

Ordinary Council Meeting



City of
Newcastle

DATE: Tuesday 28 May 2024

TIME: 6:00pm

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

22 May 2024

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City of Newcastle
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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 - BRIEFING COMMITTEE MEETING 16 APRIL 2024

RECOMMENDATION

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

ATTACHMENTS

Attachment A: Public Minutes Briefing Committee 16 April 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

Minutes

Briefing Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 16 April 2024 at 6:00pm.

1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church, D Clausen, C Duncan, C McCabe, C Pull (*arrived 6.20pm*), K Wark, P Winney-Baartz (*arrived 6.17pm*) and M Wood.

J Bath (Chief Executive Officer), D Clarke (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), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), P Emmett (Interim Executive Manager Planning and Development), A Ryan (City Significant and Strategic Planning Manager), L Barnao (Councillor Services/Minutes/Meeting Support), A Paule-Font (AV Support) and A Clarke (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 / REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr McCabe, seconded by Cr Adamczyk

The apologies submitted on behalf of Councillors Mackenzie and Richardson be received and leave of absence granted.

Carried

MOTION

Moved by Cr Adamczyk, seconded by Cr Duncan

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

Carried

5. DISCLOSURES OF INTEREST

Nil.

6. REPORTS

6.1. URBAN DESIGN REVIEW PANEL (UDRP) - ANNUAL REPORT 2023

Councillor Winney-Baartz joined the meeting via audio-visual link at 6.17pm.

MOTION

Moved by Cr Barrie, seconded by Cr Pull

The request submitted by Councillor Winney-Baartz to attend by audio visual link be received and granted.

Carried

Councillor Pull arrived at the meeting in person at 6.20pm.

Amy Ryan, City Significant and Strategic Planning Manager and Dr Philip Pollard, Urban Design Review Panel Chairperson and Nominated Architect briefed Council on the Urban Design Review Panel Annual Report 2023 to be reported to Council at the Ordinary Council Meeting on 23 April 2024.

MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

That the briefing be noted.

Carried

6.2. COMMUNITY CARRIAGEWAY BETWEEN CALDWELL AND LLEWELLYN STREETS, MEREWETHER

Jeff Graham, resident of Merewether briefed Council on the loss of the community carriageway between Caldwell and Llewellyn Streets, Merewether.

MOTION

Moved by Cr McCabe, seconded by Cr Barrie

That the briefing be received.

Carried

The meeting concluded at 7.26pm

6.2. MINUTES - ORDINARY COUNCIL MEETING 23 APRIL 2024

RECOMMENDATION

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

ATTACHMENTS

Attachment A: Public Minutes Ordinary Council Meeting 23 April 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

Minutes

Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 23 April 2024 at 6:00pm.

1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), L Duffy (Acting Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), P Burgess (Acting Executive Manager Project Management Office), A Ryan (City Significant & Strategic Planning Manager), L Jackel (Media Adviser), L Barnao (Councillor Services/Minutes/Meeting Support), J Knight (Councillor Services/Meetings Support), R Williams (AV Support) and A Ingle (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 Richardson, seconded by Cr Barrie

The requests submitted by Councillors Clausen, Pull and Wood to attend by audio visual link be received and granted.

Carried

Nil apologies.

5. DISCLOSURES OF INTEREST

Nil.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 26 MARCH 2024

MOTION

Moved by Cr Barrie, seconded by Cr Mackenzie

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

Carried unanimously

7. LORD MAYORAL MINUTE

7.1 HUNTER COMMUNITY ALLIANCE FOUNDING ASSEMBLY

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes that on Wednesday 10 April 2024, the Hunter Community Alliance (HCA) held its Founding Assembly at the University of Newcastle Great Hall.
2. Congratulates Mr David Barrow and the HCA Council for bringing together over 800 Novocastrians and a broad cross section of local organisations with the aim of working collectively to create a more fair, just and sustainable Newcastle.
3. Acknowledges the powerful testimonies shared at the Founding Assembly, on issues such as housing, homelessness, climate and community; and the contributions from The Hon. Rose Jackson MLC, NSW Minister for Water, Housing, Homelessness, Mental Health and Youth; and The Hon. Chris Bowen MP, Federal Minister for Climate Change and Energy.
4. Commits to working collaboratively with the HCA, particularly regarding climate change adaptation and risk mitigation at a local level, as well as the housing crisis which is being acutely felt in our region.

Carried unanimously

7.2 ACKNOWLEDGING AND CELEBRATING IDAHOBIT DAY

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges and celebrates the International Day Against Homophobia, Biphobia, Intersexism, and Transphobia (IDAHOBIT Day), recognising the importance of promoting inclusivity, respect, and equality for all individuals within our community.

2. Notes that IDAHOBIT Day, observed on May 17th each year, serves as a significant opportunity for our city to stand united against discrimination, prejudice, and violence based on sexual orientation, gender identity, and intersex status. It is a day that reaffirms our commitment to fostering a safe, supportive, and inclusive environment for all residents, regardless of their sexual orientation or gender identity.
3. Commits to officially recognising and acknowledging IDAHOBIT Day each year as an important event in our city calendar and showing our support for Newcastle's LGBTQI+ community by:
 - a) raising the Progress Pride Flag at prominent locations throughout the city on May 17th, and encouraging other local organisations and individuals to do the same,
 - b) Promoting community educational initiatives, cultural events, and discussions that highlight the challenges faced by the LGBTQI+ community and promote inclusivity and acceptance,
 - c) collaborating with local LGBTQI+ organisations, community groups, and stakeholders to identify further opportunities to support and advocate for the rights of the LGBTQI+ community, and
 - d) encouraging local schools, businesses, and organisations to promote awareness and inclusivity through educational programs and workplace policies that support diversity.

Carried unanimously

7.3 SUPPORT FOR THE PROTECTION OF COASTAL WATERS FROM OFFSHORE DRILLING AND MINING

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes with concern the ongoing threat of offshore drilling and mining off the coast of Newcastle as part of the PEP-11 proposal.
2. Thanks the NSW Minns Government for recently introducing legislation which prohibits the carrying out of sea bed petroleum and mineral exploration and recovery and related development in NSW coastal waters, including waters off Newcastle, in order to prevent the severe environmental impacts from disasters such as oil spills, together with potential climate change impacts.
3. Acknowledges that the Bill was recently passed by the Parliament and will amend the *Environmental Planning and Assessment Act 1979* to prohibit:
 - a) Sea bed petroleum and mineral exploration and recovery in NSW coastal waters, and
 - b) Other development within the State for the purposes of sea bed petroleum and mineral exploration and recovery anywhere.

4. Notes that the prohibitions of the Bill do not extend to activities which may benefit the environment such as the recovery of sand of beach nourishment which is undertaken to help protect coastal areas from erosion, as is the case in Stockton.
5. Writes to NSW Premier, The Hon Chris Minns MP, Minister for Planning Paul Scully MP, and Minister for the Environment, The Hon Penny Sharpe MLC expressing the views of the City of Newcastle in support of the Government's advocacy and action in respect of this issue.

Carried

7.4 IPART'S DECISION ON PORT OF NEWCASTLE AND BYPASSING FREIGHT FROM RESIDENTIAL NEWCASTLE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Welcomes the recent decision of IPART in which it determined that the current maximum value of a one-off compensation payment of \$13 million can be made by the Port of Newcastle to the State of NSW under the *Port of Newcastle Extinguishment of Liability Act 2022*.
2. Acknowledges that should the one-off payment be made, it will remove the Port of Newcastle's liability to reimburse the State for compensation payments owed to NSW Ports (the operator of Port Botany and Port Kembla), if the Port of Newcastle handles container trade above a specified level.
3. Notes with disappointment that this intervention became necessary following the former Coalition State Government's decision to privatise the Port of Newcastle, placing a handbrake on the economic diversification of the region and sending the Port's profits offshore.
4. Notes that IPART's determination finally brings clarification and a pathway towards a potential deep water container terminal at the Port of Newcastle.
5. Notes the release of the NSW Government's [Freight Policy Reform Program Consultation Paper](#), which aims to deliver a comprehensive strategic action plan to optimise freight transport in NSW, particularly in relation to road, rail and ports.
6. Reiterates City of Newcastle's previous advocacy in relation to the Lower Hunter Freight Corridor, aimed at establishing a future dedicated freight rail line between Fassifern and Hexham, bypassing residential Newcastle, and prepares a submission to this effect in relation to the Freight Policy Reform Program Consultation Paper.

AMENDMENT

Moved by Cr Pull, seconded by Cr Barrie

To remove point 3 from the motion.

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

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

Defeated

The motion moved by Lord Mayor, Councillor Nelmes, was put to the meeting.

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

Against the Motion: Nil.

Carried unanimously

8. REPORTS

8.4. ADVISORY COMMITTEES ANNUAL REPORTS

MOTION

Moved by Cr Richardson, seconded by Cr Mackenzie

That Council:

1. Receives Advisory Committee Annual Reports for the 2023 calendar year from:
 - i) Access Inclusion Advisory Committee
 - ii) Asset Advisory Committee
 - iii) Community and Culture Advisory Committee
 - iv) Guraki Aboriginal Advisory Committee
 - v) Infrastructure Advisory Committee
 - vi) Liveable Cities Advisory Committee
 - vii) Strategy and Innovation Advisory Committee
 - viii) Newcastle Youth Council Advisory Committee

Carried unanimously

8.7. UPPER HUNTER SHIRE COUNCIL - MEMORANDUM OF UNDERSTANDING MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

1. Endorses the Memorandum of Understanding with Upper Hunter Shire Council as shown at Attachment A.
2. Delegates authority to the Lord Mayor to sign the document on its behalf.

Carried unanimously

8.8. MUSWELLBROOK SHIRE COUNCIL - MEMORANDUM OF UNDERSTANDING

MOTION

Moved by Cr Richardson, seconded by Cr Adamczyk

That Council:

1. Endorses the Memorandum of Understanding with Muswellbrook Shire Council as shown at Attachment A.
2. Delegates authority to the Lord Mayor to sign the document on its behalf.

Carried unanimously

8.9. MINISTER'S CONSENT APPLICATION FOR LEASING CITY OF NEWCASTLE MANAGED LAND

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

1. Approve the making of an application to the Minister for Local Government seeking consent to grant the proposed lease over community land at Shepherds Hill Cottage (41 The Terrace Newcastle), in accordance with *Section 47(5) Local Government Act 1993* (Act).
2. Approve the making of an application to the Minister for Local Government seeking consent to grant the proposed lease over community land at Townson Oval (24 Mitchell Street Merewether), in accordance with *Section 47(5)* of the Act.

Carried unanimously

8.11. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Richardson, seconded by Cr Adamczyk

That Council:

1. Receives the Executive Monthly Performance Report for March 2024.

Carried unanimously

8.1. PUBLIC EXHIBITION OF DRAFT DELIVERING NEWCASTLE 2040 - PUBLIC EXHIBITION

MOTION

Moved by Cr Clausen, seconded by Cr McCabe

That Council:

1. Resolves to publicly exhibit the draft 2024-2025 *Delivering Newcastle 2040* as at Attachment A and draft 2024-2025 Fees and Charges as at Attachment B for 28 days prior to the final consideration by Council.

Carried unanimously

8.2. ADOPTION OF THE GEORGETOWN PUBLIC DOMAIN AND TRAFFIC PLAN

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

1. Adopt the Georgetown Local Centre Public Domain and Traffic Plan (PDP) as set out at Attachment A, inclusive of the permanent removal of vehicular traffic from the section of Moate Street Georgetown between Georgetown Road and Asher Street which is required to accommodate the proposed plaza space.

