; the extraction and sale of fossil fuel products; manufacture, distribution and wholesaling of alcohol, tobacco or nicotine related products; gambling products or services; pornography; the trade of fur or other illegal

wildlife trade; abuse of animal welfare, live animal entertainment and any other activity which CN reasonably considers may pose a Socially Harmful Activity.”

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

The motion as amended was put to the meeting.

Carried

**ITEM-109 CCL 13/12/22 – ADOPTION OF HARBOUR FORESHORE
MASTERPLAN**

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

- 1 Adopts the Harbour Foreshore Masterplan at **Attachment A**.

AMENDMENT

Moved by Cr Clausen

Include an additional action (at page 117 in Attachment A) as follows:

That the upgrades to the Railway Carriage Sheds incorporate recognition of Hunter Workers and the Green Ban Heritage of Foreshore Park, including the 1973 Green Ban action which saved the site and East End from development and allowed the foreshore industrial area to be transformed into public open space.

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

AMENDMENT

Moved by Cr McCabe

Part B

That the detailed design of the cycleway be submitted to the Newcastle Cycling Working Party and the Access Inclusion Advisory Committee before the detailed design process is completed.

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

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

**Carried
unanimously**

ITEM-110 CCL 13/12/22 – PUBLIC EXHIBITION OF NEWCASTLE 500 COMMUNITY CONSULTATION STRATEGY

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

- 1 Places the Draft Newcastle 500 Strategy at **Attachment A** on public exhibition for a minimum of 28 days

AMENDMENT

Moved by Cr Mackenzie

Part B

That Council:

- 1 Notes that in their conditions for approving the Newcastle 500, the Heritage Office placed the responsibility for monitoring the Heritage impacts of the Newcastle 500 onto council.

“MONITORING OF HERITAGE IMPACTS ALONG THE RACETRACK 4. The City of Newcastle to annually monitor and report to Heritage NSW on any adverse heritage impacts associated with the Newcastle 500 Supercar Championship races. Reason: To monitor and ensure no long-term adverse heritage impacts adjacent to the Newcastle 500 Supercar Championship racetrack.”

- 2 Develops, exhibits and implements a plan to monitor the heritage impact of the Newcastle 500 as per the Heritage Office conditions.

The Lord Mayor then proposed the following amendment to point 2 proposed by Councillor Mackenzie and an additional point 3:

- 2 This condition refers to complaints made to City of Newcastle and Councils role is limited to annually monitoring and reporting to Heritage NSW any complaints made to the CN of any heritage impact including to the built environment
- 3 Any further heritage impact monitoring needs to be completed by Heritage Office NSW.

The mover and seconder of the motion agreed to incorporate the amendments into the motion.

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

**Carried
unanimously**

ITEM-111 CCL 13/12/22 – LINGARD PROPOSAL - PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT DEVELOPMENT CONTROL PLAN FOR LINGARD PRECINCT

Councillors Adamczyk, Mackenzie, Pull and Winney-Baartz left the Chamber for discussion on the item.

MOTION

Moved by Cr Barrie, seconded by Cr McCabe

That Council:

- 1 Receives and notes the submissions made during the public exhibition period for the Planning Proposal (**Attachment A**).
- 2 Exhibits the draft Development Control Plan (DCP) for the Lingard Hospital Precinct (**Attachment B**) for 28 days and receives a report on outcomes of the exhibition.
- 3 Exhibits the draft Planning Agreement (PA) and Explanatory Note (**Attachment C**) for the Lingard Hospital Precinct (Hospital Precinct) for 28 days and receives a report on the outcomes of the exhibition.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Barrie, Clausen, Duncan, McCabe, Richardson and Wood.

Against the Motion: Nil.

**Carried
unanimously**

Councillors Adamczyk, Mackenzie, Pull and Winney-Baartz returned to the Chamber at the conclusion of the item.

ITEM-112 CCL 13/12/22 – TOOKE STREET, COOKS HILL – PEDESTRIAN FACILITY UPGRADES

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

MOTION

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

That Council:

- 1 Approves the installation of kerb extensions and reconstruction of local traffic area entry treatment on Tooke Street Cooks Hill, including the associated pedestrian infrastructure and footpath connections, as shown in **Attachment A**.

- 4 Consistent with the Inquiry's findings, calls on the NSW Government to support the local government sector in its protection of data held online, by providing a relevant permanent funding stream to assist and supplement investment of this protection by councils already, noting the highly sensitive information held by the local government sector.
- 5 Notes in May 2022, the OLG advised that a Local Government Cyber Security Policy would be released to Councils in late 2022. To date, these guidelines have not been released.
- 6 Notes that the Audit Office of NSW plans to undertake an audit into cyber security in local government in 2022-23.
- 7 Provides Councillors a workshop in early 2023 on CN's cyber security outlook, initiatives and response.

**Carried
unanimously**

ITEM-41 NOM 13/12/22 – 37 LLEWELLYN STREET – LOSS OF RIGHT OF WAY

MOTION

Moved by Cr Duncan, seconded by Cr Barrie

- 1 That Planning, Transport and Regulation investigate what appears to be the effective removal, or limitation on the use of, a right-of-carriageway at 37 Llewellyn Street Merewether, having regard for the history and circumstances of the approved development on the site.
- 2 That Council receives a report outlining the results of the investigation and identifying the prospects for establishing ongoing access arrangements beyond the completion of the development of the site.

**Carried
unanimously**

ITEM-42 NOM 13/12/22 – GREATER NEWCASTLE TAFE NEW INDUSTRIES TRAINING CENTRES

MOTION

Moved by Cr Wood, seconded by Cr Richardson

That City of Newcastle:

- 1 Notes the briefing note of January 2022 by Hunter Jobs Alliance recommending the establishment of *New Industries Training Centres* at TAFE NSW locations in Tighes Hill and Muswellbrook to meet the vocational training needs for renewable energy, clean technology, hydrogen and decarbonised manufacturing in the Greater Newcastle region and across NSW.

- 2 Reaffirms our support for the economic diversification of our region and the development of emerging clean manufacturing and energy creation.
- 3 Acknowledges the much-reported skills shortage within the Greater Newcastle region.
- 4 Supports investment in upskilling, re-training and education of our local community to ensure our region is best placed to support emerging clean industries.
- 5 Endorses the full seven (7) recommendations within the briefing note.
- 6 Updates our *Advocacy 2022* document to include the creation of the New Industries Training Centres as a key "ask", noting the next State election is only months away.
- 7 Writes to all local State Members of Parliament in addition to the Hon. Alister Henskens MP as Minister for Skills and Training, and Tim Crakanthorp MP as Shadow Minister for Skills and TAFE outlining the benefits of this proposal and seeking their support.

AMENDMENT

Moved by Cr Clausen

Amend points 2 and 3 as follows:

- 2 Expresses its disappointment that twelve long years of neglect from the Liberal National Government has left New South Wales with a shell of a vocational education system. 14 TAFE campuses have been sold. Over a third of the staff have been sacked. The number of people finishing apprenticeships and traineeships has more than halved. TAFE enrolments have plummeted by over 100,000 students.
- 3 Welcomes NSW Labor's commitment to establish a Manufacturing Centre of Excellence in the Hunter that will focus on delivering the skills needed in the manufacturing sector including emerging clean energy jobs.

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

AMENDMENT

Moved by Cr Mackenzie

- 8 In the process of writing to the State Members of Parliament we write to the recently announced Expert Panel to Royalties for Rejuvenation Fund.

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That points 2 and 3 as amended form Part B and that Parts and B be dealt within in seriatim.

The procedural motion moved by Cr Pull and seconded by Cr Barrie was put to the meeting.

For the Procedural Motion: Councillors Barrie, Mackenzie and Pull.

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

Defeated

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

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

Against the Motion: Councillors Barrie and Pull.

Carried

ITEM-43 NOM 13/12/22 – IMPROVING THE SAFETY AND AMENITY OF AWABA PARK (HAMILTON STATION PARK), HAMILTON

In moving the motion Councillor Barrie moved an additional point 7.

MOTION

Moved by Cr Barrie, seconded by Cr McCabe

That City of Newcastle:

- 1 Notes that local businesses and residents using the Hamilton Railway Station and the adjacent Awaba Park and surrounds have contacted Ward 2 Councillors concerned about a recent escalation of alleged anti-social and criminal behaviour in the area.

- 2 Expedites the Hamilton Business Precinct project to fast track the focused pre-planning and public domain project for improving Awaba Park, ensuring the use of the Crime Prevention Through Environmental Design (CPTED) principles to improve the amenity and safety for residents, visitors, railway passengers, NSW Police, Transport for NSW staff and businesses and their staff and volunteers in the Hamilton Railway Station and Awaba Park area.

- 3 Requests from the Newcastle LAC the re-establishment of the 'Business Beat' program in which local NSW Police engage on a regular basis with Hamilton businesses.
- 4 Investigate an increase in cleaning, maintenance and observation of Awaba Park and surrounds.
- 5 Writes to the Minister for Transport, the Hon. David Elliott MP, State Member for Newcastle, Tim Crakanthorp MP, and the Newcastle Local Area Command of the NSW Police, calling for:
 - a. A further increase in active Police patrols of Hamilton Railway Station, Awaba Park and the surrounding area,
 - b. Investigation of the feasibility of provision of, additional CCTV cameras and resources by the NSW Government, through Transport for NSW, to monitor the alleged and perceived increase in criminal behaviour at Hamilton Train Station, the adjacent Awaba Park, and surrounds.
- 6 Writes to the Minister for Mental Health, Regional Health and Woman, Hon. Bronnie Taylor, MLC, calling for:
 - a. Resources for expanded Mental Health / Alcohol Other Drugs (AOD) outreach services within the city or a dedicated funded program facilitated by the local health district or NGO Alcohol Other Drugs Sector which works specifically to support frequent and transient visitors to Hamilton Station Park and surrounds who experience the impact of complex mental health and AOD.
- 7 Writes to the Minister for Police, Hon. Paul Toole MP, Minister for Police & Regional NSW calling for:
 - a. Additional policing: an increase in the number of police for Newcastle Local Area Command of the NSW Police to increase the "business beat program" in Newcastle City hotspots including the Hamilton Railway Station Park (Awaba Park).

Councillor Duncan gave notice of a foreshadowed motion that being the recommendation as outlined in the updated Directors Comment Report.

The motion moved by Councillor Barrie and seconded by Councillor McCabe was put to the meeting.

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

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

Defeated

MOTION

Moved by Cr Duncan, seconded by Cr Pull

That City of Newcastle:

- 1 Notes that local businesses and residents using the Hamilton Railway Station and the adjacent Awaba Park and surrounds have contacted the State Member for Newcastle and Ward 2 Councillors concerned about a recent escalation of alleged anti-social and criminal behaviour in the area.
- 2 Notes that CN is committed to improving outcomes for the community and has sought grant funding from the NSW Government for lighting, installation of murals and graffiti management to improve the amenity and safety in the park.
- 3 Notes that CN undertakes regular cleaning of the adjacent streets and gutters and maintenance of Awaba Park and surrounds and that CN recently increased litter collection to a weekly run and has not seen an identified need to further increase this schedule based on observations of volume or litter type.
- 4 Notes that the Local Centres Program delivers public domain plans (PDPs) and upgrades across the Newcastle local government area, and that renewal works are delivered on a prioritised basis with Orchardtown Road currently under construction and have expediated planning for Mayfield, Georgetown and Waratah.
- 5 Notes that a future PDP for Awaba Park will utilise Crime Prevention Through Environmental Design (CPTED) principles to improve the amenity and safety for residents, visitors, railway passengers, NSW Police, Transport for NSW staff and businesses and their staff and volunteers in the Hamilton Railway Station and Awaba Park area.
- 6 Requests the Newcastle LAC re-establish the 'Business Beat' program in which local NSW Police engage on a regular basis with Hamilton businesses.
- 7 Writes to the Minister for Transport, the Hon. David Elliott MP, State Member for Newcastle, Tim Crakanthorp MP, and the Newcastle Local Area Command of the NSW Police, calling for:
 - a. A further increase in active Police patrols of Hamilton Railway Station, Awaba Park and the surrounding area; and
 - b. Investigation of the feasibility of provision of, additional CCTV cameras and resources by the NSW Government, through Transport for NSW, to monitor the alleged and perceived increase in criminal behaviour at Hamilton Train Station, the adjacent Awaba Park, and surrounds.
- 8 Writes to the Minister for Mental Health, Regional Health and Woman, Hon. Bronnie Taylor, MLC, calling for:

- a. Resources for expanded Mental Health / Alcohol Other Drugs (AOD) outreach services within the city or a dedicated funded program facilitated by the local health district or NGO Alcohol Other Drugs Sector which works specifically to support frequent and transient visitors to Hamilton Station Park and surrounds who experience the impact of complex mental health and AOD.

**Carried
unanimously**

**ITEM-44 NOM 13/12/22 – CORRESPONDENCE FROM HAMILTON
BUSINESS ASSOCIATION**

MOTION

Moved by Cr Duncan, seconded by Cr Clausen

That Council:

- 1 Receives the attached correspondence from the Hamilton Business Association regarding a Rainbow Pedestrian Crossing.
- 2 Notes that Newcastle will host the first Official Event of Sydney World Pride, with the Pink Salt Dinner on Saturday 18 February 2023. Sydney World Pride will be the largest event held in NSW since the Sydney 2000 Olympics.
- 3 Initiates investigations (including with local business representatives, TfNSW, the Newcastle Traffic Committee and Newcastle Pride) on the installation of a rainbow crossing in Beaumont St Hamilton to coincide with World Pride Festivities, or the Newcastle Pride Festival later in 2023.

**Carried
unanimously**

**ITEM-45 NOM 13/12/22 – RATES REDUCTION FOR COMMUNITY
HOUSING PROVIDERS (CHPS)**

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle

- 1 Notes the success of the MoU and funding agreement between NSW Land and Housing Corporation and the City of Newcastle, which has unlocked an additional \$12 million toward the delivery of social housing across the LGA over three years.
- 2 Notes that delivering social and affordable housing is a key priority of the Newcastle 2040 Community Strategic Plan and the Newcastle Local Housing Strategy 2020.
- 3 Notes that Community Housing Providers (CHPs) are regarded as ‘public benevolent institutions’ under s556 of the Local Government Act and are eligible

for rate exemption where property is used for purposes consistent with the objectives of their governing constitution.

- 4 Notes that currently 75% of CHP properties are exempt from rates in the LGA, and the remaining properties are eligible to apply for exemption via application.
- 5 Writes to the relevant CHP's when issuing the next quarterly rates notice (January 2023) to invite applications for rate exemptions, where eligible in accordance with s556 of the Local Government Act, for their properties providing social, affordable and accessible housing in the Newcastle Local Government Area.

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Wood

5 PART A

- i) Requests a memo of the monetary value of subsidy provided by City of Newcastle ratepayers under s556 of the Local Government Act to the five organisations currently receiving rates relief for social and affordable housing in the city (the State Government Land and Housing Corporation (LAHC), BaptistCare, Evolve Housing, Home4Life, and Home in Place (formerly Compass Housing));

PART B

- ii) Consistent with the MOU with the State Government LAHC social housing, works with CN Affordable Housing Working Party (including CHP members as well as tenants representatives Hunter Tenants, the Department of Communities and Justice, the Awabakal Local Aboriginal Land Council, the Housing for Older Persons Project, and Nova for Women and Children) to initiate an MOU with each of the CHPs receiving rates relief, to formalise the community benefit of affordable housing built or modified in the city, including to see a net increase in the amount of social and affordable housing in Newcastle, ensure that:
 - a Ensure social and affordable housing is fit for purpose for a changing climate and for liveability and amenity of tenants through ensuring accessibility and energy efficiency (of dwellings and across sites), and address how compliance, management, restriction to title, and conditions of consent ensure social and affordable housing remains fit for purpose post-occupation certificate; and
 - b Writes to the relevant CHPs to invite participation in the MOU to guide the reinvestment of funds saved in the rates exemption into providing additional social and affordable housing in the Newcastle Local Government Area.

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

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

Carried

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

**Carried
unanimously**

LATE ITEM OF BUSINESS

ITEM-46 NOM 13/12/22 – HUNTER REGIONAL PLAN – RESPECT FOR GREEN CORRIDOR

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

The Deputy Lord Mayor declared the business proposed was of great urgency on the grounds that the item Notice of Motion – Hunter Regional Plan – Respect for Green Corridor related to the recently released Hunter Regional Plan 2041 by the NSW Department of Planning and Environment and issues had only risen in the last few days and was required to go before Council prior to the next scheduled meeting.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

The matter of Hunter Regional Plan – Respect for Green Corridor be heard as a late item of business in accordance with the Code of Meeting Practice and the reasons outlined by the Deputy Lord Mayor

Carried

MOTION

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

That Council:

- 1 Notes the release of the Hunter Regional Plan 2041 by the NSW Department of Planning and Environment on 7 December 2022.
- 2 Notes the Plan's vision to deliver more housing options, while maintaining amenity, liveability and 15minute neighbourhoods in Greater Newcastle, delivered primarily through urban infill development.
- 3 Notes changes made to the Plan by the Department of Planning and Environment since the public consultation of the draft Plan, including with

respect to the Green Corridor, which now identifies undeveloped sections of the Green Corridor as 'New Residential Land'.

- 4 Notes that this designation is inconsistent with Council's Local Strategic Planning Statement, numerous resolutions of the Elected Council, and Council's submission on the draft Plan, and fails to protect the ecological significance of the Green Corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sand beds, Stockton Bight and Port Stephens. Protection of the Corridor recognised the importance of large vegetated areas being linked via habitat corridors at a landscape scale.
- 5 Notes that Council has twice nominated 505 Minmi Road for inclusion in the National Park Estate, with resolutions directing correspondence to Former Environment Minister Matt Kean, and incumbent Environment Minister James Griffin. Minister Kean previously offered his support to work with Council on the nomination:

"When I came into the portfolio I made a commitment to add 200,000 hectares to our national parks estate by 2021 and we smashed that in 12 months," Minister Kean told the Newcastle Herald. "I've now doubled that target, with a goal to add a combined 400,000 hectares to our national park footprint by 2022 - and I'm happy to work with Newcastle City Council and any council for that matter to consider any potential new additions to our national parks."

- 6 Write to the Department of Planning and Environment (DPE) and the Greater Cities Commission (GCC) urgently requesting that the Hunter Regional Plan maps with respect to the Green Corridor and 505 Minmi Road be updated to maintain consistency with Council's adopted Local Strategic Planning Statement.

**Carried
unanimously**

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Barrie

Council extend the meeting time until the conclusion of the final item of business.

Carried

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

CONFIDENTIAL REPORTS

ITEM-3 **CON 13/12/22 – CONFIDENTIAL REPORT – ORGANISATION STRUCTURE UPDATE**

PROCEDURAL MOTION

Moved by Cr Barrie, seconded by Cr Pull

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

Carried

Council resolved into confidential session at 9.57pm.

All staff other than the Chief Executive Officer, Executive Director Corporate Services, Director and Interim Manager Waste Services, Manager Legal and Governance, Information Technology and Councillor Services left the Chamber.

Council received a briefing on Item 3 – Confidential Report – Organisation Structure Update.

PROCEDURAL MOTION

Moved by Cr Adamczyk, seconded by Cr Barrie.

Council move back into open session.

Carried

Council reconvened at 10.33pm and the Chief Executive Officer reported the outcome of confidential session.

ITEM-3 **CON 13/12/22 – CONFIDENTIAL REPORT – ORGANISATION STRUCTURE UPDATE**

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Receives a briefing from the Chief Executive Officer on the proposed new roles.
- 2 Council determines an organisation structure and senior staff positions as at **Attachment A** in accordance with the requirements of the Act.
- 3 This confidential report relating to the matters specified in s10A(2)(a) of the Local Government Act 1993 be treated as confidential and remain confidential until Council is advised by the Chief Executive Officer that the new structure has been communicated to the Waste Services Business Unit.

**Carried
unanimously**

The meeting concluded at 10.34pm.

7. LORD MAYORAL MINUTE

8. REPORTS

8.1. TABLING OF REGISTER OF DISCLOSURES OF INTEREST 1 NOVEMBER 2022 - 31 JANUARY 2023

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

PURPOSE

To table the Register of Disclosures of Interest (Register) for the period 1 November 2022 to 31 January 2023 received from designated persons in accordance with the Code of Conduct for Staff.

RECOMMENDATION

That Council:

- 1 Notes the tabling of the Register of Disclosures of Interest (for the period 1 November 2022 to 31 January 2023) by the Chief Executive Officer (CEO).

