



CITY OF NEWCASTLE



Ordinary Council Meeting

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that an Ordinary Council Meeting will be held on:

DATE: 18 January 2022

TIME: 6.00 pm

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

J Bath
Chief Executive Officer

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

Wednesday 12 January 2022

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**ORDINARY COUNCIL MEETING
18 January 2022**

CONTENTS

Item	Business	Page
	APOLOGIES/LEAVE OF ABSENCE	
	ORDERS OF THE DAY	
	DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST	
	CONFIRMATION OF PREVIOUS MINUTES	
	MINUTES - BRIEFING COMMITTEE 16 NOVEMBER 2021	3
	MINUTES - ORDINARY COUNCIL 23 NOVEMBER 2021	6
	LORD MAYORAL MINUTE	
	REPORTS BY COUNCIL OFFICERS	
ITEM-1	CCL 18/01/22 - APPOINTMENT OF DEPUTY LORD MAYOR	27
ITEM-2	CCL 18/01/22 - COUNTBACK ELECTION	30
ITEM-3	CCL 18/01/22 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO EXTERNAL COMMITTEES	33
ITEM-4	CCL 18/01/22 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO CITY OF NEWCASTLE COMMITTEES	43
ITEM-5	CCL 18/01/22 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE	47
ITEM-6	CCL 18/01/22 - PUBLIC EXHIBITION OF DRAFT COMMUNITY STRATEGIC PLAN <i>Attachments to be distributed under separate cover</i>	55
	NOTICES OF MOTION - Nil	
	CONFIDENTIAL REPORTS - Nil	

FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT www.newcastle.nsw.gov.au

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

MINUTES - BRIEFING COMMITTEE 16 NOVEMBER 2021

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 211116 Briefing Committee Meeting Minutes

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

Attachment A

CITY OF NEWCASTLE

Minutes of the Briefing Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 16 November 2021 at 6.02pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors J Church, D Clausen, C Duncan, K Elliott, J Mackenzie, A Robinson (*arrived 6.12pm*), A Rufo, E White (*arrived 6.15pm*) and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), K Hyland (Interim Director Strategy and Engagement), L Morton (Art Gallery Director), M Bennett (Project Manager), H Sexton (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Baird (Museum Director), S Moore (Manager Finance), M Murray (Chief of Staff), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support), G Axelsson (Information Technology Support) and U Bansal (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

REQUEST TO ATTEND BY AUDIO VISUAL LINK / APOLOGIES

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

The requests submitted by Councillor Church, Elliott and White to attend by audio visual link be received and leave granted.

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Item 1 - Newcastle Art Gallery Expansion, stating that he was Council's appointed representative to the Art Gallery Foundation Board which was a financial contributor to the project and would remain in the Chamber for discussion on the item.

BRIEFING COMMITTEE REPORTS

ITEM-1 BR 16/11/21 - NEWCASTLE ART GALLERY EXPANSION

Lauretta Morton, Art Gallery Director and Matthew Bennett, Project Manager for the Newcastle Art Gallery Expansion Project provided a briefing to Council incorporating the project scope, design, plans, and project schedule.

The meeting concluded at 6.30pm

MINUTES - ORDINARY COUNCIL 23 NOVEMBER 2021

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 211123 Minutes Ordinary Council Meeting

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

Attachment A

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 23 November 2021 at 6.03pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors J Church, D Clausen, C Duncan, J Dunn, K Elliott (*retired 9.35pm*), B Luke, J Mackenzie, A Robinson (*retired 8.52pm*), A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), L Duffy (Acting Director City Wide Services), K Hyland (Interim Director Strategy and Engagement), H Sexton (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), N Kaiser (Acting Manager Major Events and Corporate Affairs), M Murray (Chief of Staff), E Dowsell (Media and Stakeholder Relations Manager), M Meehan (Senior Media Advisor), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support), G Axelsson (Information Technology Support) and U Bansal (Information Technology Support).

REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

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

Carried

APOLOGIES

Nil.

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Elliott

Councillor Elliott declared a significant non-pecuniary conflict of interest in Item 111 – Councillor Kath Elliott Stay of Suspension; as she was the subject of the item and would remove herself from the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 19 OCTOBER 2021

MINUTES - BRIEFING COMMITTEE 19 OCTOBER 2021

MINUTES - ORDINARY COUNCIL 26 OCTOBER 2021

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

Carried

LORD MAYORAL MINUTE

ITEM-27 LMM 23/11/21 - NEWCASTLE SAYS NO TO SYDNEY'S TOXIC WASTE FROM NORTHERN BEACHES LINK PROJECT

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes with concern that on 15 November 2021, the NSW Government, through Transport for New South Wales (TfNSW), announced plans to ship toxic waste from the construction of the Northern Beaches Link to Newcastle, advising that the material would be stored at the Port of Newcastle, before being trucked to an unnamed Waste Management facility;
- 2 Notes this announcement was not discussed with City of Newcastle (CN) staff or the elected Council, and was not discussed with the Port of Newcastle;
- 3 Commends the Port of Newcastle who subsequently advised that they give *"no guarantee that the material proposed will be accepted, or is suitable, for unloading at the Port. Furthermore, if it was to be accepted, the Port has specified that the material could not be stored at Port of Newcastle for any period."*
- 4 Notes that there is no agreement for CN to take waste from Sydney with TfNSW, and that only one meeting between CN and TfNSW has occurred, where TfNSW were advised that in order for any waste to be considered for landfill disposal at the Summerhill Waste Management Facility it must meet our strict requirements set under the EPA's Waste Classification Guideline for General Solid Waste and that CN Officers stressed that any waste would need to be independently tested

to confirm that it meet our strict licensing requirements. No further meetings have occurred between CN and TfNSW since this initial meeting;

- 5 Raises serious concern about the handling of this matter by the NSW Government and the unnecessary distress that has been caused in the community given the complete lack of community consultation, or consultation with City of Newcastle prior to the media announcement;
- 6 Writes to the Premier, the Hon. Dominic Perrottet MP, and Minister for Planning and Public Spaces and Minister for Transport and Roads, the Hon. Rob Stokes MP, advising that City of Newcastle will not accept toxic sludge from the Northern Beaches Link project at Summerhill Waste Management Centre.

**Carried
unanimously**

**ITEM-28 LMM 23/11/21 - SAVE NEWCASTLE'S AFTER HOURS GP
SERVICE**

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Notes with concern the Federal Morrison Liberal Government's decision to close the Hunter Primary Care (HPC) GP Access After Hours Service (GPAAH) at the Calvary Mater Hospital, and reducing opening hours at the remaining four clinic across the Hunter Region;
- 2 Notes that 15,000 people may be left without access to vital medical care;
- 3 Commends Federal Member for Newcastle, Sharon Claydon MP, for fighting to save our after-hours GP service, noting that a petition of more than 11,000 signatures of concerned Newcastle residents against the closure of this crucial service has been tabled in the Commonwealth Parliament;
- 4 Writes to the Prime Minister, the Hon. Scott Morrison MP, and the Minister for Health, the Hon. Greg Hunt MP, calling on them to reverse this decision, and restore the full services of the HPC GP Access After Hours Service in Newcastle and the Hunter.

**Carried
unanimously**

**ITEM-29 LMM 23/11/21 - END OF TERM AND RECOGNITION OF
OUTGOING COUNCILLORS; COUNCILLORS DUNN, RUFO
AND LUKE**

The Lord Mayor acknowledged the retirement of Councillors Dunn, Rufo and Luke.

Extracts from the Lord Mayoral Minute provided below reflect their time as Councillors.

Councillor Jason Dunn

Since 2012, he and his Labor colleagues have achieved considerable changes and improvements for Ward 4 and the city, including saving local services, including the Beresfield Swimming Pool and Golf Course, delivery of flood mitigation to Wallsend, public domain upgrades in Beresfield, Wallsend and Shortland; and securing the City's financial security, without cutting jobs or services.

