

# Ordinary Council Meeting



City of  
Newcastle

**DATE:** Tuesday 23 July 2024

**TIME:** 6:00pm

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

18 JULY 2024

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**City of Newcastle**  
PO Box 489, Newcastle NSW 2300  
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[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 25 JUNE 2024**

#### **RECOMMENDATION**

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

#### **ATTACHMENTS**

**Attachment A:** Public Minutes Ordinary Council Meeting 25 June 2024

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

## Minutes

### Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 25 June 2024 at 6.00pm.

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#### 1. ATTENDANCE

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

D Clarke (Acting Chief Executive Officer), E Kolatchew (Acting Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), J Baker (Acting Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Executive Manager Media Engagement and Corporate Affairs), P Emmett (Interim Executive Manager Planning and Development), D Manderson (Executive Manager Civil Construction and Maintenance), R Tranter (Interim Executive Manager Transport and Regulation), A Ryan (City Significant and Strategic Planning Manager), G Coombs (Policy Advisor CEO), M Hughes (Media Adviser), L Barnao (Acting Governance Manager / Councillor Services / Meetings Support), K Sullivan (Councillor Services/Minutes), A Paule-Font (AV Support) and R Williams (Information Technology Support).

#### 2. ACKNOWLEDGEMENT OF COUNTRY

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

#### 3. PRAYER

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

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

Moved by Cr McCabe, seconded by Cr Richardson

The request submitted by Councillor Mackenzie to attend by audio visual link be received and granted.

**Carried**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Barrie

The apologies submitted on behalf of Councillor Duncan and Councillor Wark be received and leave of absence granted.

**Carried**

**5. DISCLOSURES OF INTEREST****Councillor Church**

Councillor Church declared a significant pecuniary interest in Item 8.7 - Cameron's Hill Heritage Conservation Area - Planning Proposal Amendment to Newcastle Local Environmental Plan 2012 stating that he owned property in Broadmeadow which was in the precinct or immediately adjacent and would manage the conflict by leaving the Chamber for discussion on the item.

**Lord Mayor, Cr Nelmes**

The Lord Mayor declared a conflict of interest in Item 8.12 - Tender Report - Biennial Road Heavy Patching Services - Contract No. 224/102T, stating that her husband worked for a company that was associated with one of tenderers but didn't work directly for that part of the very large organisation however to manage any perception of a conflict she would leave the Chamber for discussion on the item.

**Lord Mayor, Cr Nelmes**

The Lord Mayor declared a conflict of interest in Item 9.2 - Notice of Motion Astra Aerolab Tenants stating that she was on the Board of Directors for the Newcastle Airport companies and in accordance with clause 4.6(n) of the Code of Conduct, *an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate*, was not required to be disclosed. However, the Lord Mayor stated that she would err on the side of caution and manage the interest by leaving the Chamber for discussion on the item.

**6. CONFIRMATION OF MINUTES****6.1. MINUTES - ORDINARY COUNCIL MEETING 28 MAY 2024****MOTION**

Moved by Cr Barrie, seconded by Cr McCabe

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

**Carried**

## 7. LORD MAYORAL MINUTE

### 7.1 ACKNOWLEDGING 50 YEARS STAFF SERVICE - GEOF MANSFIELD

#### MOTION

Moved by Lord Mayor, Cr Nelmes

That Council:

- 1 Notes that Monday 10 June 2024 marked 50 years of service to the City of Newcastle by Geof Mansfield who commenced as a draftsman cadet in 1974.
- 2 Notes that throughout his 50 years of employment, Geof has provided colleagues with remarkable mentorship, invaluable advice and is widely known as a wealth of knowledge by those he works beside.
- 3 Acknowledges that Geof's input to technical policy and staff development has played a critical role in shaping the City's culture of growth and excellence.
- 4 Acknowledges Geof's many contributions and the significant roles he has fulfilled during the course of his career including:
  - Planner;
  - Development Assessment Team Coordinator;
  - Principal Development Officer;
  - Manager of City Significant Developments;
  - Manager of pre-lodgment DA meetings; and
  - Manager of assessments for State Significant Developments - which is a role he directed for over 10 years.
- 5 Notes through Geof's enduring passion for military history, which was inspired by his father's deployment to Borneo, Geof has been a remarkable City of Newcastle 'council liaison' with the RAAF.
- 6 Awards a Service Medal commemorating Geof's 50 years of service with the City of Newcastle.
- 7 Extends its sincere gratitude to Geof for his hard work, incredibly long record of employment and dedication to the City of Newcastle.

**Carried signified by applause**

Geof Mansfield was presented with the City of Newcastle Service Medal by the Lord Mayor and congratulations extended by all Councillors.

## 7.2 INVESTMENT FOR OFFSHORE WIND

### MOTION

Moved by Lord Mayor, Cr Nelmes

That Council:

- 1 Welcomes the recent announcement by Minister for Climate Change, the Hon. Chris Bowen MP, preliminarily offering a feasibility licence for the potential Novocastrian Wind Pty Ltd project.
- 2 Notes that the Novocastrian Wind project has the capacity to generate over two gigawatts of electricity, equivalent to powering 1.2 million homes.
- 3 Acknowledges that offshore wind manufacturing at Port of Newcastle has the prospect to generate an estimated 300 ongoing jobs and further 3,000 construction jobs.
- 4 Welcomes the NSW Government 2024/25 budget commitment of \$128.5 million for regional road upgrades and infrastructure at the Newcastle Port to enable the transport of equipment components to Renewable Energy Zone projects.
- 5 Acknowledges Minister for Climate Change, Energy, Environment, and Heritage, the Hon. Penny Sharpe, and Minister for Skills, TAFE and Tertiary Education, The Hon. Steve Whan, for hosting the Renewable Energy Workforce Strategy roundtable at Newcastle City Hall on Thursday 13 June 2024.
- 6 Supports the NSW Premier, the Hon. Chris Minns MP's comments regarding the continuation of prohibiting nuclear generated power in NSW and reiterates our commitment to being a nuclear free city.
- 7 Reaffirms our commitment to transitioning towards a low carbon economy that simultaneously creates secure jobs for the Hunter Region.

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

**Against the Motion:** Councillors Barrie, Church and Pull.

**Carried**

## 7.3 CITY OF NEWCASTLE RECORD LOW DA PROCESSING TIMES

### MOTION

Moved by Lord Mayor, Cr Nelmes

That Council:

- 1 Congratulates the Planning and Environment Directorate for the development and implementation of an industry leading Accelerated Development Application system, which has resulted in significant improvements in development assessment timeframes since it was introduced two years ago.
- 2 Notes that so far this financial year over 1,230 development applications have been determined, in an average of 37 days. This has resulted in over \$680 million worth of approved development across the LGA, which has included over 1050 dwellings.
- 3 Notes that the implementation of the Accelerated Development Application system has cut development application processing times by 30%, and that suitable applications are now able to be fast-tracked and determined in an average of 7 days.
- 4 Commends the Planning and Environment team for achieving the lowest number of undetermined DAs in ten years, with the number of undetermined applications falling to a record low of just 235 in May.
- 5 Notes that for nearly a decade, City of Newcastle has been planning for future growth and higher densities to facilitate housing opportunities within the Newcastle Local Government Area, increasing housing diversity close to transport, infrastructure, and social amenity; and with the ADA system determining forthcoming DAs promptly, Newcastle is well placed to be a significant contributor to the State's recently announced housing targets.
- 6 Continues to explore opportunities to further highlight the success of the Accelerated Development Application system and collaborate with other government authorities on its adoption state-wide.

**Carried unanimously**

## **8. REPORTS**

### **8.5. HERITAGE ITEM - 14 SUNDERLAND STREET, MAYFIELD - PLANNING PROPOSAL AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

#### **MOTION**

Moved by Cr Barrie, seconded by Cr Clausen

That Council:

- 1 Endorses the attached planning proposal (Attachment A), prepared under Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend LEP 2012 to create a new heritage item at 14 Sunderland Street Mayfield.
- 2 Forwards the planning proposal to the Department of Planning, Housing and Infrastructure (the department) for gateway determination under Section 3.34 of the EP&A Act, requesting the role of planning proposal authority.