Carried unanimously

8.3. ENDORSEMENT OF MOTIONS TO THE 2024 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

MOTION

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

1. Endorse the motions for submission to the 2024 Australian Local Government Association's National General Assembly as set out at Attachment A.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That motions 1 - 10 as set out at Attachment A be dealt with in seriatim, with Part A composing motions 2, 3, 6, 7, 8 and 9 and Part B composing motions 1, 4, 5 and 10.

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

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

Defeated

The motion moved by Councillor Adamczyk and seconded by Councillor Richardson, was put to the meeting.

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

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

Carried

8.5. URBAN DESIGN REVIEW PANEL (UDRP) - ANNUAL REPORT 2023

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

1. Receives the Urban Design Review Panel Annual Report 2023 as at Attachment A.

Carried unanimously

8.6. SUPPLEMENTARY REPORT - NEWCASTLE CITY CENTRE HERITAGE CONSERVATION AREAS REVIEW

MOTION

Moved by Cr Adamczyk, seconded by Cr Wark

That Council:

1. Adopts the HCAs Review, as amended (Attachment B).
2. Resolves to commence the planning process to investigate further the findings within the HCA Review report.
3. Notes no LEP amendment of HCA boundaries or development standards are being amended under this report.

4. Receives a report to Council to consider a planning proposal before exhibiting any LEP amendments.

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

Against the Motion: Nil.

Carried

8.10. AFFIXING COUNCIL SEAL TO DEEDS OF INDEMNITY FOR NEWCASTLE AIRPORT COMPANIES

MOTION

Moved by Cr Clausen, seconded by Cr Richardson

That Council:

1. Enter into, and affix Council's seal, to the following:
 - i) Deeds of Indemnity between Newcastle City Council, Port Stephens Council and the following officers of Newcastle Airport Pty Limited and Greater Newcastle Aerotropolis Pty Ltd:
 - Alison Hobbs
 - Allana Ryan
 - Andrew McIntyre
 - Lee de Winton
 - Mark Young
 - Neil Hart
 - Robert Sharp
 - Tim Crosdale,

on the grounds that the Deeds of Indemnity relate to the business of Newcastle City Council.

2. Enter into and affix Council's seal to any future Deeds of Indemnity between Newcastle City Council, Port Stephens Council and officers of Newcastle Airport Pty Limited and Greater Newcastle Aerotropolis Pty Ltd on the grounds that they relate to the business of Newcastle City Council.

Councillor Pull proposed the following amendment to the motion.

3. Requires that all Councillors be notified by memo within 7 days of a deed of indemnity being entered into.

Councillors Clausen and Richardson accepted Councillor Pull's amendment to the motion.

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

Carried

8.12. TENDER REPORT - FORESHORE PARK AMENITIES BUILDING - CONTRACT NO. 2024/043T

MOTION

Moved by Cr Clausen, seconded by Cr Pull

1. Council accept the tender of Skelcon Pty Ltd in the amount of \$3,339,254.02 (excluding GST) for the Foreshore Park Amenities Building for Contract No. 2024/043T.
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

9. NOTICES OF MOTION

9.1. CREATING A COMMUNITY GARDEN IN BERESFIELD

MOTION

Moved by Cr Richardson, seconded by Cr Adamczyk

That City of Newcastle:

1. Notes that historically, the Beresfield and Tarro communities have not seen the benefits of the growth in our city, and associated infrastructure spending.
2. Notes that since 2017, City of Newcastle (CN) has been working to rectify these historical inequities, and as a result the Beresfield and Tarro communities have benefited from significant investment by CN to revitalise the community and ensure that Beresfield and Tarro residents and ratepayers are not disadvantaged due to geographical location.
3. Notes that more than \$18 million of investment has included:
 - Continued investment in Beresfield Children's Centre - the only CN owned and operated long daycare centre, resulting in an improvement in educational program and practice standards from meeting to exceeding, as assessed by the Australian Children's Education and Care Quality Authority,

- Beresfield Local Centre upgrade,
 - Road resurfacing throughout Beresfield and Tarro and including at Lawson Street Avenue and Beresfield Pool carpark
 - New playground and shade structure at Beresfield Pool,
 - Playground replacement at McCauley Park,
 - Drainage upgrades at Lindsay Memorial Oval,
 - Renegotiating with the operator of Beresfield golf course to ensure that the golf course remains a functional community asset, with expanded recreational facilities including disc golf,
 - Continuing to provide low entry fees at Beresfield pool, recognising that Beresfield residents and ratepayers do not have ready access to beaches and ocean baths like other suburbs in the LGA,
 - New tree plantings throughout Beresfield and Tarro,
 - Upgrade the playground at Vera Wilson Park,
 - New footpaths throughout Beresfield and Tarro.
4. Notes that the Beresfield community continues to experience higher levels of socioeconomic disadvantage in comparison to other suburbs in the LGA, and further investment to address this is in line with our local social strategy, adopted by CN in 2023.
 5. Notes that CN's Community Strategic Plan aims to create a liveable, sustainable, inclusive city and community gardens are a great way to meet all of these aims.
 6. Investigates suitable locations for a community garden in Beresfield, in consultation with the Beresfield community.
 7. Works with the Beresfield community to establish a community garden, in accordance with CN's community garden policy.

Carried unanimously

9.2. NEWCASTLE CITY COUNCIL SUPPORT THE 25TH ANNIVERSARY OF THE STATE FINALS OF THE SCIENCE AND ENGINEERING CHALLENGE HELD AT THE UNIVERSITY OF NEWCASTLE IN 2015

In moving the motion, Councillor Wark stated she was moving point 4 of the recommendation of Council Officers outlined in the business papers.

MOTION

Moved by Cr Wark, seconded by Cr Barrie

That City of Newcastle:

1. Write to the organisers of the Science and Engineering Challenge to confirm if they are seeking a sponsorship from the City of Newcastle, and to direct them to the Sponsorship Guidelines, adopted by the current Council in 2023 for further information.

Carried

9.3. UPDATE LORD MAYOR AND CHIEF EXECUTIVE OFFICER DIARIES

MOTION

That City of Newcastle:

1. Asks the Lord Mayor to update her open diary noting that her last entry was the 29th September 2023.
2. Asks that the CEO and other Executives of the Newcastle City Council to make sure all their diary entries are up to date.
3. I am aware of the Lord Mayors previous commitments to make her diaries public in a timely manner to assure transparency regarding any current local issues.

There was no mover for the motion, therefore the motion lapsed.

The Lord Mayor noted that the Lord Mayor's diary had always been updated and made available on CN's website for this term of Council. The Lord Mayor asked Councillor Wark if she would make her diary available on CN's website in the same format as the Lord Mayor's diary.

Councillor Wark committed to uploading her open and transparent diary for her term of Council in the same format as the Lord Mayor.

9.4. IMPROVING AMENITY AND SAFETY IN HAMILTON FOR BUSINESSES/EMPLOYEES, RESIDENTS AND VISITORS TO HAMILTON RAILWAY STATION/AWABA PARK

A memo to all Councillors from Council Officers - Alternate Recommendation to Notice of Motion 9.4 - Improving Amenity and Safety in Hamilton for Business/Employees, Residents and Visitors to Hamilton Railway Station/Awaba Park, was circulated to Councillors prior to the meeting.

In moving the motion, Councillor Barrie stated she was moving the alternate recommendation outlined in the memo with an amendment to point 8 requesting the cross-agency meeting occur in June 2024.

MOTION

Moved by Councillor Barrie, seconded by Councillor Duncan

That Council:

1. Notes that the Newcastle local government area had 1770 households waiting for a dwelling at June 30 last year, which is an increase of 61 people on the prior year.
2. Notes there are homeless people sleeping rough in the Hamilton business district, including in doorways of businesses who operate in Beaumont Street north and adjacent to the Awaba Park Hamilton Railway precinct.
3. Notes that while responsibility for housing and homelessness is the responsibility of the NSW Government, City of Newcastle has for many years supported the work of NSW Government agencies including the Department of Communities and Justice and specifically its Assertive Outreach Team.
4. Notes that City of Newcastle has partnered with Homes NSW to fund an acceleration in the provision of social housing in the Newcastle local government area, contributing an estimated \$6 million over three years, matched by the Homes NSW. Construction will shortly commence on nine social housing units in Wallsend, with a further twenty social housing units earmarked to commence construction in Wallsend in 2025.
5. Notes that in December last year City of Newcastle delivered improvements to Awaba Park at a cost of \$150,000, which was funded in part via a grant from the NSW Government of \$85,000. These improvements, based on crime prevention through environmental design (CPTED) principles included improved lighting, removal of graffiti, installation of community murals, repair of bench seating, and the removal of fencing that was limiting pedestrian access and view corridors through the park.
6. Notes that the NSW Health Future Health 2022-2032 Plan identifies numerous health-focused actions that complement the collaboratively delivered crime and safety initiatives to enable a holistic response to ensure a safe environment in Awaba Park.
7. Notes that while homelessness is a significant issue in Awaba Park and across Newcastle, contributing factors of mental health service provision and alcohol and other drug programs must also be addressed to alleviate the social issues impacting areas such as Awaba Park.
8. Coordinates a multi cross agency meeting in June 2024 to confirm how agencies can better work together to address homelessness, mental health and alcohol and drug issues in Awaba Park, as well as reduce anti-social behaviour occurring in some parts of Hamilton. This meeting should include the Hamilton Business Improvement Association, NSW Police, Transport For NSW, the State Member for Newcastle, the Federal Member for Newcastle, Ward Two Councillors, NSW Government funded specialist homeless support services, Newcastle Assertive Outreach Team, St Vincent de Paul Society's Matthew Talbot Centre, and other not for profit groups who regularly have a presence in Awaba Park and James St Plaza to support those in need.
9. Investigates the cost of a Community Notice Board/Signage in Awaba Park to prevent illegal dumping from donations that are not suitable due to inclement weather and do not meet best practice high quality food standards.
10. Writes to the NSW Government and relevant local MPs seeking funding to source additional urgent crises accommodation, as well as an increase in police resourcing in Newcastle, and additional CCTV cameras that are facing onto Awaba Park, to ensure the ongoing safety of all people who visit Awaba Park and Hamilton Station.

Carried unanimously

9.5. FOSSIL FUEL NON-PROLIFERATION TREATY ENDORSEMENT

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

That Council:

1. Notes that the City of Newcastle declared a climate emergency in 2019, including a commitment to a just economic transition for coal mining communities, support for investment in hydrogen as an export energy, and construction of large-scale renewables and storage.
2. Notes the adoption of the City of Newcastle's Environment Strategy identifies the importance of preventing and reducing the emission of greenhouse gases.
3. Recognises that despite fossil fuels being the main driver of climate change, it took 30 years of international climate negotiations (until the 2023 COP28 in Dubai) for the agreement to include a call to transition away from fossil fuels
4. Recognises that addressing emissions reductions and demand without fossil fuel supply has allowed countries and companies to claim to be climate leaders while continuing to open, approve and fund new fossil fuel projects
5. Notes the Fossil Fuel Non-Proliferation Treaty, launched in 2020, has been spearheaded by a growing block of Pacific Nations and has the support of 12 countries, the World Health Organisation, the European Parliament, over 600,000 individuals and over 2,000 civil society organisations.
6. Notes that signatories in Australia to the Treaty include: The Australian Capital Territory, City of Sydney, City of Yarra, City of Hobart City of Darebin, City of Maribyrnong, City of Merri-bek, and the City of Maribyrnong.
7. Endorses the Fossil Fuel Non-Proliferation Treaty.
8. Further, as part of that endorsement form for cities, calls on the Federal government to also endorse the Treaty.