He acknowledged a hard working team that had helped set up the city for ongoing success and was proud to have been part of a Council that had been deemed 'financially fit for the future' by the NSW Government.

Councillor Dunn expressed he was proud of his achievements as a Councillor, and it has been a privilege to represent the people of Ward 4.

Councillor Luke

Councillor Luke was elected in 2008 as the first ever Liberal Party endorsed Councillor on Newcastle City Council and during his time, he served 2 years as the Deputy Lord Mayor.

He has served on various other roles including on the Joint Regional Planning Panel from its inception until 2017; the Asset Advisory Committee for his entire time on Council; the Audit Committee from 2008 till 2012, and various other committees.

Councillor Luke said he is very proud to have represented Ward 2 for the past 13 years and would like to thank all the staff he has worked with for their professionalism and hard work. He would also like to thank all the fellow Councillors who have served on council alongside him, and also thank the residents of Ward 2 for giving him the privilege over the last 3 terms.

Councillor Rufo

Councillor Rufo thanked residents of Ward 3 for placing their trust in him and was honoured to have represented Ward 3 residents and Newcastle as a whole and he hoped that he had served them well.

His approach to Council issues had been, to be open and transparent, to support the residents of Ward 3 and community of Newcastle as a whole, and always, to be approachable and accessible. He believed he had always acted with integrity, empathy, and honesty.

It has been a privilege to work with some wonderful staff throughout the organisation. I would like to extend my appreciation for the amazing work you all do. Your support has made my job that much easier.

The Lord Mayor acknowledged Councillor White, who had chosen to stand in the number two position on the Labor ticket for Ward 1, for her contribution to Council recognising one of her many achievements in the push for an apprenticeship and traineeship program through the City of Newcastle.

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle with acclamation:

- 1 Notes that this meeting of 23 November 2021 is the last Ordinary Council Meeting of an extended term which began on 26 September 2017;
- 2 Congratulates all Staff and Councillors for their contribution throughout this Council term;
- 3 Notes that this meeting marks the final meeting of retiring Councillors, Councillor Jason Dunn, Councillor Andrea Rufo and Councillor Brad Luke;
- 4 Congratulates each of our outgoing Councillors for their contribution to the betterment of the City of Newcastle.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

**ITEM-111 CCL 23/11/21 - COUNCILLOR KATH ELLIOTT STAY OF
SUSPENSION**

Councillor Elliott left the Chamber for discussion on the item.

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Notes the stay of suspension of Councillor Kath Elliott from civic office, in accordance with the Orders issued by the NSW Civil and Administrative Tribunal (NCAT) on 4 November 2021; and
- 2 Notes the NCAT will hear Councillor Elliott's appeal against her suspension from civic office by the Office of Local Government (OLG) on 13 December 2021.

Carried

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

ITEM-113 CCL 23/11/21 - ADOPTION OF 2022 COUNCIL MEETING SCHEDULE

MOTION

Moved by Cr Elliott, seconded by Cr Mackenzie

That Council:

- 1 Amends the 2021 adopted meeting schedule to vacate the December 2021 Committee and Ordinary Council meetings due to the rescheduling of the Local Government Election to 4 December 2021.
- 2 Adopts the following meeting schedule for 2022, with Meetings taking place on Tuesday commencing at 6.00pm:

i) For January 2022:

Week 1	No scheduled Meetings
Week 2	No scheduled Meetings
Week 3	Inaugural Council Meeting <i>to be held in former Council Chamber at City Hall</i> Councillor Induction Program
Week 4	No scheduled Meetings – Councillor Induction Program

ii) For February 2022:

Week 1	No scheduled Meetings – Councillor Induction Program
Week 2	No scheduled Meetings – Councillor Induction Program Councillor Workshops (as required)
Week 3	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 4	Ordinary Council Meeting

iii) For the period March, May, July, August, September, October and November 2022:

Week 1	Advisory Committees (at least 4 times per calendar year) Note: LGNSW Special Conference (28 February – 2 March 2022)
Week 2	Councillor Workshops (as required)
Week 3	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee

CITY OF NEWCASTLE

	<ul style="list-style-type: none"> • Development Applications Committee Councillor Workshops (as required)
Week 4	Ordinary Council Meeting
Week 5	No scheduled Meetings

iv) For April and June 2022:

Week 1	Advisory Committees (at least 4 times per calendar year)
Week 2	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 3	No scheduled Meetings Note: Australian Local Government Association National General Assembly (19-22 June 2022 <i>to be confirmed</i>)
Week 4	Ordinary Council Meeting

v) For December 2022:

Week 1	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 2	Ordinary Council Meeting
Week 3	No scheduled Meetings
Week 4	No scheduled Meetings

- 3 Notes the location of all Meetings, with the exception of the January 2022 Inaugural Meeting, will be the City Administration Centre, 12 Stewart Avenue, Newcastle West, unless otherwise determined by the Chief Executive Officer (CEO) in consultation with the Lord Mayor.

- 4 Notes that for the purposes of the Instruments of Delegation to the Lord Mayor and CEO, Council's "Recess Period" commences from the date of the declaration of a new elected Council and ceases at midnight on Monday 17 January 2022. The "Recess Period" does not apply between the day of the last ordinary Council meeting and the date of declaration of a new elected Council.

**Carried
unanimously**

ITEM-114 CCL 23/11/21 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 AUGUST TO 31 OCTOBER 2021

MOTION

Moved by Cr Elliott, seconded by Cr Clausen

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 August to 31 October 2021) by the Chief Executive Officer (CEO).

**Carried
unanimously**

ITEM-117 CCL 23/11/21 - PLANNING PROPOSAL - LINGARD PRIVATE HOSPITAL - ENDORSEMENT FOR PUBLIC EXHIBITION

MOTION

Moved by Cr Elliott, seconded by Cr Rufo

That Council:

- 1 Endorse the Planning Proposal (**Attachment A**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to commence the process to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012), as follows:
 - i) Rezone the land at 23 Merewether Street, Merewether from R3 Medium Density Residential to SP2 Infrastructure (Health Service Facilities) and the land at 8 Lingard Street, Merewether from B5 Business Development to SP2 Infrastructure (Health Service Facilities).
 - ii) Increase the maximum Height of Building (HOB) standard from 10 metres to 18 metres at 23 Merewether Street and 8 Lingard Street, Merewether.
 - iii) Remove the maximum prescribed Floor Space Ratio (FSR) control (which is currently 0.9:1) at both 23 Merewether Street and 8 Lingard Street, Merewether.
- 2 Forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination pursuant to Section 3.34 of the EP&A Act, including a request that Council is authorised to make the proposed instrument pursuant to subsection 2(g).
- 3 Receive a report on the Planning Proposal following the exhibition period, undertaken in accordance with the Gateway Determination.
- 4 Requests the Gateway determination include a condition authorising Council to be the Local Plan Making Authority.

CITY OF NEWCASTLE

Ordinary Council Meeting 18 January 2022

Page 15

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

Against the Motion: Nil.

**Carried
unanimously**

**ITEM-118 CCL 23/11/21 - VARIATIONS TO DEVELOPMENT STANDARDS
- 3RD QUARTER 2021**

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the report on approved development variations between 1 July to 30 September 2021 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

**Carried
unanimously**

**ITEM-121 CCL 23/11/21 - EXECUTIVE MONTHLY PERFORMANCE
REPORT**

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the Executive Monthly Performance Report for October 2021.

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

Against the Motion: Nil.

**Carried
unanimously**

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Rufo

That Council recommit Item 121 – Executive Monthly Performance Report.

Carried

ITEM-120 CCL 23/11/21 - SEPTEMBER QUARTERLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM

MOTION

Moved by Cr Mackenzie, seconded by Cr White

That Council:

- 1 Receives the 2018-2022 Delivery Program - September Quarterly Performance Report (Report) at **Attachment A**.