KEY ISSUES

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

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.2 Trust and Transparency

4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 7 At the Ordinary Council Meeting held on 22 November 2022, Council noted the tabling of the Register (for the period 1 August to 31 October 2022).

CONSULTATION

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

BACKGROUND

- 9 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

Codes of Conduct

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

ATTACHMENTS

Attachment A - Register of Disclosures of Interest to be tabled.

8.2. FUTURE FUND POLICY

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

PURPOSE

To establish a Future Fund to enable CN to invest its cash reserves in additional investment types to diversify CN's revenue base and enhance long-term financial sustainability.

RECOMMENDATION

That Council:

- 1 Adopts the Future Fund Policy (Policy) as at **Attachment A** and Future Fund Governance Committee Charter (Charter) as at **Attachment B**.

KEY ISSUES

- 2 At 30 June 2022 CN held \$363m in cash and investments. \$44m was in managed funds with the NSW Government's TCORP and the remaining \$319m held in defensive investments including term deposits, bonds, floating rate notes and cash at call.
- 3 CN reserves have grown over the past decade due to prudent financial management. Conservative modelling in the Long-Term Financial Plan estimates cash will continue to grow. CN's Investment advisors have identified capacity for additional investment into growth assets.
- 4 Section 186 of the *Local Government Act 1993*, sets out that a council may acquire land and other property (including an interest in land) for the purpose of exercising any of its functions. CN held investment properties valued at \$15m at 30 June 2022 which is considered low relative to CN's capacity, and also low relative to comparable sized Councils.
- 5 Establishing a Future Fund will enable CN to invest its cash reserves in additional investment types to diversify CN's revenue base, maintain long-term purchasing power and enhance long-term financial sustainability. The Fund's objectives would be to:
 - a) Invest in a diversified portfolio of assets including but not limited to the diversification of assets by character and geography.
 - b) Achieve an optimum financial return within CN's risk tolerance.
 - c) Generate a commercial dividend to CN's General Fund.
 - d) Grow the Future Fund

- 6 The Policy outlines the objectives, structure and governance of the Future Fund. The Charter provides for the establishment of a Future Fund Governance Committee to oversee and assess the performance of the Fund, which would be supported by independent Investment Fund Advisers and an Investment Strategy.

FINANCIAL IMPACT

- 7 The Future Fund will better ensure optimum financial return within CN's risk tolerance and return a commercial dividend to assist service delivery. Costs associated with implementing the Policy will be met from existing operational budgets.

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 If adopted, a copy of the finalised Policy document will be placed on CN's website.
- 10 Any purchase of property which is proposed by the Future Fund will require a specific resolution of the elected Council. Proposed purchases will be made 'subject to resolution of the elected Council' or by entering into a conditional contract pending approval from the elected Council.

RISK ASSESSMENT AND MITIGATION

- 11 A risk framework is inbuilt with the Policy.
- 12 Diversification of CN's cash reserves will minimise overall portfolio risk by holding combinations of investments that do not depend on the same circumstances to return a profit.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting on 28 June 2022 Council resolved to adopt the 2022-23 *Delivering Newcastle 2040* including CN's Long-Term Financial Plan.

CONSULTATION

- 14 The Asset Advisory Committee was briefed on the proposed Future Fund at meetings in late 2022 and early 2023.

- 15 Councillors were briefed on the proposed Future Fund at a strategic planning workshop on 28 January 2023.

BACKGROUND

- 16 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Future Fund Policy

Attachment B: Future Fund Governance Committee Charter

Attachment A - B distributed under separate cover

8.3. ENDORSMENT OF MOTIONS TO THE 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

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

PURPOSE

To consider proposed motions for submission to the Australian Local Government Association's (ALGA) 2023 National General Assembly (NGA) and reschedule a Council Committee meeting due to a change in dates of the NGA.

RECOMMENDATION

That Council:

- 1 Endorse the motion/s for submission to the 2023 Australian Local Government Association's National General Assembly as set out at **Attachment A**.
- 2 Adopt a change in meeting date for the June Committee Meetings from Tuesday 13 June 2023 to Tuesday 20 June 2023.

KEY ISSUES

- 3 The NGA is being held from 13-16 June 2023 at the National Convention Centre, Canberra. The theme of this year's NGA is *Our Communities, Our Future*.
- 4 Councils are invited to submit motions to be considered at the NGA. Nine motions were received, and Council is asked to consider and endorse these as set out in **Attachment A**.
- 5 On 20 February 2023, CN became aware of a change to the dates for the 2023 NGA from 18-21 June to 13-16 June which has resulted in a conflict with the June Committee Meeting date, scheduled for Tuesday 13 June 2023.

FINANCIAL IMPACT

- 6 Councillors attendance at the NGA is provided for within the 2022/23 budget. There are no additional costs associated with the submission of motions or change of date for the June Council Committee.

NEWCASTLE 2040 ALIGNMENT

- 7 Submissions of motions to the NGA consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan including:

Creative Newcastle

- 3.4 City-shaping partnerships
 - 3.4.1 Optimise city opportunities
 - 3.4.2 Advocacy and partnership

Achieving Together

- 4.2 Trust and Transparency
 - 4.2.1 Genuine Engagement
- 4.3 Collaborative and innovative approach
 - 4.3.1 Collaborative organisation
 - 4.3.2 Innovation and continuous improvement

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 CN will make arrangements to formally submit endorsed submissions by the due date and in accordance with the requirements of the Act and CN's Code of Meeting Practice, the amended Meeting date will be advertised on CN's website.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 22 March 2022, Council endorsed the submission of eleven motions to the 2022 NGA.
- 11 At the Ordinary Council Meeting held on 22 November 2022, Council adopted the Council Meeting schedule for 2023.

CONSULTATION

- 12 Nil.

BACKGROUND

- 13 ALGA is the peak national body of local government, representing 537 councils.
- 14 Attendance and voting arrangements for the NGA will be managed directly with Councillors.

OPTIONS

Option 1

- 15 Council adopts the recommendations as shown at Paragraph 1 and 2. This is the recommended option.

Option 2

- 16 Council adopts an alternative recommendation. This is not the recommended option.

REFERENCES

NGA Motions Discussion Paper

<https://alga.com.au/app/uploads/2023-Discussion-Paper-WEB-RGB.pdf>

Councillor Expenses and Facilities Policy

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

ATTACHMENTS

Attachment A: Proposed motions for endorsement for submission to the 2023 Australian Local Government Association's National General Assembly

Attachment A

CITY OF NEWCASTLE, NSW

MOTION 1 - LOCAL GOVERNMENT SUPPORT FOR THE VOICE

This National General Assembly of Local Government calls on the Australian Government to continue to demonstrate strong leadership in support of Aboriginal and Torres Strait Islander Peoples by supporting Constitutional Recognition for Aboriginal and Torres Strait Islander peoples, implementing the 'Uluru Statement from the Heart' and pursuing a national referendum regarding the Indigenous Voice to Parliament in the following terms:

"Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?"

NATIONAL OBJECTIVE

To give voice to Aboriginal and Torres Strait Islander peoples by ensuring that government is informed by lived experience, insight and expertise of ATSI people.

To demonstrate the unified support of Aboriginal and Torres Strait Islander peoples, by local government as the closest level of government to community.

SUMMARY OF KEY ARGUMENTS

The Uluru Statement from The Heart is a call by Aboriginal and Torres Strait Islander people for real and practical change in Australia through the establishment of a constitutionally enshrined Voice To Parliament and the establishment of a Makarata Commission, to undertake treaty-making and truth-telling.

The Uluru Statement From the Heart represents an historic consensus of Aboriginal and Torres Strait Islander people.

A Voice to Parliament will give Indigenous communities a route to help inform policy and legal decisions that impact their lives. Giving people a say will lead to more effective results.

Embedding a Voice in the Constitution would recognise the special place of Aboriginal and Torres Strait Islander people in Australia's history, but importantly would also mean that it can't be shut down by successive Governments.

CITY OF NEWCASTLE, NSW

MOTION 2 - MANDATORY SUPERANNUATION GUARANTEE

This National General Assembly calls on the Australian Government to:

1. Note that in some jurisdictions, Councillors, Mayors and Lord Mayors are not automatically entitled to the Superannuation Guarantee Contribution, despite Councillors in other jurisdictions being paid the appropriate superannuation entitlements;
2. Note that in some jurisdictions, Councillors, Mayors and Lord Mayors have the option of "opting-in" to receive the Superannuation Guarantee Contribution but only following the successful endorsement by that council, allowing the politicisation of the issue;
3. Note that superannuation should be a universal mandatory system to support all workers and taxpayers in Australia; and
4. Rationalise the Superannuation system for local government elected representatives and amend Section 12(9A) of the *Superannuation Guarantee (Administration) Act 1993* to mandate that all Councillors across Australia automatically receive the Superannuation Guarantee Contribution.

NATIONAL OBJECTIVE

The Superannuation Guarantee Contribution is a universal system of world's best practice when it comes to ensuring adequate support for all workers in retirement.

The compulsory payment to all Mayors, Lord Mayors and Councillors across Australia would encourage diversity and ensure local councils reflect their communities.

SUMMARY OF KEY ARGUMENTS

The Superannuation Guarantee (SG) contribution is compulsory for all employers in Australia.

This applies to all employment in the private sector, not-for-profit or government related roles and all remunerated board roles where an individual earns more than \$450 in a calendar month. Despite this, in NSW, mayors and councillors that serve on local government are excluded by the operation of section 251 of the *Local Government Act 1993*, which provides that mayor and councillor fees "do not constitute salary for the purposes of any act" unless in accordance with section 254B(4)(a), "the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors".

The federal government has the opportunity to take the non-payment of superannuation very seriously, with the *Treasury Laws Amendment (2018 Measures No 4) Bill 2018* allowing the ATO to instruct an employer to pay the superannuation

guarantee amount and outstanding liabilities or face severe financial penalties and up to 12 months imprisonment, or both.

The current position in NSW is inequitable and could be a deterrent for young people and women standing as candidates for Council elections. Research shows that, on average, women retire with 47% less superannuation than men and introducing superannuation on these earnings is recognition of this commitment and will help encourage the broadest cross-section of the community to stand for office.

Other jurisdictions, including Victoria and Queensland, mayors and councillors are paid superannuation entitlements. Many mayors and councillors rely solely on the income they derive from their duties on local government, and their legislated entitlement to superannuation should not be allowed to be used as a partisan, political plaything in the council chamber.

CITY OF NEWCASTLE, NSW

MOTION 3 - FINANCIAL ASSISTANCE GRANT FUNDING

This National General Assembly calls on the Australian Government to:

1. Return funding for local government Financial Assistance Grants to a level equal to 1% of Commonwealth Taxation Revenue as a matter of priority and directly to local government.

NATIONAL OBJECTIVE

The Financial Assistance Grant program is provided under the Local Government (Financial Assistance) Act 1995 and is granted from the federal government to councils in the form of untied financial assistance, allowing councils to spend the grants according to local priorities.

The objective of the grant program is to assist councils to improve in five areas: financial capacity; capacity to provide equitable services; certainty of funding; efficiency and effectiveness; and services to ATSI communities.

SUMMARY OF KEY ARGUMENTS

Financial Assistance Grants are a form of Federal Government funding provided to the States for the purposes of Local Government.

The total funding of the grant on an annual basis was equivalent to 1% of Commonwealth Taxation revenue in 1996. That 1% figure has significantly reduced since that time, varying from year to year to a level approximately half of that amount, or less. In the October 2022-23 Budget \$2.921 billion in Financial Assistance Grants funding was announced which brings the Financial Assistance Grants as a proportion of Commonwealth Taxation Revenue in 2022-23 to approximately 0.52%.

This increase would help councils meet community demand for local government services and infrastructure provision and ensure that it continues to grow. Cost-shifting from the states to the local government sector has also increased over time placing further financial pressure on local government Councils. Additionally, local government has become increasingly focused on natural disaster mitigation and recovery following year on year prolonged extreme weather events, including drought, bushfires, storm surges and coastal erosion and more recently floods, in addition to the pandemic and in some instances the mouse plague. Such occurrences, although out of the control of local councils, have understandably had a profound effect on the financial sustainability of the local government sector.

CITY OF NEWCASTLE, NSW

MOTION 4 - EXTREME WEATHER & DISASTER MITIGATION FUNDING

The National General Assembly calls on the Federal Government to urgently increase funding available under the Disaster Ready Fund (DRF) to provide local governments with the resources needed to mitigate the current and longer-term impacts of extreme weather events on local physical and social infrastructure.

NATIONAL OBJECTIVE

To combat the impacts of extreme weather events. Now and more recently, local governments have been significantly impacted by bushfires, droughts and floods. We must look at ways for local government to recover from these extreme weather events but also ways to mitigate their impacts moving into the future.

SUMMARY OF KEY ARGUMENTS

While climate change is a global issue, it is felt on a local scale. Extreme weather events such as heavy rainfall, storms, floods or forest fires can considerably damage roads, railways, communication systems and power lines. Cities and municipalities are therefore at the frontline of mitigation, adaptation and recovery. In the absence of national or international climate policy direction, cities and local communities around the world have been focusing on solving their own climate problems. They are working to build flood defences, plan for heatwaves and higher temperatures, install water-permeable pavements to better deal with floods and stormwater and improve water storage and use.

According to the 2014 report on Climate Change Impacts, Adaptation and Vulnerability (page 8) from the United Nations Intergovernmental Panel on Climate Change, governments at various levels are also getting better at adaptation. Climate change is starting to be factored into a variety of development plans: how to manage the increasingly extreme disasters we are seeing and their associated risks, how to protect coastlines and deal with sea-level encroachment, how to best manage land and forests, how to deal with and plan for reduced water availability, how to develop resilient crop varieties and how to protect energy and public infrastructure.

But, extreme weather events are also costly. A report from the Climate Council (<https://www.climatecouncil.org.au/resources/hitting-home-compounding-costs-climate-inaction/>) finds the cost of extreme weather in Australia has more than doubled since the 1970s, and totalled \$35 billion over the past decade. By 2038, extreme weather events driven by climate change, as well as the impacts of sea-level rise, could cost the Australian economy \$100 billion every year.

CITY OF NEWCASTLE, NSW

MOTION 5 - LOCAL ROADS FUNDING

This National General Assembly calls on the Australian Government to:

1. Note the historical under-funding and lack of investment into maintaining our local roads servicing our populations across the country.
2. Note the high level of destruction of local roads across the country as a result of the multiple flood events in 2022, estimated at a total cost of \$3.8 billion.
3. Invest in research and development into more resilient road building materials, techniques and technologies.
4. Continue the Local Roads and Community Infrastructure Program to ensure local government is adequately supported to continue the ongoing maintenance and additional replacement and renewal of the local road network further affected by flooding and like disasters.

NATIONAL OBJECTIVE

Councils are responsible for more than three quarters (77 per cent) of Australia's roads by length, equating to about 678,000km, however local government revenue collection is inadequate to resource their maintenance and renewal. This deficit is exacerbated following natural disaster induced damage to the road network.

ALGA's 2021 National State of the Assets report found 8 per cent of sealed local government roads and 14 per cent of unsealed local government roads in Australia are in poor condition, function and capacity.

SUMMARY OF KEY ARGUMENTS

City of Newcastle notes with gratitude the additional \$250 million, (now totalling \$750 million) provided to local government by the Federal Government in the October 2022 Budget for the Local Roads and Community Infrastructure Program.

However, it is estimated that in 2022 more than \$3.8 billion worth of damage to the road network occurred. This amount does not include damage to other council-maintained community infrastructure.

It is well-accepted that a safe and efficient road network results in better health, employment, social, and educational outcomes especially in regional and rural communities.

Given the existing shortfall between the responsibility and financial capacity of councils to maintain safe and efficient road infrastructure, and the uncertainty surrounding possible future natural disasters and their impacts on council-maintained infrastructure, the continuation and appropriate resourcing by the Federal Government

of the Local Roads and Community Infrastructure Program will better support local government in its stewardship of community infrastructure.

CITY OF NEWCASTLE, NSW

MOTION 6 - HOUSING AFFORDABILITY

This National General Assembly calls on the Australian Government to:

1. Increase funding and investment in public, social and affordable housing;
2. Work with all levels of government to undertake a review of all government-owned property to identify suitable sites for redevelopment as affordable housing;
3. Re-view its National Housing Strategy, including to:
 - a. Consider regulating rental and land value increases, and
 - b. Consider requirements for affordable housing in all re/development,
 - c. Review the rates for pensions and government support,
 - d. Ensure that all new public, social and affordable housing at a minimum incorporates the new accessibility standards in the National Construction Code, and
4. Create a National Settlement Plan, working in partnership with state, territory and local governments and communities to meet local need, and deliver post-pandemic economic stimulus.

NATIONAL OBJECTIVE

Housing affordability has been declining across Australia for many years. Rent and purchase costs in the private housing market have outstripped growth in wages and income support, leading to a housing affordability crisis.

We are seeing housing stress and homelessness affect an increasing number of people right across the country. A whole-of-government approach to planning, settlement, infrastructure funding and increased supply will assist in addressing the challenge of ensuring all Australians are able to obtain safe and adequate housing.

SUMMARY OF KEY ARGUMENTS

Access to quality, safe, accessible, and affordable housing is fundamental to wellbeing. It can help reduce poverty and enhance equality of opportunity, social inclusion and mobility. Affordability is important for both Australians wanting to own or rent a home. Many factors influence the supply and cost of affordable housing in our country. The supply of affordable, accessible housing is not meeting need, including for Australia's growing and ageing population, and the 50,000 Australians waiting up to 15 years to access public or social housing. There has been chronic under-investment in public and social housing by governments (ACOSS 2014). Government policies around ownership and investment, such as negative gearing, capital gains tax reductions, and Commonwealth Rent Assistance provide stimulus to the private housing market and subsidising investors. There is significant inequity within our population, with many households holding homes as assets to generate considerable wealth, and others unlikely to ever access homeownership.

Housing unaffordability has been exacerbated over the last number of years due to the COVID-19 pandemic disrupting construction, displacement due to natural disasters, and the removal of housing from long term availability for short-term leases. We have 3,500 dwellings about to come off the NRAS.

Secure, affordable housing rental or ownership is increasingly out of reach for many Australians. In the early 1990s owner-occupiers made up 80 per cent of lending for housing; by 2015, this had fallen to about 40 per cent (ABS, 2019). OECD, ABS, and AIHW data show that in the last four decades, increases in house prices and rent have far outstripped wage growth. Australians on income support do not receive a living wage. Australians are spending more of their income on housing, and Australia has some of the highest household debt ratios in the global north. There has been a significant decrease in working aged people in home ownership, and growing inequality in accessing homeownership. There has been a decrease of owners without a mortgage, an increase of owners with a mortgage, a drop in single income ownership, and growth in private rental as a tenure for more diverse households. The proportion of our population housed in social housing is decreasing. These increases in housing costs to our lowest income quintiles who are spending more and more of their income on housing, are further entrenching disadvantage and inequality in our population.

Housing not only has a critical social, cultural, and physical function. It also has an important economic and nation-building function in Australia, with dwelling construction a key economic indicator. Housing and the construction sector is one of the biggest employers in the country, with around 1.4 million people employed in the construction sector, and around 400,000 of those in New South Wales. Increasing construction is an investment multiplier in the sense that every dollar spent in the construction sector increases in value as it works its way through the economy.

There is a complex interplay of geographical, governance, funding, regulatory and taxation arrangements around home ownership, rental, and investment in Australia. The taxation and regulatory frameworks around the supply of housing mean that simply 'increasing supply' does not necessarily lead to lower house prices and more affordable housing. It is the role of the Australian Government to ensure that every Australian has a safe and secure home.

CN has been actively responding to Affordable Housing challenges in the Newcastle LGA. A Memorandum of Understanding (MoU) between the NSW Government – Land and Housing Corporation and CN was signed in late 2021. The objective of the MoU is to deliver improved outcomes in social and affordable housing for the people of Newcastle. An important feature of the MOU will see CN supporting LAHC's redevelopment program through the provision of an annual payment equivalent to the rates paid by LAHC in the Newcastle LGA for the next three years. The payment, which will be matched by LAHC, will be reinvested into funding new social housing in the region during the same period. CN calls on the Federal Government to lean into the Affordable Housing challenge too. CN continues to hold the view that a 25% Affordable Housing Mandate on government owned land should be supported, with land owned by the government that is fast-tracked for development having a 25% mandate of Affordable Housing. Likewise, CN supports the introduction of a 15%

Affordable Housing Mandate on privately developed land. 15% of dwellings designated as Affordable Housing will be available for rental or sale to low to moderate income households.