AMENDMENT

Purpose:

Australia is in a privileged position, having been able to capitalise on the mining and export of coal and other fossil fuels for most of our history, post colonisation. We have enjoyed an abundance of resources, and the wealth that has come with those resources for centuries. Unfortunately, our pacific neighbours nations have neither had that opportunity, and now bear the full brunt of climate change, with limited or no resources to finance disaster resilience.

Moved by Cr Richardson, seconded by Cr Winney-Baartz

8. Continues support for the Federal Government's Pacific climate change resilience and adaptation as a core focus for our engagement with the region—including through immediate recognition of climate change as a security threat, as defined by the Pacific Islands Forum's Blue Ocean Event (BOE) Declaration, which was avoided by the former Coalition Government. (*replaces original point 8*)

9. Supports the United Nations Climate Change Conference (COP28) [Dubai, Nov-December 2023], agreement to “transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, accelerating action in this critical decade, so as to achieve net zero by 2050 in keeping with the science” and to phase out “inefficient fossil fuel subsidies that do not address energy poverty or just transitions, as soon as possible”.
10. Recognises and supports that During COP28 (2023), Australia joined the Statement on International Public Support for the Clean Energy Transition Partnership (CETP), also known as the Glasgow Statement joining the Statement underscores our commitment to ending financing for international unabated fossil fuel energy sector projects, except in very limited circumstances (e.g. in response to a humanitarian disaster).
11. Notes that during the 52nd Pacific Island Forum [Cook Islands, 6-10 November 2023] Pacific leaders (including the Prime Minister the Hon Anothy Albanese MP) committed to:
 - a. transition away from coal, oil, and gas in our energy systems in line with IPCC pathways for limiting global average temperatures to 1.5°C above preindustrial levels.
 - b. Establish a regional Energy Commissioner for a Just Transition to a Fossil Fuel Free Pacific following the Review of the Regional Architecture.
 - c. leaders also aspired to a Just and Equitable Transition to a Fossil Fuel Free Pacific
 - d. Leaders also acknowledged that the pathway is not immediate nor is it one-size fits all.
12. Note that the Federal Government works through the multilateral forums [primarily the UNFCCC COP process] to try to elevate the level of ambition for the world and this is the architecture the world has agreed on, as the way in which emissions will be reduced.
13. Advise the Federal Government of this resolution.

Councillors McCabe and Mackenzie accepted the amendment to the motion.

The motion moved by Councillor McCabe and seconded by Councillor Mackenzie, as amended by Councillors Richardson and Winney-Baartz, was put to the meeting.

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

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

Carried

9.6. ESTABLISHING A PERMANENT PATHWAY FOR WORK EXPERIENCE

In moving the motion, Councillor Pull stated he was moving an amended version of the motion outlined in the business papers.

MOTION

Moved by Cr Pull, seconded by Cr Barrie

That City of Newcastle:

1. Acknowledges the unique ability that council has to provide skills, training and opportunities for young people in our community.
2. Notes that council does not currently offer a permanent, structured work experience program for students looking to explore employment opportunities in local government and gain industry experience, but is providing opportunities for young people in other ways including;
 - a. Through its Junior Lifeguard Program,
 - b. Outreach and school visits for pool safety, waste and environmental initiatives,
 - c. The annual Youth Week Open Day,
 - d. The Apprentice, Trainee and Undergraduate Graduate (ATUG) Program,
 - e. Intern programs at the Newcastle Art Gallery and Newcastle Museum,
 - f. Scholarships for young people studying at TAFE and the University of Newcastle.
3. Establishes a permanent pathway for local students looking to do work experience at City of Newcastle, by creating a page on the corporate website that documents the many learning opportunities provided for young people at CN, including work experience and how they can make an application.

In moving the amendment, Councillor Adamczyk stated she was moving the recommendation of Council Officers as outlined in the business papers.

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

1. Notes that City of Newcastle's Workforce Development Strategic Plan (2022-26) was unanimously adopted by Council on 28 June 2022, and will be reviewed in the first year of the next Council term.
2. Notes that the Workforce Development Strategic Plan references initiatives that grow the pipeline of young talent such as our apprentice, cadetship, graduate and intern initiatives.
3. Notes that CN provides numerous initiatives for school aged people including its Junior Lifeguard Program, outreach and school visits for pool safety, waste, and environmental initiatives, the annual Youth Week Open Day, the Apprentice, Trainee and Undergraduate Graduate (ATUG) Program, separate intern programs at the Newcastle Art Gallery and Newcastle Museum, multiple scholarships with young people studying at TAFE and the University of Newcastle, as well as ad hoc work experience, which is considered subject to workload and delivery priorities.

4. Creates a page on the corporate website that documents the many learning opportunities provided for young people at CN including work experience and how they can make application.

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

Against the amendment: Councillors Barrie, Church, Mackenzie, McCabe, Pull and Wark.

Carried

The amendment then became the motion.

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

Carried unanimously

At the conclusion of the meeting, the Chief Executive Officer reported the resolution of the partial confidential report (see resolution at Item 8.2).

The meeting concluded at 9.12pm.

7. LORD MAYORAL MINUTE

To be tabled at meeting.

8. REPORTS

8.1. TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 FEBRUARY TO 30 APRIL 2024

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

PURPOSE

To table the Register of Disclosures of Interest (Register) for the period 1 February to 30 April 2024 received from designated persons.

RECOMMENDATION

That Council:

- 1 Notes the tabling of the Register of Disclosures of Interest (for the period 1 February to 30 April 2024) by the Chief Executive Officer.

KEY ISSUES

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

FINANCIAL IMPACT

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

NEWCASTLE 2040 ALIGNMENT

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

Achieving Together

4.2 Trust and Transparency

4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 27 February 2024, Council noted the tabling of the Register for the period 1 November 2023 to 31 January 2024.

CONSULTATION

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

BACKGROUND

- 10 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

Codes of Conduct

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

ATTACHMENTS

Attachment A Register of Disclosures of Interest to be tabled

8.2. MARCH QUARTERLY PERFORMANCE REPORT

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

PURPOSE

To report progress against the 2022-2026 Delivery Program for the March Quarter.

RECOMMENDATION

That Council:

- 1 Receives the 2022-2026 Delivery Program - March Quarterly Performance Report (Report) (**Attachment A**) and adopts the revised budget as detailed therein.

KEY ISSUES

- 2 Section 404 (5) *NSW Local Government Act 1993* (Act) requires Councils to report at least every six months on the progress of the 'principle activities' detailed in its Delivery Program. City of Newcastle's (CN) reports progress on a quarterly basis which are over and above the statutory requirement and support the Quarterly Budget Review Process.
- 3 The Report outlines CN's achievements under the 2022-2026 Delivery Program (Delivering Newcastle 2040 - 2023-2024) against the four strategic directions within Newcastle 2040 (our Community Strategic Plan):
 - i) Liveable Newcastle
 - ii) Sustainable Newcastle
 - iii) Creative Newcastle
 - iv) Achieving Together
- 4 The Report highlights that 95% of CN actions are on track for full delivery this financial year.
- 5 The March Quarterly Performance Report includes the Budget Review Statement, in accordance with clause 203 *Local Government (General) Regulation 2005*, which outlines adjustments to the Adopted Budget to reflect trends identified in the actual operating performance to date for the 2023/2024 financial year. The operational budget variations have a net favorable impact of \$0.4m on CN's operating position and forecasts an annual budget surplus of \$7.6m for the year ended 30 June 2024.

- 6 The adjustments recommended through the March Quarterly Performance Report Review Statement require CN to use \$7.1m less funds than previously predicted. CN is now forecasting to transfer \$36.8m to cash reserves for the full financial year 2023/2024 and is forecast to maintain \$24.7m in unrestricted cash reserves at 30 June 2024.
- 7 The 2023/2024 works program was reviewed as part of the March Quarterly Performance Report and scheduling changes were made to projects to ensure CN was best placed to respond to community priorities. The works program for the full financial year is forecast to increase to \$139.7m from \$137.5m.

FINANCIAL IMPACT

- 8 The budget variations recommended through the March Quarterly Performance Report Review Statement are presented in more detail in **Attachment A**.

NEWCASTLE 2040 ALIGNMENT

- 9 The March Quarterly Performance Report is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Achieving Together

- 4.1 Inclusive and integrated planning
- 4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 The Report will be published on CN's website.
- 11 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2022 - 2026 Delivery Program and 2023/2024 Operational Plan in a cost effective and efficient manner.

RISK ASSESSMENT AND MITIGATION

- 12 Adoption by Council will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting on 23 May 2023 Council resolved to adopt the 2023-2024 *Delivering Newcastle 2040* (2022-26 Delivery Program and 2023-24 Operational Plan).
- 14 At the Ordinary Council Meeting on 27 February 2024 Council resolved to receive the 2022-2026 Delivery Program - December Quarterly Performance Report and adopt the revised budget as detailed therein.

CONSULTATION

- 15 A workshop was conducted with Councillors on 21 May 2024 to provide detailed information and a forum to ask questions.

BACKGROUND

- 16 CN's 2023-2024 *Delivering Newcastle 2040* (2022-2026 Delivery Program) aligns with the CSP's four strategic directions adopted by Council on 23 May 2023.
- 17 A Delivery Program is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are required to be reviewed annually and adopted by 30 June.

OPTIONS

Option 1

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

Option 2

- 19 Council resolves not to receive the March Quarterly Performance Report on the 2022-2026 Delivery Program. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: March Quarterly Performance Report

Attachment A distributed under separate cover

8.3. ENDORSEMENT OF DRAFT BROADMEADOW PLACE STRATEGY FOR PUBLIC EXHIBITION

REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /
INTERIM EXECUTIVE MANAGER PLANNING &
DEVELOPMENT

PURPOSE

Exhibit the draft Broadmeadow Place Strategy (the place strategy) and supporting documents.

RECOMMENDATION

That Council:

- 1 Endorses the draft Broadmeadow Place Strategy (the place strategy) (**Attachment A**) to exhibit for 42 days and notes the supporting documents for the exhibition including the Local Infrastructure Discussion Paper: Broadmeadow Place Strategy (**Attachment B**), and the Interim Aboriginal Engagement Outcomes Report: Broadmeadow Place Strategy (**Attachment C**).
- 2 Receives a post-exhibition report on the outcomes of the exhibition of the place strategy and supporting documentation.

KEY ISSUES

- 3 On 5 December 2022 the NSW Government announced the Rezoning Pathways Program which identified Broadmeadow as one of 10 precincts to significantly contribute to housing supply across NSW. It included a commitment to fund the place strategy preparation for Broadmeadow, a planning proposal to rezone land for housing, and a strategic infrastructure and services assessment.
- 4 The Broadmeadow Place Strategy represents a once-in-a-generation opportunity for the City of Newcastle (CN) to plan for this precinct's renewal over the next thirty years
- 5 Under the Rezoning Pathways Program, CN and the Department of Planning, Housing, and Infrastructure (DPHI) entered a Memorandum of Understanding (MOU) for a partnership to prepare a place strategy for Broadmeadow. CN is the only Council in NSW involved in such a partnership that allows the earliest input to the strategic planning for the renewal of the Broadmeadow precinct.
- 6 Council unanimously resolved to prepare a place strategy for Broadmeadow on 23 March 2023 to guide strategic planning and land use decisions for the Broadmeadow precinct, an area of 313 hectares, over the next 30 years.

