

# Ordinary Council Meeting



**DATE:** Wednesday, 26 April 2023

**TIME:** Following the Development Applications Committee

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

21 April 2023

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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 - ORDINARY COUNCIL MEETING 28 MARCH 2023**

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

## **ATTACHMENTS**

**Attachment A:** 230328 Ordinary Council Meeting Minutes

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

## Minutes

### Ordinary Council Meeting

Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 28 March 2023 at 6:06 pm.



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#### 1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Executive Director Community and Creative Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), A Jones (Director and Interim Manager Waste Services), E Kolatchew (Executive Manager Legal and Governance), R Dudgeon (Executive Manager Project Management Office), S Moore (Executive Manager Finance, Property and Performance), N Kaiser (Executive Manager Media, Engagement, Economy and Corporate Affairs), M Murray (Chief of Staff), M Meehan (Senior Media Advisor), L Barnao (Councillor Services/Meetings Support), A Knowles (Councillor Services/Minutes), R Garcia (Information Technology Support) and C Urquhart (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 Michael Lang and all 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 Duncan, seconded by Cr Barrie

The request to attend by audio visual link submitted on behalf of Councillor Richardson be received and granted.

**Carried unanimously**

##### MOTION

Moved by Cr Barrie, seconded by Cr Duncan

The apologies submitted on behalf of Councillor Wood and Councillor Church be received and leave of absence granted.

**Carried unanimously**

## **5. DISCLOSURES OF INTEREST**

Nil.

## **6. CONFIRMATION OF MINUTES**

### **6.1. MINUTES – ORDINARY COUNCIL MEETING 28 FEBRUARY 2023**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr McCabe

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

#### **AMENDMENT**

Moved by Cr Pull

To amend point 4, Item 9.4 – Calling for funding for Wallsend flood mitigation, to include the following wording.

The mover and seconder of the motion accepted Councillor Adamczyk's amendment to the motion with an addition to point 4 to read as follows:

4. Urgently write to the NSW Treasurer the Hon. Matt Kean MP, and the NSW Minister for Lands and Water the Hon. Kevin Anderson MP, the Leader of the Opposition Chris Minns MP, and the Member for Wallsend Sonia Hornery MP, also calling on them to commit to funding future flood mitigation works including the widening of the Wallsend stormwater channel.

The mover and seconder of the motion agreed to include Councillor Pull's amendment to the motion.

The motion as amended was put to the meeting.

**Carried**

## **7. LORD MAYORAL MINUTE**

### **7.1. NSW ELECTION RESULTS**

#### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges the election of Chris Minns MP as Premier and the NSW Labor Government following the NSW State Election held on 25 March 2023;
2. Congratulates the following local Greater Newcastle and Hunter Members of Parliament on their re-election:

- a. Tim Crakanthorp MP, Member for Newcastle
  - b. Jodie Harrison MP, Member for Charlestown
  - c. Sonia Hornery MP, Member for Wallsend
  - d. Kate Washington MP, Member for Port Stephens
  - e. Jenny Aitchison MP, Member for Maitland
  - f. Yasmin Catley MP, Member for Swansea
  - g. Clayton Barr MP, Member for Cessnock
  - h. Greg Piper MP, Member for Lake Macquarie
  - i. David Layzell MP, Member for Upper Hunter;
3. Supports the Minns Labor Government's promise to reinstate the position of a dedicated Minister for the Hunter;
  4. Looks forward to portfolio announcements in due course in relation to relevant positions including the Minister for Planning, Minister for the Environment, Minister for Housing, Minister for Local Government, Minister for the Hunter and briefing these incoming Ministers on the challenges and opportunities for our city;
  5. Commits to continuing our collaborative working relationship with the NSW Government, the NSW Opposition and Independent Members of the NSW Parliament for the benefit of the people of the City of Newcastle.
  6. Acknowledges the outgoing Liberal National NSW Government, and thanks them for their collaboration with the City of Newcastle throughout the last term.

**Carried unanimously**

## **7.2. CITY OF NEWCASTLE HOSTS WORLD-CLASS EVENTS**

### **MOTION**

Moved by Lord Mayor, Cr Nelmes  
That City of Newcastle:

1. Notes that many successful events have been held in recent weeks, seeing an increase in local visitation to the City of Newcastle, including;
  - a. Country Mayors Association of NSW which met for the very first time outside of Sydney for their recent general meeting and tour of the Port of Newcastle;
  - b. International Women's Day Morning Tea 2023 with inspirational guest speaker Vanessa Alexander, an award-winning screenwriter and humanitarian who received a Key to the City of Newcastle after her keynote speech at the annual Lord Mayor's International Women's Day Morning Tea at City Hall speaking about her work to help more than 100 Afghan women and their families at risk of retribution from the Taliban after the fall of Kabul in August 2021, amid the COVID-19 pandemic. This event also raised \$3,200 from Vanessa Alexander's chosen beneficiary, refugee support service Talent Beyond Boundaries;
  - c. Supercars Newcastle 500 which saw thousands of locals and visitors alike enjoying the race;

- d. Surfest, the largest festival of surfing in the Southern Hemisphere, which Newcastle has sponsored since its inception, with Joel Vaughan and Bronte Macauley claiming victory at the Burton Automotive & Speaking in Colour Pro World Surf League Qualifying Series;
  - e. *Come from Away* which saw more than 21,500 theatregoers attending from across the Hunter and beyond, who flocked to the Civic Theatre during the three-week extended run to share in the incredible real-life story of the 7,000 air passengers from around the world who were grounded in Newfoundland Canada in the wake of 9/11;
2. Notes that as part of the Supercars Newcastle 500, City of Newcastle was able to facilitate the raising of more than \$40,000 for its partner charities *Got Your Back Sista* and *Nova for Women and Children*, which will support victims of family and domestic violence (with more than \$100,000 now raised since 2017 for domestic violence charities from this event alone);
  3. Congratulates Freeman of the City of Newcastle, Mr Warren Smith, upon his receipt of the Peter Troy Lifetime Achievement Award at the 2023 Surfing Australia Awards for his lifelong dedication to the sport of Surfing, in particular, for his commitment to Surfest, the largest festival of surfing in the Southern Hemisphere.
  4. Acknowledges City of Newcastle has also won the right to host two further large scale business events this October, with more than 500 delegates to descend on the city injecting more than \$1.6 million into the local visitor economy, being the highly-coveted 2023 Australian Regional Tourism convention at City Hall and will welcome the nation's best town planners for the Planning Institute of Australia's regional conference.
  5. Extends our gratitude and thanks the work of local businesses, City of Newcastle employees and the Newcastle community for their support and cooperation in hosting these successful events and promoting our beautiful city.

**Carried unanimously**

## **8. REPORTS**

### **8.7. EXECUTIVE MONTHLY PERFORMANCE REPORT**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

1. Receives the Executive Monthly Performance Report for February 2023.

**Carried**

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

#### MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

1. Resolves to publicly exhibit the draft 2023-2024 *Delivering Newcastle 2040* as at **Attachment A** and draft 2023-2024 Fees and Charges as at **Attachment B** for 28 days prior to the final consideration by Council.

**Carried unanimously**

### 8.2. ADOPTION OF SPECIAL BUSINESS RATE EXPENDITURE POLICY

#### MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

That Council:

#### Part A

- Adopts the Special Business Rate Expenditure Policy at **Attachment A**.
- Receives the Special Business Rate Expenditure – Public Exhibition Report at **Attachment B**.