**Carried
unanimously**

ITEM-112 CCL 23/11/21 - CODE OF CONDUCT ANNUAL STATISTICS

MOTION

Moved by Cr Church, seconded by Cr Rufo

That Council:

- 1 Notes City of Newcastle's Code of Conduct Complaints Statistics Report for the period 1 September 2020 to 31 August 2021 at **Attachment A**.

**Carried
unanimously**

ITEM-115 CCL 23/11/21 - END OF TERM REPORT 2017 - 2021

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Clausen

That Council:

- 1 Endorse CN's End of Term Report 2017-2021 (Report) at **Attachment A**.

The Lord Mayor circulated a graph outlining the infrastructure delivery from 2008/09 until 2021/22 by City of Newcastle.

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

**Carried
unanimously**

ITEM-116 CCL 23/11/21 - ADOPTION OF GREGSON PARK MASTERPLAN AND HERITAGE PLACES PLAN OF MANAGEMENT FOR GREGSON PARK

MOTION

Moved by Cr Duncan, seconded by Cr Elliott

That Council:

- 1 Adopts the Gregson Park Masterplan as amended following public exhibition **(Attachment A)**.
- 2 Notes the verbal and written submissions received as part of Section 5 in the Public Hearing Report **(Attachment B)** for the Heritage Places Plan of Management.
- 3 Adopts the Heritage Places Plan of Management for Gregson Park **(Attachment C)** and retain the 'Sportsground' category over the southern section of the western tennis court.
- 4 Repeals the existing Heritage Places Plan of Management for Gregson Park.

**Carried
unanimously**

ITEM-119 CCL 23/11/21 - ENDORSEMENT OF THE 2020/21 ANNUAL REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Endorses CN's 2020/21 Annual Report and its submission to the NSW Minister for Local Government by 30 November 2021.

For the Motion:

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

Against the Motion:

Nil.

**Carried
unanimously**

ITEM-121 CCL 23/11/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT (RECOMMITTED)

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Receives the Executive Monthly Performance Report for October 2021.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott and Robinson.

Carried

ITEM-122 CCL 23/11/21 - SUPPLEMENTARY REPORT - TENDER REPORT - SUPPLY OF FOUR GREEN WASTE TRUCKS - 2021/714T

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Resolves not to accept any tender for the Supply of Four Green Waste Trucks for Contract No. 2021/714T.
- 2 Endorses continued maintenance of the current green waste fleet until a business case is completed for options considering a transition to electric or alternative fuel vehicles to meet City of Newcastle's (CN) 2025 Climate Action Plan (CAP) commitments.

**Carried
unanimously**

NOTICES OF MOTION

**ITEM-37 NOM 23/11/21 - END OF TERM REVIEW - COUNCILLOR
PRODUCTIVITY**

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Acknowledges that the 23 November 2021 meeting is the final of the 2017-2021 term of Council.
- 2 Acknowledges that at this meeting, Council will receive the End of Term Report, summarizing its performance over the last 4 years.
- 3 Notes that under the Local Government Act, a Councillor's role is to set the direction and strategy of the Council, provide governance oversight of the organisation in its operations, and advocate on behalf of their communities.
- 4 Notes that Councillor initiated motions are one of the key mechanisms for Councillors to undertaking this role; and
- 5 Notes that during the 2017-2021 term of Council, there have been:
 - a 51 meetings of the council (ordinary and extraordinary meetings) where Councillor initiated motions have been considered
 - b Across these meetings 287 motions have been considered and debated
 - c 97% of these motions have been Carried. 68% of all motions were Carried Unanimously
 - d Labor Councillors developed and presented 74% of all Councillor initiated motions (206 motions), the Greens Councillor developed and presented 17% (47 motions), the 'Independent' block developed and presented 9% (25 motions), and the Liberal Councillor 0% (0 motions)
 - e These covered topics as important as:
 - Establishing an Apprenticeship Scheme (24/10/17)
 - Extending Beresfield Pool's Hours (24/10/17)
 - Developing a proactive Footpath Plan (27/03/18)
 - Advocating for Our Fair Share of the Snowy Sale (Councillor Elliott against) (24/7/18)
 - Supporting refugee community support programs (Councillor Luke against) (28/8/18)
 - Supporting the expansion of the Newcastle Art Gallery (25/09/18)
 - Developing a Verge Garden Policy (23/10/18)

CITY OF NEWCASTLE

Ordinary Council Meeting 18 January 2022

Page 20

- Committing to a 'Buy Local' policy in procurement (11/12/18) and an Indigenous procurement policy (28/11/17)
- Developing an Affordable Housing Policy (Councillor Church left the Chamber) (26/03/19)
- Becoming the first Council to shift to 100% renewable energy, with a PPA that is now saving ratepayers money (opposed by Councillors Church, Elliott and Luke) (16/04/19)
- Advocating to ensure that elected local councillors retain responsibility for local planning decisions (opposed by Councillor Church) (16/04/19)
- Declaring a climate emergency (Councillors Church and Elliott left the Chamber) (28/05/19)
- Addressing Urban Heat Island effect (Councillor Luke against) (23/7/19)
- Declaring Sexism and Homophobia inappropriate in the council workplace (Councillors Church, Elliott and Rufo left the Chamber) (24/09/19)
- Developing a Live Music Strategy (10/12/19)
- Responding to COVID through the development of the award-winning Community and Economic Resilience Package (24/03/20)
- Funding hardship support for ratepayers (opposed by Councillors Church, Elliott, Luke and Robinson) (26/05/20)
- New Annual Festival (Councillors Church and Elliott against) (23/3/21)
- Housing Affordability Crisis in Newcastle (Councillors Church and Luke against) (27/04/21)
- Best practice employment conditions for staff engaged on council projects (opposed by Councillors Church and Luke) (27/07/21)

Councillor Robinson retired from the meeting at 8.52pm.

The mover and seconder supported the proposal by the Lord Mayor that, if the motion was carried, this Notice of Motion be included as an Appendix to Item 115 - the End of Term Report 2017-2021.

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

Carried

PROCEDURAL MOTION

Moved by Cr Elliott, seconded by Cr Luke

That Notice of Motions, Item 41 – Koala Habitat and Item 42 – Protecting the Green Corridor to be heard following Item 37 – End of Term Review – Councillor Productivity.

Defeated

PROCEDURAL MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Clausen

That Notice of Motion, Item 42 – Protecting the Green Corridor be heard following Item 37 – End of Term Review Councillor Productivity.

Carried

ITEM-42 NOM 23/11/21 - PROTECTING THE GREEN CORRIDOR

MOTION

Moved by Cr Mackenzie, seconded by Cr Elliott

That the City of Newcastle

- 1 Notes that the Hunter Regional Plan, a 20-year strategic planning blueprint for the future of the Hunter region, is currently under review by the NSW Department of Planning, Industry and Environment, in order to extend the plan to 2041 and to reset priorities.
- 2 Notes that the 2006 Lower Hunter Regional Strategy established the 'Green Corridor' an intact ecological corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sand beds, Stockton Bight and Port Stephens. City of Newcastle further notes that the protection of the Corridor recognised the importance of large vegetated areas being linked via habitat corridors at a landscape scale.
- 3 Notes the regional conservation value of the Corridor was reiterated in Hunter Regional Plan 2036 (2016) and the Greater Newcastle Metropolitan Plan 2036 (2018), although being redesignated in the latter as the 'Blue and Green Grid'.
- 4 Notes the directive for Greater Newcastle Councils issued in the Greater Newcastle Metropolitan Plan 2036 to "prevent intensive urban development in the Blue and Green Grid" (p35).
- 5 Reiterates its commitment for the protection of the Green Corridor and the prevention of intensive urban development in the Corridor vicinity.
- 6 Endorses and advocates for the greater recognition and permanent protection, including through the inclusion of the remaining unprotected areas of the Green Corridor in the reserve estate, in the regional plan review.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-38 NOM 23/11/21 - BUILDING ON LOCAL CENTRES PROGRAM SUCCESS