- 7 In parallel, DPHI proposes rezoning Government-owned land to supply more than 2,000 new homes as a 'first move rezoning' within the Broadmeadow precinct. This will be enabled via an Explanation of Intended Effects (EIE) which along with supporting technical reports, will be separately exhibited by DPHI.
- 8 The place strategy has been influenced using an Enquiry by Design (EbD) process to explore, test and resolve design strategies for the precinct. This involved two, two-day collaborative workshops in May and October 2023.
- 9 CN subject matter experts, technical consultants, and relevant State agencies, including Transport for NSW and Hunter Water, attended both EbD workshops to inform the preferred scenario on which the place strategy has been developed.
- 10 The place strategy establishes a place-based land use planning vision, structure plan, and seven strategic directions to guide growth and change over the next 30 years to deliver housing, a world-class sport and entertainment precinct, employment and high-quality place outcomes. It considers relevant issues across the precinct, infrastructure requirements, planning controls and desired place outcomes for the current and future residents, workers, and visitors.
- 11 The place strategy identifies that the Broadmeadow precinct can provide up to 15,000 jobs and 20,000 homes and a population of up to 40,000 people. A network of enhanced open spaces and social infrastructure will support this growth.
- 12 A coordinated approach is needed to achieve the place strategy's identified outcomes. The strategy includes a draft implementation plan that sets out the principal actions, responsibilities, and anticipated timeframes. Together these will guide future planning proposals to amend the Newcastle Local Environmental Plan 2012 (LEP 2012).
- 13 If the place strategy is adopted a Ministerial direction under section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) will require that all future planning proposals are consistent with the place strategy.
- 14 The place strategy builds on strategic directions in CN's Community Strategic Plan (Newcastle 2040), Local Strategic Planning Statement (LSPS), and Local Housing Strategy (LHS). It gives effect to regional policy for Broadmeadow in the Hunter Regional Plan (HRP) 2041 and Greater Newcastle Metropolitan Plan 2036 (GNMP).
- 15 The place strategy is consistent with the NSW Government's commitment to the National Housing Accord 2022 which in August 2023 committed to the construction of 1.2 million new well-located homes across Australia over 5 years from mid-2024.

FINANCIAL IMPACT

- 16 DPHI has funded the technical investigations to inform the place strategy and the 'first move rezoning'.
- 17 Costs to CN to finalise the place strategy include public exhibition and consultation activities. These costs will be met with the current allocated work program and under the operational budget.
- 18 Funding will be needed to implement place strategy actions. The Broadmeadow Local Development Contributions Discussion Paper details CN will collect local contributions from development over the 30-year life of the place strategy to fund local infrastructure requirements. A Contributions Plan for Broadmeadow will be prepared following the exhibition of the place strategy and will be reported to the Council for exhibition.
- 19 DPHI is preparing a draft Strategic Infrastructure Services Assessment (SISA) which identifies the required infrastructure and services to support the place strategy's envisioned growth. It includes, at a strategic level, the costs of developing the precinct, the responsibilities for infrastructure and services, and the revenue sources available to fund infrastructure and services. The draft SISA identifies a significant financial investment by the NSW State Government.
- 20 After the strategic planning process has been finalised, a delivery plan and business case for the future development of the first move rezoning sites, will be considered by NSW Government. This is expected to occur in early 2025.

NEWCASTLE 2040 ALIGNMENT

- 21 The place strategy aligns with Newcastle 2040 priorities and themes as follows:

1. Liveable Newcastle

- 1.1 Enriched neighbourhoods and places
 - 1.1.1 Great spaces
 - 1.1.2 Well-designed places
 - 1.1.3 Protected heritage places
- 1.2 Connected and fair communities
 - 1.2.1 Connected communities
 - 1.2.2 Inclusive communities
 - 1.2.3 Equitable communities
- 1.3 Safe, active and linked movement across the city
 - 1.3.1 Connected cycleways and pedestrian networks
 - 1.3.2 Road networks
 - 1.3.3 Managed parking
 - 1.3.4 Effective public transport
- 1.4 Innovative and connected city
 - 1.4.1 Emerging technologies
 - 1.4.2 Digital inclusion and social innovation

2. Sustainable Newcastle

- 2.1 Action on climate change
 - 2.1.3 Resilient urban and natural areas
- 2.2 Nature-based solutions
 - 2.2.1 Regenerate natural systems
 - 2.2.2 Expand the urban forest
 - 2.2.3 Achieve a water-sensitive city

3. Creative Newcastle

- 3.1 Vibrant and creative city
 - 3.1.3 Tourism and visitor economy
- 3.2 Opportunities in jobs, learning and innovation
 - 3.2.1 Inclusive opportunities
 - 3.2.2 Skilled people and businesses
 - 3.2.3 Innovative people and businesses

4. Achieving Together

- 4.2 Trust and transparency
 - 4.2.1 Genuine engagement

IMPLEMENTATION PLAN/IMPLICATIONS

- 22 The place strategy's implementation plan provides short, medium and long-term actions, including roles and responsibilities and how those actions align with CN's strategies and priorities.
- 23 The place strategy aligns with, and will support the implementation of the following:
 - Planning Priority 8 – Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas in the LSPS.
 - Priority 1 – Maintain and encourage housing supply in the right locations identified in the LHS.
 - Objective 3.1 Strategic Planning and Development of the Newcastle Economic Development Strategy 2021 which identifies Broadmeadow as a place of social and economic opportunity.
 - CN's responsibilities under the HRP and the GNMP.
- 24 The place strategy will coordinate growth and guide future planning proposals in the Broadmeadow precinct, including future planning proposals that are consistent with the desired outcomes for the precinct.

RISK ASSESSMENT AND MITIGATION

- 25 Various technical studies have informed the place strategy and DPHI's 'first move rezoning', reducing risk by investigating site characteristics such as flooding, contamination, hazards, and heritage.
- 26 Feedback received on the Local Development Contributions Discussion Paper will inform the preparation of a detailed Contributions Plan for the Broadmeadow precinct. This will capture the funding required to deliver the local infrastructure identified within the place strategy.
- 27 DPHI will be exhibiting the 'first move rezoning' documentation, including the EIE in parallel with the intended exhibition of the place strategy. Delay of the exhibition of the place strategy poses a risk that the first move rezoning will occur in isolation of precinct-wide planning.

RELATED PREVIOUS DECISIONS

- 28 On 28 March 2023, Council unanimously endorsed the preparation of a place strategy for Broadmeadow and noted a report would be presented to Council to secure endorsement for the public exhibition of the Broadmeadow Place Strategy.
- 29 At the Council Meeting on 24 November 2020, Council unanimously adopted the Newcastle LHS. This strategy recognised Broadmeadow as a catalyst area for future housing and employment opportunities.
- 30 At the Council Meeting on 26 May 2020, Council unanimously adopted the Newcastle LSPS. This strategy recognised Broadmeadow as a key growth driver with a nationally significant sports and entertainment precinct.

CONSULTATION

- 31 Strategic documents have identified Broadmeadow as an area with the potential to accommodate a significant increase in housing and employment for the city. Over the past year, consultation introduced the project and drew on community aspirations and ideas for the precinct. This informed the place strategy's vision and strategic directions.

Key activities included:

- a) The launching of a dedicated Have Your Say (HYS) webpage
- b) 'Planning for the future of Broadmeadow' brochure released –distributed to homes and businesses in the area.
- c) An online survey for community views and priorities for the precinct from April to June 2023, promoted through a social media campaign.

- d) Community Newsletters – September and December 2023 and published on CN Have Your Say page.
 - e) CN Development eNews articles December 2021 to December 2023.
 - f) Community information sessions in May and June 2023.
 - g) Youth Week CN Open Day activity with 70 local high school students.
 - h) The Lord Mayor's Student Leadership Forum Workshop with 183 students, from Years 10-12 from 14 Hunter Region schools.
 - i) Meetings, site visits and workshops with Aboriginal stakeholders.
- 32 Periodic consultation with key CN committees including the Liveable Cities Advisory Committee, Guraki Aboriginal Advisory Committee, Access and Inclusion Advisory Committee, and the Youth Council has been undertaken to inform the draft place strategy.
- 33 Pre-exhibition discussions have been held with large landowners, industry, and key stakeholders.
- 34 An extended public exhibition process is proposed to be undertaken for a 42-day period during which the following activities will occur:
- a) Pop-ups at events
 - b) Community drop-in sessions
 - c) Industry briefing
 - d) Large landowner briefing
 - e) HYS webpage updates
 - f) Newsletter
 - g) Media release
 - h) Social media promotion
 - i) Feedback received during the exhibition period will inform the final place strategy.

BACKGROUND

- 35 Broadmeadow has been recognised for its potential for change for some time. The NSW Government's Hunter Regional Plan 2036, adopted in 2016, identified the Broadmeadow Sport and Recreation Precinct (Emerging) as a strategic centre for growth in jobs and housing.

- 36 The NSW Government's Greater Newcastle Metropolitan Plan, adopted in 2018 identified Broadmeadow as a Catalyst Area with its desired role to be a '*nationally significant sport and entertainment precinct*' and '*providing a mix of uses that facilitate growth and change in surrounding centres and residential areas*'.
- 37 CN's LSPS identifies Broadmeadow as an 'area of change', and the LHS includes priorities and actions focusing on planning for housing and jobs in catalyst areas.
- 38 HRP 2041, identifies Broadmeadow as a Regionally Significant Growth Area needing a place strategy to coordinate growth before considering planning proposals for the precinct.
- 39 On 5 December 2022 the NSW Government announced \$73.5m towards the Rezoning Pathways Program, to unlock 70,000 homes across NSW and identified Broadmeadow as one of 10 precincts to contribute to housing supply across NSW.
- 40 Concurrent with the place strategy, DPHI will lead a first-move planning proposal to rezone land within the precinct for housing supply for more than 2,000 homes.

OPTIONS

Option 1

- 41 The recommendation as at Paragraphs 1 and 2. This is the recommended option and allows for the progression of the draft Broadmeadow Place Strategy and supporting documents to be placed on public exhibition and for CN to receive public submissions.

Option 2

- 42 The recommendation that the Council does not support exhibiting the draft Broadmeadow Place Strategy and supporting documents is not the recommended option. This option delays the progression of this significant project and first move rezoning may occur in isolation of precinct-wide planning.

REFERENCES

ATTACHMENTS

Attachment A: Draft Broadmeadow Place Strategy

Attachment B: Local Infrastructure Discussion Paper: Broadmeadow Place Strategy

Attachment C: Interim Aboriginal Engagement Outcomes Report: Broadmeadow Place Strategy

Attachments A - C distributed under separate cover

8.4. ST JAMES PRIMARY DEVELOPMENT - VISTA PARADE AND PRINCETON AVENUE KOTARA - TRANSPORT INFRASTRUCTURE AMENDMENTS

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

PURPOSE

To approve the transport infrastructure amendments in Vista Parade and Princeton Avenue Kotara, to support the St James Primary School Development (DA2019/00966).

RECOMMENDATION

That Council:

- 1 Approves the transport infrastructure amendments in Vista Parade and Princeton Avenue Kotara, as shown in **Attachment A**.
- 2 Notes that the proposed transport infrastructure amendments are consistent with the Planning Agreement endorsed by the Council in February 2023.