#### Part B

1. Notes correspondence from BIA Chairs, and request that the BIA facilitator, working with Ms Musumeci organises combined resourcing for high pressure cleaning in all BIA areas.

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

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

**Carried**

### 8.3. DARBY STREET STREETS AS SHARED SPACES – RETENTION OF INFRASTRUCTURE

#### MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

1. Adopts the existing traffic calming infrastructure and outdoor dining deck on Darby Street between Bull and Queen Streets as shown at **Attachment A**, and exhibits concept plans for upgraded traffic calming infrastructure at the southern and

northern entries to the 30km/h zone for public exhibition, as shown at **Attachments B and C**.

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

**Against the Motion:** Councillor Pull.

**Carried**

#### **8.4. BROADMEADOW PLACE STRATEGY**

##### **MOTION**

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

That Council:

1. Endorses the preparation of a Broadmeadow Place Strategy.
2. Endorses the agreed matters for inclusion in the Department of Planning and Environment and City of Newcastle Council Memorandum of Understanding – Broadmeadow regionally significant growth area as provided in **Attachment A**.
3. Authorise the Chief Executive Officer to sign the Memorandum of Understanding – Broadmeadow regionally significant growth area on behalf of the City of Newcastle.
4. Notes a report to publicly exhibit the draft Broadmeadow Place Strategy will be presented to Council in late 2023.

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

**Against the Motion:** Nil.

**Carried**

#### **8.5. 37 LLEWELLYN STREET, MEREWETHER – RIGHT OF WAY REVIEW**

##### **MOTION**

Moved by Cr Duncan, seconded by Cr Barrie

That Council:

1. Receive this report presenting the investigation into the ROW at 37 Llewellyn Street, Merewether.
2. Notes the investigation is continuing and possible regulatory action against the Developer and Certifier may be considered.
3. Notes that the Interim Executive Director of Planning & Environment has issued written correspondence to the Minister for Emergency Services and Resilience Hon. Steph Cooke MP, the State Member for Newcastle, Tim Crakanthorp MP, and

Crown Lands, Department of Planning and Environment, seeking support for a public access to be created through the Merewether Fire and Rescue Station, known as 39 Llewellyn Street Merewether.

4. Notes that a formal complaint has been lodged with NSW Fair Trading about the professional conduct of the Private Certifier and that the Interim Executive Director of Planning & Environment has issued written correspondence to the Minister for Fair Trading, Hon. Victor Dominello MP, asking that he investigate the circumstances surrounding the private certifier who provided an occupation certificate contrary to the Development Consent (DA2016/01411 as modified) for the property located at 37 Llewellyn Street Merewether despite it not complying with CN's condition that a right of carriageway be created over the property.

### **AMENDMENT**

Moved by Cr Pull

5. That the correspondence sent to the former Ministers also be sent to the newly sworn in Ministers once known.

The mover and seconder of the motion agreed to include Councillor Pull's amendment into the motion.

The Chief Executive Officer advised that he had met with the developers of the property at 37 Llewellyn Street Merewether earlier that day and that they had agreed in principle to fund the construction of a footpath and easement on the adjacent fire and rescue station land should an easement be provided.

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

**Carried unanimously**

Councillor Clausen gave notice of a late item of business that being an item laid on the table at the Ordinary Council Meeting of 28 February 2023.

### **8.6. HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL – CHANGES TO PLANNING PANELS**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Richardson

That Council:

1. Appoints the following Councillors as additional alternate members of the HCCRPP.

Councillor Church (Ward 1)  
 Councillor McCabe (Ward 2)  
 Councillor Wood (Ward 3)

## **AMENDMENT**

Moved by Cr Pull

That Council appoints Councillor McCabe and Councillor Wood, and that Councillor Church may be appointed as an alternate member at a future time.

The Lord Mayor suggested the motion include the wording 'upon acceptance from the nominated Councillors', Council appoints the following Councillors as additional alternate members of the HCCRPP.

Councillor Pull accepted the Lord Mayor's suggested wording so that the motion would read as follows:

That Council:

1. Upon acceptance from the nominated Councillors, appoints the following Councillors as additional alternate members of the HCCRPP

Councillor Church (Ward 1)  
Councillor McCabe (Ward 2)  
Councillor Wood (Ward 3)

The mover and seconder of the motion accepted the change to the motion.

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

**Carried unanimously**

A question from Councillor Pull seeking confirmation that the change in wording of the motion would not affect the appointments of Councillors was taken on notice by the Chief Executive Officer.

## **8.8. TENDER REPORT – RECYCLABLE WASTE COLLECTION SERVICES AND BIN SUPPLY – CONTRACT 2022/145T**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Barrie

The recommendation at Attachment A.

1. Council accept the tender of Cleanaway Pty Ltd in the total amount of \$30.9 million (excluding GST) over a period of ten years for Recyclable Waste Collection Services and Bin Supply for Contract No. 2022/145T. This is contingent upon the CEO negotiating a successful contract with Cleanaway Pty Ltd.
2. This confidential report 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.

## **AMENDMENT**

Moved by Cr Clausen

### **Part B**

That Council:

1. Notes that the existing recycling bin assets have an embedded value which can be put to good use in the local economy via reuse in the provision of the recycling collection service. Disposal of existing recycling bin assets does not provide waste minimisation and recycling solutions to the community while also likely attracting a financial cost to the current bin owner. Therefore, the CEO and Cleanaway should enter into discussions with Solo seeking to ensure re-use the existing bins during finalisation of the contract.
2. Welcomes the provision of an electric garbage truck as part of the contract, and re-states its expectation that the recycling service will align with CN's goal of Net Zero Operational Emissions by 2030 as per our adopted Climate Action Plan.

The mover and seconder of the motion agreed to include Councillor Clausen's amendment into the motion.

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

**Carried unanimously**

## **9. NOTICES OF MOTION**

### **9.1. PUBLIC VOICE AND PUBLIC BRIEFING POLICY**

#### **MOTION**

Moved by Cr McCabe, seconded by Cr Mackenzie

That the City of Newcastle:

1. Notes that Councillors received a briefing from CN staff in a 'Briefing Committee' about the East End Public Domain Plan, Fig Trees on the 20th September 2022. This presentation included the rationale that the size of the combined canopy of the Western figs was evidence of their decline, as it was less than the canopy of the most Easterly fig tree.
2. Notes that a member of the public then applied for a Public Briefing to inform councillors about his specific knowledge about these same fig trees on the 12th of October 2022. He received notification on the 31st of October 2022 that the application was refused on the grounds that;
  - i) the application related to a subject matter that had previously been presented to Councillors in a Public Briefing in the last two years

- ii) that the final decision is within staff authority, i.e. the issue will not go back to the elected council for a decision.
3. Notes that the existing Public Voice and Public Briefing policy includes the following definitions;
- 1.1 The purpose of this Policy is to provide a framework to allow members of the public to address the Council on issues relevant to City of Newcastle's (CN's) functions.
  - 2.4 Public Briefings sessions (refer Section 5) provide an opportunity for members of the public to make presentations to the Council relating to significant issues of a general, strategic or policy nature relevant to CN's functions, facilities or services.
  - 3.1
    - a) **Accountability and transparency** – This Policy enables members of the public to bring before the Council issues of a general, strategic or policy nature relevant to CN's functions, facilities or services. This Policy ensures decisions are made in a way that is open and accountable.
    - c) **Openness** – This Policy enables members of the public to communicate opinions or concerns directly to Councillors by way of an address to the Council in an open forum.
  - 8.1 Public Briefings sessions provide an opportunity for members of the public to make short presentations relating to significant issues of a general, strategic or policy nature relevant to CN's functions, facilities or services.