- 3 Consults with the community and relevant government agencies as the gateway determination requires.
- 4 Receives a report on the exhibition outcomes, considers any amendments, and makes a final determination on the planning proposal following the close of the exhibition period.

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

**Against the Motion:** Nil.

**Carried**

#### **8.6. HERITAGE ITEM - 22 VICTORIA STREET, MAYFIELD - PLANNING PROPOSAL AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

##### **MOTION**

Moved by Cr Clausen, seconded by Cr McCabe

That Council:

- 1 Endorses the attached planning proposal (**Attachment A**), prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend LEP 2012 to create a new heritage item at 22 Victoria Street Mayfield.
- 2 Forward the planning proposal to the Department of Planning, Housing and Infrastructure (the department) for gateway determination under Section 3.34 of the EP&A Act, requesting the role of planning proposal authority.
- 3 Consults with the community and relevant government agencies as the gateway determination requires.
- 4 Receives a report on the exhibition outcomes, considers any amendments, and makes a final determination on the planning proposal following the close of the exhibition period.

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

**Against the Motion:** Nil.

**Carried**

#### **8.8. AUDIT RISK AND IMPROVEMENT COMMITTEE CHARTER AND INTERNAL AUDIT CHARTER**

##### **MOTION**

Moved by Cr Richardson, seconded by Cr Barrie

That Council:

- 1 Adopts the Audit, Risk and Improvement Committee Charter at **Attachment A**.
- 2 Adopts the Internal Audit Charter at **Attachment B**.

**Carried unanimously**

## **8.10. CITY OF COFFS HARBOUR - MEMORANDUM OF UNDERSTANDING**

### **MOTION**

Moved by Cr Richardson, seconded by Cr Pull

That Council:

- 1 Endorses the Memorandum of Understanding with City of Coffs Harbour as shown at **Attachment A**
- 2 Delegates authority to the Lord Mayor and Chief Executive Officer to sign the document on its behalf.

**Carried unanimously**

## **8.11. EXECUTIVE MONTHLY PERFORMANCE REVIEW**

### **MOTION**

Moved by Cr Richardson, seconded by Cr Clausen

That Council:

- 1 Receives the Executive Monthly Performance Report for May 2024.

**Carried unanimously**

## **8.1. PUBLIC EXHIBITION OF THE DRAFT WALKING AND MOBILITY PLAN**

### **MOTION**

Moved by Cr Adamczyk seconded by Cr Wood

That Council:

- 1 Place the draft Walking and Mobility Plan (**Attachment A**) on public exhibition for a period of a minimum of 42 days.

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

**Against the Motion:** Councillor Pull.

**Carried**

## **8.2. SPECIAL BUSINESS RATE AUDIT OUTCOME**

### **MOTION**

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Notes the transparent and effective framework of City of Newcastle's (CN) SBR expenditure policy as confirmed by a recent independent audit by Prosperity Audit Services of 2022/23 expenditure as at **Attachment A**.
- 2 Notes the independent audit found that the SBR expenditure processes and controls are functioning as intended with few minor additional actions necessary at this time.

### **PROCEDURAL MOTION**

Moved by Cr Richardson, seconded by Cr Wood

Council lay the motion on the table until the next Council meeting and requests Councillor Church to table answers to the following questions at the meeting:

- 1 Who exactly is Newcastle Now Partnerships Incorporated? Can Councillor Church advise us who the Executive are and how he is associated with the Group?
- 2 In addition to sharing Board/Executive members, receiving a trading name, and a Facebook profile with more than 8000 followers, does Councillor Church know what (if any) other assets were transferred from the former Newcastle BIA to the new entity Newcastle Now Partnership Incorporated?
- 3 Where did the twelve disclosed political donations received from the Newcastle Now Partnership Incorporated by Cr Church and Newcastle Independents candidates actually come from? This must be one of the largest groups of donations received by any candidate anywhere in NSW leading up to the 2021 council election. Given the fact that there is money that has not been returned by the former BIA, it is reasonable to ask whether it is possible that these funds were in fact from the unaccounted-for ratepayer funds from the former Business Improvement Association entity?
- 4 Knowing the background of the former Newcastle BIA, including circumstances that led to the termination of its funding agreement with City of Newcastle, what due diligence was undertaken before

Councillor Church and the Newcastle Independents candidates associated themselves with the new entity Newcastle Now Partnership Incorporated, and received many thousands of dollars in political donations?

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

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

**Carried**

**8.3. ADOPTION OF DELIVERING NEWCASTLE 2040 AND MAKING OF THE RATES AND CHARGES**

**MOTION**

Moved by Cr Clausen, seconded by Cr Richardson

That Council:

- 1 Adopts the 2024/2025 *Delivering Newcastle 2040* as at **Attachment A**.
- 2 Adopts the 2024/2025 Fees and Charges Register as at **Attachment B**.
- 3 Makes the following Rates and Charges for the 2024/2025 financial year:

|   | <b>RATE</b> | <b>MINIMUM RATE</b> | <b>AD Valorem Amount Cents in \$</b> | <b>BASE AMOUNT</b>      | <b>ESTIMATE D RATE YIELD P.A. \$'s</b> |
|---|-------------|---------------------|--------------------------------------|-------------------------|--|
|   |             |                     | <b>\$</b>                            | <b>% of Total Rates</b> |  |
| <b>Ordinary Rates</b>                     |             |                     |                                      |                         |  |
| Residential                               | Nil         | 0.172788            | 894.94                               | 50                      | 121,970,225                            |
| Farmland                                  | \$1,237.90  | 0.211583            | Nil                                  | Nil                     | 22,282                                 |
| Business                                  | \$1,237.90  | 1.064651            | Nil                                  | Nil                     | 49,382,235                             |
| <b>Business Sub-Categories</b>            |             |                     |                                      |                         |  |
| Major Commercial Shopping Centre - Kotara | \$1,237.90  | 4.526120            | Nil                                  | Nil                     | 1,810,448                              |

|  | <b>RATE</b> | <b>MINIMUM RATE</b> | <b>AD Valorem Amount Cents in \$</b> | <b>BASE AMOUNT</b> | <b>ESTIMATE D RATE YIELD P.A. \$'s</b> |
|--|-------------|---------------------|--------------------------------------|--------------------|--|
| Major Commercial Shopping Centre – Jesmond         | \$1,237.90  | 3.642754            | Nil                                  | Nil                | 710,337                                |
| Major Commercial Shopping Centre – Waratah         | \$1,237.90  | 4.030043            | Nil                                  | Nil                | 499,725                                |
| Major Commercial Shopping Centre – Wallsend        | \$1,237.90  | 4.534514            | Nil                                  | Nil                | 503,331                                |
| Major Commercial Shopping Centre – The Junction    | \$1,237.90  | 3.101979            | Nil                                  | Nil                | 267,080                                |
| Major Commercial Shopping Centre – Inner City      | \$1,237.90  | 0.989268            | Nil                                  | Nil                | 267,102                                |
| Major Commercial Shopping Centre (Inner City-East) | \$1,237.90  | 1.335500            | Nil                                  | Nil                | 101,097                                |
| Suburban Shopping Centre – Hamilton                | \$1,237.90  | 1.434463            | Nil                                  | Nil                | 69,428                                 |
| Suburban Shopping Centre – Inner City              | \$1,237.90  | 1.624369            | Nil                                  | Nil                | 134,823                                |