KEY ISSUES

- 3 The proposed transport infrastructure amendments will be implemented by the Trustees Diocese of Maitland-Newcastle. These works will support the proposed development of the St James Primary School, as per the approval provided through the Land and Environment Court (DA2019/00966).
- 4 The proposed transport infrastructure amendments comprise of the following, as shown in **Attachment A**:
 - a) A new roundabout at the intersection of Vista Parade and Princeton Avenue.
 - b) New refuge islands in Princeton Avenue at Vista Parade.
 - c) A new speed hump (threshold) in Vista Parade south of Grayson Avenue.
 - d) Road widening on the north side of Vista Parade to accommodate a channelised right turn lane at the school entry (previously approved).
 - e) Relocation of the existing raised crossing in Vista Parade.
 - f) Relocation of the school bus stops from Vista Parade to Princeton Avenue.

- g) A new footpath along the west side of Princeton Avenue.
- h) Ancillary works including kerb ramps, streetlighting, signs and line marking.

FINANCIAL IMPACT

- 5 The proposed transport infrastructure amendments will be implemented by the Trustees Diocese of Maitland-Newcastle, at no cost to City of Newcastle (CN).

NEWCASTLE 2040 ALIGNMENT

- 6 The proposed transport infrastructure amendments in Vista Parade and Princeton Avenue Kotara is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

1. Liveable

1.1 Enriched neighbourhoods and places

- 1.1.1 Well-designed places

1.2 Connection and fair communities

- 1.2.2 Inclusive communities
- 1.2.3 Equitable communities
- 1.2.4 Healthy communities

1.3 Safe, active and linked movement across the city

- 1.3.1 Connected cycleways and pedestrian networks
- 1.3.4 Effective public transport

2. Sustainable

2.1 Action on climate change

- 2.1.3 Resilient urban and natural areas

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 The proposal is aligned with the Newcastle 2040 Community Strategic Plan and the Newcastle Transport Strategy, to improve conditions for pedestrians and reduce urban traffic speeds.
- 8 In accordance with Consent Condition No.13 of DA2019/00966 the applicant is required to obtain 'in principle approval' of CN pursuant to Part 8 Division 2 Roads Act 1993 prior to commencement of works on the site the subject of the development application.
- 9 Approval of the transport infrastructure amendments located within the roadway that permanently affect the movement of traffic cannot be delegated to CN officers and must be referred to Council for determination. Infrastructure

elements located within the verge, including bus stops, will be addressed through the standard delegation to CN officers as part of the existing Section 138 Type 2 approval process.

RISK ASSESSMENT AND MITIGATION

- 10 The proposal will encourage lower vehicle speeds in Vista Parade and the construction of a roundabout at Princeton Avenue will improve the function and amenity of the local public road network. The refuge islands in Princeton Avenue will simplify the crossing task for pedestrians by providing a staging area and allow them to concentrate on one direction of traffic at a time. Overall, the proposal will improve the safety and amenity for all movements within the public space.
- 11 The applicant will be required to ensure the detailed design will address all relevant Australian Standards, Austroads, and Transport for NSW guidelines and standards. This will include all sign posting, line marking, traffic infrastructure, and public transport stops. The detailed design will be subject to further approval from CN Officers, as per standard operations.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting held on 28 February 2023, Council endorsed the Planning Agreement for 30 and 31 Vista Parade, Kotara and authorised the Interim Executive Director Planning & Environment to execute the Planning Agreement. The road works proposed are consistent with the Planning Agreement.

CONSULTATION

- 13 CN undertook public exhibition for a four-week period from 10 April 2024 to 8 May 2024. The proposed transport infrastructure amendments were advertised to residents and mailed to non-resident owners located in the vicinity of the proposal. A copy of the letter is shown at **Attachment A**. The public notice was also hosted on the CN Public Notices webpage.
- 14 The proposed infrastructure was tabled to the Newcastle City Traffic Committee (NCTC) on 26 February 2024, where the Committee supported the proposal going to public exhibition. Recommendations were made in relation to the information depicted within the consultation plan, which was updated prior to the public consultation period. 15 The proposal was re-tabled to NCTC on 22 April 2024 to enable discussion of the proposal during the consultation. Support was given at this time for the proposal to progress to Council for final determination.
- 15 On 27 April 2024, the Newcastle City Traffic Committee (NCTC) reviewed the project. The NCTC gave in-principal support for progression of the public consultation.

16 A summary of the 15 submissions received during the exhibition period is provided at **Attachment B**. Key issues related to the project are as follows:

- a) Concerns regarding the proposed relocation of school bus stops to Princeton Avenue.

CN response - The location of the bus stops is delegated to CN Officers under a Section 138 Type 2 approval. CN is continuing negotiations with all stakeholders to ensure that the bus stops are located in the most appropriate position in Princeton Avenue to maximise safety for patrons and the public.

- b) Requests for improvements to the Grayson Avenue and Vista Parade intersection.

CN response - This intersection sits outside the scope of the approved Voluntary Planning Agreement and was not considered under previous considerations of the development. Any future works with the intersection will be addressed by CN as standard operational practice.

- c) Concerns regarding vehicle speeds and other unsafe driving behaviour in the area.

CN response - CN will continue to work with NSW Police to address issues with driver behaviour within the suburb. The proposed infrastructure will reduce vehicle speeds and compliance within Vista Parade.

- d) Requests to extend the 40km/h school zone to include Princeton Avenue either side of Vista Parade.

CN response - Changes to speed limits are not delegated to CN. CN will work with Transport for NSW to ensure that the school zone speed limits are appropriate to match the movement of the school community in the surrounding streets.

- e) Concerns regarding the volume of vehicles in the area, particularly at school pickup and drop-off times.

CN response - The proposed infrastructure will provide a best possible outcome to appropriately manage the volume of traffic within this area, and maximise the safety for all users within the precinct.

17 The summary of the public consultation items was provided to members of the NCTC on 13 May 2024, including proposed actions, which were supported in principle. The traffic changes will be tabled back to the NCTC prior to construction, to enable the formal consideration of the project and review of the proposed regulatory sign posting and line marking for the proposed works.

BACKGROUND

- 18 DA2019/00966 was lodged on 30 August 2019 seeking approval for alterations and additions to the educational campus at 30 and 31 Vista Parade, Kotara (St James Primary School) (385 students increasing to 630 students), new childcare centre (79 places) and subdivision – Community Title (2 into 3 lots), associated site works, landscaping, and signage, at 30 and 31 Vista Parade, Kotara (St James Primary School).
- 19 The Development Application (DA2019/00966) was refused by the Hunter & Central Coast Regional Planning Panel (HCCRPP) on 29 March 2021, but later approved by the Land and Environment Court with significant amendments.
- 20 The Development Application for the site (DA2019/00966) was refused by the HCCRPP on 29 March 2021 based on the proposed development's impact on the surrounding road network. The development application was subject to a Class 1 Appeal in the Land and Environment Court. The appeal was upheld by the court with orders issued on the 23 March 2023.
- 21 The court orders required a Voluntary Planning Agreement for the dedication of approximately 90m² of land to CN to widen Vista Parade, with the applicant to undertake the road widening works and the construction of a roundabout and intersection upgrades at the intersection of Princeton Avenue and Vista Parade. The works include associated infrastructure, footpaths, signage, and bus stop relocation, as proposed under this report. These works are intended to manage and minimise the traffic impacts of the proposed development at the site.
- 22 The Voluntary Planning Agreement was endorsed by Council for public exhibition at the Ordinary Council Meeting held on 22 November 2022. The Draft Planning Agreement was publicly exhibited between 1 December 2022 and 19 January 2023.
- 23 CN executed the Planning Agreement on 21 August 2023. It is noted that the approval requirements under the Roads Act 1993 were not obtained as part of this process.
- 24 In accordance with Consent Condition No.13 the applicant is required to obtain 'in principle approval' of CN pursuant to Part 8 Division 2 Roads Act 1993 prior to commencement of works on the site that is the subject of the development application. This process involves public exhibition for a period of 28 days, consideration by the NCTC and the endorsement of the elected Council.

OPTIONS

Option 1

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

Option 2

- 26 Council does not endorse the proposed transport infrastructure amendments, consistent with the Council endorsed Planning Agreement, in Vista Parade and Princeton Avenue Kotara. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: St James Primary Development - Vista Parade and Princeton Avenue - Public Notice of Proposed Traffic or Parking Amendment

Attachment B: St James Primary Development - Vista Parade and Princeton Avenue - Summary of Submissions

Attachments A - B distributed under separate cover

8.5. EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2023-2024 Operational Plan as at the end of April 2024.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the *Local Government (General) Regulation 2005* (Regulation).

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 At the end of April 2024 the consolidated YTD actual operating position is a surplus of \$14.0m which represents a positive variance of \$6.2m against the budgeted YTD surplus of \$7.9m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full revised budget for 2023/24 is a surplus of \$7.2m.
- 3 The net funds generated as at the end of April 2024 is a surplus of \$31.2m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$20.9m. This is primarily driven by the positive operating result.
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of April 2024 is provided in the Executive Monthly Performance Report.

NEWCASTLE 2040 ALIGNMENT

- 6 The Executive Monthly Performance Report is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

Achieving Together

4.1 Inclusive and integrated planning

4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - April 2024

Attachment A distributed under separate cover

**8.6. TENDER REPORT - ASPHALTIC CONCRETE AND PAVEMENT SERVICES -
CONTRACT NO. 2024/086T**

REPORT BY: CITY INFRASTRUCTURE
**CONTACT: EXECUTIVE DIRECTOR CITY INFRASTRUCTURE / EXECUTIVE
MANAGER CIVIL CONSTRUCTION AND MAINTENANCE**

PURPOSE

To accept tenders for the provision of Asphaltic Concrete (AC) and Pavement Services, required by Civil Construction and Maintenance (CC&M) to deliver pavement maintenance and renewal as required across the Newcastle LGA.

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

REASON FOR CONFIDENTIALITY

The discussion of a confidential attachment takes place in a closed session, with the public excluded. It is contrary to the public interest to discuss tenders in an open meeting because the information provided to CN by tenderers is provided on the basis that it will be treated 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

2024/086T: Asphaltic Concrete (AC) and Pavement Services

This asphalt tender is intended to provide for the delivery of contract asphalt resurfacing works required to deliver road pavement maintenance and upgrade works on City of Newcastle's (CN) local and regional road network, as well as state roads under contract to CN via the Road Maintenance Council Contract (RMCC) with Transport for NSW (TfNSW).

The tender is for the supply; supply and delivery; and the supply, delivery and laying of asphalt, including removal of existing asphalt pavement material as required. The works will occur at various locations throughout the Newcastle LGA.

3 CONTRACT TERM

The initial contract term is two (2) years commencing 1 July 2024.

At the sole discretion of CN, the contract may be extended for a further two (2) x 12 month periods.