(Sections of the policy text have been underlined in order to highlight the existing definition.)

- 4. Updates the Public Voice and Public Briefing Policy to explicitly define that a Public Briefing shall not be made by a member of staff through inserting the statement:
  - 8.3 For the purposes of this policy, a Public Briefing cannot be made by a member of CN staff.

And to change the wording in 8.1 as below:

- 8.1 Public Briefings sessions (insert 'are explicitly') to provide an opportunity (remove underlined) for members of the public to make short presentations relating to significant issues of a general, strategic or policy nature relevant to CN's functions, facilities or services.

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

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

**Defeated**

## 9.2. REQUESTING ATTENDANCE DATA FROM SUPERCARS

In moving the motion, Councillor McCabe included an additional Part B to the motion as outlined in the business papers.

### MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

#### Part A

That City of Newcastle:

1. Notes CNs commitment to transparency and accountability in our 2040 plan:
  - a. **4.2.2 Shared information and Celebration of Success**- Proactively share clear, consistent, accessible and relevant information with the community, leading to an understanding of CN's actions and decisions.
  - b. **4.3.3 Data-driven decision-making and insights** Harness the digital transformation of the organisation to drive innovative approaches and insights using quality data to make strategic decisions that align with our vision, provide consistency and transparency, and promote continuous improvement.
2. Notes that Supercars Australia has not provided the City of Newcastle with the attendance data for any of the races held in Newcastle on the grounds of commercial in confidence.
3. Notes that elected Councillors require access to this data before they make a decision about the future five year contract in order to analyse the economic impacts for the city.
4. Writes to Supercars CEO, Shane Howard, requiring that this information is provided to CN staff and Councillors.
5. Specifically requires in this letter that the attendance data must not comprise of tickets issued, but rather confirmed ticket holders who have entered the event on each of the days for all of the races and that postcodes are provided for Australian attendees and countries for international visitors.
6. Also requires in the letter that the attendance figure provided is not a gross attendance of everyone at the event. Data for those in attendance but delivering, working at, or supporting the race needs to be identified as such and separated from other attendees.

**Part B**

That City of Newcastle:

1. Notes that the **Economic Impact of the Newcastle 500 Supercars event for 2017, 2018 and 2019** includes the following information about attendance for each of those races in the report.

2017 Gross Attendance: 192,242

Newcastle LGA	8,956
Interstate	7,827
Intrastate	42,021
International	245
Other visitors: teams, officials, media, food vendors, merchandisers.	5,031
Total attendees excluding Newcastle LGA	<b>55,124</b>
Gross Attendance	55, 124 + 8,965 = 64,080 64, 080 x 3 days = 192, 240

2018 Gross Attendance: 162,248

Newcastle LGA	4,835
Interstate	8,036
Intrastate	36, 034
International	405
Other visitors: teams, officials, media, food vendors, merchandisers.	7,996
Total attendees excluding Newcastle LGA	52, 471
Gross Attendance	52,471 + 4,835 = 57, 306 57, 306 x 2.8= 160, 456

2019 Gross Attendance: 154,008

Newcastle LGA	7,678
Interstate	10, 292
Intrastate	26,307
International	728
Other visitors: teams, officials, media, food vendors, merchandisers.	6,331

Total attendees excluding Newcastle LGA	43,658
Gross Attendance	43, 658 +7,678= 51,336 51,336 x 3 days = 154,008

**AMENDMENT**

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

1. Notes CN's commitment to transparency and accountability in our 2040 plan:
  - a. 4.2.2 Shared information and Celebration of Success - Proactively share clear, consistent, accessible and relevant information with the community, leading to an understanding of CN's actions and decisions.
  - b. 4.3.3 Data-driven decision-making and insights Harness the digital transformation of the organisation to drive innovative approaches and insights using quality data to make strategic decisions that align with our vision, provide consistency and transparency, and promote continuous improvement.
2. Notes that Supercars has already provided a detailed breakdown of the ticketing for the Newcastle 500 for the years 2017, 2018 and 2019 to EY at the request of City of Newcastle, and that this information has been available to the community since October 2021.
3. Notes that in its economic assessment of the 2017, 2018 and 2019 economic assessment of the Newcastle 500, EY excluded all attendees that resided in the Newcastle LGA.
4. Notes that EY also assumed that each person that attended the Newcastle 500 that resides outside of the Newcastle LGA, was assumed to have stayed only as many nights as they attended the race.
5. Notes that the CEO of Supercars has committed to providing similar ticketing information provided to EY previously, to CN for the 2023 race.
6. Notes that the 2023 race ticketing data will be provided to Councillors and the community to enable the Council to make a more informed decision on the economic impact for the city from hosting the Newcastle 500. This decision will only be required if the NSW Government indicates it intends to support the race's continuation for another five years.

**For the Amendment:** Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Pull, Richardson and Winney-Baartz.

**Against the Amendment:** Councillors Barrie, Mackenzie, McCabe and Wark.

**Carried**

The amendment became the motion and was put to the meeting.

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

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

**Carried**

### **9.3. FUNDING FOR TROVE**

#### **MOTION**

Moved by Cr Duncan, seconded by Cr Adamczyk

That City of Newcastle:

1. Acknowledges the importance of Trove as a national digital archive service, maintained and managed by the National Library of Australia as a significant national platform to record and access Australia's history and culture.
2. Notes that since its launch in 2009, public libraries run by local Councils across Australia, have been able to access and contribute to Trove without significant costs until 2022 when a new subscription-based pricing model was introduced, resulting in already 13% of libraries across NSW withdrawing their contributions due to the significant fee increases, resulting in implications for the integrity of Trove in both the short and longer term.
3. Write to the Federal Minister for the Arts, the Hon Tony Burke MP, Shadow Minister for the Arts, the Hon Paul Fletcher MP and Sharon Claydon MP, Federal Member for Newcastle calling for sustainable funding to ensure the continuation of free success to the Trove national database and upgrade of the digital archive systems of Trove.
4. Endorses the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

**Carried unanimously**

### **9.4. INFRASTRUCTURE CONTRIBUTIONS REFORM CONCERNS**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Adamczyk

That City of Newcastle:

1. Notes with concern the former NSW Liberal Government's election announcement made on 4 March 2023 regarding infrastructure contributions, including proposed legislation to pool together local government contributions between councils.