Additional measures to support prevention of housing stress and an increase in access to and supply of affordable housing is critical to the wellbeing of the population.

CITY OF NEWCASTLE, NSW

MOTION 7 - GAS DECARBONISATION

This National General Assembly calls on the Australian Government to:

1. Acknowledge over 100 local councils, including Newcastle, representing 9 million Australians (as well as over 2000 jurisdictions worldwide) have declared a climate and biodiversity emergency, acknowledging that urgent collaborative action at all levels of government is necessary to protect our environment and community for future generations;
2. Consider the banning of gas from all new housing developments;
3. Consider assisting households and business to make the switch from existing gas-fuelled items, to electrification;
4. Continue its important work to urgently develop a gas decarbonisation roadmap for the electrification of local communities, setting business, industry and households up to be resilient and sustainable in a decarbonising world, while safeguarding jobs in important manufacturing industries.

NATIONAL OBJECTIVE

This motion addresses the following key question in the 2023 discussion paper:

"Noting the Government's commitment to reducing emissions, are there programs and initiatives that the Commonwealth Government could develop to assist councils in their work to address climate change and reduce emissions?"

SUMMARY OF KEY ARGUMENTS

The gas industry is responsible for 19% of Australia's GHG emissions.

Recent modelling of decarbonisation targets by CSIRO and ClimateWorks' for AEMO has projected "a substantial reduction in demand for natural gas" under three scenarios consistent with strong action towards Australia's net zero by 2050 target.

Analysis by Dr Saul Griffith and The Australia Institute demonstrates that by 2030 Australian families could be saving \$5,000 per year by replacing their current cars with electric vehicles, switching their natural gas heating systems (water heating, space heating, or kitchen) to electric heat pumps, and furnishing their electricity with solar from their rooftops.

A July 2021 study by Northmore Gordon and companion report from the Climate Council illustrates a potential pathway for NSW to reduce its gas consumption by 25% within 5 years, 70% in 10-15 years, and entirely eliminate gas use by mid-century.

Dr Griffith and Rewiring Australia are working towards launching a pilot program in the Illawarra (NSW) region and if supported by government may provide a roadmap for the electrification of communities right across Australia, resulting in the lowering of electricity bills, cost of living and carbon emissions.

CITY OF NEWCASTLE, NSW

MOTION 8 - AUSTRALIA'S GATEWAY CITIES

This National General Assembly calls on the Australian Government to:

1. Note that the cities of Geelong, Newcastle and Wollongong formed the Gateway Cities Alliance in recognition of the belief that these and other "Gateway Cities" have at times fallen between the gaps of national planning and population policy, occupying an uncertain world between metropolitan capitals and the towns and cities of regional Australia.
2. Endorse the recommendations contained in the Committee for Geelong's 2019 report *"Australia's Gateway Cities: Gateways to Growth"*, as follows:

Shared interests

- a. The Committee for Geelong to act as Secretariat and lead the development of an Alliance between the City of Newcastle, the City of Wollongong and the City of Greater Geelong to collaborate, share information and develop a timeline for advocacy to state and federal governments on shared opportunities and challenges for these cities. This Alliance will be guided by a memorandum of understanding and this Alliance will be used as an inclusive platform to advocate for strategic government assistance in core economic, social and environmental policy and investment.

Infrastructure

- b. The Alliance seeks Federal Government support to develop the most accessible, sustainable transport connections for both passengers and freight for the three cities. We acknowledge that such planning is under way in some circumstances at both a state and federal level.
- c. Each of the three cities faces challenges in relation to managing growth and the strategic development of their CBDs and other strategic precincts. Initial research indicates that each city is drawing different lessons based on their historical experience. Members of the alliance should share the fruits of their experience in managing growth and developing strategic precincts within their cities.

Innovation and economic growth

- d. Continuing economic growth and diversification within the context of fiscal rebalancing is crucial to recognise the latent potential of Australia's Gateway Cities. The Alliance will seek strategically-directed support from state and federal governments for emerging industries such as advanced manufacturing, information technology and robotics, artificial intelligence, public health, education, food and fibre, mining and professional services. We anticipate that this will take the form of support for infrastructure, capital

expenditure, export promotion and skills and training or a mixture of all of these.

- e. While the three cities continue to provide world-class public health care through their networks of hospitals, an investment in the research-intensive medical, bio-medical and public health activities of related research institutions has the potential to deliver enormous benefits to effective treatment, service delivery and the management of health services costs. We propose that the Federal Government reserve a percentage of the MRFF to support an expansion in the work of Gateway City medical researchers in these critical medical and public health research areas.
- f. The Alliance should explore the benefits of coordinated action for the provision of greater access to education for regional and remote students, strategic investment in research focused on economic development, job creation, enhanced productivity and competitiveness, improved amenity and liveability of Gateway Cities, public health and environmental improvement and remediation.

Human and social capital

- g. The Alliance recognises that economic prosperity and social cohesion depend on an agile, literate and skilled workforce. Gateway Cities are already exemplars of supporting the transition to a global, digital economy supported by an appropriately skilled workforce. Nevertheless, key gaps remain. The Alliance seeks Federal Government support for integrated planning to identify:
 - h.
 - Future and emerging workforce skills, effective modes of partnership with key employers and industries in order to ensure the right mix of training and education pathways.
 - Necessary future skills.
 - Necessary benchmarks and metrics to ensure timely training for our transitioning economies.
 - i. The Gateway Cities have each identified areas of long-term economic, social and cultural disadvantage. It is imperative that in implementing these recommendations 1-8 that the Alliance ensures that its members focus on delivering benefits to the whole community to ensure that those facing challenges can benefit from growth and prosperity.
3. Work with ALGA and Gateway Cities Alliance to:
- a. develop a whole-of-government approach that identifies the most appropriate programs to fund continuing economic investments to support Gateway City population growth.
 - b. Generate a list of Gateway City priority projects that are in the national interest and from these establish which have the greatest potential to support accelerated population growth in Gateway City areas capable of accommodating substantial growth.

- c. Support the states to align standards so that they are regulated across the country with an objective to improving the daily life of most people in most places.
- d. Review the population base and potential future population. Apportion revenue streams towards projects deemed to have gone through planning gateways, which have proven project management oversight and have completed public consultation.
- e. Achieve with the following outcomes:
 - Happier cities, happier residents.
 - Improved health.
 - Evidence of revenue streams being used to generate yet more revenue streams.
 - More time with family and community.
 - Increased productivity.
 - Decreased congestion in metropolitan centres.

NATIONAL OBJECTIVE

Gateway Cities have the capacity to assist the Australian Government in addressing areas of concern such as housing supply, supporting Australian manufacturing, industry and innovation. However, leadership from the Australian Government is necessary for this to occur in a manner which is socially effective and financially efficient representing a whole-of-government approach.

SUMMARY OF KEY ARGUMENTS

The Gateway Cities Alliance are three cities of lengthy industrial heritage that have transitioned and continue to transition as changes in the global marketplace alter the local jobs market.

We have capacity to accept more people and expand industry, manufacturing, property development, education and medical science. Our request is for a stable source of transparent funding for ongoing investment. This consistency creates confidence on which to plan, invest and build more great cities for Australia.

The Gateway Cities of Australia are now willing to assume responsible leadership in delivering high liveability, additional housing, open new places of opportunity for all and be of greater long-term benefit to Australia.

Our Gateway Cities have clean waterfronts as attractive settings for families and older Australians. Our specialised industrial locations and ports will continue into the future as sites for freight logistics and advanced manufacturing. These are the sites of jobs and work that can grow the economy when well invested in.

We are also cities with universities and TAFEs. These higher education institutions not only educate the best and brightest already here but also attract people with ambition, entrepreneurs, and those with a willingness to bring their best to the Australian economy. They address industry and community needs and help existing and emerging industries adopt new technologies. Our hospitals not only provide care. They

offer good long-term employment and original research into aged care, biomedicine, public health and training.

We can offer a great deal to the Australian economy and quality of life, but we will need additional focus and resources from all tiers of government to make this work for the benefit of Australia.

CITY OF NEWCASTLE, NSW

MOTION 9 - SUPPORTING DOMESTIC AND FAMILY VIOLENCE SERVICES

This National General Assembly calls on the Australian Government to:

- Notes that sexual, domestic, and family violence is the single largest driver of homelessness for women and children.
- Note that this crisis is exacerbated by limited (and in many cases, no) temporary accommodation, or 'affordable housing' in Australia, intersects with other welfare needs and complexities, and can be exacerbated by the disparate, prohibitive and unreasonable requirements and regulations of state and territory governments,
- Note that local Domestic and Family Violence and homelessness services and refuges are at the frontline of this crisis, and in crisis themselves – at capacity, underfunded, and overworked,
- Ensure that all victim-survivors of domestic and family violence have access to a safe home, no matter their gender, age, background, or income, by:
 - Developing a National Domestic and Family Violence framework and Domestic and Family Violence Housing Assistance programme
 - Working with state and territory governments to deliver consistent, safe and appropriate transitional and ongoing housing and support services for every person – woman, man, and child – experiencing and recovering from sexual, domestic, and family violence;
 - Immediately funding the public housing dwellings needed to house the tens of thousands of people on wait lists (inclusive of both 'priority' and other);
 - Immediately increasing the provision of transitional housing to meet the needs of every client presenting at DVF & homelessness services;
 - Working with DVF & Homelessness services to understand the needs for women to immediately access safe and secure temporary accommodation, to improve the legal and/ or regulatory framework for women experiencing domestic and family violence in accessing temporary accommodation (TA); and
- Extend the national 'Stop it at the Start' programme by working with services and organisations to identify problem behaviours and working with schools and sporting clubs to increase respectful behaviours in youth to reduce domestic violence; to drive a long-term, whole-of-government and community approach to reduce domestic and family violence and to provide necessary housing and support.

NATIONAL OBJECTIVE

This motion addresses the following key question in the 2023 discussion paper:

"Noting the funding arrangements for the provision of local government community services in your area and across the country, are there programs

and initiatives that the Commonwealth Government could implement to improve the delivery of these services?"

SUMMARY OF KEY ARGUMENTS:

Domestic and family violence initiatives and funding are delivered at the authority of Australian states and territories. The approaches are disparate and inconsistent, ranging from 0 funding commitment in Western Australia in 2016, to increased mapping and data sharing with other agencies, to single and multi-year packages to address domestic and family violence

([https://www.aph.gov.au/About Parliament/Parliamentary Departments/Parliamentary Library/pubs/rp/rp1617/Quick Guides/Domestic and family violence initiatives](https://www.aph.gov.au/About%20Parliament/Parliamentary%20Departments/Parliamentary%20Library/pubs/rp/rp1617/Quick%20Guides/Domestic%20and%20family%20violence%20initiatives)).

New South Wales, for example, in 2016 allocated \$300 million over four years to domestic and family violence initiatives.

Yet, DFV services are overwhelmed and stretched beyond capacity. Increasing incidence of domestic and family violence and insufficient funding means they are being forced to turn away women and children experiencing DFV. There are three domestic and family violence (DVF) and homelessness refuge services for women and children active in Newcastle and the Hunter. Reports from workers at these services, and their Annual Reports (Jenny's Place Annual Report: <https://www.jennysplace.org/annual-report-2021-22/> NOVA for Women and Children Annual Report:

<https://www.novawomen.org.au/files/Nova%20Annual%20Report%202021-2022%20Compressed.pdf>) show that in 2021–2022, at Jenny's Place **223 women and 35 children** were **unable** to be accommodated in JP Family Refuge, and **395 women without children were unable** to be accommodated in JP Singles Refuge. Women and families that can be accommodated, are having to stay in crisis accommodation longer than presumed. For example: Most women exceed the standard 28 day stay, and at times, stay at least double the usual 28 days presumed for 'temporary accommodation'. One service has a family (mum +7 children) in refuge accommodation since May 2022 – due to no adequate homes available for transition and unsuccessful pursuit of private rental. For women unable to be accommodated, DVF&H services try to source temporary places to be accommodated. This could be anything from a hotel, motel, or cabin accommodation to a tent on a powered site. DVF&H services advocate for weekly rates if self-funded. DFV services are supporting women who are living in their cars.

This crisis is exacerbated by limited (and in many cases, no) temporary accommodation, or 'affordable housing' in Australia. Women are increasingly presenting with complexities including Mental Health, Alcohol and Other Drugs, Sexual Assault, Domestic and Family Violence, there has been an increase in mature aged women accessing DVF & Homelessness services, and there has been an increase in referrals for clients/children with disabilities (some with NDIS supports, some without accommodation in their NDIS package). This is intersectional with other welfare needs, with women experiencing domestic and family violence facing: a lack of suitable, affordable properties, and approvals, for women with 3 or more children and / or pets, unaffordable rents – for those not in paid work and for working single women / single mums / older women, limited to no housing pathways for women exiting

custodial sentences, women are being bailed into homelessness (women often stay in temporary accommodation while searching for housing options), further compounded barriers to resolving homelessness are things like finding employment when having a criminal record, and limited to no housing pathways for women exiting mental health facilities, with mental health stays being extended indefinitely due to no safe housing options on discharge.

This crisis is exacerbated by the disparate, prohibitive and unreasonable requirements and regulations of state and territory governments, such as the NSW State Government Department of Communities and Justice (DCJ) that are applied to women experiencing domestic and family violence in accessing temporary accommodation (TA). These regulations are prohibitive and discouraging for women seeking safe and secure temporary accommodation include: unreasonable lengthy time-frame for approval (some women wait in the DV&F service offices for 8 hours for TA approval, which has significant detrimental impacts on a woman's wellbeing), TA being declined based on lack of 'evidence', for example: Women are required to be 'working with' a service (however waiting times for allocation can be up to 5 weeks for some services); women needing to obtain documents that they do not have and/or cannot access due to unsafe situations (for example, a women may not having suitable identification such as a birth certificate, and have no capacity to obtain one); lack of communication between agencies (for example, elsewhere in the state Government may hold the woman's NSW Drivers Licence), and TA approvals for only one or two days at most, meaning that a woman will need to move out of their motel room (with kids in tow) and sit in the motel reception space waiting for a new approval of TA to be received.

Research from Monash Gender and Family Violence Prevention Centre (2020, 2023) suggests the usefulness of domestic violence perpetrator prevention through screening and risk assessment delivered through a range of services to identify the risk of DFV perpetration along with its escalation as a crucial element in working towards safer lives for victims and children affected by DFV in Australia.

8.4. DECEMBER QUARTERLY BUDGET REVIEW

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

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 31 December 2022.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 The December Quarterly Budget Review Statement includes adjustments to the Adopted Budget to reflect trends identified in the actual operating performance to date for the 2022/23 financial year. The operational budget variations have a net favorable impact of \$5.7m on CN's operating position and forecasts an annual budget surplus of \$7.7m for the year ended 30 June 2023.
- 3 The adjustments recommended through the December Quarterly Budget Review Statement require CN to use \$5.4m more funds than previously predicted. CN is now forecasting to transfer \$20.2m to cash reserves for the full financial year 2022/23 and is forecast to maintain \$25.5m in unrestricted cash reserves at 30 June 2023.
- 4 The 2022/23 works program was reviewed as part of the December Quarterly Budget Review Statement and scheduling changes were made to projects to ensure CN was best placed to respond to community priorities. Overall, the scheduling changes result in a decrease in the total cost of the works program delivered by 30 June 2023 of \$14.3m. The works program for the full financial year is forecast at \$118.0m, a record figure for CN.

FINANCIAL IMPACT

- 5 The budget variations recommended through the December Quarterly Budget Review Statement are presented in more detail in **Attachment A**.

NEWCASTLE 2040 ALIGNMENT

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

Achieving together

4.1.1 Financial Sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2022 - 2026 Delivery Program and 2022/23 Operational Plan in a cost effective and efficient manner.

RISK ASSESSMENT AND MITIGATION

- 8 Adoption by Council at the Ordinary Council Meeting to be held on 28 February 2023 will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council meeting held on 28 June 2022, Council adopted the 'Delivering Newcastle 2040' (2022 - 2026 Delivery Program and 2022/23 Operational Plan).

CONSULTATION

- 10 A workshop was conducted with Councillors on 21 February 2023 to provide detailed information and a forum to ask questions.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: December Quarterly Budget Review Statement

8.5. VARIATIONS TO DEVELOPMENT STANDARDS (REPORTING FROM 1 OCTOBER TO 31 DECEMBER 2022)

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

PURPOSE

To report on development variations approved between 1 October 2022 and 31 December 2022.

RECOMMENDATION

That Council:

- 1 Receives the report on approved development variations between 1 October 2022 and 31 December 2022 at **Attachment A** in accordance with the Department of Planning and Environment's (DPE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

KEY ISSUES

- 2 Under clause 55 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), consent authorities may be notified that they may assume the Secretary of DPE's (Secretary) concurrence for exceptions to development standards for applications made under clause 4.6 of the NLEP 2012. The Secretary has provided a concurrence to NSW Councils, subject to conditions, to vary development standards proposed in applications. That concurrence, and the reporting and record keeping requirements are outlined in Planning Circular PS 20-002 issued on 5 May 2020.
- 3 This report addresses the requirement that all variations approved under delegation must be tabled at a meeting of the Council at least once each quarter.
- 4 A total of 18 Development Applications (DA) were determined between 1 October 2022 and 31 December 2022 that proposed a variation to a development standard as outlined in Table One below.

Table One

Variation to Development Standard	Required Determining Authority	Number determined between 1 October 2022 and 31 December 2022
10% or less	Under delegation	11
Greater than 10% or a variation to a non-numerical development standard	Council or where appropriate the Regional Planning Panel	7
Total		18

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

FINANCIAL IMPACT

- 6 Nil

NEWCASTLE 2040 ALIGNMENT

- 7 This report is consistent with the strategic directions of the Newcastle 2040 Strategic Plan.

Liveable

- 1.1.1 Great spaces
- 1.1.2 Well-designed spaces

Achieving Together

- 4.2.3 Trusted customer experience

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 A report of all development approved variations has been submitted to the DPE and the register of all development variations has been updated on City of Newcastle’s (CN) website.
- 9 A report is tabled to Council each quarter detailing all approved applications with a development variation, in accordance with the requirements of the Secretary’s concurrence.

RISK ASSESSMENT AND MITIGATION

- 10 By implementing required reporting measures and record keeping arrangements, CN will comply with the requirements of the Secretary’s concurrence.

RELATED PREVIOUS DECISIONS

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

Table Two

Ordinary Council Meeting held	Period Contained in Report
25 October 2022	1 July to 30 September 2022
23 August 2022	1 April to 30 June 2022
26 April 2022	1 January to 31 March 2022
22 February 2022	1 October to 31 December 2021

CONSULTATION

- 12 Applications that propose a variation to a development standard are placed on public exhibition prior to the determination of the application.
- 13 Any submissions received as a result of public notification are taken into consideration prior to the determination of the application.