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Once again commends our staff for the successful implementation of the Local Centres Program which has seen almost more than \$16 million invested into the delivery of infrastructure renewal at Beresfield (\$3 million), Carrington (\$3 million), Kotara (\$2 million), Merewether (\$2 million) James Street Plaza, Hamilton (\$1 million), Wallsend (\$3.3 million Tyrrell Street Bridge replacement, with an additional \$20.8 million committed for staged Wallsend Local Centre and Ironbark Creek Flood Mitigation strategy);
- 2 Notes that Local Centres Program projects are currently underway at Mitchell Street, Stockton; and Shortland Local Centre; while detailed design and community consultation at Orchardtown Road, New Lambton is underway, with planning for the next stages of delivery for the Wallsend Local Centre almost complete;
- 3 Notes that that Georgetown and Waratah Local Centres have been initiated following a successful Notice of Motion carried in May 2021;
- 4 Initiates detailed planning for Local Centre Upgrades at Maitland Road, Mayfield, in consultation with the recently re-formed Mayfield BIA, as the next Local Centre projects for delivery after Orchardtown Road New Lambton, and the Georgetown and Waratah local centres.

**Carried
unanimously**

ITEM-39 NOM 23/11/21 - 2 YEAR ANNIVERSARY OF SUMMERHILL SOLAR FARM

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That City of Newcastle:

PART A

- 1 Notes that this month marks the 2-year anniversary of the commencement of operations of our five-megawatt solar farm at Summerhill Waste Management Centre;
- 2 Acknowledges that the solar farm, constructed on top of a capped, disused landfill cell on the site of a former coal mine, contains 14,500 photovoltaic cells and produces enough clean, renewable energy to power the equivalent of around

1300 Newcastle households annually, is on track to save ratepayers around \$9 million, after costs, over its 25-year lifespan, and ensures City of Newcastle is meeting 100 per cent of its power supply through renewable energy sources;

- 3 Notes that because of the Summerhill Solar Farm, and our PPA with the Sapphire Wind Farm, we were able to become the first Council in NSW, and one of the first Councils in Australia, to move to 100% renewable electricity supply for all our City's operations; and
- 4 Commits to taking all further necessary actions required to meet our ambitious target of net zero emissions for City of Newcastle's operations by 2030, and sets interim targets to ensure net zero community emissions by 2040, as outlined in the adopted City of Newcastle Climate Action Plan 2021-2025 (**Attachment A**), including:
 - Ensuring best practice energy and water efficiency across all facilities.
 - Significantly reducing our emissions through the City's supply chains.
 - Ensuring that all of the City's street lighting is through LED or best practice equivalent by 2025.
 - Pursuing zero emissions transport across our operational fleet vehicles, with a commitment to halving our current level of liquid fuel use by 2025.

PART B Photovoltaic Solar commitment

- 1 Notes that Council now has more than 800 kilowatts of photovoltaic solar systems installed across 16 key sites including the City, Wallsend and New Lambton libraries, No.1 and No.2 Sportsgrounds, Newcastle Art Gallery, Newcastle Museum, the City Administration Centre at 12 Stewart Avenue, the Visitor Information Centre and the Works Depot;
- 2 Continues to deliver solar systems on the roofs of CN assets, including at Fort Scratchley, Summerhill Waste Management Centre and the Civic Theatre; and
- 3 Explores options to further increase our solar energy generation capabilities, at all available Council sites.

**Carried
unanimously**

ITEM-40 **NOM 23/11/21 - LOCAL SPORTING FACILITY UPGRADES 2017-2021**

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Notes that since 2017, City of Newcastle has invested more than \$87 million on the city's open spaces with \$21.3 million of improvements to our existing facilities delivered over this Council term between 2017-2021;
- 2 Notes that we have partnered with numerous local sporting organisations to deliver upgraded sporting facilities across the City;
- 3 Congratulates our City of Newcastle Parks and Recreation Staff for the delivery of more than \$21 million worth of capital works upgrades for local sporting facilities right across our city and suburbs over the last term of Council, including funding for:
 - Upper Reserve Wallsend – renew amenities building
 - Upper Reserve Wallsend – floodlight upgrade
 - Mitchell Park Merewether – Clark Stand upgrade works
 - Tuxford Park Upgrade
 - Wallsend Oval drainage
 - Darling Street Oval Floodlighting
 - Elermore Vale Sporting Complex Upgraded Floodlighting
 - Harry Edwards Oval, Lambton Park – Sporting field renewal
 - Ecofit Outdoor Exercise Program
 - No. 1 Redevelopment
 - No. 2 Sportsground Upgrades
 - Nesbit Park Resurfacing Sports Field, Kotara
 - Alder Park Storage, New Lambton
 - Harker Oval, New Lambton Amenities upgrades
 - Hudson Park, Kotara
 - Cook Park upgrades, Shortland
 - Thomas Percy floodlighting, Waratah West
- 4 Notes that significant capital is required to upgrade local amenities to help further facilitate the growth of women's sport in Newcastle, and that the NSW Government has made City of Newcastle **ineligible** to apply for any of the \$150 million dedicated fund to enhance women's sporting facilities, including change rooms, due to our City's classification.
- 5 Notes that when a further \$100 million of funding was announced in May 2021, following \$50 million previously announced in January 2021, to upgrade women's sporting facilities, the Lord Mayor wrote to the Deputy Premier outlining our disappointment at being ineligible to apply for any funding, despite an audit of our sporting venues finding that only one of our City's 63 sporting venues has

identified female friendly change rooms to cater for high level sport. No response to this correspondence was ever received.

- 6 Writes to the new Deputy Premier, the Hon. Paul Toole MP, asking that the NSW Government provide fair and equitable access to the significant grant funding available throughout almost everywhere else in NSW to improve our female sporting facilities, including change rooms.

Councillor Elliott retired from the meeting at 9.35pm.

At 9.45pm, the following procedural motion was moved.

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council extend the duration of the meeting until all items on the agenda have been heard.

Carried

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

**Carried
unanimously**

ITEM-41 KOALA HABITAT

MOTION

Moved by Cr Mackenzie, seconded by Cr White

That the City of Newcastle

- 1 Notes that since 1990, NSW koala populations have declined by between 20% and 50%, to be in the range of 15,000 to 25,000 remaining. Local extinctions have already occurred and the species is projected to become extinct in the wild in NSW within 30 years.
- 2 Notes that Australian Koala Foundation announced in May 2019 that there are no more than 80,000 koalas in Australia, making the species “functionally extinct”.
- 3 Recognises the need for coordinated action across NSW to ensure future generations can see these iconic species in the wild.
- 4 Writes to the Premier, Minister for Planning & Public Spaces, Minister for Energy and Environment, and Minister for Agriculture urging them to:
 - a. Maintain council dual consent provisions for Private Native Forestry in Local Environmental Plans, to account for the variability within regions, zoning objectives, site survey needs, traffic and infrastructure limitations, and consultation with adjoining land holders;

- b. Maintain council's ability to regulate environmental zones to protect, manage and restore lands of high ecological, scientific, cultural or aesthetic values, particularly for the protection of core koala habitat;
- c. Provide planning certainty, resources and support for identifying core koala habitat and the development of Koala Plans of Management; and
- d. Allow for departures from the Koala Habitat Protection Guideline based on existing surveys, local circumstances or emerging technology where this is agreed to by the Department.

**Carried
unanimously**

The meeting concluded at 9.48pm.