2. Notes comments made on 10 March 2023 by the NSW Property Council that it “urges the NSW Coalition to proceed with caution on the proposed changes to local contributions. It is critical this policy does not disrupt the vital nexus between the collection of contributions and the delivery of vital growth infrastructure. Our infrastructure contributions framework still deserves the clarity, simplicity, certainty, transparency and efficiency that the NSW Coalition’s original reform package sought to deliver.”
3. Notes our Development Contributions Plans were reviewed as recently as January 2022 and updated to ensure that contributions from future residential and non-residential development in the city makes a reasonable contribution toward the cost of public amenities and services required to cater for those future populations.
4. Notes our Contributions Plans already align with relevant State Government planning strategies, as well as the intent of the NSW Government’s principles of transparency, accountability, strategic leadership and evidence-based decision making.
5. Notes our August 2021 resolution to advocate to the NSW State Government to protect local governments from any amendments to infrastructure contributions which leave councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development that is currently the responsibility of developers.
6. Notes, following advocacy led by Local Government NSW (LGNSW) and City of Newcastle, the November 2021 commitment from then- Planning Minister the Hon. Rob Stokes MP that reforms to the Environment and Planning And Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) would be modified to ensure that contributions would be spent in the region where they are collected rather than at the discretion of the NSW Government, and that "no council will be worse off under the proposed reforms", however subsequent modelling by some councils has shown this not to be the case.
7. Notes our motion to, and subsequent resolution of, the LGNSW 2022 Annual Conference responding to sector-wide concerns regarding the financial and planning implications of amendments to the Bill on local communities and endorsing continued advocacy by LGNSW to ensure that any amendments made to the Bill do not adversely affect local councils and their communities.
8. Reaffirms our commitment to adhering to proper process and the requirements of the Integrated, Planning & Reporting Framework set by the NSW Government, including community engagement and consultation, with updates to the CN Community Engagement Strategy currently underway.
9. Notes this was another attempt by the Government to once again attempt to manipulate the infrastructure contributions held by councils and spent in local communities (having failed previously in this respect in 2021), and divert them away from the purpose for which they were intended, again undermining local councils, as well as the extensive expense, effort and time expended on maximizing community engagement and input into CN’s strategic documents.

10. Welcomes the election of a Chris Minns Labor Government in NSW. Thanks NSW Labor for its steadfast and consistent opposition of the former Liberal Government's proposed unfair raiding and diversion of Council infrastructure contributions, which would have left councils and local communities worse off, and impacted Council's ability to fund important local infrastructure required to support growth.

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

**Against the Motion:** Councillor Pull.

**Carried**

## LATE ITEM OF BUSINESS

### 8.9 DETERMINATION OF INCOME TAXATION FOR COUNCILLORS

The Lord Mayor advised that she had been informed of a late item of business and requested Councillor Clausen to outline the reasons for Council to consider the late item of business.

Councillor Clausen advised that the motion was laid on the table at the last meeting and that it was appropriate to be considered at the next available meeting.

#### PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Item 8.14 - Determination of Income Taxation for Councillors that was laid on the table at the last meeting be heard as a late item of business.

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

**Against the Motion:** Councillor Mackenzie.

**Carried**

The Lord Mayor ruled that the matter of Determination of Income Taxation for Councillors be heard as a late item of business in accordance with the Code of Meeting Practice and the reason outlined by Councillor Clausen.

#### MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Council:

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

**Carried unanimously**

At the conclusion of the meeting the Chief Executive Officer read the resolution of the partial confidential report (*refer resolution at 8.8*).

**The meeting concluded at 8.53pm.**

## 7. LORD MAYORAL MINUTE

## 8. REPORTS

### 8.1. INLAND POOLS STRATEGY 2043

**REPORT BY: CREATIVE & COMMUNITY SERVICES**  
**CONTACT: ACTING EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES / EXECUTIVE MANAGER COMMUNITY & RECREATION**

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#### **PURPOSE**

To note that City of Newcastle (CN) is currently consulting with stakeholders and the community regarding its draft Inland Pools Strategy 2043 (**the Strategy**).

#### **RECOMMENDATION**

That Council:

- 1 Notes that CN is currently consulting with stakeholders and the community regarding the draft Inland Pools Strategy 2043 - Our plan for protecting and improving Newcastle's public pools for the next 20 years (**Attachment A**).
- 2 Receives a report for adoption of the Inland Pools Strategy 2043 following consultation.

#### **KEY ISSUES**

- 3 CN provides five inland pools of similar age and facility mix. A critical review of these assets has been undertaken by contemporary sport, leisure and recreation consultant Otium, in response to the aging condition of local inland pools as well as changing needs and expectations of the local community.
- 4 The review outlines a strategic path for CN to enhance and protect Newcastle's five publicly owned inland swimming pools for the community over the next 20 years.
- 5 The draft Inland Pools Strategy 2043 sets out an investment plan for Newcastle's network of public inland swimming pools to ensure they are fit for purpose over the next twenty years.
- 6 The draft Strategy considered current and future user needs, along with the existing conditions of the pools, to guide future investment.
- 7 CN commenced community and stakeholder engagement regarding the draft Strategy on 5 April 2023, with feedback to be provided by 12 May 2023.

## **FINANCIAL IMPACT**

- 8 CN allocates funding for the operation, maintenance and upgrade of its five inland pools through the annual budget process.
- 9 The draft Strategy indicates that investment is required for future works to renew and upgrade the inland pools to ensure these facilities remain fit for purpose. Specific costs will be determined once the draft Strategy is adopted and annual work programs confirmed.
- 10 The level of investment required outside of the 20 year life of the Strategy is beyond that of a local council and will require a funding partnership with the NSW and Federal governments. This is consistent with the majority of NSW councils who each own pool shells that were predominantly constructed during the 1950s and 1960s.
- 11 CN proposes the creation of an Inland Pools Reserve Fund utilising CN's finances to ensure that funding of approximately \$1 million is set aside as part of the annual budget process to enhance the City's five public pools over the next 20 years.

## **NEWCASTLE 2040 ALIGNMENT**

- 12 The draft Strategy is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **Liveable**

- 1.1 Enriched neighbourhoods and places
  - 1.1.1 Great Spaces
- 1.2 Connected and fair communities
  - 1.2.3 Equitable communities
  - 1.2.4 Healthy communities

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 13 The draft Strategy aligns with CN's Asset Management Policy which outlines how CN will manage its assets throughout the asset lifecycle.

## **RISK ASSESSMENT AND MITIGATION**

- 14 Otium Planning Group is considered within local government to be the leading strategic planning group in the Australian sports industry. The group is familiar with the Newcastle swim community, having completed CN's Strategic Sports Plan in 2021, and have also been recently contracted to undertake inland pool strategic plans by Lake Macquarie City Council and others.

## RELATED PREVIOUS DECISIONS

15 At the Ordinary Council Meeting of 25 October 2022, Council resolved a Notice of Motion that Newcastle needs a year-round aquatic facility:

- i) Notes Council's continued investment of more than \$3 million to upgrade local pools, while ensuring affordable entry fees for equity in access for residents, including:

### Mayfield Pool

- Connecting pathways to new undercover picnic and accessible barbecue area
- Three grandstands with shade
- New playground
- Family change room
- Installation of new shade at deep end of the pool
- New lane ropes
- Installation of two umbrella shade shelters adjacent to learners pool
- Installation of brighter lighting in change rooms
- New pace clock

### Stockton Pool

- Major works to reduce water use
- New boundary fencing on western side
- Rectification of roof in main pavilion
- Three new blanket rollers to store heat blankets
- Relining main lines to the pool
- Replace learners pool blanket

### Lambton Pool

- Replace 120m long water slide
- Upgrade to water play area
- Repaint of facility
- New starting blocks and covers to protect the blocks for the 50m pool
- Safety works on stairway access platform to water slide
- Design investigations to more adequately heat the pools
- Painting of all changerooms and non-slip at entrances
- New lane ropes
- Installation of Cantilever shade structure at water slide

### Beresfield Pool

- New starting blocks for the 50m pool
- Five new shade umbrellas
- New large pool inflatable
- Additional bench seating