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Report on all approved development variations between 1 October 2022 and 31 December 2022

Attachment A

DA reference number	Lot number	DP number	Street number	Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation of	Extent of variation	Determination by	Date DA determined
DA2022/00867	20 21	5062 666846	53	Estell Street	Maryville	2293	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Achieves desired future character for the area	9.5%	Council	22/12/2022
DA2022/00311	111	826931	52	Annie Street	Wickham	2293	ResiMulti	LEP2012	R2	Building Height	Achieves underlying objectives of height control	10%	Council	15/12/2022
DA2022/00584	42	225802	210	Morgan Street	Merewether	2291	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of the area	4.1%	Council	15/12/2022
DA2022/00137	12	1176829	6	Scholey Street	Mayfield	2304	SubdivOnly	LEP2012	R2	Lot Size	Consistent with the aims of Clause 4.1 of NLEP2012	29.3%	Council	11/12/2022
DA2021/01648	343	237590	20	Summer Place	Merewether Heights	2291	ResiAltAdd	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of the area	11.7%	Council	9/12/2022
DA2022/00415	281	1285173	14	Gregson Avenue	Mayfield West	2304	ResiMulti	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of the area	7.84%	Council	8/12/2022
DA2022/00382	48	39230	26	Woodward Street	Merewether	2291	ResiSecOcc	LEP2012	R2	Building Height	Achieves underlying objectives of height control	12.6%	Council	7/12/2022
DA2022/00798	3	211871	220	Scenic Drive	Merewether Heights	2291	ResiAltAdd	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of the area	9.7%	Council	2/12/2022
DA2022/00798	3	211871	220	Scenic Drive	Merewether Heights	2291	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of the area	9.5%	Council	2/12/2022

DA reference number	Lot number	DP number	Street number	Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2022/00716	A	306400	45	Fullerton Street	Stockton	2295	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Compatible with streetscape (bulk, scale and mass)	8.33%	Council	30/11/2022
DA2021/01338	1	1068065	292	Maitland Road	Mayfield	2304	Mixed	LEP2012	B4	Building Height	Achieves underlying objectives of height control	6.5%	Council	21/11/2022
DA2021/01338	1	1068065	292	Maitland Road	Mayfield	2304	Mixed	LEP2012	B4	Floor Space Ratio	Achieves underlying objectives of FSR Control	4.5%	Council	21/11/2022
DA2022/00532	63	192768	9	William Street	Mayfield	2304	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of the area	12.6%	Council	18/11/2022
DA2022/00587	2	186	53	Rodgers Street	Carrington	2294	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR Control	20.72%	Council	16/11/2022
DA2022/00543	1	345436	79	Orchardtown Road	New Lambton	2305	ResiSecOcc	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of the area	2.11%	Council	7/11/2022
DA2022/00083	103	1275247	42	Elder Street	Lambton	2299	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Achieves desired future character for the area	13%	Council	4/11/2022
DA2021/00884	1	998807	93	Ridge Street	Merewether	2291	ResiSingle	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of the area	30.5%	Council	19/10/2022
DA2022/00557	17	1949	31	Carrington Parade	New Lambton	2305	ResiSingle	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of the area	9.18%	Council	11/10/2022

8.6. SIX MONTHLY PERFORMANCE REPORT ON THE DELIVERY PROGRAM

**REPORT BY: EXECUTIVE DIRECTOR CORPORATE SERVICES AND
CHIEF FINANCIAL OFFICER / MANAGER FINANCE,
PROPERTY AND PERFORMANCE AND DEPUTY CFO**

PURPOSE

To report progress against the 2022-2026 Delivery Program for the July to December 2022 period, in accordance with the NSW Local Government Act 1993.

RECOMMENDATION

That Council:

- 1 Receives the 2022-2026 Delivery Program – Six-Monthly Performance Report (Report) at **Attachment A**.

KEY ISSUES

- 2 Section 404(5) of the NSW Local Government Act 1993 (Act) requires councils to report at least every six months on the progress of the 'principle activities' detailed in its Delivery Program. City of Newcastle's (CN) quarterly updates are over and above the statutory requirement.
- 3 The Report outlines CN's achievements under the 2022-2026 Delivery Program (Delivering Newcastle 2040 - 2022-23) against the four key focus areas within *Newcastle 2040* (our Community Strategic Plan):
 - i) Liveable
 - ii) Sustainable
 - iii) Creative
 - iv) Achieving Together
- 4 The Report is the first to report our progress against Newcastle 2040 and Delivering Newcastle 2040.

FINANCIAL IMPACT

- 5 There are no financial implications arising from the report.

NEWCASTLE 2040 ALIGNMENT

- 6 The Report outlines performance against *Newcastle 2040*.

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 The Report will be published on CN's website.

RISK ASSESSMENT AND MITIGATION

- 8 The Report fulfills CN's statutory reporting activities.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting on 28 June 2022 Council resolved to adopt the 2022-23 *Delivering Newcastle 2040* (2022-26 Delivery Program and 2022-23 Operational Plan).

CONSULTATION

- 10 There is no requirement for consultation on Quarterly Performance Reports.

BACKGROUND

- 11 A Delivery Program is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are required to be reviewed annually and adopted by 30 June.

OPTIONS

Option 1

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

Option 2

- 13 Council resolves not to receive the Six-Monthly Performance Report on the 2022-2026 Delivery Program. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Six-Monthly Performance Report on 2022-23 Delivering Newcastle 2040 (the 2022-2026 Delivery Program)

Attachment A distributed under separate cover

8.7. PEARSON STREET LAMBTON - LAMBTON PARK TO CROUDACE STREET CYCLING CONNECTION

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

PURPOSE

To approve cycling connection works, including pedestrian pathways, traffic calming devices, and pedestrian crossing infrastructure, between Lambton Park and Croudace Street Lambton.

RECOMMENDATION

That Council:

- 1 Approve cycling connection works in Pearson Street Lambton, between Lambton Park and Croudace Street, including pedestrian pathways, traffic calming devices, and pedestrian crossing infrastructure, and one-way restriction in Grainger Street Lambton from Elder Street to Howe Street.

KEY ISSUES

- 2 Newcastle City Traffic Committee (NCTC) reviewed and endorsed the outcomes of the public consultation at their meeting on 27 September 2022.
- 3 Public consultation was held for a four-week period and closed on 9 September 2022. Details were published on City of Newcastle's (CN) website; copies of a flyer were distributed to residents and mailed to non-resident owners; and emails were sent to those who had submitted a response to the initial consultation. A copy of the flyer as distributed is provided at **Attachment A**. The webpage included an extensive FAQ section to answer questions related to the previous consultation and to provide justification for the alterations made.
- 4 The works include:
 - i) Replacing proposed Pearson Street thresholds with cushions;
 - ii) Extending the shared path in Croudace Street north of Pearson Street to the midblock crossing at the school;
 - iii) Moving the combined crossing on Morehead Street south towards the existing Lambton Park shared path, with a shared path connection to Pearson Street;
 - iv) Replacing the pedestrian crossing at the end of Pearson Street at Morehead Street with a pedestrian refuge;

- v) Providing a crossing option for eastbound cyclists in Pearson Street to Lambton Park with kerb extension and ramps;
 - vi) Restricting Grainger Street to one-way southbound between Elder Street and Howe Street, maintaining access for northbound cyclists;
 - vii) No restriction to right turns from Croudace Street to Pearson Street (recognising that alternative movements are more dangerous); and
 - viii) Future review restricting turning movements from Croudace Street to Pearson Street if there is community support (reduce rat running and increase safety at intersection).
- 5 Fifty public submissions were received. Most respondents provided support for the proposed design with 61% supporting the one-way restrictions, 68% supporting the cycle connections, and 74% supporting the traffic calming. 52% of respondents supported the restriction of turning movements at Pearson Street and Croudace Road, however as below this has been removed from the project at this time.

A detailed summary of the responses is provided at **Attachment B**. Key issues raised by some submissions are as follows:

- 1) Concern with maintaining the right turn from Croudace Street into Pearson Street, as concern this increases the risk for cyclists entering/exiting Pearson Street

CN response - When examining the wider traffic and safety issues, restricting the right turn into Pearson Street could lead to a reduction in safety along Croudace Street and put pressure on other intersections. This was noted by the community and other traffic calming options were considered more appropriate to ensure this project does not promote behaviors that decrease public safety when compared to existing. In the detailed design phase, consideration of the intersection layout and where the on/off ramps are, will ensure safe cycling conditions at this location. With changes to traffic conditions likely to happen once the Jesmond to Rankin Park bypass is completed, the treatments and restrictions at Croudace Street will be reviewed as appropriate.

- 2) Concern with restricting left turn movements from Croudace Street, potentially leading to an increased use of Elder Street and Kendall Streets and an inconvenience for residents:

CN response – To increase the safety at Pearson Street near Croudace Street, it is proposed to potentially restrict left turn movements from Croudace Street into Pearson Street, as this was identified as a major "rat-run" movement for vehicles bypassing the signalised intersection at Howe Street. Locals will have the option to use Elder Street and then Grainger Street to access Pearson Street. Turning movements to and from Croudace Street will be reviewed as per point 5.1 above.

- 3) Concern with restricting Grainger Street to Southbound, including causing increased use of Morehead Street and causing inconvenience for local residents. Recommendations to restrict Grainger Street to Northbound to resolve a safety issue at the intersection of Grainger Street and Howe Street (poor sight lines from Grainger Street approach) and results in less inconvenience.

CN response – Proposed to restrict Grainger Street to one-way southbound as this reflected the main movements along this road and lined up with the parking on the east side of the road. Morehead Street can be used instead of Grainger Street for northbound traffic flow. Southbound movements will support local traffic to use Elder Street and then Grainger Street to access Pearson Street if the left turn movement is restricted.

- 4) Concern with location of the speed cushion being too close to Croudace Street and not close enough to Grainger Street to calm traffic where speeds are problematic.

CN response – Slight adjustments in the location of the speed cushions to be considered in detailed design if deemed to have community benefits.

- 5) Concern with safety for cyclists along the whole connection, including at the speed cushions, refuge, at Kendall Street and along Pearson Street:

CN response –Cycling safety to be considered in detailed design, with layout of refuges, speed cushions and on/off ramps to be considered. These matters will be reviewed further under broader Precinct Transport Planning for Lambton.

- 6 Final construction plans, including details on sign posting and line marking will be tabled to the NCTC for final approval prior to construction.

FINANCIAL IMPACT

- 7 Design funding for the cycleway connection was included in the 2022/23 Cycleways Program (Transport Portfolio) under the Civil Works Program. Further funding will be sought for detailed design and construction, including submissions under eligible grant programs.

NEWCASTLE 2040 ALIGNMENT

- 8 The cycling connection between Lambton Park and Croudace Street, Lambton is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Liveable

- 1.1 Enriched neighborhoods and places
 - 1.1.1 Well-designed places

- 1.2 Connection and fair communities
 - 1.2.2 Inclusive communities
 - 1.2.3 Equitable communities
 - 1.2.4 Healthy communities
- 1.3 Safe, active and linked movement across the city
 - 1.3.1 Connected cycleways and pedestrian networks
 - 1.3.4 Effective public transport

Sustainable

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The cycling connection is consistent with the Newcastle Transport Strategy to improve conditions for pedestrians, cyclists, and reduce urban traffic speeds.

RISK ASSESSMENT AND MITIGATION

- 10 Reducing vehicle speed and prioritisation of cyclist movement, including safe, off-road shared infrastructure will improve cyclist safety. Detailed design will address relevant Austroads and Transport for NSW guidelines and standards. Safety in design assessments and road safety audits will be undertaken. Tree retention and planned landscaping will reduce the urban heat island effects, limiting exposure of pedestrians and residents to extreme temperature.

RELATED PREVIOUS DECISIONS

- 11 Nil

CONSULTATION

- 12 The proposal was exhibited for 28 days, with submissions closing on 9 September 2022. Details were published on CN's website and copies of the flyer at **Attachment A** distributed to residents and mailed to non-resident owners. The NCTC considered a report on the outcomes of the exhibition at its meeting of 27 September 2022 and endorsed the proposal for referral to Council.

BACKGROUND

- 13 Newcastle's east-west cycleway from Newcastle City Centre to Wallsend (R5) is largely off-road. There is, however, a notable missing link between Lambton Park and Croudace Street, Lambton. This section is identified in CN's 'On Our Bikes – Cycling Plan 2021-2030' for proposed new works.
- 14 The provision of a quiet way on Pearson Street as proposed through this project will address this gap in the Newcastle cycling network. The construction of a quiet way will provide a safe, convenient cycling connection that is appropriate

for a wide range of cyclists of all ages and abilities, while maintaining amenity for residents in the area and addressing general traffic conditions in the suburb.

OPTIONS

Option 1

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

Option 2

16 Council does not endorse the proposed cycleways connection in Pearson Street Lambton, between Lambton Park and Croudace Street. This is not the recommended option.

REFERENCES

17 Nil

ATTACHMENTS

Attachment A: Pearson Street, Lambton - Cycling Connection Flyer
Attachment B: Pearson Street, Lambton - Summary of community responses

Attachments A-B distributed under separate cover

8.8. ADOPTION OF THE COMPLIANCE AND ENFORCEMENT POLICY

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

PURPOSE

To adopt the Compliance and Enforcement Policy (the Policy).

RECOMMENDATION

That Council:

- 1 Adopts the Compliance and Enforcement Policy at **Attachment A**.

KEY ISSUES

- 2 Policies are key control documents for City of Newcastle (CN) that mitigate risk. They are critical to supporting effective and evidence-based decision making and ensure CN complies with relevant legislation and guidelines. Policies are most effective when they are regularly reviewed and updated.
- 3 The Compliance and Enforcement Policy was adopted in June 2019 and provides a framework for internal and external stakeholders on CN's process for compliance and enforcement matters. The Policy has been reviewed and updated.
- 4 In December 2015, the NSW Ombudsman issued its Model Compliance and Enforcement Model Policy (Model Policy) which is intended to be used as a foundation for the Compliance and Enforcement Policy.
- 5 The revised policy (with tracked changes) is at **Attachment B**.
- 6 At the Council Meeting on 22 November 2022, Council resolved to exhibit the draft policy for 28 days and receive a report on community submissions prior to adoption.
- 7 No written submissions were received during this extended exhibition period.

FINANCIAL IMPACT

- 8 There is no budget implication in adopting the Policy.

NEWCASTLE 2040 ALIGNMENT

- 9 The Policy is consistent with the strategic directions of the Newcastle 2040 Strategic Plan.

Liveable

- 1.1.1 Great spaces
- 1.1.3 Protected heritage places
- 1.2.4 Healthy communities
- 1.3.3 Managed parking

Achieving Together

- 4.2.2 Shared information and celebration of success
- 4.3.1 Collaborative organisation
- 4.3.3 Data driven decision-making and insights

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 Adopted Council policies are published on CN's website.

RISK ASSESSMENT AND MITIGATION

- 11 Reviewing policies regularly, in line with each Council term ensures they remain up-to-date and relevant. The Policy is consistent with and incorporates relevant elements of the Model Policy.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting on 25 June 2019, Council resolved to adopt the current Policy.
- 13 At the Council Meeting on 22 November 2022, Council resolved to exhibit the draft policy for 28 days and receive a report on community submissions prior to adoption.

CONSULTATION

- 14 The draft policy was circulated for internal consultation with relevant staff.
- 15 CN publicly exhibited the draft policy for 53 days, from 9 December 2022 to 30 January 2023.
- 16 No written submissions were received.

BACKGROUND

- 17 The Compliance Policy was first adopted in September 2013, reviewed and adopted in its current form in June 2019.

OPTIONS

Option 1

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

Option 2

19 Council does not adopt the recommendations as at Paragraph 1. This is not the recommended option.

REFERENCES

20 NSW Ombudsman's Model Compliance and Enforcement Model Policy

ATTACHMENTS

Attachment A: Draft Compliance and Enforcement Policy (clean version)

Attachment B: Draft Compliance and Enforcement Policy (tracked changes version)

Attachments A-B distributed under separate cover

8.9. ADOPTION OF MOBILE FOOD VENDING (LOCAL APPROVALS) POLICY

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

PURPOSE

To adopt the Mobile Food Vending (Local Approvals) Policy.

RECOMMENDATION

That Council:

- 1 Adopts the Mobile Food Vending (Local Approvals) Policy at **Attachment A**.

KEY ISSUES

- 2 Policies are key control documents for City of Newcastle (CN) that mitigate risk. They are critical to supporting effective and evidence-based decision making and ensure CN complies with relevant legislation and guidelines. Policies are most effective when they are regularly reviewed and updated.
- 3 The Mobile Food Vending (Local Approvals) Policy was adopted in March 2019 and provides a framework for the approval and operation of mobile food vending vehicles in the Newcastle Local Government Area (LGA). This Policy has been reviewed and updated.
- 4 The revised policy (with tracked changes) is at **Attachment B**.
- 5 At the Council Meeting on 25 October 2022, Council resolved to exhibit the draft policy for 28 days and receive a report on community submissions prior to adoption.
- 6 CN exhibited the draft policy from 1 November 2022 to 13 December 2022. No written submissions were received during the exhibition period.
- 7 In addition to the public exhibition, CN wrote to the current mobile food vending approval holders to advise them of the exhibition of the draft policy and invite them to comment on the draft policy and to put forward any suggestions for new mobile food truck locations. No responses from the current mobile food vending approval holders were received.
- 8 Additional truck locations were not identified through external or internal consultation, as such, the truck locations have not been further amended.

The following comments are made in relation to this issue:

- i) There are 8 mobile food vending trucks with approvals currently. There are 8 locations that trucks can currently operate. Additionally, with the proposed change to the Policy, food trucks can operate side by side, allowing multiple food trucks to operate in these 8 locations concurrently.
 - ii) Additionally, future and existing mobile food operators may choose to apply for a food van approval subject to meeting the criteria. In this regard, there are a large number of locations that vans can operate from, and the maximum period of trade has been increased for food vans from 15 minutes to 1 hour in the Policy.
- 9 Clause 17.1 (g) of the draft Policy is to be further amended to state 'Packaging used for the sale of food must be recyclable or compostable in line with the *Plastics Reduction and Circular Economy Act 2021*. Details of recyclable materials are available on the City of Newcastle website'.
- 10 Items that are an integrated part of packaging to seal or contain food or beverages, or attached to packaging through a machine automated process are not currently banned but will be from January 2025. A reference to 'all' packaging is not currently in line with the *Plastics Reduction and Circular Economy Act 2021*.

FINANCIAL IMPACT

- 11 There is no budget implication in adopting the Policy.

NEWCASTLE 2040 ALIGNMENT

- 12 The Policy is consistent with the strategic directions of the Newcastle 2040 Strategic Plan.

Creative

- 3.1 Vibrant and creative city
 - 3.1.1 Vibrant events
 - 3.1.3 Tourism and visitor economy
 - 3.1.4 Vibrant night-time economy

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 Adopted Council policies are published on CN's website.

RISK ASSESSMENT AND MITIGATION

- 14 Reviewing policies regularly, in line with each Council term ensures they remain up-to-date and relevant.

RELATED PREVIOUS DECISIONS

- 15 At the Ordinary Council Meeting on 26 March 2019, Council adopted the current Policy.

- 16 At the Ordinary Council Meeting on 25 October 2022, Council resolved to exhibit the draft policy for 28 days and receive a report on community submissions prior to adoption.

CONSULTATION

- 17 The draft policy was circulated for internal consultation with relevant staff.
- 18 CN exhibited the draft policy from 1 November 2022 to 13 December 2022.
- 19 No written submissions were received.

BACKGROUND

- 20 The review supports the operation of mobile food vending vehicles (food trucks and food vans) to enliven the Newcastle LGA and encourage diversity in takeaway food options.

OPTIONS

Option 1

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

Option 2

- 22 Council does not adopt the recommendations as at Paragraph 1. This is not the recommended option. CN will be unable to issue mobile food vending approvals.

REFERENCES

NSW Food Authority – Guidelines for Mobile Food Vending Vehicles (July 2020)

Department of Local Government Street Vending Control Guidelines 2017

ATTACHMENTS

Attachment A: Draft Mobile Food Vending (Local Approvals) Policy (clean version)

Attachment B: Draft Mobile Food Vending Policy (Local Approvals) (tracked changes version)

Attachments A-B distributed under separate cover

8.10. HUNTER WATER AMENITY IMPROVEMENT WORKS - LITCHFIELD PARK MAYFIELD

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

PURPOSE

To create an easement for Hunter Water to enable improvement works on the Throsby Creek Channel in Litchfield Park, Mayfield.

RECOMMENDATION

That Council:

- 1 Approve the creation of an easement for Hunter Water on a total area of 79m² of City of Newcastle owned land in Litchfield Park, Mayfield (Lot 22 DP95384 27 Myola Street, Mayfield) as per **Attachment C**, for the construction and ongoing maintenance of Hunter Water amenity improvement works on the Throsby Creek Channel.

KEY ISSUES

- 2 Hunter Water (HW) will soon be undertaking amenity improvement works on the Throsby Creek channel in Litchfield Park, Mayfield (refer **Attachment A**). The proposed works extend on to community land, currently owned and managed by City of Newcastle (CN). After discussions between HW and CN, it is proposed that a HW easement is created in Litchfield Park to cover the extent of the works.
- 3 The HW amenity improvement works will have minimal impact on existing community users and sporting groups of this space. A flood impact assessment undertaken by HW, and reviewed by CN, identified no increased flooding risks from the works. Fencing of the channel bank will be re-instated on completion of the works for public safety.

FINANCIAL IMPACT

- 4 No funding is required from CN for the proposed HW amenity improvement works or for easement creation.

NEWCASTLE 2040 ALIGNMENT

- 5 Granting the proposed easement is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan (CSP).

Liveable

- 1.1 *Enriched neighbourhoods and places*
 - 1.1.1 *Great spaces.*

Sustainable

- 2.2 *Enriched neighbourhoods and places*
 - 2.2.1 *Regenerate natural systems.*

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 HW will be responsible for preparing all documentation and for the registration of the easement (including all associated costs).