|   | <b>RATE</b> | <b>MINIMUM RATE</b> | <b>AD Valorem Amount Cents in \$</b> | <b>BASE AMOUNT</b> | <b>ESTIMATE D RATE YIELD P.A. \$'s</b> |
|---|-------------|---------------------|--------------------------------------|--------------------|--|
| Suburban Shopping Centre                  | \$1,237.90  | 2.584176            | Nil                                  | Nil                | 238,519                                |
| Suburban Shopping Centre – Mayfield       | \$1,237.90  | 1.729171            | Nil                                  | Nil                | 212,688                                |
| Kotara – Homemaker's Centre               | \$1,237.90  | 0.995701            | Nil                                  | Nil                | 341,469                                |
| Kotara – Homemaker's Centre - South Zone  | \$1,237.90  | 1.634112            | Nil                                  | Nil                | 370,943                                |
| Kooragang Industrial Coal Zone            | \$1,237.90  | 1.416176            | Nil                                  | Nil                | 775,368                                |
| Kooragang North Industrial Coal Zone      | \$1,237.90  | 2.111704            | Nil                                  | Nil                | 1,740,361                              |
| Kooragang Industrial Centre - Walsh Point | \$1,237.90  | 1.522371            | Nil                                  | Nil                | 2,597,287                              |
| Kooragang Industrial Centre               | \$1,237.90  | 1.328304            | Nil                                  | Nil                | 1,211,522                              |
| Mayfield West Storage Units               | \$ 618.95   | 1.386488            | Nil                                  | Nil                | 54,126                                 |
| Mayfield West Industrial Centre           | \$1,237.90  | 0.739750            | Nil                                  | Nil                | 29,590                                 |
| Mayfield North Heavy Industrial Centre    | \$1,237.90  | 0.826159            | Nil                                  | Nil                | 706,944                                |

|   | <b>RATE</b> | <b>MINIMUM RATE</b> | <b>AD Valorem Amount Cents in \$</b> | <b>BASE AMOUNT</b> | <b>ESTIMATE D RATE YIELD P.A. \$'s</b> |
|---|-------------|---------------------|--------------------------------------|--------------------|--|
| Mayfield North Industrial Centre                      | \$1,237.90  | 1.090115            | Nil                                  | Nil                | 567,901                                |
| Mayfield North Industrial Centre - Future Development | \$1,237.90  | 1.310925            | Nil                                  | Nil                | 432,605                                |
| Carrington Industrial Port and Coal Zone              | \$1,237.90  | 2.686627            | Nil                                  | Nil                | 1,088,084                              |
| Carrington Industrial Centre                          | \$1,237.90  | 1.522707            | Nil                                  | Nil                | 1,652,644                              |
| Carrington Industrial Port Operations Use             | \$1,237.90  | 1.977286            | Nil                                  | Nil                | 978,954                                |
| Broadmeadow Industrial Centre                         | \$1,237.90  | 2.217177            | Nil                                  | Nil                | 190,012                                |
| Hexham Industrial Centre                              | \$1,237.90  | 1.066725            | Nil                                  | Nil                | 1,173,068                              |
| <b>Special Rates</b>                                  |             |                     |                                      |                    |  |
| Hunter Mall   | Nil         | 0.141103            | Nil                                  | Nil                | 88,079                                 |
| Mayfield Business District                            | Nil         | 0.072242            | Nil                                  | Nil                | 89,904                                 |
| Hamilton Business District - Zone A                   | Nil         | 0.129088            | Nil                                  | Nil                | 104,932                                |

|  | <b>RATE</b> | <b>MINIMUM RATE</b> | <b>AD Valorem Amount Cents in \$</b> | <b>BASE AMOUNT</b> | <b>ESTIMATE D RATE YIELD P.A. \$'s</b> |
|--|-------------|---------------------|--------------------------------------|--------------------|--|
| Hamilton Business District - Zone B    | Nil         | 0.064544            | Nil                                  | Nil                | 38,620                                 |
| Hamilton Business District - Zone C    | Nil         | 0.032272            | Nil                                  | Nil                | 15,399                                 |
| Wallsend Business District - Zone A    | Nil         | 0.293290            | Nil                                  | Nil                | 129,503                                |
| Wallsend Business District - Zone B    | Nil         | 0.146645            | Nil                                  | Nil                | 16,737                                 |
| Wallsend Business District - Zone C    | Nil         | 0.219967            | Nil                                  | Nil                | 24,416                                 |
| New Lambton Business District          | Nil         | 0.076162            | Nil                                  | Nil                | 17,193                                 |
| City Centre - City East                | Nil         | 0.182974            | Nil                                  | Nil                | 201,600                                |
| City Centre - Darby Street             | Nil         | 0.041891            | Nil                                  | Nil                | 37,688                                 |
| City Centre - City West (Close Zone)   | Nil         | 0.064232            | Nil                                  | Nil                | 281,869                                |
| City Centre - City West (Distant Zone) | Nil         | 0.032116            | Nil                                  | Nil                | 17,485                                 |
| City Centre – Tower                    | Nil         | 0.182974            | Nil                                  | Nil                | 194,502                                |
| City Centre – Mall                     | Nil         | 0.182974            | Nil                                  | Nil                | 120,383                                |



|                                    | RATE | MINIMUM RATE | AD Valorem Amount Cents in \$ | BASE AMOUNT | ESTIMATE D RATE YIELD P.A. \$'s |
|------------------------------------|------|--------------|-------------------------------|-------------|---------------------------------|
| City Centre – Civic (Close Zone)   | Nil  | 0.095090     | Nil                           | Nil         | 117,242                         |
| City Centre – Civic (Distant Zone) | Nil  | 0.047545     | Nil                           | Nil         | 7,087                           |
| <b>TOTAL</b>                       |      |              |                               |             | <b>191,602,837</b>              |

- 4 An Ordinary Rate of zero point one seven two seven eight eight (0.172788c) in the dollar with a 50% base amount of eight hundred and ninety four dollars and ninety four cents (\$894.94) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.
- 5 An Ordinary Rate of zero point two one one five eight three cents (0.211583c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.
- 6 An Ordinary Rate of one point zero six four six five one cents (1.064651c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre – Hamilton, Major Commercial Shopping Centre (Inner City-East), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Mayfield West Storage Units, Mayfield West Industrial Centre, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.
- 7 An Ordinary Rate of four point five two six one two zero cents (4.526120c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR**

**COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m<sup>2</sup>), providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.

- 8 An Ordinary Rate of three point six four two seven five four cents (3.642754c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
- 9 An Ordinary Rate of four point zero three zero zero four three cents (4.030043c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
- 10 An Ordinary Rate of four point five three four five one four cents (4.534514c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.
- 11 An Ordinary Rate of three point one zero one nine seven nine cents (3.101979c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major

Commercial Shopping Centre” being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.

- 12 An Ordinary Rate of zero point nine eight nine two six eight cents (0.989268c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, National Park, King and Steel Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
- 13 An Ordinary Rate of one point three three five five zero zero cents (1.335500c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY-EAST)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, Steel, King and Ravenshaw Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City-East).
- 14 An Ordinary Rate of two point five eight four one seven six cents (2.584176c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m<sup>2</sup> which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Major Commercial Centres (Inner City-East), Suburban Shopping Centre – Mayfield or Suburban Shopping Centre - Hamilton. This land is categorised as Sub-category Business - Suburban Shopping Centres.
- 15 An Ordinary Rate of one point six two four three six nine cents (1.624369c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West situated on a site of greater than four thousand and nine hundred square metres (4,900m<sup>2</sup>) which operates as a Supermarket excepting the land categorised as Major Commercial Centres (Inner City) or Major Commercial Centres (Inner City-East). This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.