- Additional permanent shade off changeroom pavilion

**Wallsend Pool**

- New shade above seating along pool deck
  - New shade at starting block end
  - Replacement of large shade structure in open space
  - Removal of unsafe shade structure on western side
  - Replacement of playground
  - Relocation and new pace clock on South end
  - Repair/maintenance of plumbing in amenities
  - General tidy up of gardens and open space, clean of scum lines
  - Relocation of ducks
  - External garden beds mulched
  - Linemarking of car park
  - New lane ropes
  - Scheduled pressure clean of pool pre-opening
- ii) Notes the Council's commitment to providing a modern year-round public aquatic facility in Newcastle.
- iii) Notes that a year-round facility requires substantial investment. Elsewhere, the NSW Government has provided significant funding for pool upgrades or redevelopments. Projects that received funding from Governments include:
- City of Sydney: \$106 million
  - North Sydney: \$64 million
  - Parramatta: \$87 million
  - Eurobodalla: \$69 million
- iv) Notes that an aquatic facility is being considered in the Venues NSW Business Case for Hunter Park in Broadmeadow. Writes to Venues NSW seeking confirmation that land will be preserved within the Hunter Park precinct to enable a year-round aquatic facility.
- v) Develops and promotes via all appropriate channels a public petition to the NSW Legislative Assembly calling on the NSW Government and Opposition to invest in a new year-round swimming facility in Newcastle.

16 At the Ordinary Council Meeting held on 26 February 2019 Council resolved:

- i) Reiterates its commitment to high quality aquatic facilities and ocean baths accessible to all Novocastrians.
- ii) Notes recent submissions and discussions with Venues NSW about the future of the Broadmeadow Sports and Entertainment Precinct, and the

opportunities to locate a new all year round aquatic facility as part of the future Sports Precinct at Broadmeadow.

- iii) Notes the NSW Government's recent commitment towards a new aquatic facility in the Paramatta Local Government Area.
- iv) Receives an updated report referred to the Infrastructure Advisory Committee outlining the current condition assessment of each inland pool, and a report on the quality of service delivery at each pool (including engagement with relevant communities and users) that outlines options for the future operation of Newcastle's aquatic facilities (including both short term operational and longer term capital and operational management)
- v) Writes to local state members and the NSW Ministers and Shadow Ministers for Local Government and Sport advocating for a commitment to an all year-round aquatic facility as part of the Broadmeadow Sports and Entertainment Precinct.

## **CONSULTATION**

- 17 Councillors received a presentation on the draft Inland Pools Strategy 2043 on 5 April 2023.
- 18 The Inland Pools Community Network received a presentation on the draft Inland Pools Strategy 2043 on 5 April 2023.
- 19 A presentation was provided to the Access Inclusion Advisory Committee at its April meeting and during the consultation period.
- 20 Information regarding the draft Inland Pools Strategy 2043 will be provided to all residential homes during the consultation period.
- 21 Community engagement activities will be undertaken at each of CN's five inland pools and information will be available on CN's website during the consultation period.
- 22 Key stakeholders will be invited to provide feedback on the detail of the draft Strategy.
- 23 CN has written to local State and Federal MPs, offering a briefing on the draft Strategy. This consultation includes outlining the funding required and partnerships necessary to continue to deliver these valued assets to the community, including the importance of the NSW Government delivering on a year-round aquatic facility at Hunter Park.

## **BACKGROUND**

- 24 CN's five inland public swimming pools attract more than 300,000 visitors annually.

- 25 CN owned pools enjoy strong public support as evidenced by a 2020 report by Micromex Research at **Attachment B**. The report is based on a statistically valid survey undertaken by Micromex which shows 81% community satisfaction of CN inland pools, compared to satisfaction at other pools (both public and private) in the Newcastle and neighbouring local government areas (82%).
- 26 CN commissioned Otium Planning Group (OPG) to provide an inland pool strategy that recommended an investment strategy for each of the inland pools, to ensure they can operate safely over the next 20 years with consideration of facility enhancements to help meet the needs of the community.
- 27 The inland pool strategy is based on a management directive that CN continue to own its five inland pools throughout the 20-year duration of the strategy.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 29 That Council does not receive a report to adopt the draft Strategy. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Draft Inland Pools Strategy 2043 (Otium Planning Group)  
**Attachment B:** City of Newcastle Aquatics Community Survey – 2020 (Micromex Research)

**Attachments A – B distributed under separate cover**

## 8.2. ADOPTION OF LOCAL SOCIAL STRATEGY

**REPORT BY:** CREATIVE & COMMUNITY SERVICES  
**CONTACT:** ACTING EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES / ACTING EXECUTIVE MANAGER COMMUNITY & RECREATION

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### PURPOSE

To adopt the Local Social Strategy 2030.

### RECOMMENDATION

That Council:

- 1 Adopts the Local Social Strategy 2030 at **Attachment A**.
- 2 Receives the Local Social Strategy – Public Exhibition Engagement Report at **Attachment B**.

### KEY ISSUES

- 3 City of Newcastle (CN) aspires to be a liveable, sustainable, inclusive global city as per the Newcastle 2040 Community Strategic Plan (CSP) and the Local Social Strategy 2030 (the Strategy) is a key informing strategy to achieve this.
- 4 The Strategy responds to the social challenges communities in Newcastle are currently facing and provides a framework and actions towards our vision of a socially just and inclusive place for all.
- 5 Through extensive community consultation and research, key social challenges impacting our local community were identified. These include the affordable housing crisis, increasing income and food insecurity, inequality of opportunity (eg employment and training), inadequate access to social, transport and health services, experiences of discrimination, social isolation and disconnection, as well as limited connection to culture and opportunity to influence local decision making.
- 6 A detailed report on the findings is included in the Local Social Discussion Paper at **Attachment C**.
- 7 The Strategy seeks to respond to these challenges by removing barriers to inclusion and equal opportunity, encouraging community connection and participation, celebrating our rich social and cultural diversity, and strengthening community health and wellbeing.
- 8 The Strategy places people and planet at the centre of our approach and recognises the importance of learning about, and connecting with, Aboriginal and Torres Strait Islander peoples' perspectives, philosophies and practices about caring for Country.

- 9 The Strategy champions evidence-based decision-making and innovative practice while ensuring strong, respectful and transparent relationships with our community partners.
- 10 The Strategy and associated four-year action plans aim to create a blueprint for how CN will play its part in responding to the social challenges and opportunities in our community until 2030 and will be reviewed every four years.
- 11 Four strategic priorities have been identified:
  - i) **Equitable communities:** Support access to affordable, sustainable and inclusive housing, as well as services, programs and facilities to improve quality of life and the strength of our community.
  - ii) **Inclusive communities:** Acknowledge, value and celebrate Aboriginal and Torres Strait Islander peoples' strength, resilience and living culture. Recognise and embrace the diversity of community members. Champion inclusion across our community so that everyone is supported, valued and respected.
  - iii) **Connected communities:** Support diverse communities to build strong social and cultural connections through acceptance, participation and inclusion, so that everyone feels welcome in Newcastle and enjoys a sense of belonging and place.
  - iv) **Healthy communities:** Promote and support active, healthy and resilient communities that have strong physical, mental and spiritual health and feel safe and secure in the city.

## FINANCIAL IMPACT

- 12 The Strategy will be delivered as funding is available and over multiple financial years commencing in the 2023/2024 financial year. Grant funding opportunities will be sought to support delivery of the Strategy.