RISK ASSESSMENT AND MITIGATION

- 7 A flood impact assessment was undertaken by HW and reviewed by CN, for the amenity improvement works, and no negative impacts were identified. The proposed amenity improvement works will be fenced in line with the existing fencing of the channel, for public safety and to stop sporting equipment, such as balls, entering the channel. No trees will be removed or impacted as part of the works.
- 8 HW has discussed construction timing with CN to minimise impact to park users. Construction is planned from April – June 2023.

CONSULTATION

- 9 HW has listed this project on its website (refer to link below):
<https://www.hunterwater.com.au/community/major-projects-in-your-area/stormwater-amenity-improvements>

BACKGROUND

- 10 HW has developed the proposed amenity improvement works in consultation with CN. The works will not negatively impact the community and sporting use of the land or increase flood impacts. The works have been designed to enhance the visual amenity, form part of CN's blue green grid, reduce heat island effect in the local area through temporarily holding water in the channel, and reconnect the community and field users to Throsby Creek.
- 11 A visualisation of the HW amenity improvement works at Litchfield Park, Mayfield, is shown in Attachment A. The plan of works and area identified for easement creation are detailed in Attachments B and C and are summarised below:

Litchfield Park, Mayfield

- the existing stormwater channel is located within the Hunter Water owned land parcel Lot 100 DP1097623.
- the planned amenity works extend on to a total area of 79m² of CN owned land parcel Lot 22 DP95384; and
- it is proposed that a HW easement be created in the area where the works extend on to Lot 22 DP95384.

OPTIONS

Option 1

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

Option 2

13 Council does not endorse the proposed easement. This is not the recommended option.

ATTACHMENTS

Attachment A:

Figure 1 - photo of the site

Attachment B:

Litchfield Park, Mayfield Land Parcels (plan of works and area identified for HW easement)

Attachment C:

Mayfield Easement Layout Plan (area identified for HW easement)

Attachments A- C distributed under separate cover.

8.11. ACCEPTANCE OF OFFER - UTILITY RELOCATION - UNIVERSITY DRIVE CATCHMENT REHABILITATION

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

PURPOSE

To accept a contract proposal for relocation of fibre network assets in the reserve behind 28 Queen Street, Waratah West (Boatman Creek).

Tenders were not called for the contracted works, due to extenuating circumstances. Under Section 55(3)(i) of the *Local Government Act 1993* (Act), a Council resolution is required to approve an exemption.

RECOMMENDATION

That Council:

- 1 Not invite tenders for Contract 2023/084T – AAPT Fibre Network Relocation – University Drive Catchment Rehabilitation. A satisfactory result would not have been achieved through the calling of tenders as the fibre network assets are owned by AAPT (TPG) and they will undertake the required works.

KEY ISSUES

- 2 As part of the bridge construction for the University Drive catchment rehabilitation project, fibre network assets need to be relocated. This fibre network is the property of TPG.
- 3 TPG provided City of Newcastle (CN) with a proposal to relocate the fibre network, at a cost of \$239,759 excluding GST. Section 55 of the Act would normally require CN to undertake a tender process for a contract of this value.
- 4 Since TPG own the fibre network and will manage and oversee the works to relocate their asset, calling tenders would not have served any meaningful purpose.

FINANCIAL IMPACT

- 5 The cost for fibre network relocation works is within the amount included in the 2022/23 adopted budget for this project and is considered value for money.

NEWCASTLE 2040 ALIGNMENT

- 6 The project aligns with the Newcastle 2040 Community Strategic Plan as follows:

Liveable

- 1.1 Enriched neighbourhoods and places
 - 1.1.2 Well-designed places
- 1.3 Safe, active and linked movement across the city
 - 1.3.1 Connected cycleways and pedestrian networks

Sustainable

- 2.2 Nature-based solutions
 - 2.2.3 Achieve a water-sensitive city

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 Under Section 55 of the Act, a Council must call tenders before entering into any contracts over \$150,000 in value. However, the Act lists a range of exceptions to this requirement. In this case a relevant exception is:

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

- 8 As owner of the fibre network, it is solely the decision of TPG as to who undertakes the relocation works.

RISK ASSESSMENT AND MITIGATION

- 9 The project cannot be finalised without the proposed fibre network relocation works. Any delay in completing these works will result in additional costs, program delays and reputational damage.

RELATED PREVIOUS DECISIONS

- 10 On 29 June 2021 Council accepted the tender for University Drive, Waratah West – Catchment Rehabilitation for Contact No. 2021/266T.

CONSULTATION

- 11 CN have been in liaison with TPG regarding the fibre network relocation. TPG are managing their own communication, including notification of residents regarding commencement of work and service interruptions.

BACKGROUND

- 12 The University Drive catchment rehabilitation aims to better manage the flow of flooding water, with removal of the existing culvert, excavation of creek embankments, and naturalisation of the channel north of University Drive, as well as construction of a new pedestrian bridge over the channel.

OPTIONS

Option 1

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

Option 2

14 Council does not adopt the recommendation at Paragraph 1. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

8.12. AUDIT AND RISK COMMITTEE ANNUAL REPORT

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

PURPOSE

To table the Audit and Risk Committee (Committee) Annual Report for the 2021/2022 financial year and note the 2022/2023 Forward Internal Audit Plan.

RECOMMENDATION

That Council:

- 1 Receives the Audit and Risk Committee's Annual Report for the 2021/2022 financial year at **Attachment A**; and
- 2 Notes the 2022/2023 Forward Internal Audit Plan at Appendix A of Attachment A.

KEY ISSUES

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

FINANCIAL IMPACT

- 6 External Committee members are remunerated for their services. CN co-sources its internal audit function through the engagement of external service provider. All expenses were within the 2021/2022 adopted budget.

NEWCASTLE 2040 ALIGNMENT

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

4 Achieving Together

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The Committee is scheduled to meet in 2023 as follows:

- i) 23 March 2023
- ii) 8 June 2023
- iii) 14 September 2023
- iv) 5 October 2023
- v) 7 December 2023

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 22 February 2022, Council received the Audit and Risk Committee Annual Report for the 2020/2021 financial year.

CONSULTATION

- 12 The Annual Report was approved by the Committee at its meeting held on 1 December 2022. Councillors were also briefed on the Annual Report by the Committee Chair at a workshop on 14 February 2023.

BACKGROUND

- 13 The purpose of the Committee is to provide independent oversight and monitoring of CN's Internal Audit function as part of the organisational governance framework. This oversight includes evaluating and improving the effectiveness of risk management, internal controls and governance processes, fraud and corruption, internal and

external reporting, and internal and external audit and compliance. Internal Audit partners with Service Units and Executive Leadership Team to deliver recommendations for improvement across the organisation.

- 14 The Committee's membership of three (3) independent members and two (2) Councillors is in accordance with the OLG's Internal Audit Guidelines (September 2010) and the Audit and Risk Committee Charter (approved by Council at the Ordinary Council Meeting held on 27 February 2018).

OPTIONS

Option 1

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

Option 2

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

REFERENCES

Office of Local Government - Internal Audit Guidelines

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

Audit and Risk Committee Charter

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

Office of Local Government - Draft Guidelines for Risk Management and Internal Audit for Local Government in NSW

<https://www.olg.nsw.gov.au/wp-content/uploads/2023/02/Draft-Guidelines-for-Risk-Management-and-Internal-Audit-for-Local-Government-in-NSW%E2%80%93-PDF.pdf>

ATTACHMENTS

Attachment A: Audit and Risk Committee Annual Report 2021/2022

Attachment A distributed under separate cover

8.13. ENDORSEMENT OF PLANNING AGREEMENT FOR 30 AND 31 VISTA PARADE KOTARA

REPORT BY: PLANNING & ENVIRONMENT

**CONTACT: INTERIM EXECUTIVE DIRECTOR PLANNING & ENVIRONMENT
/ ACTING EXECUTIVE MANAGER PLANNING, TRANSPORT &
REGULATION**

PURPOSE

To endorse the Planning Agreement for 30 and 31 Vista Parade, Kotara (St James Primary School).

RECOMMENDATION

That Council:

- 1 Endorses the Planning Agreement for 30 and 31 Vista Parade, Kotara (**Attachment A**) and authorises the Interim Executive Director Planning & Environment to execute the Planning Agreement.

KEY ISSUES

- 2 DA2019/00966 was lodged with City of Newcastle (CN) on 30 August 2019 seeking approval for alterations and additions to the educational establishment (385 students increasing to 630 students), new childcare centre (79 places) and subdivision – Community Title (2 into 3 lots), associated site works, landscaping and signage, at 30 and 31 Vista Parade, Kotara (St James Primary School).
- 3 The Hunter & Central Coast Regional Planning Panel (HCCRPP) refused the application on 29 March 2021 due to its impact on the surrounding road network.
- 4 CN recommended the application for refusal based on the development's adverse impact on traffic, safety and residential amenity in the area.
- 5 DA2019/00966 is now subject to a Class 1 Appeal lodged in the Land and Environment Court by the applicant against the refusal from the HCCRPP.
- 6 The Planning Agreement requires the dedication of approximately 90m² of land to CN to widen Vista Parade, with the applicant to undertake road widening works and the construction of a roundabout and intersection upgrade works at the intersection of Princeton Avenue and Vista Parade at its cost. The works also include associated infrastructure, footpaths, signage and bus stop relocation. These works are required to manage the traffic impacts of the proposed development.

Public exhibition

- 7 CN exhibited the Planning Agreement from 1 December 2022 to 19 January 2023.
- 8 CN received 24 submissions during the public exhibition. A summary of submissions at **Attachment B** provides CN's response to matters raised.
- 9 Key issues raised related to traffic and parking, pedestrian safety, bus stop relocation and the surrounding road network.
- 10 The works proposed in the Planning Agreement and in DA2019/00966 (to allow pick-up and drop-off on the school grounds) addresses these concerns. Further traffic modelling supporting DA2019/00966 confirms the current road network, with the proposed road improvements, should cater for the increase in traffic generated by the development application.

Post-exhibition changes

- 11 CN received six submissions about the proposed locations of bus stops on Princeton Avenue. In response, separate consultation is proposed for this matter, and these have been removed from the Planning Agreement. CN will review the bus stop relocations in the subsequent Section 138 approval under the *Roads Act 1993*. This will include consultation with the relevant bus operator and approval from the Newcastle City Traffic Committee (NCTC).

FINANCIAL IMPACT

- 12 The Planning Agreement requires the dedication of land to CN to widen Vista Parade. The applicant will undertake the road widening works, construction of the roundabout and intersection upgrades at its cost and to CN specifications.

NEWCASTLE 2040 ALIGNMENT

- 13 The Planning Agreement is consistent with Newcastle 2040 Community Strategic Plan. It will contribute to implementing the following objectives:

1.3 Safe, active and linked movement across the city

- 1.3.1 Connected cycleways and pedestrian networks
- 1.3.2 Road networks

4.2 Trust and Transparency

- 4.2.1 Genuine engagement

IMPLEMENTATION PLAN/IMPLICATIONS

- 14 The Planning Agreement seeks to implement outcomes from the Newcastle 2040 Community Strategic Plan, as identified above.

- 15 The Planning Agreement is not subject to the Court proceedings and is a separate matter for CN to resolve.

RISK ASSESSMENT AND MITIGATION

- 16 An independent legal review of the Planning Agreement and Explanatory Note was undertaken prior to reporting and public exhibition.
- 17 The negotiation and preparation of the Planning Agreement is consistent with CN's Planning Agreements Policy and Planning Agreements Procedure. These documents outline how CN will consider, accept and implement offers made by developers to enter into planning agreements.
- 18 Adherence with the legislative framework outlined in the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) reduces the risk to both CN and the applicant.
- 19 The Planning Agreement does not have any effect unless development consent for the proposed development is granted by the Land and Environment Court.
- 20 The Planning Agreement requires the works to be completed prior to the issuing of an Occupation Certificate for the development or any part of the development.
- 21 The Planning Agreement requires the dedication of land to CN prior to the issue of any approval under the *Roads Act 1993*.

RELATED PREVIOUS DECISIONS

- 22 At the Ordinary Council Meeting on 22 November 2022, Council resolved to place the Planning Agreement and Explanatory Note on exhibition for 28 days.

CONSULTATION

- 23 The Planning Agreement and Explanatory Note was exhibited from 1 December 2022 to 19 January 2022 (extended in line with the Community Participation Plan where the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition).
- 24 The Planning Agreement and Explanatory Note were placed on CN's Have Your Say webpage inviting the community to comment. CN notified more than 150 adjoining landowners and residents by letter and emailed previous submitters to DA2019/00966 about the public exhibition.
- 25 CN received 24 submissions during the public exhibition period.

BACKGROUND

- 26 DA2019/00966 was lodged with CN on 30 August 2019 seeking approval for a new childcare centre, additions to the existing education establishment to increase capacity from 385 to 630 students, community subdivision (two into three lots), associated site works, landscaping and signage at 30 and 31 Vista Parade, Kotara.
- 27 The applicant requested HCCRPP defer DA2019/00966 on 2 December 2020 to lodge a Traffic Plan of Management. The Panel refused this development at its meeting on 29 March 2021, due to impacts on the surrounding road network and the degree of intensification proposed for the site.
- 28 DA2019/00966 is subject to a Class 1 Appeal lodged in the Land and Environment Court by the applicant against the refusal of the application. The hearing date is scheduled for 17 March 2023.

OPTIONS

Option 1

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

Option 2

- 30 That Council does not endorse the Planning Agreement. This is not the recommended option.

ATTACHMENTS

Attachment A: Planning Agreement – 30 and 31 Vista Parade, Kotara

Attachment B: Submissions table – Planning Agreement for 30 and 31 Vista Parade, Kotara

Attachments A-B distributed under separate cover

8.14. DETERMINATION OF INCOME TAXATION FOR COUNCILLORS

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

PURPOSE

To determine whether Councillor fees be subject to income tax withholding.

RECOMMENDATION

That Council:

- 1 Resolves that Lord Mayor and Councillor fees be subject to income tax withholding under Part 2-5 of the Taxation Administration Act 1953 - sections 446-5 of Schedule 1, with effect from 1 March 2023.

KEY ISSUES

- 2 Currently Lord Mayor and Councillor fees are not subject to income tax withholding, meaning that Councillors must manage their own income tax liability to the Australian Taxation Office (ATO).
- 3 Pay as you go (PAYG) instalments are regular prepayments of the tax on an individual's business and investment income. By paying regular instalments throughout the year, an employee will avoid having an unnecessarily large tax bill when they lodge their annual tax return.
- 4 All City of Newcastle (CN) employees and contractors are subject to PAYG; Councillors however are currently required to manage their annual tax liability to the Federal Government.
- 5 Sections 446-5 of Schedule 1 of the *Taxation Administration Act 1953* (TAA) provides:
 - (1) *An entity must withhold an amount from salary, wages, commission, bonuses or allowances it pays to an individual as:*
 - (e) *a member of a "local governing body where there is in effect in accordance with section 446-5, a **unanimous resolution** by the body that the remuneration of members of the body be subject to withholding under this part"*
- 6 The Lord Mayor and Councillor fees (including sitting fees) will be subject to PAYG withholding where there is a unanimous resolution to support the payment in this manner. If the resolution is not unanimous, CN will be unable to withhold the tax in this manner and Councillors will continue to be responsible for managing their own taxation circumstances.

FINANCIAL IMPACT

- 7 Treating the Lord Mayor and Councillors as employees will see a reduction in their current take home monthly pay, with the corresponding amount paid by CN to the ATO on behalf of the Councillor towards their estimated annual income tax liability.
- 8 There is no financial impact to CN and ratepayers from treating the Lord Mayor and Councillors as being subject to PAYG
- 9 The unanimous resolution in respect of PAYG withholding will deem Councillors to be treated as employees for the purposes of the *Superannuation Guarantee Administration Act 1992* (Cth). Under the current arrangement, a Councillor can elect to forgo superannuation payments.
- 10 In addition, the making of a unanimous resolution in respect of withholding income taxation will result in the Lord Mayor and Councillors being treated as employees for FBT purposes. CN will therefore also be subject to FBT on the taxable value of fringe benefits provided to the Lord Mayor and Councillors. This is expected to be a negligible amount of funds.

NEWCASTLE 2040 ALIGNMENT

- 11 Resolving for the Lord Mayor and Councillor fees to be subject to income tax withholding is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

4 Achieving Together

- 4.1 Inclusive and Integrated planning
 - 4.1.1 Financial sustainability
- 4.2 Trust and Transparency
 - 4.2.1 Genuine engagement

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 If a unanimous resolution is carried, the implementation will be as follows:
 - i) The resolution must be enacted within a 28-day period.
 - ii) The resolution continues in force in spite of a change in the membership of the elected Council.
 - iii) Council must give written notice of the resolution to the Taxation Commissioner within seven days after the resolution is made.
 - iv) The Taxation Commissioner will publish in a Gazette a notice setting out:
 - a) the name of the council; and
 - b) the day on which the resolution takes effect.

- v) The withholding applies to amounts that become payable after the day on which the resolution takes effect.

RISK ASSESSMENT AND MITIGATION

- 13 A resolution of Council mitigates CN's risk of breaching legislation.

RELATED PREVIOUS DECISIONS

- 14 Nil.

CONSULTATION

- 15 Nil.

BACKGROUND

- 16 Nil.

OPTIONS

Option 1

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

Option 2

- 18 Council does not unanimously endorse the recommendation and the Lord Mayor and Councillors remain individually responsible for their own financial circumstances. This is not the recommended option.

REFERENCES

Taxation Administration Act 1953: <https://www.legislation.gov.au/Details/C2018C00118>

Fringe Benefits Tax Assessment Act 1986:
<https://www.legislation.gov.au/Details/C2014C00048>

ATTACHMENTS

Nil.

8.15. EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

RECOMMENDATION

That Council:

- 1 Receives the Executive Monthly Performance Report for January 2023.

KEY ISSUES

- 2 At the end of January 2023 the consolidated YTD actual operating position is a surplus of \$18.7m which represents a positive variance of \$16.2m against the budgeted YTD surplus of \$2.6m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full budget for 2022/23 is a surplus of \$1.95m.
- 3 The net funds generated as at the end of January 2023 is a surplus of \$41.5m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$11.5m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of January 2023 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Achieving Together

- 4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report – January 2023

Attachment A distributed under separate cover

8.16. ADMINISTRATION OF 2024 COUNCIL ELECTIONS

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

PURPOSE

To determine the arrangements for the administration of the Local Government ordinary elections scheduled to be held in September 2024 (2024 elections).

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders received for administering the 2024 Local Government elections.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the

supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

- 2 Section 296AA(1) of the Act requires Council, at least 18 months before the next ordinary elections of the Council, to decide whether:
- i) To enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections; or
 - ii) The elections are to be administered by the Chief Executive Officer (CEO).
- 3 As the next Local Government elections for the Newcastle Local Government Area are scheduled to be held in September 2024, Council must make a decision as to how to administer the 2024 elections by March 2023.
- 4 City of Newcastle (CN) has received cost estimates (confidential summary at **Attachment B**) from:
- The NSW Electoral Commission (NSWEC);
 - The Australian Election Company (AEC) who could be engaged to administer the 2024 elections on behalf of the CEO.
- 5 The NSWEC's quote represents the best value for money and is the most experienced having administered the past two elections in the Newcastle Local Government area.

FINANCIAL IMPLICATIONS

- 6 NSWEC's costs to administer Council's election in 2021 was \$984,138 (excluding GST).
- 7 Funding for the 2024 election will be sought in the FY2024/25 budget.

NEWCASTLE 2040 ALIGNMENT

- 8 Nil.

RISK ASSESSMENT AND MITIGATION

- 9 Entering into a contract to administer the 2024 elections on behalf of CN mitigates risk to CN.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 26 February 2019, Council resolved to enter into a contract with the NSWEC to administer the 2020 elections (which due to the Covid-19 pandemic, were subsequently held in 2021).
- 11 At the Ordinary Council Meeting held on 24 February 2015, Council resolved to have the NSWEC administer the 2017 elections.

CONSULTATION

- 12 Nil.

OPTIONS

Option 1

- 13 The recommendation as at Paragraphs 1 to 3. This is the recommended option.

Option 2

- 14 Council resolves, pursuant to section 296AA(2) of the Act, to have the CEO administer the 2024 elections and engage an electoral services provider (ie. the AEC). This is not the recommended option.