4 ADVERTISING OF TENDERS

- i) Sydney Morning Herald 5 March 2024
- ii) Newcastle Herald 2 March 2024
- iii) Nationally via TenderLink 2 March 2024

5 TENDERS RECEIVED

Tenders closed at 2pm on Tuesday 2 April 2024. Submissions were received from 14 tenderers as follows:

- i) ANA Industries;
- ii) Bitupave Limited t/as Boral Asphalt;
- iii) Capital Civil Works Pty Ltd;
- iiii) Colas New South Wales Pty Ltd;
- v) Consolidated Civil & Construction;
- vi) Downer EDI Works Pty Ltd;
- vii) Fenworx Pty Ltd t/as Newpave Asphalt;
- viii) Ian Rich Asphalt Pty Ltd;
- viiii) Jet Black Pavements Pty Ltd;
- x) Mr Diggitt Pty Ltd;
- xi) NSW Building and Civil Pty Ltd;
- xii) Optimal Civil Pty Ltd;
- xiii) State Civil Pty Ltd;
- xiiii) Stateline Asphalt Pty Ltd;

6 EVALUATION PROCESS

The tenders were assessed against the following criteria:

i) Price	40%
ii) Previous experience	15%
i) Management, physical resources and scheduling	15%
ii) WHS	10%
i) Quality Assurance	10%
ii) Environment	5%
ii) Supplier Diversity	5%
Total: 100%	

The tenders were assessed by a Tender Assessment Panel consisting of the following Council officers - Operations Manager, Project Manager Civil Contracts and Works Coordinator.

7 RECOMMENDED TENDERER

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

All submissions have been assessed against nominated criteria.

8 FINANCIAL IMPACT

The supply of Asphaltic Concrete and Pavement Services is under a standing offer contract. Under a standing offer contract, CN has no financial commitment to any contractor and a cost to CN is only incurred when CN requests services during the contract period. All expenditure under the proposed Asphalt contract will be funded from works approved under the adopted Operational Plan.

The categories of works carried out under this tendered contract cover a range of budget funding line items. Funding for this contract will be allocated from approved budget funding for the 2024/2025 financial year and the forecast 2025/2026 budget.

The current estimated total expenditure under this contract over the two-year period is \$20M, which would be adjusted as required to fall within adopted budgets. A further \$10M per annum is anticipated for each of the 12-month optional extension periods. Project costs will be closely monitored to ensure budgets are not exceeded.

IMPLICATIONS

9 POLICY IMPLICATIONS

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

Liveable

1.3 Safe, active and linked movement across the City of Newcastle

1.3.1 Connected cycleways and pedestrian networks

1.3.2 Road networks

10 ENVIRONMENTAL IMPLICATIONS

Tenderers will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for the management of noise, air, quality, vibration and waste management (using the EPA's Interim Construction Noise Guideline as a management tool where applicable). Tenderers will be required to submit Environmental Management Plans for review prior to engagement of works. Monitoring of performance against those plans will be undertaken by CC&M during the delivery of works at a site level.

11 ECOLOGICAL SUSTAINABILITY DEVELOPMENT (ESD)

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

IMPLEMENTATION

12 The implementation of the recommendation allows CN to undertake asphaltic concrete pavement resurfacing and reconstruction works as required, throughout the LGA. CN does not have sufficient resources (staff, plant, equipment or materials) to undertake the entirety of the planned volume of work internally.

CONSULTATION/COMMUNICATION

13 Internal consultation was undertaken to determine specific requirements for tendered items and the intended use of the contract.

BACKGROUND

14 The tendered contract was for asphaltic concrete resurfacing and pavement reconstruction. Supplementing CN capability is required in delivery of the CN road resurfacing and civil construction programs.

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

The proposed contracts are a standing offer arrangement. Costs to CN are only incurred when CN requests work.

- 15 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

- 20 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 to Confidential Ordinary Council Meeting Agenda 28 May 2024 for Attachments A - B

8.7. TENDER REPORT - SMITH PARK SPORTS FIELD UPGRADE - CONTRACT NO. 2024/089T

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

PURPOSE

To accept a tender for the construction of the Smith Park Sports Fields Upgrade in accordance with Contract No. 2024/089T.

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

REASON FOR CONFIDENTIALITY

The 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**
The tender is for the upgrade of the Smith Park Sports Fields (Stage 1).
- 3 **CONTRACT TERM**
The term of the contract is 7 months, with a defect liability period of 12 months.

4 ADVERTISING OF TENDERS

The tender was advertised nationally on the TenderLink website on 15 March 2024.

5 TENDERS RECEIVED

Tenders closed at 2:00pm on 2 April 2024. Tender submissions were received from:

- i) Neverstop Water Group;
- ii) Glascott Landscape and Civil;
- iii) Global Turf Projects; and
- iv) Regal Innovations.

6 EVALUATION PROCESS

The tenders were assessed against the following criteria:

i) Tender Price	40%
ii) Program and Capacity	15%
iii) Management and Staff, Previous Experience	15%
iv) Methodology	15%
v) Work Health and Safety	10%
vi) Supplier Diversity	5%

7 The tenders were assessed by a Tender Assessment Panel consisting of City of Newcastle (CN) officers, who were selected based on experience and knowledge of the project.

8 Probity oversight was provided by CN's Contracts Officer who was present during all panel meetings in accordance with CN's Procurement Policy.

RECOMMENDED TENDERER

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

FINANCIAL IMPACT

10 The project is fully funded by the NSW Government's Multi-Sport Community Facility Fund (MSCFF) via a grant for \$2,562,120.00 excl GST. This amount includes not only the contracted delivery of the stage 1 works but also project management, contingency and other associated project costs.

IMPLICATIONS

POLICY IMPLICATIONS

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

Enriched Neighbourhoods 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.

ENVIRONMENTAL IMPLICATIONS

- 12 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.

IMPLEMENTATION

- 13 Works are scheduled to be undertaken between June 2024 and December 2024.
- 14 The delivery of this project will be managed by CN's Project Management Office.

CONSULTATION/COMMUNICATION

- 15 Consultation has been conducted throughout the design phase, including key CN stakeholders.
- 16 Community consultation on the draft Smith Park Masterplan and Stage 1 Project has resulted in positive feedback from the community. Further consultation will continue to ensure stakeholder requirements are considered.

BACKGROUND

- 17 Smith Park is a popular inner city local park servicing a range of sports and recreational user groups. The sports fields are used for football during winter, and cricket and Oztag during summer. Park use is spread across the week for training and game play, as well as community recreational use.
- 18 As part of the CN Strategic Sport Plan 2020, several recommendations were made relating to Smith Park including:
- Optimise field layout for cricket, football and Oztag; and
 - Incorporate upgrade of fields and amenities, and installation of lighting.
- 19 A draft masterplan has been prepared for Smith Park, which is consistent with CN's Strategic Sports Plan (2020), and supported by the MSCFF grant. The draft masterplan identifies the scope for delivery of the works across two stages. Contract No. 2024/089T is for the delivery of stage 1 of the masterplan only.
- 20 Stage 1 comprises the following key elements:
- Realignment of football, Oztag and cricket fields to meet relative field of play dimensions, and maximise the yield of the approximate 5.6-hectare site
 - Realignment of the synthetic cricket wickets
 - Installation of drainage and irrigation
 - New turf relay
- 21 Stage 2 comprises the following key elements:
- Community / facilities building
 - Upgrade of the Parkside Avenue carpark
 - Proposed footpath connecting the Parkside Ave carpark to amenities and different park areas
 - Existing landscaping along Boreas Road to be upgraded and formalised
 - Enhancement of tree lined avenue aesthetic in streets bounding Smith Park
 - Lighting design to be prepared to meet relevant Australian Standards
 - Proposed multi-sports court
 - Upgrade of cricket practice nets

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

26 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 to Confidential Ordinary Council Meeting Agenda 28 May 2024 for Attachments A - B

9. NOTICES OF MOTION

9.1. PUBLIC ART REFERENCE GROUP ITEMS

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

PURPOSE

The following Notice of Motion was received on 16 May 2024 from the abovementioned Councillors.

MOTION

That City of Newcastle:

1. Notes the success of CN's Public Art Reference Group since its establishment in the previous term of council and that the Public Art Reference Group is now a Standing Committee of CN.
2. Notes that the Public Art Reference Group has identified key actions that are needed to achieve coherence of CN public art policy and subsequent art outcomes.
3. Notes that the draft Public Art, Monuments and Memorials Service Asset Plan 2022 - 2032 needs final review, approval and implementation.
4. Request that City of Newcastle's draft 2024/25 budget currently on public exhibition, consider funding of a resource to undertake:
 - Preparation of a suite of information to provide PARG applicants, whether commercial or private development, which assists in clarifying and progressing public art applications and processes. This information should be co-designed to seek inclusion of local Aboriginal knowledge with recognised Elders and ensure appropriate remuneration.
 - The investigation of a process for public art design integrity through the UDRP to ensure consistency and high-quality outcomes in line with the original PARG approval, including a final report with photographic evidence provided to PARG on completion.
 - The updating of the Public Art Service Asset Plan to include all public art including artworks approved by PARG on private property and to develop a framework for regular reporting on condition and ongoing compliance with CN approvals.
5. Request that the Director of the Newcastle Art Gallery, in consultation with the Executive Director of City Infrastructure, implement an appropriate process for the curation, conservation and maintenance of public art owned

by City of Newcastle, including the potential application of relevant policies and practices associated with the NAG collection.

6. Request that City of Newcastle's draft 2024/25 budget currently on public exhibition, consider whether additional funding is required to enable the repair of the Michio Ihara 'Wind' sculpture on Newcastle Foreshore, and consults initially with local renowned sculptors to advise on this project.

BACKGROUND

Michio Ihara information 1977 gift accepted by Council - *see next page*.

ATTACHMENTS

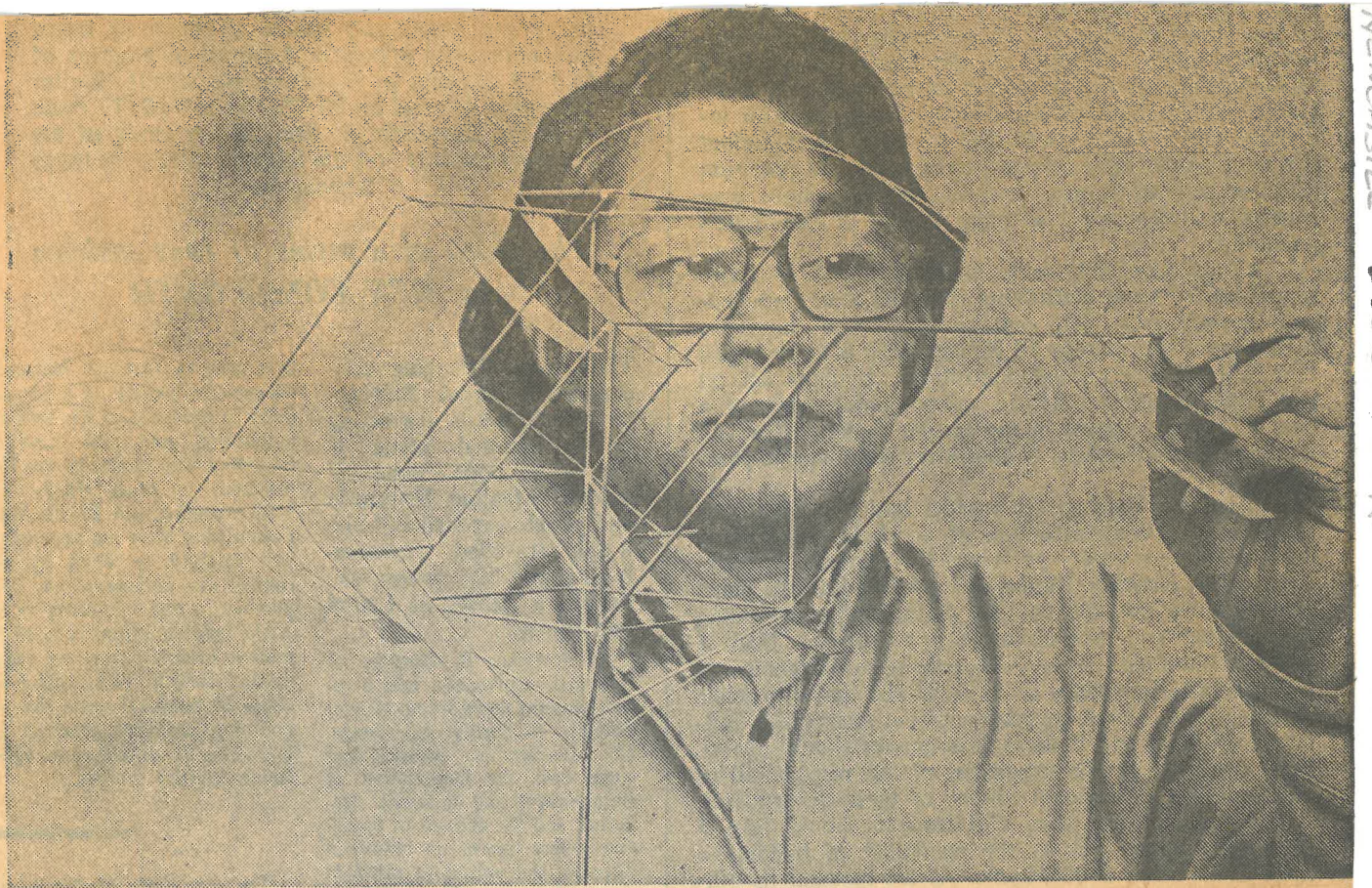
Attachment A: Action Item List - PARG Meetings as at 13 February 2024