## NEWCASTLE 2040

- 13 The Strategy is consistent with the following themes and priorities of the Newcastle 2040 CSP:

### Liveable Newcastle

- 1.1 Enriched neighbourhoods and places
- 1.2 Connected and fair communities
- 1.3 Safe, active and linked movement across the city
- 1.4 Innovative and connected city

### Sustainable Newcastle

- 2.1 Action on climate change

### Creative Newcastle

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

**Achieving Together**

- 4.1 Inclusive and integrated planning
- 4.2 Trust and transparency
- 4.3 Collaborative and innovative approach

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 14 Programs and projects will be operationalised through CN's Delivery Program and Operational Plans each financial year for the life of the plan.

**RISK ASSESSMENT AND MITIGATION**

- 15 There are no significant risks relation to the Strategy that require mitigation.

**RELATED PREVIOUS DECISIONS**

- 16 At the Ordinary Council Meeting held on 27 September 2022, Council resolved to place the draft Local Social Strategy 2030 on public exhibition for a minimum of 28 days; receive a report on submissions following the public exhibition; and the Community and Culture Advisory Committee receive a briefing (with an open invitation to members of other Committees), prior to a report back to Council.
- 17 At the Ordinary Council Meeting held on 8 December 2015, Council resolved to adopt the Social Strategy 2016–2019. The Local Social Strategy 2030 provides an updated direction.

**CONSULTATION**

- 18 In 2021, the targeted Your Place digital and communications campaign reached 183,397 people. 2,120 people provided ideas and opinions on social justice and inclusion issues such as community participation, satisfaction with wellbeing, access to services, safety and inclusion.
- 19 Additional feedback was sought during the public exhibition of the draft Strategy from 28 September to 25 November 2022.
- 20 A dedicated communications campaign which included a Have Your Say project webpage, stakeholder emails, distribution of postcards and static displays, use of social media, newsletters and media, as well as a competition to raise awareness of the draft Strategy reached an approximated 17,709 people.
- 21 Fifteen stakeholder and community events and workshops were held during the public exhibition period. Approximately 300 community members and stakeholders attended.
- 22 A total of 30 submissions were received through the online form and email.
- 23 Consultation was undertaken directly with CN Advisory Committees including:
  - i) Guraki Aboriginal Advisory Committee
  - ii) Community and Culture Advisory Committee
  - iii) Access Inclusion Advisory Committee

- iv) Liveable Cities Advisory Committee
- v) Newcastle Youth Council

24 A comprehensive Local Social Strategy - Public Exhibition Engagement Report is included at **Attachment B** and the Public Exhibition Engagement Summary Report at **Attachment D**. The Local Social Discussion Paper also provides insights into the findings from the community consultation and research conducted in 2021 and how this shaped the Strategy.

## **BACKGROUND**

- 25 CN's Social Strategy 2016–2019 has reached the end of its delivery term.
- 26 All levels of government have a role to play in ensuring the social needs of our communities are being met, and responding to these complex social issues requires partnership across government, charitable and private sectors.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

28 Council resolves to not adopt the Local Social Strategy 2030. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

<b>Attachment A:</b>	Local Social Strategy 2030
<b>Attachment B:</b>	Local Social Strategy – Public Exhibition Engagement Report
<b>Attachment C:</b>	Local Social Discussion Paper
<b>Attachment D:</b>	Public Exhibition Engagement Summary Report

**Attachments A - D distributed under separate cover**

### 8.3. ADOPTION OF DRAFT SECTION 6.04 RENEWAL CORRIDORS OF NEWCASTLE DCP

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

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#### PURPOSE

To adopt Section 6.04 Renewal Corridors of Newcastle Development Control Plan 2012.

#### RECOMMENDATION

That Council:

- 1 Adopts Section 6.04 Renewal Corridors (**Attachment A**) of Newcastle Development Control Plan 2012.
- 2 Receives and notes submissions (**Attachment B**) made in response to the exhibition of the draft Development Control Plan.

#### KEY ISSUES

- 3 Refinements are proposed to draft Section 6.04 Renewal Corridors of Newcastle Development Control Plan 2012 (NDCP 2012) to address comments received from the exhibition and from the Urban Design Review Panel (UDRP). Refinements are summarised below and shown in **Attachment A**.

#### Overarching objectives

- 4 Two new overarching objectives require development to consider appropriate bulk and scale for the site, surrounding context and future character and universally accessible design features. These respond to submissions seeking flexibility of controls and the need to consider public places and buildings for the aging community.

#### Broadmeadow Renewal Corridor

- 5 The Broadmeadow renewal corridor boundary is adjusted to remove Cameron's Hill. This responds to submissions regarding its heritage contributions. The homes in Cameron's Hill reflect social times and are of architectural significance. Of the 41 submissions on the draft renewal corridors section (draft DCP), 16 submissions related to protecting Cameron's Hill. This is reflected in the DCP, and the area's heritage values will be further investigated for conservation.
- 6 An objective is added to the Broadmeadow renewal corridor so development is sympathetic to the built form of Cameron's Hill.

- 7 'Auto-Business' character typology area at Nine-ways is now classified as 'Active Residential'. This responds to a query about the intent of the character typology for this location and controls for deep front setbacks. The 'Active Residential' character typology reflects greater consistency with the B4 Mixed Use zone and its permissible uses.

### **Mayfield Renewal Corridor**

- 8 Lots at 4 – 10 Rawson Street, 2 James Street and 3 – 5 Roe Street, Mayfield now identifies as having the 'Apartment' character typology. This reflects greater consistency with its R4 High Density Residential zone and responds to a submission querying the lack of commercial nature at this location.

### **Building setbacks**

- 9 An additional control is included for the renewal corridors where an alternative setback may be considered that satisfies the objectives. This allows consideration of site specifics and responds to concerns for a lack of flexibility in the controls.

### **Additional objectives for certain typologies**

- 10 New objectives are included to promote lot consolidation and ensure development does not result in isolated sites and achieves full potential of the site. This applies to boarding houses, hotels, multi dwelling housing, residential flat buildings and shop top housing outside the village centre. It guides efficient development design, aiming to achieve the full potential of the site with appropriate space for car parking, vehicle access, communal open space, deep soil planting and landscaping. This will assist good urban design outcomes, particularly enabling smaller sites to achieve their full potential (under the Local Environmental Plan (LEP)).

### **Vehicular access**

- 11 The DCP guides the urban design and comprehensive redevelopment in these renewal corridors where planning controls under the LEP allow a large range of uses and encourages higher residential densities.
- 12 Concerns were raised in regards to existing vehicular access. The Environmental Planning and Assessment Act 1979 (EP&A Act) protects existing use rights for a land use that becomes non-compliant after it was lawfully built (within limits). However, where future development fronts a State classified road it is required to be considered by Transport for NSW, and where possible must consider access from other roads, other than the classified road and provide the necessary justification.
- 13 Two submissions led to refinements to the vehicular access controls and maps, where site specific merit is demonstrated. Access for development at 240 Maitland Road, Islington is identified as 'no additional access' rather than 'no access' to Maitland Road due to the site's past and proposed future use as a service station.

- 14 Vehicular access for development at 162 Brunner Road, Adamstown reflects access at the rear half of Evans Road (providing secondary frontage) as per the current control for this site. This addresses concerns raised about inhibiting future development's efficiency and functionality for servicing and access.