- 16 An Ordinary Rate of one point four three four four six three cents (1.434463c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – SUBURBAN SHOPPING CENTRES – HAMILTON**. This sub-category applies to all rateable land within the centre of commercial activity defined by the land bounded by Hudson, Swan Donald and Bennett Streets, Hamilton which operates as a Supermarket. This land is categorised as Sub-category Business - Suburban Shopping Centres – Hamilton.
- 17 An Ordinary Rate of one point seven two nine one seven one cents (1.729171c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – SUBURBAN SHOPPING CENTRE – MAYFIELD** apply to all rateable land within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m<sup>2</sup>) with a minimum 4,000m<sup>2</sup> of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 18 An Ordinary Rate of zero point nine nine five seven zero one cents (0.995701c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker's Centre.
- 19 An Ordinary Rate of one point six three four one one two cents (1.634112c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre - South Zone.
- 20 An Ordinary Rate of one point four one six one seven six cents (1.416176c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.
- 21 An Ordinary Rate of two point one one one seven zero four cents (2.111704c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 2 DP

1207051, Lots 2, 3, 6, 16 DP 1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lot 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 DP 1207051, and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.

- 22 An Ordinary Rate of one point five two two three seven one cents (1.522371c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 3 DP 234288, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 DP 271222, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6 and 7 DP 262783, Lot 1 DP 775771, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 1, 3, 4, 8 DP 775774, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lots 3 DP 858206, Lots 2, 4, 5 DP 1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lot 1 DP 575674, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lots 12, 13 DP 1144748, Lots 1, 2, 3, 4 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 1, 2, 3 DP 1281073, Lots 91 and 92 DP 1202475 and Lot 123 1223462. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.
- 23 An Ordinary Rate of one point three two eight three zero four cents (1.328304c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land not used primarily as a service station and categorised as Business in terms of Section 518 of the Act which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.
- 24 An Ordinary Rate of zero point eight two six one five nine cents (0.826159c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lots 224, 225 DP

1013964, Lot 2 DP 1204573 and Lot 2 DP 1184257. This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.

- 25 An Ordinary Rate of one point zero nine zero one one five cents (1.090115c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723, Lots 5, 6, 7 DP 1204575, Lot 4 DP 1095751 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 26 An Ordinary Rate of one point three one zero nine two five cents (1.310925c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE -FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982, Lots 51, 52, 53 and 54 DP 1229869 and Lot 332 DP 1176879. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 27 An Ordinary Rate of one point three eight six four eight eight cents (1.386488c) in the dollar with a minimum rate of six hundred and eighteen dollars and ninety five cents (\$618.95) named **BUSINESS – MAYFIELD WEST STORAGE UNITS** apply to all rateable land in CN LGA within the centre of activity defined by all lots contained within Strata Plan 99055. This land is categorised as sub-category Business - Mayfield West Storage Units.
- 28 An Ordinary Rate of zero point seven three nine seven five zero cents (0.739750c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – MAYFIELD WEST INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield West Industrial Centre.
- 29 An Ordinary Rate of two point six eight six six two seven cents (2.686627c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199 and the land contained within Railway Land Lease reference number 115/75/2261. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.
- 30 An Ordinary Rate of one point nine seven seven two eight six cents (1.977286c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910, Lot 1 DP 834572,

Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP 1187068, Lot 30 DP 1190075, Lots 7, 8, 11 DP 1190231, Lots 12-16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91-93 DP 1193181, Lots 1-3 DP 1195231, Lots 219, 220 DP 1195310, Lots 1-3 DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.

- 31 An Ordinary Rate of one point five two two seven zero seven cents (1.522707c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m<sup>2</sup>) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and including the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 32 An Ordinary Rate of two point two one seven one seven seven cents (2.217177c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 33 An Ordinary Rate of one point zero six six seven two five cents (1.066725c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham or Tarro. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 34 A Special Rate of zero point one four one one zero three cents (0.141103c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District. This rate applies to all properties within the defined area categorised as Business.
- 35 A Special Rate of zero point zero seven two two four two cents (0.072242c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “Mayfield Business

- District” as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District. This rate applies to all properties within the defined area categorised as Business.
- 36 A Special Rate of zero point one two nine zero eight eight cents (0.129088c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the “Hamilton Business District” as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 37 A Special Rate of zero point zero six four five four four cents (0.064544c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the “Hamilton Business District” as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 38 A Special Rate of zero point zero three two two seven two cents (0.032272c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the “Hamilton Business District” as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 39 A Special Rate of zero point two nine three two nine zero cents (0.293290c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the “Wallsend Business District” as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 40 A Special Rate of zero point one four six six four five cents (0.146645c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the “Wallsend Business District” as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.



- 41 A Special Rate of zero point two one nine nine six seven cents (0.219967c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 42 A Special Rate of zero point zero seven six one six two cents (0.076162c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "New Lambton Business District" as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District. This rate applies to all properties within the defined area categorised as Business.
- 43 A Special Rate of zero point one eight two nine seven four cents (0.182974c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City East" as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East. This rate applies to all properties within the defined area categorised as Business.
- 44 A Special Rate of zero point zero four one eight nine one cents (0.041891c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area -Darby Street" as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street. This rate applies to all properties within the defined area categorised as Business.
- 45 A Special Rate of zero point zero six four two three two cents (0.064232c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City West" as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 46 A Special Rate of zero point zero three two one one six cents (0.032116c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area -City West" as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of

- the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 47 A Special Rate of zero point one eight two nine seven four cents (0.182974c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower. This rate applies to all properties within the defined area categorised as Business.
- 48 A Special Rate of zero point one eight two nine seven four cents (0.182974c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall. This rate applies to all properties within the defined area categorised as Business.
- 49 A Special Rate of zero point zero nine five zero nine zero cents (0.095090c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 50 A Special Rate of zero point zero four seven five four five cents (0.047545c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 51 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 52 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$5,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land

categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 52.

- 53 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m<sup>2</sup> or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$5,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 54 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$2,500 for each non-strata property. This charge shall only apply where a business property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 55 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of five hundred and fifty three dollars and zero cents (\$553.00) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.
- 56 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of three hundred and twenty five dollars and zero cents (\$325.00) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

## **AMENDMENT**

Moved by Cr Richardson

### **Part B**

That City of Newcastle:

1. Notes that our five inland pools are one of our most valued community assets across the city;
2. Notes the delivery of the first ever Newcastle Inland Pools Strategy to ensure that our inland pools are maintained to the current high standard, in a sustainable way

over the next 20 years. This includes setting aside \$1 million per year for future upgrades when they are eventually required;

3. Notes the significant investment of more than \$5 million in upgrades and \$2 million in maintenance, in recent years. This has included
  - a. Upgrades to solar heating at Wallsend and Mayfield Pool, regulating the water temperatures to 25 degrees
  - b. Building new playground facilities at Wallsend and Beresfield Pool
  - c. New seating and shade facilities at Stockton and Beresfield
  - d. Replacing the waterslide at Lambton Pool
  - e. Replacing the grandstand at Lambton Pool
  - f. The construction of an accessible family change room at Wallsend Pool, which has meant that now every single one of our inland pools have accessible change rooms;
  - g. Tiered seating at Mayfield, Wallsend and Stockton pools
  - h. Improved footpaths at Beresfield
4. Notes that this investment has seen the community vote with their feet, with patronage levels in the 23/24 season having increased by 33% on the 22/23 season;
5. Notes the lower median household incomes of suburbs such as Hexham, Beresfield and Tarro, as compared to Newcastle or New South Wales;
6. Notes that suburbs such as Beresfield, Tarro, and Minmi experience the effect of the Urban Heat Island much more than suburbs closer to the coast;
7. Notes that residents in suburbs such as Hexham, Beresfield and Tarro have to travel longer distances to access our free ocean pools and beaches; and
8. Amends paragraph 2, including Attachment B of item 8.3 to remove the increase to entry fees for Beresfield Pool, and maintain the current entry fee for all categories at 2023/24 levels.

Councillor Clausen stated that he would accept Part B to the motion.