REPORTS BY COUNCIL OFFICERS

ITEM-1 CCL 18/01/22 - APPOINTMENT OF DEPUTY LORD MAYOR

REPORT BY: GOVERNANCE

CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / ACTING MANAGER LEGAL

PURPOSE

To elect a Deputy Lord Mayor.

RECOMMENDATION

That Council:

- 1 Elects [insert name of Councillor] as Deputy Lord Mayor for [the duration of current the Council term] or [insert Council's preferred term].

KEY ISSUES

- 2 Section 231 of the *Local Government Act 1993* (NSW) (Act) provides that Councillors may elect a Councillor to be the Deputy Lord Mayor.
- 3 The Deputy Lord Mayor is responsible for exercising functions of the Lord Mayor at the Lord Mayor's request or if the Lord Mayor is prevented from exercising that function because of illness, absence or otherwise, or if there is a casual vacancy in the office of the Lord Mayor.
- 4 The Deputy Lord Mayor must be nominated and elected in accordance with the process set out in Schedule 7 of the *Local Government (General) Regulation 2021* (NSW) (Regulation):

1 *Returning Officer*

The Chief Executive Officer (CEO) (or a person appointed by the CEO) is the returning officer.

2 *Nomination*

- (1) *A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3 Election

- (1) *If only one councillor is nominated, that councillor is elected.*
- (2) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the council meeting at which the council resolves on the method of voting.*
- (4) *In this section—*
ballot *has its normal meaning of secret ballot.*
open voting *means voting by a show of hands or similar means.*

FINANCIAL IMPACT

5 Nil.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The appointment of a Deputy Lord Mayor is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

Open and Collaborative Leadership

7.2a Conduct Council business in an open, transparent and accountable manner.

7.2b Provide timely and effective advocacy and leadership on key community issues.

IMPLEMENTATION PLAN/IMPLICATIONS

7 Not applicable.

RISK ASSESSMENT AND MITIGATION

8 The Act provides for the roles, responsibilities and obligations of the Lord Mayor, Deputy Lord Mayor and Councillors. Councillors are trained in these roles, responsibilities and obligations during the induction program and ongoing professional development. As such, Councillors are aware of the requirements to fulfill the role of Deputy Lord Mayor.

RELATED PREVIOUS DECISIONS

9 At the Ordinary Council meeting held on 25 August 2020, Councillor Clausen was elected as Deputy Lord Mayor until the day before the next ordinary election.

CONSULTATION

10 Not applicable.

BACKGROUND

11 Not applicable.

OPTIONS

Option 1

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

Option 2

13 That Council does not hold an election for the position of Deputy Lord Mayor. This is not the recommended option as there may be occasions where a Deputy Lord Mayor is required to undertake the functions of the Lord Mayor.

REFERENCES

Local Government Act 1993 (NSW)

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.231>

Local Government (General) Regulation 2021 (NSW)

<https://legislation.nsw.gov.au/view/pdf/asmade/sl-2021-460>

ATTACHMENTS

Nil.

ITEM-2 CCL 18/01/22 - COUNTBACK ELECTION

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL
OFFICER / ACTING MANAGER LEGAL

PURPOSE

To determine whether a countback election or by-election is to be used to fill any vacancy that occurs in the office of a councillor within 18 months of the date of the ordinary election held on 4 December 2021.

RECOMMENDATION

That Council:

- 1 Determines, pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and
- 2 Authorises the Chief Executive Officer (CEO) to notify the New South Wales Electoral Commission of Council's decision within seven days of the decision.

KEY ISSUES

- 3 Section 291A of the Act provides for councils, at the first meeting following an election, to determine to use a countback election instead of a by-election to fill a casual vacancy in civic office, if the vacancy occurs within 18 months of the election.
- 4 A countback election is used to elect a Councillor to fill a single vacancy, where the vacating Councillor was elected under the proportional representation method (i.e. where two or more candidates were elected at a local government ordinary election). If there are multiple vacancies, a separate countback election is held for each vacancy.
- 5 Where countback election occurs the returning officer (from the NSW Electoral Commission) contacts all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of Councillor. Where the candidate is interested, they must submit a formal application to the returning officer. All candidates who submit and do not withdraw their application, become eligible candidates.
- 6 If Council does not resolve to undertake a countback election and a casual vacancy occurs, a by-election would be required in accordance with the Act.

- 7 The introduction of the new countback election provisions is designed to ensure that elections are efficient and cost effective. At a countback election, a sitting Councillor cannot be unelected, and non-eligible candidates (those who did not stand for election on 4 December 2021) cannot be elected.

FINANCIAL IMPACT

- 8 If Council resolves to implement the countback option, the cost is significantly lower than holding a by-election. The cost of a by-election is estimated at approximately \$100,000 and is not provided for in Our Budget 2021/22.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 9 The declaration to have a countback of votes is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.2b Provide timely and effective advocacy and leadership on key community issues.

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 If Council does not resolve, at its first meeting after the election, to enable a countback election, Council will be required to fill casual vacancies through a by-election.
- 11 If Council resolves to allow a countback election, the CEO will notify the NSW Electoral Commission within seven days of Council's decision.
- 12 If a countback election is required, this will be undertaken in accordance with Schedule 9A of the Local Government (General) Regulation 2021.

RISK ASSESSMENT AND MITIGATION

- 13 A countback election is expected to reduce the time required to fill a casual vacancy should it occur within 18 months of the election.

RELATED PREVIOUS DECISIONS

- 14 Nil.

CONSULTATION

- 15 Nil.

BACKGROUND

16 Not applicable.

OPTIONS

Option 1

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

Option 2

18 Council does not adopt the recommendation. If Council does not resolve to implement the countback option and there is a casual vacancy in the first 18 months, a by-election will need to be held. This is not the recommended option.

REFERENCES

Local Government Act 1193 – section 291A

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.291A>

Local Government Act 1193 – section 292

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.292>

Local Government (Regulation) 2021 – section 393C

<https://legislation.nsw.gov.au/view/pdf/asmade/sl-2021-460>

ATTACHMENTS

Nil.

ITEM-3 CCL 18/01/22 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO EXTERNAL COMMITTEES

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / ACTING MANAGER LEGAL

PURPOSE

To appoint Councillor representatives to external committees.

RECOMMENDATION

That Council:

- 1 Appoints Councillor members to the following external committees for the current Council term:
 - i *[Insert name of Councillor]* to the Fort Scratchley Historical Society Incorporated.
 - ii *[Insert name of Councillor]* and *[Insert name of Councillor]*, and alternate members *[Insert name of Councillor]* and *[Insert name of Councillor (Alternate)]* to the Hunter and Central Coast Regional Planning Panel.
 - iii *[Insert name of Councillor]* to the Hunter Sports Centre Incorporated.
 - iv *[Insert name of Councillor]* to the Hunter Water Customer and Community Advisory Group.
 - v *[Insert name of Councillor]* to the Newcastle Art Gallery Foundation Board.
 - vi *[Insert name of Councillor]* to the Newcastle City Traffic Committee.
 - vii *[Insert name of Councillor]* to the NSW Public Libraries Association.

KEY ISSUES

- 2 Council representatives participate in a number of external committees. Councillor membership on external committees fosters relationships with stakeholders and enhances consultation and engagement with the community. Summary information about each of the external committees is set out at **Attachment A**.
- 3 As a result of changes made throughout the last term of Council, the following committees no longer exist, or no longer require the elected Council to nominate Councillor representatives:

- i) Lower Hunter Councils Transport Group
- ii) Newcastle Bushfire Management Committee
- iii) Northern Settlement Services Management Committee

FINANCIAL IMPACT

- 4 City of Newcastle (CN) is required to pay a membership fee for the NSW Public Libraries Association committee as detailed in **Attachment A**. This is provided for in Our Budget 2021/22.
- 5 Councillor attendance at some external committee meetings may involve expenses (such as travel and accommodation). Such expenses are covered by CN's Councillor Expenses and Facilities Policy.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 Appointment of Councillor representatives to external committees is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Open and Collaborative Leadership

- a) Considered decision-making based on collaborative, transparent and accountable leadership.
- b) Active citizen engagement in local planning and decision-making processes and a shared responsibility for achieving our goals.