BACKGROUND

- 15 Under the Act, Local Government elections are held every four years. The Act was amended in 2011 (and again in 2014) to remove the monopoly of the NSWEC in conducting Local Government elections. Under s.296AA of the Act, the Council must determine whether the CEO is to administer elections or to enter into an arrangement for the NSWEC to administer the elections.
- 16 In addition to the Local Government elections, a Council can also have a constitutional referendum and / or a Council poll. If Council chooses to conduct either of these then, under s.296AAA of the Act, Council must also determine whether they are administered by the CEO or the NSWEC.

REFERENCES

ATTACHMENTS

Attachment A: Confidential Recommendation

Attachment B: Confidential - Summary of cost estimates from NSWEC and AEC to administer the 2024 elections on behalf of City of Newcastle

(refer Confidential Ordinary Council Meeting Agenda 28/02/23 for Attachments A-B)

8.17. TENDER REPORT REPLACEMENT OF BOSCAWEN STREET BRIDGE - CONTRACT 2023/009T

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

PURPOSE

To accept a tender for the Boscawen Street, Wallsend Bridge Replacement in accordance with Contract No. 2023/009T

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for the Boscawen Street, Wallsend – Bridge Replacement for Contract No. 2023/009T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive

commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 The tender is for the demolition and construction of Boscawen Street Bridge (the Bridge) in Wallsend.

Contract Term

- 3 The contract term is 14 months, with a defect liability period of 12 months.

Advertising of Tenders

- 4 The tender was advertised in the Newcastle Herald on Saturday 8 October 2022, the Sydney Morning Herald on Tuesday 11 October 2022, and nationally on the Tenderlink website.

Tenders Received

- 5 Tenders closed at 2pm on Tuesday 22 November 2022. Tender submissions were received from:
- i) Civil and Civic Group Pty Ltd,
 - ii) Delaney Civil Pty Ltd,
 - iii) Quickway Constructions Pty Ltd,
 - iv) Saunders Civilbuild Pty Ltd, and
 - v) Symal Infrastructure Pty Ltd.

Evaluation Process

- 6 The tenders were assessed against the following criteria:
- i) Supplier Diversity 5%
 - ii) Work Health & Safety 10%
 - iii) Relevant Project Experience 15%

- | | | |
|-----|----------------------|-----|
| iv) | Methodology | 15% |
| v) | Construction Program | 10% |
| vi) | Contract Price | 45% |
- 7 The tenders were assessed by a panel of City of Newcastle (CN) officers. The panel was selected based on experience and knowledge of the project.
- 8 Probity oversight was provided by an external probity auditor, who was present during all panel meetings in accordance with CN's Procurement Policy.

Recommended Tender

- 9 The recommended tenderer presented a sound methodology, which was supported by their detailed construction program and relevant project experience. They were able to demonstrate a clear understanding of the project specification and their ability to complete the works to a high level of quality and safety.

FINANCIAL IMPACT

- 10 The total estimated cost of this project, including the proposed contract amount, allowances for project management, contingency and other associated project costs, is within the multi-year budgeted amount allocated for this project.

IMPLICATIONS

Policy Implications

- 11 This project aligns with the Newcastle 2040 Community Strategic Plan as follows:

Liveable

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Greats Spaces
 - 1.1.2 Well-Design Places

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

- 12 This project supports the Wallsend Floodplain Risk Management Plan – Implementation Works, which has identified the Bridge as an obstruction that contributes to flooding within the Wallsend CBD during high level storm events.

Environmental Implications

- 13 The recommended tenderer has an environmental management system, which is certified to the relevant Australian Standard. This environmental management system will address environmental risks associated with construction activities. All contractors are required to comply with CN's work health safety and environmental requirements during the project delivery.

Ecological Sustainability

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

IMPLEMENTATION

- 15 Construction works will require the closure of the Bridge for the duration of the project delivery. Alternative access to Wallsend CBD will be achieved via Nelson, Tyrrell and Cowper Streets.
- 16 Project implementation will require temporary occupation of private and public property to complete specific construction activities. The Southwest corner of Federal Park will be occupied for plant, equipment, materials and amenities.

CONSULTATION/COMMUNICATION

- 17 The Bridge was included in the Wallsend Public Domain Plan that was publicly exhibited in 2017 and adopted in 2018. Consultation with the neighboring affected property has taken place. Further community consultation will be undertaken as the project progresses.
- 18 Consultation has been undertaken with service authorities including:
- i) Ausgrid,
 - ii) Hunter Water Corporation,
 - iii) Jemena,
 - iv) Telstra, and
 - v) NBN Co.
- 19 A project briefing was provided to the Infrastructure Advisory Committee on Tuesday 7 February 2023.

BACKGROUND

- 20 Under the NSW Department of Planning and Environment's Flood Prone Land Policy, Council is responsible for formulating and implementing Floodplain Risk Management Plans. In accordance with the Wallsend Floodplain Risk Management Plan – Implementation Works numerous flood mitigation works were nominated, which included the removal of the Bridge. It was identified as a significant obstruction to stormwater conveyance through the Hunter Water Corporation channel.
- 21 At the Ordinary Council Meeting held on 25 August 2015, Council resolved to replace the Bridge rather than complete removal. This decision was based on community consultation and a traffic management assessment, which identified significant impacts to vehicle traffic movements and the community.

- 22 The Bridge design includes an increased deck height, single pier, and a wider span to accommodate the future channel widening.
- 23 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

Attachment A: Confidential Recommendation

Attachment B: Confidential Tender Evaluation Matrix - Summary

(refer Confidential Ordinary Council Meeting Agenda 28/02/23 for Attachments A-B)

9. NOTICES OF MOTIONS

9.1. LLEWELLYN STREET, MEREWETHER - LOSS OF RIGHT OF CARRIAGEWAY

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

PURPOSE

The following Notice of Motion was received on 7 February 2023 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes its previous unanimous resolution of 13 December 2022 calling for an investigation by Planning, Transport and Regulation Officers into the effective removal and loss of the right-of-carriageway as a result of development at 37 Llewellyn Street Merewether.
- 2 Notes that the loss of the right of carriageway is inconsistent with Council's development approval, and has not been approved by the elected council.
- 3 Notes that the community is of the understanding that they have had free and unfettered use of the right-of-carriageway lane for at least the last 60 years.
- 4 Resolves that a Private Certifier should not issue an Occupation Certificate unless Council's Development Conditions of Consent have been complied with in full.
- 5 Receives the community petition and community motion generated from a community meeting held at the Merewether Bowling Club on Monday 30 January 2023 at which more than 80 residents expressed their concerns with the loss of the Right of Way.
- 6 Writes to the NSW Minister for Lands, the Hon Kevin Anderson MP, and the Newcastle state member, Tim Crakanthorp MP, to seek explanation of the removal of the right-of-carriageway by NSW Land Registry Services (formerly the NSW Land Titles Office) from the land title in or around 1995.
- 7 Expedites the investigation and seeks action to remedy and restore the right-of-carriageway, consistent with the current development approval (Condition 69 DA2016/01411) and reports back to the next council meeting.

BACKGROUND

A community meeting was held at the Merewether Bowling Club on 30 January 2023 at which more than 80 community members agreed to the following motion:

“A demand is made that Newcastle City Council do all things necessary to ensure that the existing Right of Carriageway at 37 Llewellyn Street Merewether is restored and available to the community at all times on an unfettered basis and to ensure Condition 69 of DA2016/01411 to be strictly complied with expeditiously”.



ATTACHMENTS

Attachment A: NovoNews story 17Jan 2022 - Historic community carriageway under threat in new development proposal

<https://novonews.com.au/2022/01/historic-community-carriageway-under-threat-in-new-development-proposal/>

Attachment B: Newcastle Herald story 24 December 2022 – Investigation into carriageway access in Merewether Acoya Apartments development

<https://www.newcastleherald.com.au/story/8030275/investigation-into-carriageway-access-in-merewether-development/>

Attachment C: Newcastle Herald story 24 March 2022 – Application to Newcastle council to historic Llewelyn Street, Merewether easement withdrawn

<https://www.newcastleherald.com.au/story/7670896/application-to-remove-historic-easement-withdrawn/>

Attachment A: NovoNews story 17Jan 2022 - Historic community carriageway under threat in new development proposal

Historic community carriageway under threat in new development proposal

While City of Newcastle has recently celebrated a surge in DA's across the city, Merewether locals have been infuriated by plans for a historically significant carriageway to be extinguished to make way for residential accommodation and commercial premises.

A new development application (DA) to extinguish the carriageway linking Llewellyn Street and Caldwell Street in Merewether, which has been operational for over 80 years, has already attracted over 70 objections from local residents.

“A number of very long-term residents are extremely upset ... approval of this will anger many, many people”, said Merewether local Michael Barwell, who has resided in the suburb for over three decades.

“This Right of Way has been utilised by the Merewether community for access to the pre-school, the park, residences and facilities in Caldwell Street like the Alice Ferguson Community Centre and the Bowling Club for decades”, Barwell said.



The carriageway has been used by the public for over 80 years, say locals.

“Of course, the reverse is also true, allowing easy access to the commercial area of Merewether village like the Post Office, fruit store and supermarket, cafe and pharmacy, increasing the financial viability of these businesses.”

The resident said the park connected to the carriageway has offered local families a safe location in the area to use, and permanently isolating the asset would also reduce ease of park access for users.

A submission to council opposing the DA also cited the impact on residents with a disability, who have previously relied on the carriageway to access key facilities in the area.

Businesses and residents alike are fearful of the enduring impacts on the Merewether community should the DA proceed further, and get approved.

“Blocking the carriageway will turn the park into an island, remove vehicular access to Merewether Bowling Club’s shed, impact businesses, affect the amenity of many residents and remove the Council’s own access to maintain the park and it’s equipment,” Barwell said.



The new development on Llewellyn Street has blocked access to the carriageway during construction.

“This walkway is used by hundreds of people everyday , maybe more. It’s been a major inconvenience not having this available whilst construction has taken place”, another Merewether resident added.

Carriageway holds community significance

Submissions to the City of Newcastle say public access to the Right of Way was granted to the Merewether community “pre-1938”, and was

gifted by the RSL when selling the carpark land, adjacent to the carriageway.

As a condition of sale, the RSL said the carriageway must remain available for public use.

Barwell says the Developer knew and agreed to these conditions during the Approval Process.

“Additionally, they would have been clearly aware of the carriageway when they purchased the property from the disposed assets of the RSL”, he said.

In the original DA, the Developer agreed to a clause stating the carriageway was to remain, and when the boundaries were erected at the start of construction, council agreed that it would return to a carriageway at completion of build.



In December however, a late minor modification application was lodged by local company Perception Planning to remove the clause from the DA.

As the application was listed as a ‘minor modification’, neighbouring residents were not advised of the change.

“Not Merewether Bowling Club who has had access to a shed denied during construction, not the KU Preschool, not the neighbouring businesses like the Doctors Surgery, not the Fire Station, no one.”

Barwell said that the only reason he and other residents became aware of the changes was because of online service Planning Alerts, which tracks development applications across suburbs.

The Merewether resident claimed the timing of the modification was intentional, while other submissions deem it to be an “opportunist approach” to “pass under the noses of local residents.”



Residents argue that the Christmas period timing of the DA modification was strategic.

“I don’t think that the timing of the application to remove this right of way is a coincidence. With the preschool closed for the year hardly any parents would be aware”, Barwell observed.

He implored Lord Mayor of Newcastle Nuatali Nemes to not let the DA pass, declaring that it was “pure luck” the modification was even noticed in the week before Christmas.

Residents have condemned the Developer, saying “it is an insult to the community and the intention of [the RSL’s] gift and the council has an obligation to protect this asset.”

One resident’s submission said that “when the wire fence went up at the start of construction no local residents ever contemplated that this would be a permanent situation – Council told residents that this carriageway would return at completion and that is what the residents expect.”

Councillor Carol Duncan revealed she has been contacted by “extremely concerned” residents over the DA.

“I am concerned that a proposed modification has been lodged with Council that would see the right of way extinguished and have asked staff to look at this issue on behalf of residents.”

“My understanding is that Council’s original development included a condition to protect this right of way and I believe it should be adhered to and the requested modification refused.”

Thus far, Barwell said he has made “no progress” with council regarding his submission, however hopes the abundance of community submissions rejecting the modification leads to the issue being discussed at a Council meeting, and subsequently rejected.

NovoNews has reached out to planning agent Perception Planning, who submitted the modification on behalf of the developer, for comment, however they did not respond by time of publishing.

The City of Newcastle refused to provide comment on the matter, as the DA is still under assessment.

Attachment B: Newcastle Herald story 24 December 2022 – Investigation into carriageway access in Merewether Acoya Apartments development

City of Newcastle has launched investigations into a Merewether development which "appears to limit or fully remove" access to what was [previously used as a public thoroughfare](#).

The land in question is part of the Acoya Apartments development at 37 Llewellyn Street.

The *Herald* previously reported the applicant had sought to modify approved plans and remove a right-of-carriageway from the site.

The site was formerly owned by Merewether RSL Club, and former club vice-president Kevin Moon said the contract of sale included protection of the easement for public use.

But the [modification application was withdrawn after fierce community backlash](#).

The path was a popular connection from Llewelyn Street shops to Merewether Bowling Club, a preschool, park and playground and the Alice Ferguson Community Centre and had been used for decades.

Community members say they were led to believe that the right-of-carriageway would be maintained in some capacity in the new development, as per council's condition to protect the access.

But just recently they were dismayed to see a wall with a fire door had been built on one end of the site, and a roller garage door at the other end.

Merewether Bowling Club honorary secretary Lesley Afflick said she was "amazed" when she saw the wall had gone up.

"They've done this without consideration for the public," she said.

Labor councillor Carol Duncan was contacted by concerned citizens and brought the matter to council asking for an investigation.

She said it was unfortunate, but "at the very least the residents deserve a full and clear explanation of what happened".

Newcastle lord mayor Nuatali Nelmes said upon investigation, she "found that apparently Department of Lands had allowed it to slip off the land title.

"A proper investigation will hopefully stop this from ever happening again," she said.

"This is not about the development per se. It's good infill housing to a degree.

"But all you needed was a small right of way to allow access between a local centre, a park and a senior citizen centre and a bowling club and another street and you have a really high functioning, good urban planning outcome.

"It's huge for that local community."

The developer Diverse Property Constructions could not be reached for comment. A City of Newcastle spokesperson said they had commenced inquiries into the matters and the findings would be presented to councillors once the investigation had been finalised.

Attachment C: Application to Newcastle council to historic Llewelyn Street, Merewether easement withdrawn

Merewether residents opposed to a [proposal to remove an historic easement through a Llewelyn Street development](#) have been surprised to receive notification the application was withdrawn.

A modification proposal was lodged in December for the approved Acoya Apartments at 37 Llewelyn Street, which sought to remove a clause subjecting the development to a right-of-carriageway through to Caldwell Street.

More than 90 objections were lodged to save the carriageway, which residents say is a popular connection from Llewelyn Street shops to Merewether Bowling Club, a preschool, park and playground and the Alice Ferguson Community Centre.

But residents who lodged submissions against the application confirmed to the *Herald* that they received correspondence from Newcastle council saying "the applicant has requested to withdraw the application".

"Consequently, City of Newcastle will not be issuing a determination of this application," the correspondence said.

Council's online development application tracker also states that the application has been withdrawn, with the date of determination being March 15.

Resident Michael Barwell, who spoke out against the application, said the update was "good news", however there are still apprehensions in the community about the future of the easement.

The 2018 approval to construct a mixed-use development including 12 residential apartments included provision for the retention of the right of way, which was negotiated in the contract of sale by the former site owner, Merewether RSL Club.

9.1.1. REPORT ON NOTICE OF MOTION - LLEWELLYN ST, MEREWETHER - LOSS

REPORT BY: PLANNING & ENVIRONMENT

CONTACT: INTERIM EXECUTIVE DIRECTOR PLANNING & ENVIRONMENT

DIRECTOR COMMENT

A report on the investigation arising from the resolution of the Notice of Motion of 13 December 2022 relating to this matter, shall be scheduled for the next Ordinary Council Meeting of 28 March 2023.

The investigation report will include details of the applications and certificates that are relevant to the development of the site, to the extent to which they have a bearing on the right-of-carriageway (ROW).

While it has been asserted that the contract of sale for the subject site by a former owner, Merewether RSL Club, included a provision for protection of the ROW for public use, the property was subsequently on-sold to the entity that carried out the development of the site. The specific details of the relevant contracts of sale for the subject site are not available to the City of Newcastle (CN).

While condition 69 of the development consent for the building on the subject site, which requires the creation of a new ROW, has not been complied with, CN were advised on 30 January 2023 that an occupation certificate has been issued for the building by a private certifier dated 9 December 2022.

The NSW Fair Trading '*Certifier Disciplinary Register*' shows that eight disciplinary decisions have previously been made in respect of the conduct of the certifier that issued the occupation certificate. The decisions involved cautions, reprimands, an order to complete training and a total of \$55,000 in fines.

In terms of the potential for challenging the validity of the occupation certificate for the development, Section 6.32 of the *Environmental Planning and Assessment Act 1979* excludes occupation certificates from the scope of Land and Environment Court orders that can be made to declare a building or subdivision certificate invalid.

With respect to the potential to establish public access, from Llewellyn Street to Caldwell Street, it is noted that northern boundary of the subject site is adjoined by State owned land, currently used as Merewether Fire Station. Council may wish to consider resolving to write to the owner of that land, Fire & Rescue NSW, to ascertain whether there is potential to establish public access through that site.

RECOMMENDATION

That Council:

1. Notes its previous unanimous resolution of 13 December 2022 calling for an investigation by City of Newcastle into the effective removal and loss of the right-of-carriageway as a result of development at 37 Llewellyn Street Merewether.
2. Notes that the loss of the right of carriageway is inconsistent with CN's development approval, and has not been approved by the elected council.
3. Notes that the community is of the understanding that they have had free and unfettered use of the right-of-carriageway lane for at least the last 60 years.
4. Receives the community petition and community motion generated from a community meeting held at the Merewether Bowling Club on 30 January 2023 at which more than 80 residents expressed their concerns with the loss of the right of carriageway.
5. Expedites the investigation and seeks action to remedy and restore the right-of-carriageway, consistent with the current development approval (Condition 69 DA2016/01411) and reports back to the March Council meeting.
6. Writes to the Minister for Emergency Services and Resilience Hon. Steph Cooke MP, and the State Member for Newcastle Tim Crakanthorp, seeking their support for a public access to be created through the Merewether Fire and Rescue Station, known as 39 Llewellyn Street Merewether.
7. Writes to the Minister for Fair Trading asking that he investigate the circumstances surrounding the private certifier who provided an occupation certificate for the property located at 37 Llewellyn Street Merewether despite it not complying with CN's condition that a right of carriageway be created over the property.
8. Receives the responses to the above letter.

9.2. IMPROVING OPERATING HOURS AND RESOURCES FOR BERESFIELD POLICE STATION

COUNCILLOR: C PULL

PURPOSE

The following Notice of Motion was received on 16 February 2023 from the abovementioned Councillor.

MOTION

That City of Newcastle

- 1 Notes that in December 2022, a fatal stabbing occurred at Beresfield Train Station.
- 2 Notes that local residents have reported an increase in crime and public nuisance since the Police Station saw its operating hours reduced when the former Carr government introduced the Local Area Command model.
- 3 Notes concerns from residents that police response times are often too long, with the nearest local area command for residents of Beresfield, Tarro and Woodberry being Maitland or Raymond Terrace – resulting in extended wait times for emergency police responses.
- 4 Notes that our local Police do excellent work, however need more resources to help reduce crime rates in areas such as Beresfield, Tarro and Woodberry.
- 5 Calls on the NSW Government and Opposition to:
 - a. Make Beresfield Police Station a full time Police Station, and;
 - b. Increase Police presence and patrols in Beresfield and surrounding areas, in consultation with the local community.
- 6 Writes to the Police Minister, the Hon. Paul Toole MP, the Premier the Hon. Dominic Perrottet MP and the Leader of the Opposition, Chris Minns MP and the Member for Wallsend, Sonia Hornery MP informing them of the passage of this motion.

BACKGROUND

As noted in the motion, residents of Beresfield, Tarro and Woodberry have reported an increase in crime and public nuisance since the introduction of the Local Area Command model in and around 2006.

The broad consensus among community members is that wait times for emergency police responses are far too long, and as a result many incidents go unreported.

The re-resourcing of Beresfield as a full time police station would improve local wait times for residents in the area, who currently rely on Maitland, Waratah and Raymond Terrace stations, all of which are around a 20-30 minutes' drive from the towns.