Attachments A distributed under separate cover

10. CONFIDENTIAL REPORTS

10.1. LEASE OF HYDROGEN FUEL CELL ELECTRIC VEHICLE (HFCEV) FOR WASTE COLLECTIONS

Refer Confidential Ordinary Council Meeting Agenda 28 May 2024 for Item 10.1



Japanese sculptor Michio Ihara with a model of his sculpture in Newcastle yesterday.

NMH 9/8/1977

Japanese sculptor makes gift to City

A large stainless steel sculpture that moves with the wind is to be erected in Newcastle as a gift from Japanese sculptor Michio Ihara.

Newcastle City Council has accepted the gift in principle but has to decide on a site. Three sites are being considered—Civic Park, Birdwood Park, and the intersection of Scott and Hunter Sts.

The sculpture will be about eight metres high with a horizontal section at the top four metres long. The top section will be about a metre wide.

Steel vanes connected to the top section will move up and down with the wind while the entire top section will revolve horizontally.

Mr Ihara has prepared a scale model of the sculpture. He is working on the full-scale piece with the help of Commonwealth Steel Co Ltd, which has provided the steel, Newcastle University, which helped with the design, and the welding section of the Tighes Hill Technical College, which will do the welding. Newcastle City Council will erect the sculpture.

Resident artist

There has been no estimate of the cost if it were being bought. Similar works in the United States would cost about \$40,000.

Mr Ihara is internationally known as a civic sculpture. This will be his first work in Australia.

When he returns in September to the United States, where he now lives, he will begin work on a commission in the Rockefeller Centre in New York, worth about \$180,000.

Mr Ihara is spending 11 weeks in Newcastle as artist in residence for Newcastle University and the College of Advanced Education.

He expects the Newcastle sculpture to be completed before he leaves. The column on which the moving sections will stand should be ready in about 10 days and could be erected then. The top section is expected to be finished about the end of the month.

Mr Ihara's selection of a site for his work is the intersection of Scott and Hunter Sts, which he considers an interesting key point in the city activit

NEWCASTLE - Landmarks - Wind Sculpture

NEWCASTLE - Landmarks - Wind Sculpture

NMH118-1977



An artist's impression of how the Michio Ihara sculpture might look on the sculptor's favoured site at the junction of Scott and Hunter Sts. The sketch shows the height of the sculpture in relation to existing features.

Where will this wind blow?

A Newcastle City Council inspection on Monday is expected to decide on a site for the wind sculpture being offered to Newcastle by Japanese sculptor Michio Ihara.

The finance committee will inspect three possible sites for the work—Civic Park, Birdwood Park and the intersection of Scott and Hunter Sts.

Mr Ihara has been invited to attend the inspections, which will begin at 4 pm.

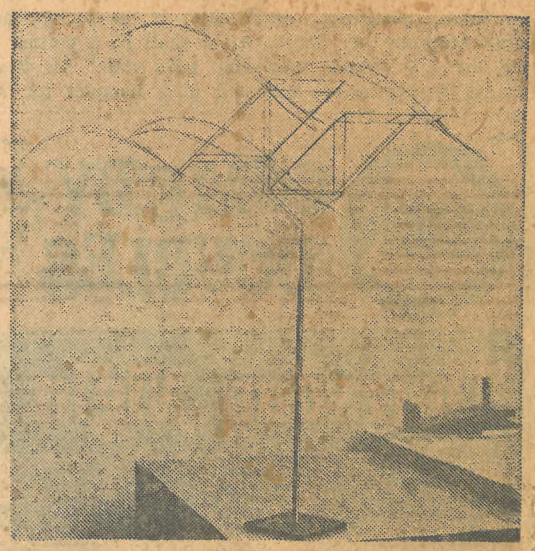
Mr Ihara prefers the intersection of Scott and Hunter Sts for the sculpture, but this might not be possible because of Hunter District Water Board pipes under the traffic island.

The town clerk, Mr Lewis, will report on the advantages and difficulties of the three sites during the inspection.

The site recommended by the council finance committee will go before the council for ratification on August 23.

By that time the column supporting the main body of the work will be ready for erection.

Mr Ihara's sculpture will be about eight metres high with a four-metre-long horizontal section at the top. The top section will be about one-metre wide. The vanes connected to the top section will move up and down with the wind, while the entire top section will revolve horizontally.



A model of the Michio Ihara sculpture.

Scott and Hunter sculpture

NMH
24/8/1977
site
likely

The wind sculpture offered Newcastle by Japanese sculptor Michio Ihara now appears likely to be erected at the intersection of Scott and Hunter Sts.

Newcastle City Council decided last night that the traffic island at the intersection of the two streets be adopted as the site for the work with the final position on the island to be decided at an inspection at 2 pm on Friday.

The lord mayor, Ald Anderson, chairman of works committee, Ald Bell, town clerk, Mr Lewis, chief engineer, Mr Grayson, and the sculptor will take part in the inspection.

The committee has been given the power to remove an advertising structure on the island, to make way for the sculpture if necessary.

Mr Ihara initially selected the Scott and Hunter St site for his work and designed it accordingly. A finance committee inspection then recommended that the Darby and King St corner of Civic Park be the site.

This recommendation went to the council last night with a letter from Mr Ihara asking that the Hunter-Scott St site be reconsidered.

Mr Ihara at meeting

Mr Ihara, who addressed last night's meeting, said the work would not suit the Civic Park site. If the council decided to put the work there he would be forced to look at another site, possibly at the college of advanced education or the university.

"The Civic Park area would need a different design from this one," Mr Ihara said. "I could not redesign the work for that area because of my short stay in the city."

Mr Ihara will be in Newcastle for another 12 days. He has been in the city for 11 weeks as artist in residence at the college and university. He is an internationally known sculptor of civic works.

The work he has designed is in stainless steel, about eight metres high. Its top section moves both horizontally and vertically with the wind.

NEWCASTLE - Landmarks - Wind Sculpture

TRAFFIC ISLAND SITE FOR SCULPTURE

NS 29/8/1977
Japanese sculptor
Michio Ihara's eight-
metre-high wind sculp-
ture is to be erected on
the traffic island at the
intersection of Scott
and Hunter Sts.

Newcastle City Council
aldermen and officers de-
cided, at an inspection on
Friday afternoon, that the
site was suitable.

An advertising structure
on the traffic island will
have to be taken down to
make way for the stainless
steel sculpture.

The exact position of the
sculpture will be determined
by water board pipes under
the island.

Mr Ihara initially selected
this site for his work and
designed it accordingly.

But the council's finance
committee recommended the
sculpture be erected in
Civic Park.

Mr Ihara, who is artist in-
residence at both the New-
castle University and New-
castle College of Advanced
Education, protested.

He said he would con-
sider giving the sculpture to
the university or college un-
less the council chose the
traffic island.

Friday's meeting was at-
tended by the Lord Mayor,
Ald Anderson, the chairman
of the works committee, Ald
Bell, the assistant town clerk,
Mr Adams, the city engin-
eer, Mr Grayson, Mr Ihara,
and the director of New-
castle Region Art Gallery,
Mr Fergusson.

NEWSCLIP - Landmarks - and Sculpture

NEWCASTLE - Land - rocks - Wind Sculpture

Sculpture gets Hunter St site

NMNR 30/3/1977

The wind sculpture being given to Newcastle by Japanese sculptor Michio Ihara is to be erected on the traffic island at the intersection of Scott and Hunter Sts.

Newcastle City Council has now made a firm decision on the general site. The exact position of the work will be decided by the position of water pipes under the island.

If necessary the advertising structure on the island will be demolished to make way for the work.

The eight-metre high stainless steel sculpture is now being constructed. It is expected to be a few weeks before it is erected.

Mr Ihara initially designed the work for the traffic island site but the council's finance committee recommended it be erected in Civic Park.

Mr Ihara objected to the Civic Park site, asserting that the work was not a suitable design for the park. He said if the council insisted on the Civic Park site he would have to consider giving the work to another body.

The council reconsidered the matter at an inspection with Mr Ihara and came to agreement on the Hunter-Scott Sts site.

Mr Ihara is internationally known as a civic sculptor. He is visiting Newcastle for 11 weeks as artist-in-residence at the Newcastle College of Advanced Education and University.

The work he has designed for the intersection has a top section that revolves horizontally in the wind and vanes that more vertically.

NEWSVILLE - Landmarks - Wind sculpture

NOV 5 10 1977

Sculpture to go up

The Michio Ihara sculpture donated to the city by the University of Newcastle and College of Advanced Education is expected to be erected next week.

The Town Clerk, Mr Lewis, told Newcastle City Council that the foundations had been completed last Thursday on the site, the traffic island at the end of the Hunter Street Mall.

Council resolved to send certificates of appreciation to the university and CAE and to give a plaque to the sculptor.

NEWCASTLE - Landmarks - Wind Sculpture

Nov 11-10-1977

**Sculpture to
be erected
this week**

Japanese sculptor Michio Ihara's eight-metre-high wind sculpture will be erected in Newcastle this week.

The cement foundations have been poured for the structure, which will be put up by council workmen.

The sculpture will be sited at the intersection of Scott and Hunter Sts.

NEWCASTLE - Landmark - Wind Sculpture

Nov 12 10 1977

Sculpture

date

The wind sculpture of Japanese sculptor Michio Ihara will be erected in Newcastle at 10 am tomorrow.

The town clerk, Mr Lewis, told this to the council's finance, health, environment and entertainment committee last night.

The sculpture will be erected at the intersection of Hunter and Scott Sts in the heart of the city.

Built of stainless steel the work is eight metres high with a top that revolves horizontally in the wind. Vanes connected to the revolving section move up and down in wind changes.