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 Councillor membership on external committees will cease the day before the scheduled local government election of the current Council term, or if a Councillor resigns or otherwise ceases to be a Councillor. In addition, Councillor membership is subject to the terms of each external committee's constitution or governing document.

RISK ASSESSMENT AND MITIGATION

- 8 Nil.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 24 October 2017, Council appointed councillor representatives to external committees.

CONSULTATION

10 External committees have provided relevant feedback for inclusion in this report.

BACKGROUND

11 Nil.

OPTIONS

Option 1

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

Option 2

13 Councillors resolve to not continue membership of some or all of the external committees listed at **Attachment A**. This is not the recommended option.

REFERENCES

Nil.

ATTACHMENTS

Item 3 - Attachment A - Summary information about each external committee

Item 3 - Attachment A – Summary information about each external committee

FORT SCRATCHLEY HISTORICAL SOCIETY INCORPORATED

Purpose:

To operate a Museum and research library to acquire, preserve and/or restore items of historical interest including artefacts, photographs and details of historical relevance of people who have served in the Military, at the Fort, in Newcastle and surrounding areas, and any other items considered by the committee to be appropriate for display.

Meeting Cycle:

The committee meets at 9am every third Monday of each Month.

Next meeting:

21 February 2022.

Councillor Representation:

One Councillor.

Relevant Council area:

City Wide Services

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

Purpose:

The Panel considers and determines development applications for projects generally over \$20 million and other matters relevant to the Newcastle local government area including advice to the Minister for Planning on planning, development or environmental planning instruments.

Meeting Cycle:

The Panel meets as required.

Next meeting:

To be confirmed.

Councillor representation:

Two Councillors and two alternate members.

At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Relevant Council area:

Governance

HUNTER SPORTS CENTRE INCORPORATED

Purpose:

To promote the growth and development of the Hunter Sports Centre and to manage in a cost effective and efficient manner to ensure a successful and sustainable facility.

Meeting Cycle:

The Committee meets bi-monthly at the Hunter Sports Centre, or by Zoom/Teams, if necessary, usually on a Thursday night, from 6pm to 7pm.

Next meeting:

To be confirmed.

Councillor representation:

One Councillor.

Relevant Council area:

City Wide Services

HUNTER WATER CUSTOMER AND COMMUNITY ADVISORY GROUP

Purpose:

The Hunter Water Customer and Community Advisory Group (CCAG) provides advice on the interests of customers and consumers of Hunter Water, the Customer Contract and other key issues related to Hunter Water's planning and operations.

Meeting Cycle:

The Committee meets on a quarterly basis and additional meetings decided by Hunter Water.

Next meeting:

To be confirmed.

Councillor Representation:

One Councillor.

Relevant Council area:

Infrastructure and Property

NEWCASTLE ART GALLERY FOUNDATION BOARD

Purpose:

The Board's object is to act as the trustee of the Newcastle Art Gallery Foundation Trust and to facilitate the Newcastle Art Gallery Foundation Trust to raise, pay or apply funds solely for the purpose of providing money, property or benefits for the promotion, advancement and development of the gallery in all forms and in such manner that the Board thinks fit, provided it is in accordance with the Public Ancillary Fund Guidelines and provided to an Eligible Entity as defined in the trust deed.

Meeting Cycle:

The Board meets on the first Monday of each month at 4pm.

Next meeting:

7 February 2022 (to be confirmed).

Councillor representation:

One Councillor.

Relevant Council area:

City Wide Services

NEWCASTLE CITY TRAFFIC COMMITTEE

Purpose:

The Committee provides technical advice to Council in the exercise of its regulation of traffic functions delegated by the Roads and Maritime Services. These include all traffic and parking related issues in the local government area.

Meeting Cycle:

The Committee generally meets monthly (except January) on the third Monday of the month from 1:30pm.

Next meeting:

14 February 2022 (to be confirmed).

Councillor representation:

One Councillor.

Relevant Council area:

Governance

NSW PUBLIC LIBRARIES ASSOCIATION

Purpose:

The Association is a sub-committee of the Library Council of NSW which provides policy advice to the Library Council and acts as a consultative framework for key public library stakeholders in NSW. The Library Council of NSW also advises the Minister of Arts on vital issues to public libraries and Councils. This is also an opportunity to meet and network with Councillors from metropolitan NSW.

Meeting Cycle:

The Committee meets on a quarterly basis.

Next meeting:

To be confirmed.

Councillor representation:

One Councillor.

Membership Fees applicable:

Membership fees are approximately \$2,370 and will be paid for by Libraries and Learning.

Relevant Council area:

City Wide Services

CITY OF NEWCASTLE

Ordinary Council Meeting 18 January 2022

Page 43

ITEM-4 CCL 18/01/22 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO CITY OF NEWCASTLE COMMITTEES

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / ACTING MANAGER LEGAL

PURPOSE

To appoint Councillor representatives to City of Newcastle (CN) committees.

RECOMMENDATION

That Council:

- 1 Appoints all Councillors to the following Strategic Advisory Committees for the duration of the current Council term:

<i>Committee title</i>	<i>Chairperson</i>	<i>Deputy Chairperson</i>	<i>Councillor</i>
Community and Culture Advisory Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>
Infrastructure Advisory Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>
Liveable Cities Advisory Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>
Strategy and Innovation Advisory Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>

- 2 Appoints three (3) Councillors to CN's standing committees for the duration of the current Council term:

<i>Committee title</i>	<i>Councillor Member</i>	<i>Councillor Member</i>	<i>Councillor Member</i>
Access Inclusion Advisory Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>
Asset Advisory Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>
Guraki Aboriginal Advisory Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>
Youth Council (Advisory Committee)	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>

Public Art Advisory Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>
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- 3 Appoints two (2) Councillors to the Audit and Risk Committee for the duration of the current Council term:

<i>Committee title</i>	<i>Councillor Member</i>	<i>Councillor Member</i>
Audit and Risk Committee	<i>[insert name of Councillor]</i>	<i>[insert name of Councillor]</i>

KEY ISSUES

- 4 Advisory Committees are established under Part Q of Council’s Code of Meeting Practice to provide advice to the elected Council on matters of strategic significance, and to provide advice to CN on implementation of relevant matters aligned to the Community Strategic Plan. Advisory Committees may make recommendations to Council or a Committee of Council but no functions are delegated to them by Council.
- 5 In its last term, Council revised the Advisory Committee framework. As part of this, Council affirmed the Guraki Aboriginal Advisory Committee, Access Inclusion Advisory Committee, Youth Council, and Asset Advisory Committee as enduring standing committees, given their specific, ongoing and important functions. In addition, the Infrastructure, Liveable Cities, Strategy and Innovation, Community and Culture committees were created to align with CN's strategic objectives and CN’s organisational structure to ensure structure and strategy were aligned.
- 6 Membership of the Advisory Committees generally comprises Councillors as appointed by Council plus external stakeholder and community representatives as determined by their respective Terms of Reference, as provided at **Attachment A** along with the Guidelines for Meeting Practice – Advisory Committees at **Attachment B**. It is anticipated that Terms of Reference may be revised during 2022 to ensure ongoing alignment with Council's commitments and CN's Newcastle 2040 Community Strategic Plan to be adopted later this year.
- 7 The Audit and Risk Committee is required by statute. Its Charter is provided at **Attachment C**. The Audit and Risk Committee Charter will require revision in 2022 in accordance with new internal audit guidelines (yet to be released by the Office of Local Government) and will be provided to Council for adoption in due course.