Additionally, an increase in police presence in the area would help residents feel safer, and improve surveillance in the area.

In 2014 it was estimated that nine staff would need to be employed in order for the station to reopen on a daily basis (see attachment B).

The motion is timely both in the leadup to the State Election, and in the wake of a fatal stabbing at Beresfield train station in December 2022.

ATTACHMENTS

Attachment A: <https://www.abc.net.au/news/2022-12-13/man-dies-at-beresfield-train-station-assault-hunter-valley/101764242>

Attachment B: <https://www.maitlandmercury.com.au/story/2274028/labor-promises-to-open-beresfield-station-daily-if-it-wins-government-poll/>

9.3. ADDRESSING PROBLEM GAMBLING AND MONEY LAUNDERING IN NEW SOUTH WALES

COUNCILLOR: C PULL

PURPOSE

The following Notice of Motion was received on 16 February 2023 from the abovementioned Councillor.

MOTION

That City of Newcastle

- 1 Notes that 3.8 per cent of all adults in NSW are either problem gamblers or at risk, and together they represent up to 75 per cent of electronic gaming machine spending.
- 2 Notes that with more than 86,000 gaming machines, NSW has more gaming machines than any other place in the world aside from the US State of Nevada.
- 3 Notes that around \$95 billion is gambled through gaming machines across NSW each year, including billions in proceeds of crime.
- 4 The CEO write to the Premier – the Hon. Dominic Perrottet MP and the Leader of the Opposition, Chris Minns MP, calling on them to:
 - a. Take immediate action to reduce the harm caused by the proliferation of gambling machines including by:
 - i. Introducing a mandatory cashless gaming card scheme.
 - ii. Establishing a state-wide exclusion register with management and oversight that is independent of the gambling industry.
 - iii. Restoring the right of councils to make submissions to, and appeal decisions by, the Independent Liquor and Gaming Authority about gaming machines in their local government area.

BACKGROUND

With more than 86,000 gaming machines, NSW has more gaming machines than any other place in the world aside from Nevada.

Studies repeatedly highlight the link between gambling and suicide, bankruptcy and criminal behaviour, including family violence.

Gambling harm minimisation experts and the NSW Crime Commission say the only way to reduce harm from gambling habits and organised crime is to introduce a mandatory cashless gaming card.

Currently individuals who wish to control their gambling habit must register venue by venue and then rely on staff in each venue to recognise them to deny them entry.

With the need to address problem gambling and money laundering in NSW shaping up to be a major part of the upcoming NSW election, it provides an opportunity for City of Newcastle to make its view on the matter heard, as many other councils around the state already have.

It is particularly important for Newcastle to address problem gambling, considering our LGA ranked in the top ten regional LGAs for money spent on gaming machines. Between July and September 2022 over \$51 million in net profits were profiteered from gaming machines in the Newcastle LGA.

The motion also serves to advocate for the rights of Local Government – councils are currently excluded from making submissions to, or appealing decisions made by the Independent Liquor and Gaming Authority about gaming machines in their Local Government Area.

Concerns around the impact of gaming machines in venues has been raised in council and committees of council in our current term and it is my view that we should have a right of submission and appeal.

ATTACHMENTS

Attachment A: <https://www.smh.com.au/politics/nsw/gone-in-92-days-gamblers-lose-2-1-billion-on-poker-machines-20230124-p5cf1z.html>

Attachment B: <https://www.crimecommission.nsw.gov.au/files/nswcc-media-release-report-into-money-laundering-via-egms-in-pubs-and-clubs.pdf>

9.4. CALLING FOR FUNDING FOR WALLSEND FLOOD MITIGATION

COUNCILLOR: C PULL

PURPOSE

The following Notice of Motion was received on 16 February 2023 from the abovementioned Councillor.

MOTION

That City of Newcastle

- 1 Notes than in June 2022 Council unanimously carried a resolution seeking funding for Hunter Water Corporation to widen the canal in Wallsend.
- 2 Notes that CN received no response to its correspondence from the NSW Treasurer, NSW Minister for Lands and Water or the Shadow Treasurer.
- 3 Urgently writes to the NSW Treasurer, the Hon. Matt Kean MP, the NSW Minister for Lands and Water the Hon. Kevin Anderson MP, the Leader of the Opposition Chris Minns MP, and the Member for Wallsend Sonia Hornery MP, once again seeking their commitment to fund future flood mitigation works in Wallsend.

BACKGROUND

At CN's 28 June 2022 Ordinary Council Meeting, Councillors unanimously supported a resolution acknowledging the 15-year anniversary of the 2007 flood event in Wallsend (and the Pasha Bulka storm) which resulted in the loss of businesses, livelihoods and homes.

With a state election only a month away, now is a perfect opportunity to ensure both parties are aware of the dire need for the canal in Wallsend to be widened, to prevent and mitigate any future flood event in the town.

The CEO has confirmed that, at the time of writing, no response has been received from any of the ministers or shadow ministers included in our correspondence following the June 2022 meeting.

Furthermore, no commitments have been made or announced regarding the canals in Wallsend.

Below is a copy of the background to the motion carried in June 2022:

In June 2007, Newcastle experienced a 'superstorm' event, which resulted in, among other things, the Pasha Bulker running aground on Nobbys beach and the inundation of Nelson Street and the Wallsend CBD.

Wallsend CBD has unique and significant flood risks due to its location in the middle of the Ironbark Creek floodplain. The CBD is located where a broad natural channel and floodplain converges to a narrow canal with adjacent commercial development on the floodplain. Significant flood risk is evident for the CBD where flooding has been recorded approximately every decade since the late 19th century. The formed channel section of Ironbark Creek that runs through the Wallsend CBD is a Hunter Water asset and CN has been working with Hunter Water to get improved flood outcomes for Wallsend.

In 2009 Council adopted the Wallsend Commercial Area Flood Risk Management Plan which outlines measures to reduce flood risk at this location. Since the adoption of the plan CN has undertaken the following actions:

1. Commenced a Flash Flood Alert service for the Ironbark Creek catchment in July 2015.
2. Completed an Implementation Study of structural options to reduce flood risk in the Commercial Area in 2015.
3. Prepared more detailed flood risk mapping to better inform planning controls for development in the catchment in the City Wide Plan in 2012.
4. Constructed the Tyrrell Street bridge in March 2020.
5. Undertaken additional Flood modelling of the proposed upgrade works at the Cowper Street bridge to inform the project delivery.
6. Commenced detailed design for the upgrade of the Boscawen and Nelson Street bridges.

The Wallsend flood mitigation works have been developed alongside the Wallsend Public Domain Plan to ensure that there is a combined vision and implementation for the area. Council is also committed to the ongoing implementation of the Wallsend flood mitigation works through the replacement of the four bridges. As outlined above Tyrrell Street was completed in March 2020 to a cost of \$3.3million. Cowper Street bridge works are scheduled to commence 22/23 and Computational Fluid Dynamics Modelling has been recently undertaken to ensure flood mitigation objectives are achieved. The detailed design for the upgrade of the Boscawen and Nelson Street bridges is underway and due for completion at the end of 2022.

In May 2020 Council supported a Lord Mayoral Minute to commit over \$20.7 million for flood mitigation works and called on the State Government to support infrastructure improvements to improve flood mitigation outcomes. The resolution committed \$17.2 million to complete bridge upgrades throughout the town centre as well as \$3.5million for property acquisition. Flood mitigation also requires the widening of Hunter Water's channel from 12m to 21m wide from Cowper Street to downstream of Boscawen Street. The Council also resolved to request inclusion of funding in HWC's 2020-2024 capital program for the widening of the HWC channel through Wallsend to support the City's investment in bridge upgrades.

ATTACHMENTS

Attachment A: Copy of the Motion Carried in June 2022

Attachment A: Copy of the Motion Carried in June 2022

ITEM-20 NOM 28/06/22 - 15 YEARS SINCE WALLSEND FLOODING EVENT

Councillor Clausen left the Chamber for discussion on the item.

MOTION

Moved by Cr Pull, seconded by Cr Adamczyk

That City of Newcastle

- 1 Acknowledges the 15-year anniversary of the 2007 flood event which inundated the CBD of Wallsend.
- 2 Acknowledges the loss of businesses, livelihoods, and homes in the superstorm event.
- 3 Notes the steps taken by City of Newcastle to prepare for and mitigate future flood events including planning measures, development control and the delivery of flood mitigation works.
- 4 Reaffirms its commitment to delivering Flood Mitigation works, and working with key stakeholders, including the Hunter Water Corporation and the NSW Government, to take appropriate actions and measures to help reduce the impact of future flood events.

AMENDMENT

Moved by Cr Richardson, seconded by Cr Duncan

- 1 Notes that no funding was allocated in the NSW Government's recent budget for flood mitigation works in Wallsend, and
- 2 Writes to the NSW Treasurer, the Hon. Matt Kean MP, and the NSW Minister for Lands and Water the Hon. Kevin Anderson MP, once again seeking funding for Hunter Water Corporation to widen the canal in Wallsend.
- 3 Also correspond with the NSW opposition, specifically the Shadow Treasurer, seeking its commitment to future funding for flood mitigation works.

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

Carried

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

Carried unanimously

Councillor Clausen returned to the Chamber at the conclusion of the item.

9.5. SHARK MANAGEMENT PROGRAM IN NEWCASTLE

COUNCILLOR: C MCCABE

PURPOSE

The following Notice of Motion was received on 16 February 2023 from the above named Councillor.

MOTION

That the City of Newcastle:

- 1 Sends the letter at Attachment A to the NSW Minister for Agriculture requesting that shark nets be permanently removed from Newcastle's local government area (LGA) in 2023 and replaced with additional modern shark mitigation measures that effectively protect beach users without damaging marine wildlife.
- 2 Endorses the response to the NSW Department of Industries (DPI) survey regarding the NSW Shark Management Program attached to this motion as Attachment B.

BACKGROUND

Shark management in Newcastle

Shark management in Newcastle includes effective scientifically supported shark mitigation measures, such as 1 drone operated by Surf Life Saving NSW, 1 shark listening station and beach patrol at populated beaches.¹

However shark management in Newcastle has one key deficiency - the continued use of shark nets. Shark nets are designed to entangle target species of bull, white and tiger sharks over 2 metres in length.² Scientific evidence shows that shark nets are ineffective at reducing shark interactions or protecting ocean users and indiscriminately harm marine wildlife.³

Shark nets remain at 6 beaches in the Newcastle LGA - Stockton beach, Nobbys beach, Newcastle beach, Bar beach, Dixon Park beach and Merewether beach. Between the 2000/1 - 2021/22 shark meshing seasons, shark nets in Newcastle caught

¹ NSW Government, Department of Primary Industries, Shark Smart, *Current Program*, <https://www.sharksmart.nsw.gov.au/current-program>.

² NSW Government, Department of Primary Industries, Shark Smart, *Shark Nets Key results from 1 September 2009 - 30 April 2019*, https://www.sharksmart.nsw.gov.au/_data/assets/pdf_file/0018/1237014/sms-factsheet-nets.pdf.

³ Gibbs et al, *Effects and effectiveness of lethal shark hazard management: The Shark Meshing (Bather Protection) Program, NSW, Australia*, *People and Nature Journal*, <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1002/pan3.10063>.

557 marine wildlife. Only 66 (13%) of the marine wildlife caught were the bull, tiger and white sharks being targeted. The remaining 491 (87%) of 'bycatch' included protected and threatened species.

Shark nets are 150m long by 4-6m deep with a mesh size of 60cm. They are set in about 10 - 12m of water, roughly 500m from shore.

These nets are not comprehensive in their coverage, as they are much shorter than the lengths of each beach area. They are not a barrier to the open sea and do not exclude sharks from coming near the beach.

Requesting shark nets be removed from Newcastle

In 2021, Council made a submission to the NSW Government's review of the Shark Management Strategy. Council supported the phasing out of shark nets in favour of replacing them with a combination of alternative modern shark mitigation measures.⁴

On average, members of the Newcastle LGA who made a submission to the same review shared that they do not prefer shark nets as a form of shark management.⁵

In 2022 NSW Local Governments unanimously passed a motion calling on the NSW State Government to phase out the use of shark nets and replace them with a combination of alternative shark mitigation strategies that more effectively protect the beach without damaging marine wildlife.⁶

Despite continued calls for the NSW Government to phase out shark nets, they remain in Newcastle's waters.

It is timely to send a letter to the Minister for Agriculture requesting that shark nets be permanently removed from our LGA in 2023 and replaced with additional modern shark mitigation measures that protect ocean users without harming marine life. This motion recommends that Council sends the letter contained at Attachment A to the Minister for Agriculture.

Reiterating Council's position in the DPI Shark Management Program Survey

The NSW DPI is conducting a survey to help guide the NSW Government's decision-making on shark mitigation measures in NSW.

This motion recommends that Council reiterates its endorsement of shark mitigation strategies that utilises modern methods and technologies in lieu of shark nets in order

⁴ NSW Government, Department of Primary Industries and University of Wollongong Australia (June 2021), *Preferred Shark Mitigation Measures of NSW coastal councils and their communities*, p 55, https://www.sharksmart.nsw.gov.au/_data/assets/pdf_file/0015/1327200/preferred-shark-mitigation-measures-of-NSW-Coastal-Councils-and-Communities-2021.pdf.

⁵ Ibid.

⁶ LGNSW Special Conference 2022 (2022), *Record of Decisions, Request to phase out shark nets* https://lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/Special_Conference/LGNSW_2022_Special_Conference-Records_of_Decisions.pdf.

to increase the benefit to public safety and minimise the harm on the marine environment in its survey response.

The survey is open until Sunday 19 February 2023.

This motion proposes that Council submits the survey response as outlined at Attachment B via the online survey by the deadline.

ATTACHMENTS

Attachment A: Letter to Minister for Agriculture

Attachment B: Response to NSW Shark Management Program Survey

ATTACHMENT A:

Minister Dugald Saunders MP
Minister for Agriculture, and Minister for Western New South Wales
52 Martin Place
SYDNEY NSW 2000

Dear Minister

Modernising NSW's Shark Management Program: removing shark nets from Newcastle

Shark management in Newcastle includes effective scientifically supported shark mitigation measures, such as 1 drone operated by Surf Life Saving NSW, 1 shark listening station and beach patrol at populated beaches.

However shark management in Newcastle has one key deficiency - the continued use of shark nets. Shark nets remain at 6 beaches in the Newcastle LGA - Stockton beach, Nobbys beach, Newcastle beach, Bar beach, Dixon Park beach and Merewether beach.

Research from Dr Gibbs shows that shark nets are ineffective at reducing shark interactions or protecting ocean users. Furthermore, shark nets indiscriminately harm marine life. Between the 2000/1 - 2021/22 shark meshing seasons, shark nets in Newcastle caught 557 marine wildlife. Only 66 (13%) of the marine wildlife caught were the bull, tiger and white sharks being targeted. The remaining 491 (87%) were bycatch, and included threatened and protected species.

Request to remove shark nets in Newcastle in 2023

In 2021, the Wollongong City Council (Council) made a submission to the NSW Government's review of the Shark Management Strategy. Council supported the phasing out of shark nets and replacing them with a combination of alternative modern shark mitigation measures. Members of the Newcastle community align with this position, as outlined in the Department of Primary Industries' (DPI) report titled 'Preferred Shark Mitigation Measures of NSW coastal councils and their communities' and released in June 2021.

In 2022, NSW Local Governments unanimously called on the NSW State Government to phase out the use of shark nets and replace them with a combination of alternative shark mitigation strategies that more effectively protect the beach without damaging marine wildlife.

Despite continued calls for the NSW Government to phase out shark nets, they remain in Newcastle's waters.

Council is requesting that the Minister exercise his powers to permanently remove shark nets in Newcastle in favour of modern shark mitigation measures that protect ocean users without harming marine life. The Council is requesting that this be done by the end of the 2022/2023 meshing season.

Yours sincerely

ATTACHMENT B: Response to NSW Shark Management Program Survey

Link to survey:

https://eysau.sydney1.qualtrics.com/jfe/form/SV_2ox4LlfOEXZ7FKS?Link=gen



Are you completing this survey as an **organisation**, representing the view of a Council, or another organisation (NGO, community group, etc.) or **as an individual** expressing your personal opinion?

Please select one response only.

- A Council
- Another organisation (e.g. NGO, Community group, etc.)
- Individual

Which of the following Local Government do you represent?

Please select one response only.

- Ballina Shire Council
- Bega Valley Shire Council
- Bellingen Shire Council
- Byron Shire Council
- Central Coast Council
- City of Newcastle Council

Now, we would like to ask you a few questions about your perception of sharks.

How **concerned** is the Council about the risk of the community encountering sharks at NSW ocean beaches?

Please select one response only.

Not at all concerned

Slightly concerned

Moderately concerned

Very concerned

Extremely concerned

Don't know/Unsure

Below is a selection of statements some people have used when describing their perception of sharks. Please indicate to what extent your Council/organisation **agrees** or **disagrees** with the following statements:

Please select one response per row.

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know / Unsure	Council / Organisation has no view on this
We need to respect the ocean and protect sharks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
It's important to ensure sharks exist in the future	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is acceptable to kill or cull sharks to reduce potential threats to humans	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Human needs should take priority over sharks and the protection / conservation of sharks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sharks are important for healthy marine ecosystems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

We should strive for a world where humans and sharks can coexist	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is acceptable to kill sharks in an area after a serious or fatal incident	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
We need to protect and patrol the nearshore strip of the ocean for human recreation and tourism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now, we would like to ask you a few questions about some shark mitigation/management measures that the NSW Government has implemented at the NSW ocean beaches to increase protection of beachgoers/ocean users from the risk of harm from sharks.

Which of the following shark mitigation measures are currently used in your council area **City of Newcastle Council** to increase protection of beachgoers?

Please select one response per row.

	Yes	No	Don't know
Drone surveillance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tagged shark listening stations (VR4Gs)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Shark nets	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
SMART drumlines	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

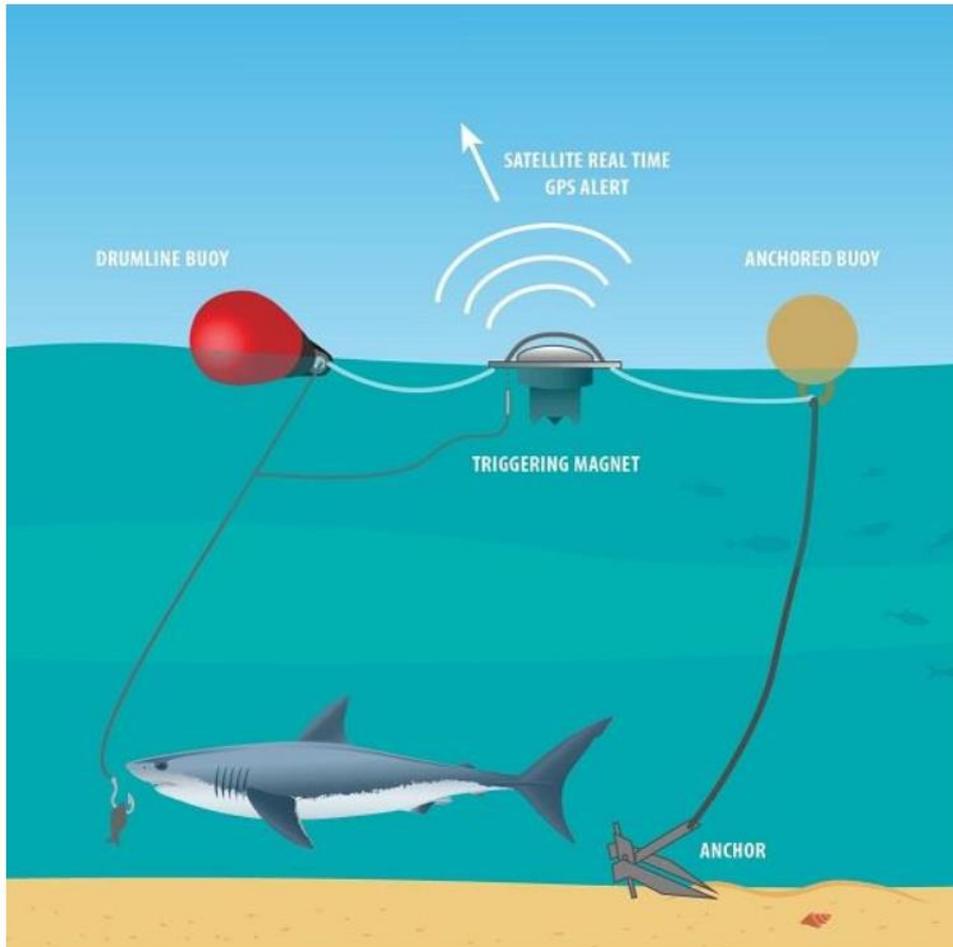
To what extent are you **familiar** with how the following shark mitigation technologies, used at ocean beaches in your local council/government area, operate to increase protection of beachgoers/ocean water users?