Mr Ihara decided to give his work to the city after spending 11 weeks in Newcastle as artist in residence at the College of Advanced Education and Newcastle University.

NEWSPAPER - WIND SCULPTURE

NS13-10-1977

Wind sculpture goes up



★ *The gift wind sculpture of Japanese sculptor Michio Ihara, was placed in position at the intersection of Hunter and Scott Sts today.*

The Lord Mayor, Ald Joy Cummings, attended an official ceremony mark the unveiling of

the sculpture. Here the head of the art department at the Newcastle College of Advanced Education, Mr Laurie Ware, explains details of the sculpture to Ald Cummings and a representative of Commonwealth Steel, Mr Ian Faulkner.

● Full story Page 2.

City gets first look at wind sculpture

Newcastle had its first glimpse of the controversial wind sculpture of Japanese artist, Michio Ihara, today.

The Lord Mayor, Ald Joy Cummings, attended the ceremony to mark the sculpture's unveiling at the

intersection of Hunter and Scott Str.

The ceremony was also attended by representatives of the Newcastle University and the Newcastle College of Advanced Education.

Cement foundations for the structure were poured last week and council workmen began putting up the eight-metre high sculpture at 9 am.

Mr Ihara decided to give his work to the city after spending 11 weeks in Newcastle as the artist in residence at the College of Advanced Education and the Newcastle University.

Ald Cummings said today she hoped the people of Newcastle would appreciate the sculpture.

"There will undoubtedly be some contention over the sculpture in the same way there was over the His and Her sculpture and the Civic Park fountain.

"But we have all come to love these structures as part of our city and I hope only that people will feel the same way about this sculpture."



From left, Mr J. Cramp, head of Newcastle CAE art education department; Mr M. Park, lecturer in architecture at Newcastle University; Mr L. Ware, head of Newcastle CAE art department; Mr L. Faulkner, of Comsteel; and the lord mayor, Ald Cummings, discuss the wind sculpture erected at the corner of Hunter and Scott Str. yesterday.

NEWCASTLE
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NM 1-16-1977

NEWCASTLE - Landmarks - Wind sculpture

Sculpture rusting

NMH 20-6-1978

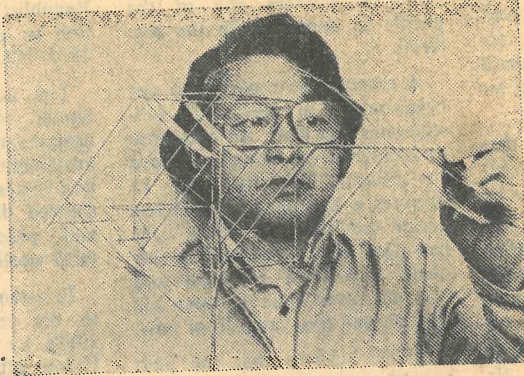
By GRAEME THOMAS, Civic Reporter

Newcastle's wind sculpture, given to the city by Japanese artist Michio Ihara last year, needs \$880 worth of repairs.

The sculpture, which was removed from its site at the Hunter St-Scott St junction late in April, is still awaiting repairs at a Warners Bay sheet metal shop.

In a report to Newcastle City Council, the city engineer, Mr Grayson, says that "continuing cleaning and maintenance costs might also be anticipated" after the repairs are done.

Mr Grayson says that the sculpture suffered a structural failure at the vane support together with rusting of vane beaks which had been manufac-



Sculptor Michio Ihara with a model of the wind sculpture he gave to Newcastle.

tured from inferior grade stainless-steel spoons. of the sculpture.

A spokesman for Newcastle University's architecture department said yesterday that there had been no structural failure

He said Mr Ihara had intended that the vane spoons should rust in contrast to the stainless steel around them.

NEWCASTLE - LANDMARKS - WIND SCULPTURE

Thumbs down for city wind sculpture

NMH 21.6.1978

The wind sculpture that stood at the junction of Hunter and Scott streets, Newcastle, may not be re-stored.

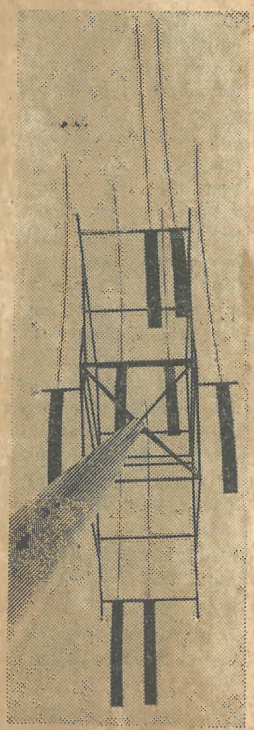
A recommendation to take no action to repair the sculpture was adopted last night by the works, planning, traffic and services committee of Newcastle City Council.

The committee adopted the recommendation without dissent. It recommended that the sculpture be removed from the Warner's Bay sheet metal shop where it was stored and put in council storage.

Ald Henderson said he believed it would be a waste of money to spend the \$880 required for its repair.

The committee chairman, Ald Bell, said it was perhaps one occasion where the council should have looked the "gift horse" in the mouth.

Continued on Page 10.



Just a memory, perhaps, the wind sculpture when it stood at the corner of Hunter and Scott Sts.

Thumbs down for wind sculpture

Continued from Page 1.

The report of the city engineer, Mr Grayson, noted that there had been a structural failure of vane supports and rusting of the vane beaks.

Ald Bell said he was surprised to see in yesterday's Newcastle Herald a report which said that the beaks were intended to rust in contrast to the stainless steel around them.

[The sculpture was given to Newcastle by Japanese sculptor Mr Michio Ihara.

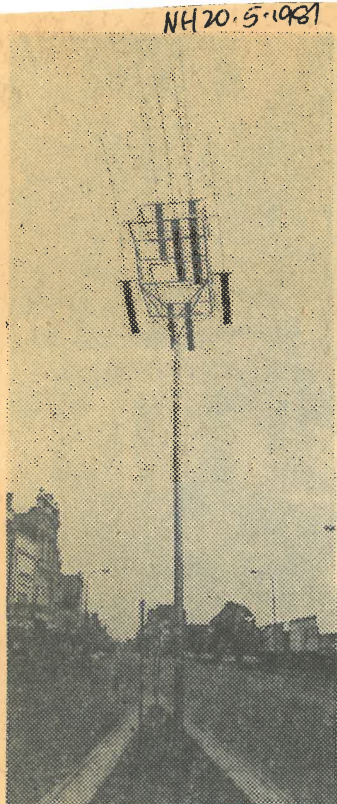
A spokesman for Newcastle University architecture department, which helped design and build the sculpture, said there had been a failure in the joint linkage. There was no structural failure in the sculpture.]

Ald McDonald said the sculpture was not designed for Newcastle's atmosphere or wind. He suggested it be put in a more protected place.

The committee added a rider that the matter be referred to the art gallery committee for consideration.

The invisible sculpture

NEWCASTLE'S Japanese wind sculpture was designed to attract by its mobility. But it has become mobile in an unwanted sense, being carted off repeatedly to various workshops from its site at the junction of Scott and Hunter streets. In the little time it has actually fluttered in the breeze since it was erected in October 1977 the sculpture has been a welcome addition to the city sights. Please may we have it back, and soon, and this time permanently?



The 'missing' wind sculpture.

Sculpture has gone with the wind

By STEVEN ALWARD,
Staff Reporter

YOU could be forgiven for thinking Newcastle's wind sculpture has, figuratively, 'gone with the wind'.

Since it was given to the city in 1977 the sculpture has spent more time being repaired than it has fluttering in the wind.

Most people know that it is no longer in its original position at the junction of Scott and Hunter Sts, Newcastle, but few know exactly where it is.

The large stainless steel wind sculpture was a gift from Japanese sculptor Michio Ihara. It is about 8m high with a 4m horizontal section at the top.

Mr Ihara, an internationally known civic sculptor, spent 11 weeks in Newcastle in 1977 as artist-in-residence at Newcastle University and Newcastle College of Advanced Education.

Commonwealth Steel Co Ltd provided the steel for the sculpture, the university helped with the design and the welding section of Newcastle Technical College did the welding. Newcastle City Council erected the sculpture.

There was some controversy about the site. Mr Ihara thought it should be put at the corner of Scott and Hunter Sts but the council inspected three possible sites: Civic Park, Birdwood Park and the corner of Scott and Hunter Sts.

Artist wanted one site

Mr Ihara suggested then that he might not give the work to Newcastle if the council wanted to put it anywhere other than the site he had chosen.

The sculpture was eventually put at the junction of Scott and Hunter Sts, and most people were reasonably happy.

It was erected in October, 1977, but the trouble was just beginning.

In April, 1978, it was discovered that the sculpture had suffered structural damage. It was removed from the site for repairs, estimated then to cost about \$880.

After lengthy discussions the council decided to have the sculpture repaired and re-erected.

The sculpture was stored in a Warners Bay sheet-metal shop from the time it was removed until at least August, 1979.

The last report about the sculpture in *The Newcastle Herald* was in August, 1979. It was reported then that the trouble-plagued wind sculpture might be ready to return to its stand within a few weeks.

Newcastle City Council's Deputy Town Clerk, Mr Adams, said yesterday that he did not know exactly where the sculpture was but suggested that Professor E. Parker, of the university's Faculty of Architecture, knew something about it.

Something else found wrong

Mr Adams said he believed the sculpture had been re-erected at its original site for about six weeks but had been taken down when something else was found wrong with it.

Professor Parker said yesterday that he did not know where the sculpture was now but it had been subject to particularly vigorous fatigue.

'The sculpture was taken away some time ago to discover what the problem was,' he said.

The sculpture needed a new type of steel rod that would be less affected by movement.

The restoration was co-ordinated by another member of the faculty, Mr M. Park.

Mr Park said yesterday that he knew where the sculpture was but he declined to disclose its location. He also said that his previous comments had been misconstrued in *The Herald* and he did not want to be misquoted about the present location of the sculpture.

But one thing seems certain. The sculpture is being repaired and maybe one day it will be restored to its original position.

NEWCASTLE - Landmarks - Wind Sculpture

**\$880 repairs
for sculpture**
NMH 21/3/1979

Newcastle City Council has decided to pay \$880 for repairs needed on the city's wind sculpture and will have it re-erected.

The wind sculpture, by Japanese sculptor Mr Michio Ihara, was damaged last year.

Ald Morris suggested last week that the council find out what was happening about the sculpture.

The city engineer, Mr Grayson, said he thought it was with students of Newcastle University.

At the council meeting last night the council decided to pay for repairs immediately and make sure the sculpture was re-erected.

The Lord Mayor, Ald Cummings, said she was surprised the university had not taken the matter up.

The wind sculpture has been a contentious matter with the council since it was built.

The artist insisted that it be located at the junction of Scott and Hunter Sts, but the council wanted it in Civic Park.

The sculpture was donated to the city by the University of Newcastle and Newcastle College of Advanced Education.

It is made of stainless steel and is expected to function efficiently once repaired.

NEWCASTLE - Landmarks - Wind Sculpture

NTH30-8-74

Wind work back soon

Newcastle's trouble-plagued wind sculpture may be ready to return to its stand at the corner of Hunter and Scott Sts within a few weeks.

The sculpture has been missing for 17 months because of structural damage.

The Newcastle University planner, Mr D. Morris, said the sculpture was being repaired but there had been trouble with the delivery of stainless steel components.

The repair work was being planned by the university and done at Mr K. England's sheetmetal workshop at Warners Bay.