FINANCIAL IMPACT

- 8 CN's adopted Our Budget 2021/22 makes provision for Advisory Committees and for the Audit and Risk Committee.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 9 The appointment of Councillor representatives to CN committees is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

Open and Collaborative Leadership:

7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

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

7.3b Provide clear, consistent, accessible and relevant information to the community.

Open and Transparent Governance Strategy

3.6 Active citizen engagement on local planning and decision-making processes and a shared responsibility for achieving goals – consideration of the community's advice on Council issues.

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 The relevant facilitator will ensure the appropriate on-boarding of Councillors appointed to each Advisory Committee and the Audit and Risk Committee.

RISK ASSESSMENT AND MITIGATION

11 Clear and transparent Advisory Committee processes ensures broad opportunities for membership providing for greater diversity of input into matters on which the elected Council will be making decisions.

12 Councillor membership on CN committees will cease the day before the next scheduled local government election (or any such later date as determined by the Minister for Local Government) or if a Councillor resigns or otherwise ceases to be a Councillor. In addition, Councillor membership is subject to the terms of each committee's terms of reference, charter, or constituting/governing document.

RELATED PREVIOUS DECISIONS

13 At the Ordinary Council Meeting held on 26 September 2017, Council appointed representatives to the Audit and Risk Committee.

14 At the Ordinary Council Meeting held on 11 December 2018, Council adopted the current advisory committee framework and appointed Councillor representatives on the advisory committees.

- 15 At the Ordinary Council Meeting held on 26 November 2019 Council resolved to extend the term of the four Strategic Advisory Committees beyond September 2020, without overriding their charters (ie Committees to continue into the next term of Council, with Councillor appointees from September 2020 only to be appointed following the 2020 election).

CONSULTATION

- 16 Nil.

BACKGROUND

- 17 A robust advisory committee framework strengthens governance and leadership by providing clear and transparent processes for the community to advise Council on particular areas.

OPTIONS

Option 1

- 18 The recommendations as at paragraphs 1-2. This is the recommended option.

Option 2

- 19 Council resolves to not continue membership of some or all of CN's committees. This is not the recommended option as Councillor representation is fundamental to the continuation of each committee.

REFERENCES

City of Newcastle - Advisory Committees

<https://www.newcastle.nsw.gov.au/council/about-council/advisory-committees>

City of Newcastle – Asset Advisory Committee

<https://www.newcastle.nsw.gov.au/council/about-council/supplementary-committees/asset-advisory-committee>

City of Newcastle – Audit and Risk Committee

[https://www.newcastle.nsw.gov.au/council/about-council/committees-\(1\)/audit-and-risk-committee](https://www.newcastle.nsw.gov.au/council/about-council/committees-(1)/audit-and-risk-committee)

ATTACHMENTS

- Item 3 - Attachment A:** Advisory Committees Terms of Reference
Item 3 - Attachment B: Guidelines for meeting practice – Advisory Committees
Item 3 - Attachment C: Audit and Risk Committee Charter

Item 3 - Attachments A to C distributed under separate cover

ITEM-5 CCL 18/01/22 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / ACTING MANAGER LEGAL

PURPOSE

To endorse motions for submission to the 2022 Local Government NSW (LGNSW) Special Conference (Conference).

RECOMMENDATION

That Council:

- 1 Endorse the motions for submission to the 2022 LGNSW Special Conference as set out at **Attachment A**.

KEY ISSUES

- 2 The Conference is scheduled to be held in Sydney from Monday 28 February to Wednesday 2 March 2022. City of Newcastle (CN) is a LGNSW member and as such is entitled to participate, submit motions and vote at the Conference.
- 3 Three motions have been submitted for consideration and endorsement as set out at **Attachment A**. Endorsed motions are required to be submitted to the Conference by 30 January 2022.
- 4 CN is entitled to seven votes on motions. Council has delegated authority to the Lord Mayor to determine who will exercise CN's voting rights from among the Councillor attendees.

FINANCIAL IMPACT

- 5 Attendance at the Conference is provided for in the Councillor Expenses and Facilities Policy and in Our Budget 2021/22.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The submissions to the 2022 Conference are consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Open and Collaborative Leadership

- 7.2b Provide timely and effective advocacy and leadership on key community issues.

- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 Motions endorsed by Council will be submitted to the Conference in line with LGNSW's deadline of 30 January 2022.

RISK ASSESSMENT AND MITIGATION

- 8 Council contribution to statewide local government policy making demonstrates transparent and accountable leadership and is a key control in CN's risk mitigation.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 27 July 2021, Council resolved in respect to *NOM 27/07/21 – Property Development*, to submit this motion to LGNSW in support of the adoption of a policy which prohibits property developers and their close associates from holding office as local Councillors in NSW.
- 10 At the Ordinary Council Meeting held on 22 September 2020, Councillors endorsed the submission of three motions for consideration at the 2020 LGNSW Annual Conference relating to local government exclusion from National Cabinet, superannuation for Mayors and Councillors and the Gateway City classification.

CONSULTATION

- 11 Nil.

BACKGROUND

- 12 The Conference is convened by LGNSW. As a result of COVID constraints and the postponement of the local government elections, the 2021 LGNSW Annual Conference was truncated to a one-hour online Annual General Meeting in November 2021 to receive financial statements and the annual report, to be followed by a Special Conference in 2022 where motions would be debated and resolved.
- 13 The Conference is the annual policy making event for LGNSW members and is designed for local councillors to come together to share ideas and debate issues that shape the way LGNSW is governed.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

LGNSW Special Conference 2022 Program

<https://lgnswconference.org.au/program/>

LGNSW Annual Conference 2022 Motions Submission Guide

<https://www.lgnsw.org.au/Public/Events/Annual-Conferences/Annual-Conference-2021-home.aspx?>

LGNSW Policy Platform

<https://lgnsw.org.au/policy/policy-platform>

Councillor Expenses and Facilities Policy

<http://www.newcastle.nsw.gov.au/getmedia/bf215d59-153f-48bd-8615-3fa781f57e54/Councillor-Expenses-and-Facilities-Policy.aspx>

ATTACHMENTS

Item 5 - Attachment A: Proposed motions for endorsement for submission to the 2022 LGNSW Annual Conference

CITY OF NEWCASTLE

Ordinary Council Meeting 18 January 2022

Page 50

Item 5 - Attachment A - Proposed motions for endorsement for submission to the 2022 LGNSW Annual Conference

MOTION 1

COUNCIL NAME CITY OF NEWCASTLE

MOTION CATEGORY Council Governance and Accountability

TITLE Property Developers and Real Estate Agents in Local Government

MOTION WORDING

That Local Government NSW:

1. Notes that in November 2021, the NSW Legislative Council successfully passed a Bill to amend the Local Government Act to disqualify real estate agents and property developers from holding elected positions on local councils;
2. Notes that City of Newcastle supported a motion on 27 July 2021, that endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office;
3. Notes that the now NSW Treasurer, the Hon. Matt Kean MP, likened allowing property developers to be elected as local Councillors to “putting Dracula in charge of the blood bank” due to the planning decisions taken by Councils;
4. Writes to the Premier, the Treasurer and the Minister for Local Government requesting their support to amend the Local Government Act to prohibit property developers and real estate agents from running for elected local government positions.

MOTION BACKGROUND

The NSW Legislative Council recently passed a bill to disqualify property developers and real estate agents from holding election positions on local councils, with NSW Treasurer, the Hon. Matt Kean MP describing the allowance of property developers to be elected as local Councillors to “putting Dracula in charge of the blood bank”.

In July 2021, City of Newcastle passed a motion supporting Treasurer Kean's position, and endorsed the policy position of prohibiting property developers and real estate agents from holding office as local Councillors in NSW.