**UDRP feedback**

- 15 A control for a minimum dimension for deep soil planting is included for residential development and the minimum dimension is increased in response to feedback from UDRP.

**FINANCIAL IMPACT**

- 16 The costs to amend NDCP 2012 are met under City of Newcastle's (CN) operational budget.

**NEWCASTLE 2040 ALIGNMENT**

- 17 The DCP is consistent with Newcastle 2040 Community Strategic Plan and contributes to the implementation of the following priorities and objectives:

**Liveable**

- 1.1 Enriched neighbourhoods and places
  - 1.1.1 Great spaces
  - 1.1.2 Well-designed places
  - 1.1.3 Protected heritage places

**Achieving Together**

- 4.2 Trust and Transparency
  - 4.2.1 Genuine engagement

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 18 The DCP is consistent with the requirements of the EP&A Act and associated Regulations.
- 19 The DCP implements the Local Strategic Planning Statement (LSPS) action to review and update planning controls for the Stage 1 Urban Renewal Corridors to ensure they support desired development outcomes. It also supports actions to review landscaped areas, consider heat island effect, provide tree canopy, support universal housing design principles and reflect consistency with zone objectives.

**RISK ASSESSMENT AND MITIGATION**

- 20 The legislative process has been followed and satisfied. This includes the required statutory public exhibition period of 28 days and formal notice.

## **RELATED PREVIOUS DECISIONS**

- 21 At the Ordinary Meeting of 25 October 2022, Council resolved to place draft Section 6.04 Renewal Corridors on public exhibition for a minimum of 28 days.

## **CONSULTATION**

- 22 The draft DCP was exhibited from 7 November 2022 to 4 December 2022. CN received 41 submissions, including six that were late but still considered. The majority of these represented landowners. A summary of the submissions with a response in Attachment B.
- 23 The draft DCP and attachments were placed on CN's 'Have your Say' page and notification letters sent to all landowners in the renewal corridors. An online question box was made available on the page for staff to follow up.
- 24 Information was also provided face to face, over the phone or via emails for individual requests. Information sessions were held with the Property Council and as requested with the Adamstown Business Group.
- 25 Post exhibition, the DCP was considered by the UDRP, DCP Working Party and Liveable Cities Advisory Committee (LCAC) all of whom are supportive of the DCP.

## **BACKGROUND**

- 26 Planning and development controls for the renewal corridors were reviewed and revised for improved development outcomes and to incorporate comments. The DCP consolidates five sections of NDCP 2012 into one section with common, overarching objectives and controls where relevant to the character typology.
- 27 The objectives and controls for the various corridors provide for differences.
- 28 The renewal corridor boundaries are now reconsidered with relevant objectives and controls to promote development and renewal, site consolidation, efficient use of land, reasonable landscaping and deep soil requirements, and universal access.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 30 The recommendation that Council does not adopt Section 6.04 Renewal corridors of NDCP 2012. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Section 6.04 Renewal Corridors of NDCP 2012

**Attachment B:** Submissions Table

**Attachments A – B distributed under separate cover**

## 8.4. ADOPTION OF THE REVISED PRIVACY MANAGEMENT PLAN

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

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### PURPOSE

To adopt City of Newcastle's (CN) Privacy Management Plan (Plan).

### RECOMMENDATION

That Council:

- 1 Adopts City of Newcastle's Privacy Management Plan at **Attachment A**.

### KEY ISSUES

- 2 Section 33 of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) requires all councils to adopt a plan to ensure compliance with the requirements of the PIIP Act and the *Health Records and Information Privacy Act 2002* (HRIP Act).
- 3 CN's Plan has been reviewed and updated in line with best practice and following external review by the Information and Privacy Commission (NSW) (IPC). A copy of the Plan with tracked changes is set out at **Attachment B** along with comments explaining the changes.
- 4 The Plan:
  - Provides information about how CN collects, stores, accesses and discloses personal information and health information;
  - Informs the community about its rights and CN staff and representatives of their obligations in terms of protection of privacy; and
  - Sets out processes relating to investigation of privacy complaints.

### FINANCIAL IMPACT

- 5 There are no financial costs associated with this recommendation. CN's 2022/23 budget includes allocations for any privacy breach investigations which may be required.

### COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The adoption of a revised Plan is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

## **Achieving Together**

### 4.2 Trust and Transparency

#### 4.2.3 Trusted customer experience

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 Once adopted, the Chief Executive Officer will appoint the Privacy Contact Officer and Privacy Champions.
- 8 CN partners with the IPC as a Privacy Champion. This includes the promotion of rights and obligations in relation to personal and health information outlined in the Plan. CN will continue to ensure Councillors, staff and other CN representatives are aware, and trained where required in their obligations in relation to the handling of personal information.
- 9 The Plan will be made available on CN's website along with general information to the community about how CN collects, stores, accesses and discloses personal information.

## **RISK ASSESSMENT AND MITIGATION**

- 10 The adoption of the Plan ensures CN complies with the PPIP Act and the HRIP Act and is a key control in mitigating CN's risk of privacy breaches.

## **RELATED PREVIOUS DECISIONS**

- 11 At the Ordinary Council Meeting held on 11 December 2018, Council adopted the current Privacy Plan.

## **CONSULTATION**

- 12 The Plan, which is required to strictly align with the PPIP Act and the HRIP Act, was reviewed externally by the IPC. Feedback has been incorporated in the Plan, however minimal substantive changes have been made. Publicly exhibiting the Plan is not considered optimal given the requirement to strictly align with the PPIP Act.

## **BACKGROUND**

- 13 Nil

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 15 Council does not adopt the revised Plan. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Privacy Management Plan

**Attachment B:** Privacy Management Plan with tracked changes

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

## **8.5. ADVISORY COMMITTEES ANNUAL REPORTS**

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

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### **PURPOSE**

To receive Advisory Committee Annual Reports for the 2022 calendar year.

### **RECOMMENDATION**

That Council:

- 1 Receives Advisory Committee Annual Reports for the 2022 calendar year from:
  - i) Access Inclusion Advisory Committee
  - ii) Asset Advisory Committee
  - iii) Community and Culture Advisory Committee
  - iii) Guraki Aboriginal Advisory Committee
  - iv) Infrastructure Advisory Committee
  - v) Liveable Cities Advisory Committee
  - vii) Strategy and Innovation Advisory Committee
  - viii) Newcastle Youth Council Advisory Committee

### **KEY ISSUES**

- 2 City of Newcastle's (CN) Advisory Committees, comprising Councillor and independent community and stakeholder members, provide advice to the elected Council on matters of strategic significance and on matters aligned to their area of expertise and Newcastle 2040.
- 3 Advisory Committees present Annual Reports to Council to inform Councillors of their key items of business and their performance.

### **FINANCIAL IMPACT**

- 4 CN's adopted Our Budget 2021/22 and 2022/23 makes provisions for Advisory Committees.

## **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 5 Receiving annual reports from the Advisory Committees is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **Liveable**

- 1.1 Enriched neighbourhoods and places
- 1.2 Connected and fair communities
- 1.3 Safe, active and linked movement across the city
- 1.4 Innovated and connected city

### **Sustainable**

- 2.1 Action on climate change
- 2.2 Nature-based solutions

### **Creative**

- 3.1 Vibrant and creative city
- 3.3 Celebrating culture
- 3.4 City-shaping partnerships

### **Achieving Together**

- 4.2 Trust and transparency
- 4.3 Collaborative and innovative approach

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 6 Advisory Committee Annual Reports are published on CN's website.