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

**Against the Motion:** Councillor Church.

**Carried**

#### **8.4. INTEREST ON OVERDUE RATES AND CHARGES FOR 2024/25**

##### **MOTION**

Moved by Cr Clausen, seconded by Cr McCabe

That Council:

- 1 Notes that all interest is waived for ratepayers who, on the basis of financial hardship, enter into an agreement to pay outstanding rates over a period of time.
- 2 Notes that CN funds a rates voucher scheme which is administered by three appointed community welfare agencies and are redeemed as payment for a ratepayer's rates and charges.
- 3 Notes that interest charges are waived where these charges cause hardship to the ratepayer, or where circumstances exist that the late payment of the outstanding rates and charges was caused by reasons beyond the control of the ratepayer.
- 4 Notes a campaign will run 24 June through to 6 September promoting CN's hardship options, through paid messaging on social media along with messaging on the CN website, as well as via a rates insert and the July edition of City News.
- 5 Adopts the rate of 10.5% per annum on interest on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive).

#### **AMENDMENT**

Moved by Cr Pull, seconded by Cr Barrie

- 5 Adopts the rate of 6% per annum on interest on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive).

**For the Amendment:** Councillors Barrie, Church and Pull.

**Against the Amendment:** Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Mackenzie, McCabe, Richardson, Winney-Baartz and Wood.

**Defeated**

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

**Carried**

#### **8.7. CAMERON'S HILL HERITAGE CONSERVATION AREA - PLANNING PROPOSAL AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

Councillor Church left the Chamber for discussion on the item.

#### **MOTION**

Moved by Cr Barrie, seconded by Cr Wood

- 1 That Council:

- a) Endorses the planning proposal (**Attachment B**), prepared under Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend the LEP 2012 to create the Cameron's Hill HCA.
- b) Forwards the planning proposal to the Department of Planning, Housing and Infrastructure (the department) for gateway determination under Section 3.34 of the EP&A Act, requesting the role of planning proposal authority.
- c) Consults with the community and relevant government agencies as the gateway determination requires.
- d) Exhibits the amendments to Section E2 - Heritage conservation areas (**Attachment C**) and Section E8 - Renewal corridors (**Attachment D**) of DCP 2023 for a minimum of 28 days, with the planning proposal.
- e) Receives a report on the exhibition outcomes, considers any changes, and makes a final determination on the planning proposal and amended DCP 2023 Sections E2 and E8, following the close of the exhibition period.

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

**Against the Motion:** Nil.

**Carried**

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

## **8.9. SOCIAL INFRASTRUCTURE STRATEGY**

In moving the motion, Councillor Adamczyk stated that she was moving an additional point 5.

### **MOTION**

Moved by Cr Adamczyk, seconded by Cr McCabe

That Council:

- 1 Notes that at the time of the Draft Social Infrastructure Strategy being placed on public exhibition in 2022 the forecast population for the Newcastle local government area (LGA) by 2041 was 201,668.
- 2 Notes that under the NSW Government's revised housing target for the Newcastle LGA announced in May 2024, the 2041 population is forecast to reach 256,000, which is almost 55,000 people more than previously identified by the Department of Planning and used in the Draft Social Infrastructure Strategy.

- 3 Notes the need for population estimates used in current City of Newcastle strategies and key planning documents to be reviewed against reforecast population and housing targets.
- 4 Reviews the draft Social Infrastructure Strategy and guiding principles to inform a policy position on Social Infrastructure within the Newcastle LGA.
- 5 Refers this to the Liveable Cities Committee to guide and oversee the finalisation of the Social Infrastructure Plan.

**Carried unanimously**

**8.12. TENDER REPORT - BIENNIAL ROAD HEAVY PATCHING SERVICES - CONTRACT NO. 2024/102T**

The Lord Mayor left the Chamber for discussion on the item and the Deputy Lord Mayor, Cr Clausen, assumed the Chair.

**MOTION**

Moved by Cr Richardson, seconded by Cr Winney-Baartz

- 1 Council accept the following four tenders in line with the rates and charges offered by each tenderer for Road Heavy Patching Services for Contract No. 2024/102T:
  - i) Accurate Asphalt & Road Repairs Pty Ltd
  - ii) ANA Industries Pty Ltd, t/as ANA Asphalts
  - iii) Fenworx Pty Ltd, t/as Newpave Asphalt
  - iv) Mr Diggitt Pty Ltd
- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried unanimously**

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

**8.13. WRITE-OFF OF SUNDRY DEBT**

**MOTION**

Moved by Cr Clausen, seconded by Cr McCabe

- 1 Sundry Debts Greater than \$10,000 to be Written Off.

| Name                    | Account No | Amount      | Description       | Comments               |
|-------------------------|------------|-------------|-------------------|------------------------|
| Australex Group Pty Ltd | 405424     | \$35,793.15 | Work zone permits | Debtor in Liquidation. |

| Name | Account No | Amount | Description | Comments                                 |
|------|------------|--------|-------------|--|
|      |            |        |             | Liquidator advises dividend is unlikely. |

**Carried unanimously**

**9. NOTICES OF MOTION**

**9.1. PUBLIC AND ENVIRONMENTAL HEALTH: MINE SUBSIDENCE AND CONTAMINATION DA2018/03151**

**MOTION**

Moved by Cr Richardson, seconded by Cr Adamczyk

That City of Newcastle:

- 1 Reiterates the significant history of expressed concerns over the proposed public health and environmental health impacts of Development Application DA2018/01351 at Woodford Street Minmi for 858 dwellings;
- 2 Reiterates that local community members, particularly those living in areas of Minmi, Fletcher, and Maryland, as well as City of Newcastle planning staff and Councillors, have raised concerns over many years about the public and environmental health impacts of proposed DA2018/01351, to residents, environment, and animals; including:
  - Submissions to the Hunter Central Coast Regional Planning Panel (HCCRPP) at the December 2022 and March 2024 HCCRPP public determination meetings,
  - CN planning staff recommendation to the HCCRPP to reject the proposed development in December 2022, and subsequent HCCRPP refusal,
  - Council Resolution of December 2022 noting the refusal and the seeming neglect of the social, environmental, transport, and public health impacts on existing and future populations,
  - Council Resolution of March 2024 noting the overdevelopment and environmental degradation of DA2018/01351 allowed under historical approval of the 2013 Concept Plan for the Minmi Precinct Design Guidelines (under the now-repealed Part 3A planning instrument), as inconsistent with contemporary planning instruments, and therefore requesting the NSW Minister of Planning call in the Development Application;
- 3 Notes that in March 2024 that DA2018/01351 was approved by the Hunter Central Coast Regional Planning Panel as generally consistent with the historical 2013 Concept Plan approval;



- 4 Notes with concern that the January 2024 Statement of Environmental Effects for DA2018/01351 estimates 37,500 cubic metres of contaminated soils containing heavy metals (lead and copper), asbestos materials, heavy-traction hydrocarbons and other unknown toxic waste to be buried on the site, and estimates that up to 15,000 cubic metres (exceeding human health criteria of 1860 cubic metres max) of "likely new contamination finds" will be transported out of the area;
- 5 Notes with concern the significant undermining in the area from Coal and Allied former mine workings dating back to the mid-20th century, already experiencing subsidence, at risk of further subsidence, and containing significant contamination;
- 6 Notes the volume of concerns raised by the community with Winten, Daracon, City of Newcastle planning staff, and Councillors about the impacts on the public and environmental health of residents and animals in the area due to the pollution, noise, vibration, dust, slag, tailings, contamination, waste, etc, created by the disturbance and removal of bushland and contaminated soil and waste since Winten's groundworks for DA2015/10393 began in Minmi in 2021;
- 7 Notes that City of Newcastle planning staff recommended to the HCRRPP as a Condition of Consent for DA2018/01351 that Winten initiates and engages in ongoing dialogue with the input of Community Liaisons to guide any future works, due to the significant volume of public and environmental health concerns over DA2015/10393, and the need to ensure Winten and any private certifier as the consent authority for compliance of any works address all ongoing concerns; and therefore:
- 8 Resolves that any concerns over the significant risks to public health posed by future works of DA2018/01351, as outlined in planning approval, should be addressed with the Community Liaison group.