EVIDENCE OF COUNCIL'S SUPPORT FOR THE MOTION:

Motion of 27 July 2021

Motion of 18 January 2021

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 2

COUNCIL NAME CITY OF NEWCASTLE

MOTION CATEGORY Economic Policy

TITLE Remove crippling rate pegging in NSW

MOTION WORDING

That Local Government NSW:

1. Reiterates the long-held position that Rate Pegging is crippling Councils in NSW, and that this problem has been further exacerbated by the recent IPART baseline rate cap of just 0.7% (rising for Councils experiencing population growth), which is lowest rate cap in more than 20 years and is a kick in the guts to local Councils who are already working hard to help their communities recover from the economic and social impacts of the ongoing COVID-19 pandemic;
2. Notes that City of Newcastle's 1.2% (accounting for population growth) cap, will have significant repercussions on local services to the community and will leave NSW's second largest city with a reduction in compounded income of more than \$15 million over the next ten years.
3. Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel, while further noting that IPART has also decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to Council workers for 2022, leaving local Councils even further out of pocket as yet more costs are shifted to local government;
4. Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging include the loss of an estimated \$15 billion in rate revenue, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;
5. Writes to the new Minister for Local Government, advocating for the removal of universal Rate Pegging in NSW, allowing duly elected Councils to set rates, in consultation with their communities, noting that the baseline rate cap of just 0.7% in 2022 is set to have a devastating economic and social impact for many local Councils and the communities they serve.

MOTION BACKGROUND

<https://www.lgnsw.org.au/Public/News/2021-Media/1213-rate-cap-puts-councils-at-risk.aspx>

https://lgnsw.org.au/Public/Public/News/Articles/2020-media-releases/0821_rate-pegging.aspx

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 3

COUNCIL NAME CITY OF NEWCASTLE

MOTION CATEGORY Council Governance and Accountability

TITLE Re-establishing fixed 4-year terms for local government

MOTION WORDING

That Local Government NSW:

1. Notes that the current term of Council is yet another irregular term and will fall well short of a fixed 4-year term, with the next Local Government election scheduled to take place in September 2024;
2. Notes that two consecutive Council terms have been disrupted due firstly to Council amalgamations and then to the global COVID-19 pandemic;
3. Advocates for the return to a fixed 4-year term for the current Council term with the next election to be held in September 2025;
4. Notes that re-establishing a fixed 4-year term would enable Local Government elections to be held every second year between fixed State Government elections (2 years after the 2023 State Government election), ensuring that voters, and the NSW Electoral Commission, are not fatigued by back-to-back elections, and that Local Councils are able to fulfill their critical statutory obligation of implementing a full, 4-year delivery program of each Councils adopted Community Strategic Plan (CSP);
5. Writes to the new Minister for Local Government, advocating for the re-establishment of a fixed 4-year term, with an amendment to the Local Government Act to enable the next Council elections to be held in September 2025, noting the aforementioned benefits of providing a 2-year gap between Local and State elections, and the delivery of a full, 4-year delivery program of current adopted CSPs.

MOTION BACKGROUND

Cost of NSW's long-delayed council elections balloons to \$146m:

<https://www.brisbanetimes.com.au/national/nsw/cost-of-nsw-s-long-delayed-council-elections-balloons-to-146m-20210921-p58tf8.html>

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

ITEM-6 CCL 18/01/22 - PUBLIC EXHIBITION OF DRAFT COMMUNITY STRATEGIC PLAN

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: INTERIM DIRECTOR STRATEGY AND ENGAGEMENT /
MANAGER COMMUNITY, STRATEGY AND INNOVATION

PURPOSE

To publicly exhibit the draft Community Strategic Plan (Newcastle 2040).

RECOMMENDATION

That Council:

- 1 Place the draft Newcastle 2040 as at **Attachment A** on public exhibition for a minimum 28 days.

KEY ISSUES

- 2 Each local government in NSW must have a Community Strategic Plan that has been developed with the community and endorsed by the Council. The plan must cover a period of at least 10 years from when the plan is endorsed.
- 3 Each newly elected Council must adopt a Community Strategic Plan before 30 June in the year following a local government election.
- 4 Community Strategic Plans represent the highest level of strategic planning carried out by local government. The Newcastle 2040 provides the basis for ongoing alignment of CN's decision-making processes, strategies and activities with the vision of the Newcastle community.
- 5 Newcastle 2040 is a core element in Council's Integrated Planning and Reporting (IP&R) Framework. Councils' obligations under the IP&R Framework are outlined in clause 402 of the *NSW Local Government Act 1993*.
- 6 Newcastle 2040 has been informed by extensive community and stakeholder engagement undertaken between February and November 2021.
- 7 Key changes from Newcastle 2030 include:
 - i) Modification of the Vision Statement
 - ii) Reduction of seven strategic directions to four key themes
 - iii) Updated priorities and objectives, reflecting the changing needs of our community and the role of CN and other stakeholders in implementation of the plan.

FINANCIAL IMPACT

- 8 Costs associated with the development and public exhibition of the draft Newcastle 2040 are funded within existing operational budgets.
- 9 Newcastle 2040 will be delivered over multiple financial years commencing in 2021/22. Actions requiring funding will be identified in CN's Delivery Program and Operational Plans, with CN undertaking actions as funding and resources are confirmed.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 As CN's pinnacle strategic plan, Newcastle 2040 will guide the development of other strategies and plans. Reports to Council will outline how draft strategies are aligned to this community vision.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 Newcastle 2040 will assist in shaping the priorities for CN's four-year Delivery Program and one-year Operational Plan, as well as other strategies and plans.
- 12 The roles and responsibilities of the Lord Mayor and Councillors in the implementation of Newcastle 2040 are outlined in the IP&R Guidelines for Local Government in NSW, September 2021.

RISK ASSESSMENT AND MITIGATION

- 13 As Newcastle 2040 is our community's vision, it is important CN continues to engage throughout the life of the plan, including communicating progress, achievements and milestones.

RELATED PREVIOUS DECISIONS

- 14 At the Ordinary Council Meeting held on 27 November 2018 Council endorsed the Community Engagement Policy to support the development and implementation of CN's engagement process.
- 15 At the Ordinary Council Meeting held on 26 June 2018 Council endorsed the Newcastle 2030 Community Strategic Plan.

CONSULTATION

- 16 An overview of engagement for Newcastle 2040 was presented to Council at Councillor Workshops on 9 November 2021 and 17 January 2022. The Newcastle 2040 Insights report is available at **Attachment B**.
- 17 Over 5,000 community members participated in over 40 engagement activities, including listening posts, pop-up information stalls, surveys, workshops

(community and stakeholder), events and digital ideas wall to inform the development of Newcastle 2040.

- 18 Genuine community and stakeholder engagement with the people of Newcastle about the future of their city was achieved by ensuring a representative sample of the population was reached.
- 19 Extensive staff and subject matter expert consultation was undertaken to ensure internal alignment to proposed themes, priorities and objectives.
- 20 Presentations, workshops, and consultation occurred with the following CN Advisory Committees: Liveable Cities Advisory Committee, Community and Culture Advisory Committee, Guraki Aboriginal Advisory Committee, Strategy and Innovation Advisory Committee, Access and Inclusion Advisory Committee and Newcastle Youth Council.
- 21 The community will have further opportunities to review and comment on the draft Newcastle 2040 when it is placed on public exhibition.

BACKGROUND

- 22 A Community Strategic Plan is required to be prepared every four years following a local government general election and should describe the community's vision and aspirations for the next ten years. Newcastle 2040 informs the development of a four-year Delivery Program and one-year Operational Plan.

OPTIONS

Option 1

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

Option 2

- 24 Council resolves not to place the draft Newcastle 2040 on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 6 - Attachment A: Draft Newcastle 2040

Item 6 - Attachment B: Draft Newcastle 2040 Insights Report

Item 6 Attachments A and B to be distributed under separate cover.