SMART (Shark-Management-Alert-In-Real Time) drumlines

- Designed to intercept, tag and relocate potentially dangerous sharks 1km offshore (i.e., White, Bull and Tiger sharks) that come close to shore to help make our beaches safer.
- When an animal is caught, contractors and DPI scientists are alerted and attend within 30 minutes to remove the animal from the line. If it is a potentially dangerous shark it is tagged and released 1km out to sea.
- SMART drumlines have proven to be the most effective tool for catching target sharks, minimising the catch of non-target animals, and maximising the survival of all animals caught on the drumline.

There are **12** SMART drumlines deployed in your local council/government area from **Stockton Beach** to **Merewether Beach**.

Please select one response only.



- Never heard of
- Heard of but know nothing
- Know a little
- Know a lot
- Know a great deal

To what extent are you **familiar** with how the following shark mitigation technologies, used at ocean beaches in your local council/government area, operate to increase protection of beachgoers/ocean water users?

Drone aerial surveillance

- The NSW Government has partnered with Surf Life Saving NSW to patrol coastal waters to increase the protection of beachgoers.
- When a potentially dangerous shark is seen using the drone (White, Bull or Tiger sharks) an alert is issued to the public via Twitter and the SharkSmart App, and beach authorities may decide to close the beach.

Drone surveillance operates at the following Surf Life Saving Club beaches in your local council/government areas: **Nobbys SLSC**

Please select one response only.



Never heard of

Heard of but know nothing

Know a little

Know a lot

Know a great deal

To what extent are you **familiar** with how the following shark mitigation technologies, used at ocean beaches in your local council/government area, operate to increase protection of beachgoers/ocean water users?

Tagged shark listening stations (VR4Gs)

- Big yellow buoys located 500m offshore, designed to detect tagged sharks (including potentially dangerous White, Bull or Tiger sharks) that swim within 500m of a listening device.
- Real-time alerts are sent to the public via Twitter and the SharkSmart App.
- There are 37 tagged shark listening stations deployed along the length of the NSW coast from Kingscliff to Merimbula.

Tagged shark listening stations are deployed in your local council/government area (all year round) at the following location(s): **Newcastle Beach**

Please select one response only.



Never heard of

Heard of but know nothing

Know a little

Know a lot

Know a great deal

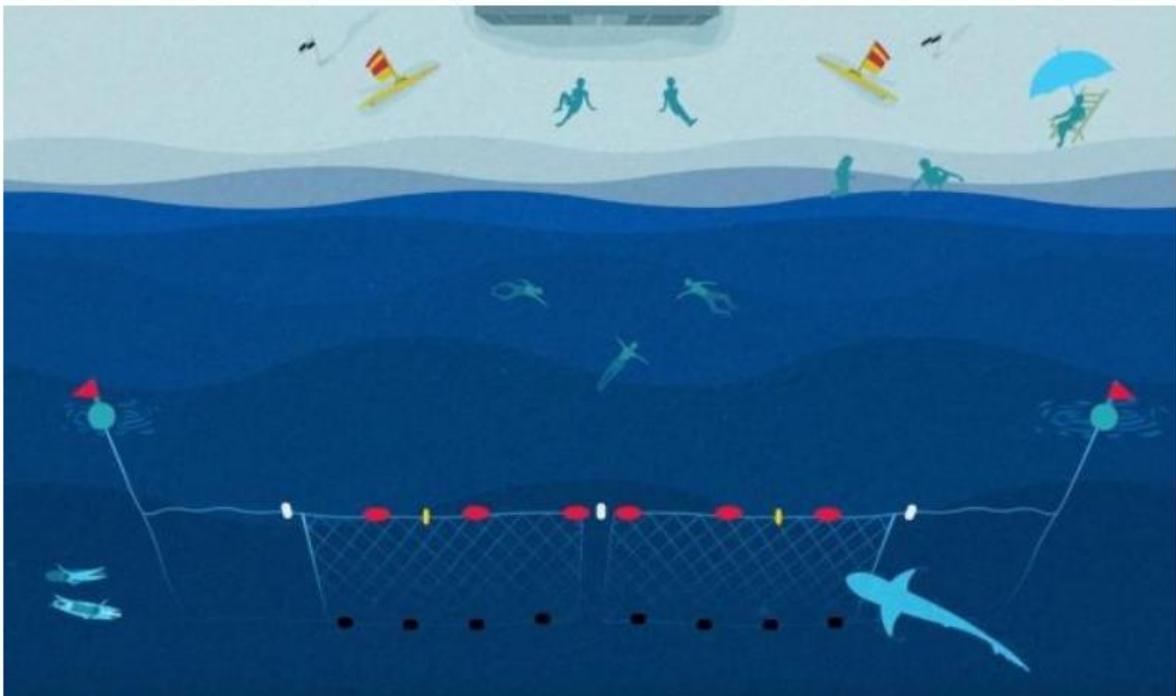
To what extent are you **familiar** with how the following shark mitigation technologies, used at ocean beaches in your local council/government area, operate to increase protection of beachgoers/ocean water users?

Shark nets

- Shark nets have been used in NSW since 1937, with 51 nets deployed at metropolitan beaches between Newcastle and South Wollongong each year between September & April.
- Shark nets are 150m long by 6m deep and set 500m from the shore. They do not create a total barrier between swimmers and sharks.
- They are designed to intercept and remove potentially dangerous sharks (White, Bull and Tiger sharks) but also catch and kill other marine animals (including protected and threatened species).
- Our research has found nets are not as effective as SMART drumlines at intercepting and catching potentially dangerous sharks.

Shark nets are deployed in your local council/government area between **Stockton Beach** and **Merewether Beach**.

Please select one response only.



Never heard of

Heard of but know nothing

Know a little

Know a lot

Know a great deal

To what extent are you satisfied or dissatisfied with the use of the following shark mitigation technologies at beaches in **your local council/government area** to increase the protection of beachgoers/ocean water users?

Please select one response per row.

	Very dissatisfied	Dissatisfied	Neither satisfied nor dissatisfied	Satisfied	Very satisfied
Shark nets (at metropolitan beaches between Newcastle and South Wollongong)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tagged shark listening stations (VR4Gs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
SMART drumlines	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drone surveillance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Why are you dissatisfied with the use of Shark nets?

Please type in your answer below.

Shark nets are not suitable as a shark mitigation measure due to their inability to protect ocean-users, the impact on marine wildlife and their resultant unpopularity. Alternative measures can actually reduce the risk via detection (drone surveillance) and deterrence (personal shark deterrents, SMART drumlines, etc.) without harming marine wildlife. The Council has been calling on the NSW Government to remove shark nets since 2021, and it reiterates this position again.

To what extent, do you think the community feels safe, knowing that the following shark mitigation measures have been deployed at **ocean** beaches in your local council/government area?

Please select one response per row.

	Not safe at all	Slightly safe	Moderately safe	Very safe	Extremely safe	Council/organisation has no view on this
Tagged shark listening stations (VR4Gs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Drone surveillance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
SMART drumlines	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Shark nets	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent do you think the community feels safer or less safe, knowing that the following shark mitigation measures have been deployed at **ocean** beaches in your local council/government areas compared to 5 years ago?

Please select one response per row.

	Much less safe	Slightly less safe	About the same	Slightly safer	Much safer	Council/organisation has no view on this
Shark nets	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
SMART drumlines	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tagged shark listening stations (VR4Gs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Drone surveillance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Overall, how confident are you that the current mix of shark mitigation technologies used in your local council/government area increases the protection of beachgoers at ocean beaches?

Shark mitigation technologies deployed in your local council/government area: Shark nets, SMART drumlines, Tagged shark listening stations (VR4Gs), Drone surveillance

Please select one response only.

Not at all confident

Slightly confident

Moderately confident

Very confident

Extremely confident

Before today, had you heard of the NSW SharkSmart website?

The NSW SharkSmart website provides information on the current NSW Shark Management Program including different types of shark mitigation used in NSW, as well as information to help you reduce the risk of a close encounter with sharks at NSW beaches and estuaries.

Please select one response only.

Yes

No

Has your Council/Organisation accessed the SharkSmart website in the last 12 months?

Please select one response only.

Yes

No

Don't know / Unsure

Which of the following information would you like to find on the SharkSmart website?

Please select all that apply.

Information on the NSW Shark Management Program – e.g., location of tagged shark listening stations, nets, drones and SMART drumlines

Education resources

Shark activity

Information on sharks – scientific facts and information

Information on staying safe

Other, please provide more details

I'm not interested in accessing information from the SmartShark website

Before today, had you heard of the SharkSmart watch app?

The SharkSmart watch app provides real-time-in-water alerts when...

- a tagged shark is detected by a tagged shark listening station
- target sharks (White, Bull and Tiger sharks) are tagged and released by SMART drumline contractors
- target sharks are observed by SLS NSW drones
- there has been a shark incidents
- there are periods of increased risk, e.g., a whale carcass stranding or after heavy rainfall.

A beep is sounded to alert watch users (e.g. swimmers and surfers) when one of the alert types is posted to the app.

Please select one response only.

Yes

No

To the best of your knowledge, does your organisation / council include information from the SharkSmart website on your organisation/council own website?

Please select one response only.

- Yes, we include information from the SharkSmart website on our website
- No, we do not include information from the SharkSmart website on our website
- No, we do not include information from the SharkSmart website but are considering it
- Don't know/unsure

Finally, do you have any final comments or suggestions you'd like to add regarding shark mitigation measures used at NSW ocean beaches?

Please type in your answer.

No

To receive a copy of your responses to the survey and potentially confirm you are a representative of the Council, do you agree to provide your name and email address?

Your contact details will be passed on to the Department of Primary Industries (DPI) and may be used to confirm that you are a representative of the Council.

- Yes, I agree
- No, I don't need a copy of my response to the survey / I don't want to provide my details

9.6. FUNDING FOR MINMI ROAD UPGRADES

COUNCILLOR: C PULL

PURPOSE

The following Notice of Motion was received on 16 February 2023 from the abovementioned Councillor.

That City of Newcastle

- 1 Notes the important long-standing issues along the Western Corridor roads of Minmi Road and Longworth Avenue, and upgrades required to alleviate traffic congestion for local residents in Wallsend, Maryland, Fletcher and Minmi;
- 2 Notes that Minmi Road and Longworth Avenue are vital regional road connections from the local suburban roads to the State roads as part of Newcastle's broader road network, particularly in the western suburbs where congestion causes much frustration for many local families every day;
- 3 Notes our ongoing commitment to and investment in upgrading Minmi Road and Longworth Avenue including \$26 million allocated to upgrade traffic pinch points and active transport connections along Minmi Road, including duplicating large sections of the road.
- 4 Notes that in February 2023, City of Newcastle (CN) received \$7.61million as part of Round 3 of the NSW Government's Accelerated Infrastructure Fund, for road widening and renewal of Longworth Avenue and Minmi Road from Maryland Drive (east) to Summerhill Rd which will help to deliver these first stages of essential upgrades and will help to alleviate traffic congestion;
- 5 Notes that CN's recent application to Transport for NSW for review of the road classification for Minmi Road and Longworth Avenue, from Local Road to Regional Road was unsuccessful, and that CN writes to the Minister for Regional Roads the Hon. Sam Faraway MLC seeking a review of this determination.
- 6 Writes to the Member for Wallsend, Sonia Hornery MP, the Minister for Regional Roads the Hon. Sam Faraway MLC, the Minister for Metropolitan Roads the Hon. Natalie Ward MLC, and the Leader of the Opposition Chris Minns MP, seeking a commitment from both parties to work constructively with CN to fund these much needed upgrades.
- 7 Further noting in our correspondence the long-standing issues around the Newcastle LGA's inconsistent classification, and resulting exclusion from grants programs, once again calling on both the Government and Opposition to resolve this issue so that residents in the Newcastle LGA are not unfairly missing out on critical infrastructure funding.

BACKGROUND

In February 2022, council endorsed a Lord Mayoral Minute noting CN's strong investment in Minmi Road upgrades, further noting the importance and value of these upgrades.

Just this month the NSW Government awarded City of Newcastle a \$7.61m grant for upgrades on Longworth Avenue and Minmi Road from Maryland Drive to Summerhill Road.

With large portions of the road yet to be upgraded, and with a state election only a month away, now is an ideal time to seek a commitment from all parties to support and invest in these critical upgrades, including by reviewing the recent refusal from Transport for New South Wales to reclassify Minmi Road from a Local to a Regional Road.

The Regional Road Transfer initiative considers the transfer of responsibility for the management of council owned regional roads from Local to State government. Section 5 of the *NSW Road Classification Review and Transfer Information Paper 2020* (attached) provides the strategic principles and classification criteria. An independent panel weighs submissions to determine the issues, risks and benefits of any recommendation for transfer, and whether transfer is the most appropriate response likely to achieve the best outcome for the network. Newcastle was exempt from requesting **transfer** of council owned Regional Roads to State but we could apply to have any road **reclassified**, which is what we submitted (i.e from Local to Regional). This application was unsuccessful.

It has been CN's belief that Minmi Road should be reclassified as a Regional Road, and this reclassification would open up more funding streams that CN can draw upon to fund these much-needed upgrades.

ATTACHMENTS

Attachment A: <https://www.newcastleherald.com.au/story/8080133/state-chips-in-7m-to-help-fix-minmi-rd-bottlenecks/>

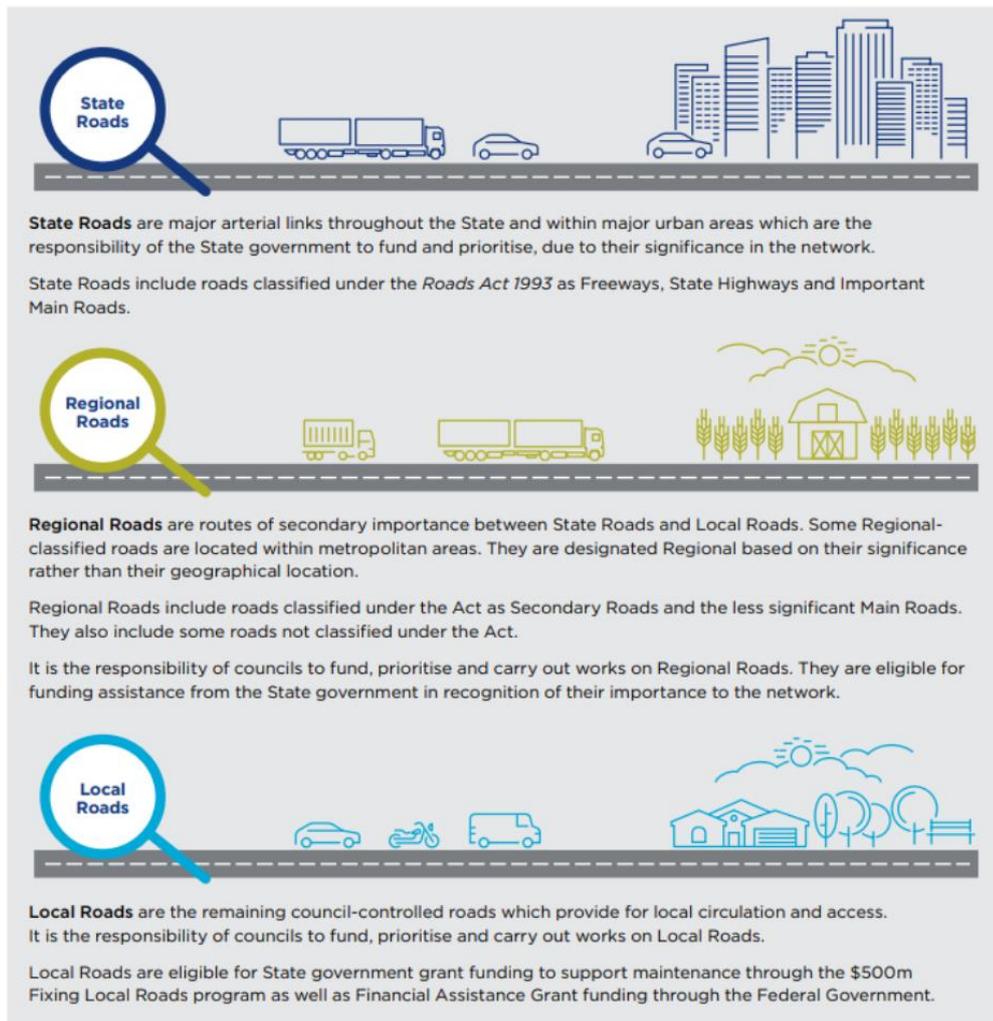
Attachment B: <https://newcastle.nsw.gov.au/getattachment/24f6e021-24a1-46ec-85bb-505a9cf1b46d/Lord-Mayoral-Minute-Item-5-Minmi-Road-upgrade-between-Newcastle-Road-and-Minmi>

Attachment C: Classification Definitions:

Attachment C



Figure 2 – Types of road classifications



9.7. BAR BEACH CAR PARK EARLIER CLOSURE OF GATES AT 9.00PM

COUNCILLOR: J BARRIE

PURPOSE

The following Notice of Motion was received on 6 February 2023 from the abovenamed Councillor.

MOTION

That City of Newcastle:

- 1 Close the Bar Beach Car Park on Memorial Drive at 9.00pm to aim to reduce the anti-social behaviour that has been disrupting resident's lives since daylight savings time was introduced in 2022.

BACKGROUND

Notes that anti-social behaviour and unacceptable noise levels continue to be an ongoing issue for the residents in the area. The gates are currently closed by a security guard at 10.00pm.

Notes that there is ample parking in the surrounding streets for the beach or for people who need the fresh air of the coast in the heat of summer.

Notes that there are a group of people who continue to use the streets for drag racing and burnouts continuously.

Notes this is a policing problem and residents are in close contact with the Newcastle Police Station which at busy times, phone calls from concerned residents can be at times unanswered.

Notes the residents have formed a Bar Beach Residents Group to advocate to find solutions to on-going neighbourhood concerns and disruptions to their lives, with unruly behaviour, noisy car movements, and at times loud music that is not under any approvals.

ATTACHMENTS

Nil.

9.8. PEP11 AND OFFSHORE COAL, OIL AND GAS EXPLORATION AND MINING

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 16 February 2023 from the above named Councillor.

MOTION

That the City of Newcastle:

- Reaffirms its opposition to both offshore exploration and mining activity due to unacceptable environmental impacts, climate impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
- Notes that this position has been reaffirmed by motions of this Council in February 2018, May 2019, November 2020 and February 2021.
- Notes that the Commonwealth-New South Wales Offshore Petroleum Joint Authority refused to extend the PEP-11 license on 26 March 2022.
- Notes that Federal Court of Australia quashed that decision and agreed on 14 February 2023 to the consent position of the Federal Government and the proponent, which returns the PEP-11 application to the Joint Authority for a new decision.
- Writes to the Minister for Resources, the Hon Madeleine King MP reiterating City of Newcastle's strong and decades-long opposition to offshore oil and gas mining off the coast of Newcastle, and to the future extension of the PEP11 gas exploration licence.

BACKGROUND

Petroleum Exploration Permit 11 - known as PEP 11 - covers 4,500 square kilometres of ocean, from Newcastle through the Central Coast to Manly. This iconic, pristine marine environment is an area of rich biodiversity and is part of an internationally significant whale migration path. This coastline is also home to internationally famous beaches and sustains significant local industry including fishing and tourism.

Offshore oil and gas exploration and drilling puts at risk all of the values that rely on healthy oceans and a vibrant marine and coastal environment.

There is no social license for offshore oil and gas development on Newcastle's pristine coastline, and the risks associated with both exploration and mining activities are potentially catastrophic, unacceptable and cannot be effectively mitigated.

In October 2008, Newcastle Council agreed to oppose offshore coal gasification and to advocate for the prohibition of coal exploration off the Newcastle coastline. Through the “Protection of the Newcastle Coastline and Marine Environment Notice of Motion”, Council committed to actively engage with the Newcastle community on the impacts of such offshore mining proposals and to support any appropriate community campaign or event related to this issue.

This position has since been reaffirmed by motions of this Council in February 2018, May 2019, November 2020 and February 2021.

ATTACHMENTS

Nil.