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

**Against the Motion:** Councillor Church.

**Carried**

## **9.2. ASTRA AEROLAB TENANTS**

The Lord Mayor left the Chamber for discussion on the item and the Deputy Lord Mayor, Cr Clausen, assumed the Chair.

### **MOTION**

Moved by Cr McCabe, seconded by Cr Mackenzie

That Council:

- 1 Notes that Newcastle Council's Investment and Borrowing Policy includes Environmental and Social Investment Guidelines (7.1.4) that specifically identify 'production or supply of armaments' as investment that should be avoided as it is considered a socially harmful activity.
- 2 Notes that Newcastle Council made a commitment to the Sustainable Development Goals in 2015 which are referenced in all key strategic policies and strategies including the 2040 Community Strategic Plan.
- 3 Notes that Goal 16 of the SDGs is to *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*
- 4 Notes that the Newcastle Airport Pty Ltd is jointly owned by City of Newcastle and Port Stephens Council and is governed by a board of directors which includes councillors and independent directors.
- 5 Notes that Newcastle Airport has established Astra Aerolab as a precinct which "brings together a convergence of defence, aerospace and advanced manufacturing (to) create a unique environment enabling globally significant research and innovation".
- 6 Notes that two DA approvals for lots 106 and 109 allow for a hybrid office and an industrial warehouse, both with multiple tenants and reportedly designed for defence companies. (Attachment I)
- 7 Notes that a DA lodged with Port Stephens Council in February this year included in the application "Industrial processes proposed within the workshop will include production, welding [and] assembly of equipment for defence activities". (Attachment H)
- 8 Notes that the Newcastle Airport 2022/23 Annual Report states that: "New tenants secured at the airport precinct in preparation for Astra Aerolab projects include Boeing, Daronmont Technologies and Plexsys." (Attachment G)
- 9 Notes that BAE is a pre-existing tenant which has been absorbed into the Astra Aerolab precinct and is now paying rent to the Greater Newcastle Aerotropolis Pty Ltd, which is jointly owned by City of Newcastle and Port Stephens Council.
- 10 Moves that Newcastle City Council advises the GNAPL board that it does not support leasing to companies that contradict its own Investment and Borrowing Policy, including but not limited to BAE, Lockheed Martin, Electro Optic Systems, Raytheon, Daronmont Technologies, and Plexsys.

Councillor Barrie gave notice of a foreshadowed motion that being the recommendation of Council Officers outlined in the business papers.

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

**For the Motion:** Councillors Adamczyk, Mackenzie and McCabe.

**Against the Motion:** Deputy Lord Mayor, Cr Clausen and Councillors Barrie, Church, Pull, Richardson, Winney-Baartz and Wood.

**Defeated**

## **MOTION**

Moved by Cr Barrie, seconded by Cr Richardson

That Council:

- 1 Notes City of Newcastle's (CN) Investment and Borrowing Policy is to provide a framework for the investment of Council's funds. It does not apply to the Newcastle Airport, which is structured and governed separately.
- 2 Notes Newcastle Airport consists of two companies, Newcastle Airport Pty Ltd (NAPL) and Greater Newcastle Aerotropolis Pty Ltd (GNAPL). Both companies are jointly owned by Newcastle City Council and Port Stephens Council. Further, both companies are controlled by a majority independent board with management that operates independently of its shareholders.
- 3 Notes there is no explosive ordnance manufacture / assembly on land owned by Newcastle Airport. Furthermore, there is no intention by the Airport to seek this type of tenant.
- 4 Notes the Airport's landing holdings are entirely located within the Port Stephens local government area, and as such development application determinations and potential conditions of consent are a matter for Port Stephens Council.

**For the Motion:** Deputy Lord Mayor, Cr Clausen and Councillors Adamczyk, Barrie, Church, Pull, Richardson, Winney-Baartz and Wood.

**Against the Motion:** Councillors McCabe and Mackenzie.

**Carried**

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

At the conclusion of the meeting the Acting Chief Executive Officer reported the resolutions of the partial confidential items (*see resolutions at 8.12 and 8.13*).

**The meeting concluded at 9.31pm.**

## 7. LORD MAYORAL MINUTE

*To be tabled at the meeting.*

## 8. REPORTS

### 8.1. SUPPLEMENTARY REPORT - SPECIAL BUSINESS RATE AUDIT OUTCOME

**REPORT BY: CREATIVE & COMMUNITY SERVICES**  
**CONTACT: EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES / EXECUTIVE MANAGER MEDIA ENGAGEMENT ECONOMY & CORPORATE AFFAIRS**

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#### PURPOSE

The Special Business Rate Audit Outcome report was laid on the table at the Ordinary Council Meeting on 25 June 2024 meeting (**Attachment A**).

#### RECOMMENDATION

That Council:

- 1 Notes the transparent and effective framework of City of Newcastle's (CN) SBR expenditure policy as confirmed by a recent independent audit by Prosperity Audit Services of 2022/23 expenditure as at **Attachment B**.
- 2 Notes the independent audit found that the SBR expenditure processes and controls are functioning as intended with few minor additional actions necessary at this time.

#### KEY ISSUES

- 3 At the Ordinary Council Meeting on 25 June 2024, Council resolved to lay the Special Business Rate Audit Outcome report on the table until the next Council meeting and requested Councillor Church to table answers to the following questions at the meeting:
  - a Who exactly is Newcastle Now Partnerships Incorporated? Can Councillor Church advise us who the Executive are and how he is associated with the Group?

Response

- b In addition to sharing Board/Executive members, receiving a trading name, and a Facebook profile with more than 8000 followers, does

Councillor Church know what (if any) other assets were transferred from the former Newcastle BIA to the new entity Newcastle Now Partnership Incorporated?

Response

- c Where did the twelve disclosed political donations received from the Newcastle Now Partnership Incorporated by Cr Church and Newcastle Independents candidates actually come from? This must be one of the largest groups of donations received by any candidate anywhere in NSW leading up to the 2021 council election. Given the fact that there is money that has not been returned by the former BIA, it is reasonable to ask whether it is possible that these funds were in fact from the unaccounted-for ratepayer funds from the former Business Improvement Association entity?

Response

- d Knowing the background of the former Newcastle BIA, including circumstances that led to the termination of its funding agreement with City of Newcastle, what due diligence was undertaken before Councillor Church and the Newcastle Independents candidates associated themselves with the new entity Newcastle Now Partnership Incorporated, and received many thousands of dollars in political donations?

Response

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 5 Council resolves not to endorse the audit findings of SBR expenditure for the period June 2022 to August 2023, undertaken as part of CN's 2023/24 Internal Audit Plan and endorsed by CN's Audit and Risk Committee on 13 June 2024. This is not the recommended option.

## REFERENCES

Nil

## ATTACHMENTS

**Attachment A:** [Ordinary Council Meeting Agenda - 25 June 2024 - Item 8.2 Original report to Council](#)

**Attachment B:** Internal Audit Report - Special Business Rates Expenditure

**Attachment B distributed under separate cover**

**8.2. ADOPTION OF PUBLIC EXHIBITION OUTCOMES - WESTERN CORRIDOR ROAD UPGRADES - MINMI ROAD & LONGWORTH AVENUE ANCILLARY TRAFFIC WORKS**

**8.3. HERITAGE ITEM - 13 SECTION STREET, MAYFIELD - PLANNING PROPOSAL AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

*Item numbers 8.2 and 8.3 to be distributed under separate cover.*

**8.4. TENDER REPORT - BAR BEACH REHABILITATION AND REINSTATEMENT - CONTRACT NO. 2024/094T**

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

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**PURPOSE**

To accept a tender for the construction of the southern access ramp and walkway deflector wall at Bar Beach (Contract No. 2024/094T).

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

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**REASON FOR CONFIDENTIALITY**

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

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

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

**RECOMMENDATION**

1 At **Attachment A**.

**KEY ISSUES**

2 **TENDER**

This tender is for the construction of Stage 2a of Cooks Hill Surf Lifesaving Club (CHSLC) remediation works. The scope includes construction of a vehicular access ramp at the southern end of the facility, and a new walkway including a wave deflector wall fronting the original clubhouse structure. The temporary disability access ramp will be relocated during construction and reinstated upon completion.

Outcomes include improved beach access for emergency service vehicles, CHSLSC lifeguards and members, including nippers.

3 **CONTRACT TERM**

The term of the contract is 4.5 months, with a defect liability period of 12 months. Works have been scheduled in consultation with the club to minimise disruption to the nipper's season.

4 **ADVERTISING OF TENDERS**

The tender was advertised nationally on the TenderLink website on 24 May 2024.

5 **TENDERS RECEIVED**

Tenders closed at 2pm on 25 June 2024. Tender submissions were received from:

- i) Daracon Group

6 **EVALUATION PROCESS**

Tenders were assessed against the following criteria:

- |                             |     |
|-----------------------------|-----|
| i) Tender Price             | 30% |
| ii) Methodology             | 20% |
| iii) Contract Program       | 15% |
| iv) Work Health and Safety, | 10% |
| v) Management and Staff     | 5%  |
| vi) Previous Experience     | 5%  |
| vii) Referees               | 5%  |
| viii) Supplier Diversity    | 5%  |
| ix) Environmental QA and IR | 5%  |



The tender was assessed by a Tender Assessment Panel consisting of CN staff selected based on experience and knowledge of the project.

Probity oversight was managed internally in accordance with CN's Procurement Policy.

**7 RECOMMENDED TENDERER**

Daracon presented a detailed and site-specific methodology, supported by a realistic and detailed construction program, which is backed by a demonstrated track record of successful project delivery, most recently having completed Newcastle Ocean Baths and progressing Bathers Way South Newcastle Beach on behalf of CN.

Daracon were able to demonstrate a clear understanding of the project specification, access requirements, and assure CN of their ability to complete the work to a high level of quality and safety using experienced internal resources and capabilities within the required timeframes.

**8 FINANCIAL IMPACT**

The project will be funded through CN's 2024/25 capital works program. Grant funding from the Office of Local Government (OLG) NSW 2022 Severe Weather and Flooding/Disaster Recovery Program will be contributed toward the project.

**IMPLICATIONS**

**9 POLICY IMPLICATIONS**

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

Enriched Neighborhoods and place:

1.1 Vibrant, Safe and Active Public Places

1.1.1 Public places that provide for diverse activity and strengthen our social connections.

1.1.2 Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.

1.2 Inclusive Community

1.2.1 Active and healthy communities with physical, mental, and spiritual wellbeing.

1.2.2 Ensure people of all abilities can enjoy our public places and spaces.

1.3 Collaborative Leadership

1.3.1 Active citizen engagement in local planning and decision-making processes and a shared responsibility for achieving our goals.

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

**10 ENVIRONMENTAL IMPLICATIONS**

The recommended tenderer has an Environmental Management System (EMS), which is certified to the relevant Australian Standard (ISO 14001). This EMS 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. Compliance will be monitored and managed by CN's project manager.

**IMPLEMENTATION**

- 11 Works are scheduled to be undertaken between August 2024 and December 2024.

**CONSULTATION/COMMUNICATION**

- 12 CHSLC have been consulted through the design phase, and will continue to be consulted through delivery and commissioning.

**BACKGROUND**

- 13 In April 2022, a significant weather event impacted Bar Beach, damaging assets including staircases, a timber wheelchair ramp across the front of the club building, and a ramp which provides access from the club's storage facility to the beach.
- 14 A phased remediation strategy was developed by CN staff in consultation with the CHSLSC.

Stage 1 works (now complete) comprised the following:

- Provision of temporary stairs at Bar Beach from the promenade to the beach, allowing lifeguards direct beach access from the observation tower (completed 2023)
- Temporary propping works and ongoing assessment to enable opening of the building/clubhouse facilities (completed 2023)
- Temporary vehicle access at the southern end of the CHSLC from Memorial Drive to Beach (completed early 2024)

Stage 2A (this tender) comprises the following key elements:

- Improve beach access for emergency service vehicles, CHSLSC lifesaving and club members, including nippers
- Deliver a solution to vehicle access at the southern end of the CHSLC from Memorial Drive to beach

- Install walkway deflector wall fronting the CHSLSC building, improving access for the CHSLSC to the beach, and facilitating access from the southern to northern end

Stage 2B (Future works):

- Upgrade remaining promenade, including installation of new accessible ramp, and new stairs connecting promenade to the beach
- Provide emergency service and DDA access to beach in accordance with Australian standards
- Upgrade seawall in front of the Lifeguard Tower to the promenade, and under the CHSLC building
- Replace 'temporary' timber wheelchair ramp with a permanent solution

## **OPTIONS**

### **Option 1**

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

### **Option 2**

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

### **Option 3**

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

### **Option 4**

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:** Tender Evaluation Matrix - Summary (CONFIDENTIAL)

***Refer Confidential Council meeting agenda 23 July 2024 for attachments A and B***

## **9. NOTICES OF MOTION**

### **9.1. IMPROVING TURNOVER OF CITY PARKING FOR THE BENEFIT OF SMALL BUSINESSES TO INCREASE TRADE IN CBD OF NEWCASTLE**

**COUNCILLORS: J BARRIE, C PULL AND K WARK**

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#### **PURPOSE**

*The following Notice of Motion was received on 9 July 2024 from the abovementioned Councillors.*

#### **MOTION**

That City of Newcastle review the existing 2-hour parking from 9.00am to 12pm on Saturdays and increase to the hours of 9.00am to 4.00pm on Saturdays and Sundays in the Hunter and King Street area to the east of Newcastle's central business district.

#### **BACKGROUND**

Retail traders have experienced impacts on trading due to many years of construction, including the loss of parking from the light rail, further impacts from 4 years of Supercars event work, downturn from Covid, and now the cost of living. Together with the increase of multiple new residential apartments with residents living with one car space, and the second tenant or owner with a second vehicle, is also causing vehicles to use customer car parks in front of many small business operators.

#### **ATTACHMENTS**

Nil.

### **9.1.1. REPORT ON NOTICE OF MOTION - NOM 23/07/24 - IMPROVING TURNOVER OF CITY PARKING FOR THE BENEFIT OF SMALL BUSINESSES TO INCREASE TRADE IN CBD OF NEWCASTLE**

**REPORT BY: PLANNING AND ENVIRONMENT**

**CONTACT: EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT**

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#### **EXECUTIVE DIRECTOR COMMENT**

##### **Background**

In 2021, Council adopted the Parking Plan 'On the Street' which set a clear goal to manage parking to improve the amenity of our streets, support accessibility of our centres and to encourage mode shift to active and public transport.

The goal and objectives of the Parking Plan align with a comprehensive suite of local, regional, and state strategies, including Newcastle 2040 – Community Strategic Plan, and the UN Sustainable Development Goals. High level alignment with these strategies is essential to the long-term implementation and success of our parking strategy.

CN is currently working on priority actions identified in the Parking Plan, including a review of timed parking restrictions across the city, and the installation of smart parking sensors at key locations.

CN uses proven technology, innovation, data analysis, and the Newcastle Parking Management Framework outlined in the Parking Plan to ensure parking restrictions are appropriate for the local context and support the needs of local business, residents, and visitors. The use of smart technology is identified in the Parking Plan as an effective tool to provide data on parking occupancy and turnover.

For commercial centres like Newcastle, with a high non-retail employee base coupled with a high (and increasing) residential component, paid parking is necessary to effectively manage parking availability and provide sufficient turnover of parking spaces to support the retail and commercial sector and visitors to the City.

In line with the Parking Plan, enforcement of parking restrictions is an essential component of parking management by encouraging turnover of vehicles and supporting safety and access. Monitoring parking time limits and restrictions helps to maintain the viability of a commercial centre by maximising parking opportunities for customers and visitors. CN has an obligation to enforce the laws relating to motor vehicle parking and to manage public safety and traffic flow in accordance with all relevant statutory requirements.

##### **Current Status**

In 2023, CN identified the East End as an area for review of existing timed parking restrictions, and for the installation of smart parking sensors. This area has legacy parking restrictions from times past where limited businesses traded after 12pm on Saturdays, and most businesses remained closed on Sundays.

The following parking restrictions generally apply in the precinct bounded by Hunter Street, Scott Street, King Street, Darby Street and Pacific Street:

| <b>Days</b>                 | <b>Times</b>    |
|-----------------------------|-----------------|
| Monday to Saturday          | 9am to 5pm      |
| Saturday                    | 9am to 12pm     |
| Sundays and public holidays | No restrictions |

In line with the Parking Plan, CN undertook consultation in March and April 2023 on options to review timed parking restrictions and install parking sensors.

The proposed area for review and parking sensor installation included:

- Hunter Street between Wolfe Street and Scott Street,
- Wolfe Street between King Street and Hunter Street, and
- Wolfe Street between King Street and Scott Street.

CN met with the Newcastle Business Improvement Association (BIA) in March 2023 to discuss the review.

The majority of businesses in the Darby Street and Beaumont Street precincts supported the installation of parking sensors. However businesses in the Newcastle City precinct had neutral/mixed views.

Following this consultation, CN installed smart parking sensors in the Darby Street and Beaumont Street precincts. CN placed the Newcastle City Centre smart parking sensors on hold, and plan to revisit this project after the completion of the current public domain works in Hunter Street and Wolfe Street. Further discussion with the Newcastle BIA is required to liaise with business owners and operators and discuss the benefits of expanded parking restrictions, to provide increased parking turnover for customers into the evening and on weekends.

### **Parking Restrictions in Neighboring Precincts**

Parking restrictions in surrounding areas have evening restrictions to encourage parking turnover which support Newcastle's nighttime economy including Saturdays, Sundays and public holidays:

| <b>Area</b>    | <b>Restriction Days</b>                    | <b>Restriction times</b> |
|----------------|--|--------------------------|
| Newcastle East | All Days                                   | 9am to 9pm               |
| Darby Street   | Monday to Saturday                         | 9am to 7pm               |
|                | Sunday                                     | 9am to 4pm               |
| Wharf Road     | Monday to Sunday including public holidays | 9am to 5pm               |
| Honeysuckle    | All days                                   | 9am to 5pm               |

A review of timed parking restrictions in the area bound by King Street, Scott Street, Hunter Street, Darby Street and Pacific Street is a significant undertaking. CN supports a review of timed parking restrictions in this area as a staged rollout to ensure this is deliverable in accordance with the Parking Plan and the NSW regulatory framework.

## **RECOMMENDATION**

That Council:

- 1 Undertakes, in line with the Parking Plan 2021, a review of timed parking restrictions in the area bound by King Street, Scott Street, Hunter Street, Darby Street and Pacific Street; with a view to improve parking turnover on weekday evenings and on Saturdays, Sundays, and public holidays.
- 2 Notes the review of parking restrictions will occur as a staged rollout to ensure it is delivered in accordance with the Parking Plan and the NSW regulatory framework.
- 3 Notes that the introduction of parking sensors will be progressed within new areas of public domain works (such as within the East End precinct) to provide accurate data of parking activity.

## 9.2. SUPPORT FOR OUR CREATIVE WORKERS

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

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### PURPOSE

*The following Notice of Motion was received on 11 July 2024 from the abovementioned Councillors.*

### MOTION

#### Part A

That City of Newcastle values a thriving cultural life and notes:

1. The work of the City's Community and Culture Advisory Committee under the leadership of Councillor Carol Duncan in supporting the visual and performing arts in Newcastle since 2017.
2. The creation of the New Annual Festival in 2021 as the City's flagship cultural festival, and the City's financial commitment to funding the Festival for the next 5 years.
3. The endorsement of the City's Cultural Precinct Plan in 2022 to enhance cultural connectivity across the precinct and encourage larger audiences across diverse venues.
4. The extension of the Newcastle Art Gallery, supported by generous community and state/federal government gifts/grants, and significant funding from the City of Newcastle.
5. The programming at the Newcastle Museum, the Civic Theatre and our libraries, their support of diverse and emerging artists and communities.
6. The significant and ongoing funding support given to local artists, writers and performers through City of Newcastle grant programs.

#### Part B

The City of Newcastle:

1. Understands the role of local government as a partner, advocate, enabler and investor in developing a local cultural and creative ecosystem;
2. Notes the continuing contribution of the Community and Culture Advisory Committee, supporting the work of the City;
3. Acknowledges the importance of creative workers living, creating and performing in Newcastle;
4. Acknowledges the need to champion our creative workforce;
5. Notes the valuable contribution made to the city's cultural production by the current re-purposing of industrial buildings as creative workspaces in precincts such as Clyde Street Waratah and Mayfield East;



6. Notes the vulnerability of our industrial spaces to demolition and alternative uses, given the forecast increases in population in the City of Newcastle;
7. Notes the importance of working with the community to retain and increase affordable creative workspaces.

Part C

The City of Newcastle acknowledges the need to plan how we support the arts, cultural and creative industries in Newcastle over the next 10 years and in the first 12 months of the next term of Council commencing September 2024 shall:

1. Investigate options for retaining and increasing affordable creative workspaces across the City of Newcastle and provide a report to the City's Community and Culture Advisory Committee;
2. Prepare a 10 year Cultural Plan for the City which includes support for our creative workers and their creative workspaces as a strategic priority.

**BACKGROUND**

Nil.

**9.2.1. REPORT ON NOTICE OF MOTION - NOM 23/07/2024 - SUPPORT FOR OUR CREATIVE WORKERS**

**REPORT BY: CREATIVE & COMMUNITY SERVICES**

**CONTACT: EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES**

**EXECUTIVE DIRECTOR COMMENT**

City of Newcastle has made a commitment through Delivering Newcastle 2040 to working together with community, stakeholders and partners to shape a Creative Newcastle, supported and enabled by the Newcastle Art Gallery, Newcastle Museum, Fort Scratchley, Civic Theatre and Playhouse, City Hall, Newcastle Libraries, Visitor Information Centre, Marketing, City Events, Tourism, Business and Economic Development and City Events.

Informing plans such as the Economic Development Strategy 2021-2030, Destination Management Plan 2021-2025, Disability Inclusion Action Plan 2022-2026, Cultural Precinct Masterplan 2022 provide specific and detailed guidance towards achieving on the objectives of Creative Newcastle.

Further, key initiatives such as the Newcastle Art Gallery expansion, New Annual Festival, Tourism destination management, Major Events and Cultural activation are evidence of the City's significant operational and capital investments into Creative Newcastle.

City of Newcastle continues to create and offer a vibrant, inclusive and creative landscape for residents and visitors to enjoy through its strategy to attract, develop and host cultural and major events.

Newcastle is known as a destination for its culture, heritage, entertainment and innovative ideas and offers opportunities within the city in the areas of jobs, education and the economy.

Newcastle is driven by city-shaping partnerships that enhance our opportunities and attract people to live, play and invest in our city with Delivering Newcastle 2040 focusing on objectives in the areas of:

- 3.1 Vibrant and creative city
- 3.2 Opportunities in jobs, learning and innovation
- 3.3 Celebrating culture
- 3.4 City-shaping partnerships

Multiculturalism, Aboriginal culture, diverse communities and the arts are celebrated with locals and visitors gathering for events and cultural experiences, to feel part of the community and provide a drawcard that delivers considerable benefit to Newcastle's visitor economy.

**RECOMMENDATION**

Nil

**10. CONFIDENTIAL REPORTS**

**10.1. TENDER REPORT FOR PROCESSING OF RECYCLABLES - CONTRACT NO  
2024/114T**

*Refer Confidential Ordinary Council meeting agenda 23 July 2024 for Item 10.1*