## **RISK ASSESSMENT AND MITIGATION**

- 7 Advisory Committees are a key mechanism for engaging the community and key stakeholders in local planning and decision-making.
- 8 Clear and transparent Advisory Committee processes ensure broad opportunities for membership providing for greater diversity of input into matters on which the elected Council will be making decisions.

## **RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council meeting held on 11 December 2018, Council established its current Advisory Committee structure.
- 10 At the Ordinary Council Meeting held on 24 August 2021, Council resolved to receive the Advisory Committee annual performance reviews.
- 11 At the Ordinary Council meeting held on 28 February 2023, Council received the Audit and Risk Committee Annual Report.

## **CONSULTATION**

12 The Annual Reports at **Attachment A** have been presented and endorsed at respective Advisory Committee meetings.

## **BACKGROUND**

13 Nil

## **OPTIONS**

### **Option 1**

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

### **Option 2**

15 Council does not adopt the recommendation. This is not the recommended option.

## **REFERENCES**

Guidelines for meeting practice – Advisory Committees

<https://www.newcastle.nsw.gov.au/Newcastle/media/DocumentsHYS/Documentation-Guidelines-for-meeting-practice-Advisory-Committees-V1.pdf>

Advisory Committee webpage:

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

## **ATTACHMENTS**

**Attachment A:** Advisory Committee Annual Reports

**Attachment A distributed under separate cover**

## 8.6. EXECUTIVE MONTHLY PERFORMANCE REPORT

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

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### PURPOSE

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

### RECOMMENDATION

That Council:

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

### KEY ISSUES

- 2 At the end of March 2023 the consolidated YTD actual operating position is a surplus of \$28.6m which represents a positive variance of \$24.4m against the budgeted YTD surplus of \$4.2m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. Of note is the recent and unexpected receipt of an \$8m operating grant from the NSW Government for road maintenance, which will not be expended until the 2023/24 year. The full year budget for 2022/23 is a surplus of \$7.7m.
- 3 The net funds generated as at the end of March 2023 is a surplus of \$47.6m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$15.5m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

### FINANCIAL IMPACT

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

### COMMUNITY STRATEGIC PLAN ALIGNMENT

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

## **Achieving Together**

### 4.1.1 Financial sustainability

## **IMPLEMENTATION PLAN/IMPLICATIONS**

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

## **RISK ASSESSMENT AND MITIGATION**

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

## **RELATED PREVIOUS DECISIONS**

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

## **CONSULTATION**

- 11 A monthly workshop is conducted with 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 – March 2023

**Attachment A distributed under separate cover**

## **8.7. TENDER REPORT - NEWCASTLE ART GALLERY EXPANSION - CONSTRUCTION WORKS 2023/033T**

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

### **PURPOSE**

To accept a tender for the Newcastle Art Gallery expansion project construction works in accordance with Contract No. 2023/033T.

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

### **REASON FOR CONFIDENTIALITY**

The confidential attachments have been classified confidential in accordance with the provisions of the *Local Government Act 1993* (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.

### **GROUNDS FOR CLOSING PART OF THE MEETING**

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

### **MOTION TO PROCEED**

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

- A The matter relates to tenders for the Newcastle Art Gallery expansion project construction works for Contract No. 2023/033T.

- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- 

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 The tender is for the Newcastle Art Gallery expansion construction works.

### **Contract Term**

- 3 The contract term is 15 months, with a defect liability period of 12 months.

### **Advertising of Tenders**

- 4 Tenders were invited following an Expression of Interest (EOI) process.
- 5 The EOI was advertised in the Newcastle Herald on Saturday 12 February 2022, the Sydney Morning Herald on Tuesday 15 February 2022 and nationally on the Tenderlink website.
- 6 The EOI closed at 2pm on Tuesday 15 March 2022. Thirteen submissions were received and assessed by a panel of City of Newcastle (CN) officers including the Art Gallery Director, Program Delivery Manager, and two Project Managers.
- 7 The EOI submissions were assessed against criteria including capability, methodology, WHS systems and quality assurance. Following completion of the assessment, tenders were invited from four respondents.

### **Tenders Received**

- 8 Tenders closed at 2pm on Tuesday 7 March 2023. Tender submissions were received from:
- i) Built Pty Ltd,
  - i) Hansen Yuncken Pty Ltd, and
  - iii) Richard Crookes Constructions Pty Ltd.

**Evaluation Process**

9 The tenders were assessed against the following criteria:

i) Tender Price	40%
ii) Methodology	15%
iii) Contract Program	15%
iv) Management, Staff Resources and Sub-Contractors	10%
v) WHS Management Systems	10%
vi) Quality Assurance and Environmental Sustainable Development	5%
vii) Supplier Diversity	5%

10 The tenders were assessed by a panel consisting of CN's Art Gallery Director, Program Delivery Manager, and two Project Managers. The panel was selected based on experience and knowledge of the project.

11 Probity oversight was provided by an external Probity Auditor who was present during all Panel meetings and interviews with tenderers and included in all relevant correspondence in accordance with CN's Procurement Policy.

**Recommended Tenderer**

12 The recommended tenderer demonstrated a thorough understanding of the construction requirements and is a long-established construction company with a local workforce located within the Newcastle Local Government Area (LGA). The recommended tenderer has completed large and complex construction projects in the Newcastle LGA and wider Hunter region.

**FINANCIAL IMPACT**

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

14 The project is the recipient of the following funding contributions:

- i) Newcastle Art Gallery Foundation: up to \$13 million,
- i) Margaret Olley Art Trust: \$500,000
- ii) NSW State Government (Regional Recovery Package): \$5 million, and
- iii) Australian Federal Government (Regional Recovery Partnerships): \$5 million.

- 15 As per Council's resolution of 27 July 2021, CN will seek to partially fund the project through borrowing up to \$22.6 million from the State Government's low-cost loan initiative.

## **IMPLICATIONS**

### **Policy Implications**

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

#### **Liveable**

- 1.1 Enriched neighbourhoods and places
  - 1.1.1 Great Spaces
  - 1.1.2 Well-Designed Places
- 1.2 Connected and fair communities
  - 1.2.1 Connected communities

#### **Sustainable**

- 1.3 Action on Climate Change
  - 1.3.1 Towards net zero emissions

#### **Creative**

- 1.4 Vibrant and Creative City
  - 1.4.1 Tourism and Visitor Economy

### **Environmental Implications**

- 17 The recommended tenderer has an ISO accredited environmental management system to address environmental risks associated with construction activities. All contractors are required to comply with CN's work health safety and environmental requirements during project delivery.

### **Social Implications**

- 18 The recommended tenderer has a Collective Agreement supplementary to the Building and Construction General On-site Award.

### **Ecological Sustainability**

- 19 The recommended tenderer has a specific ecological sustainable development policy in place. The recommended tenderer has not been prosecuted for environmental offences, nor is it involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

## **IMPLEMENTATION**

- 20 Implementation of the recommendation will require permanent closure of the Darby Street carpark on the eastern side of Newcastle Art Gallery, consistent with the approved Development Application by the Hunter Central Coast Regional Planning Panel. The Queen Street carpark behind the City Library will remain open to the public, however periodic closures will be required during construction. Access will be managed by traffic controllers to ensure public safety during construction.

## **CONSULTATION/COMMUNICATION**

- 21 At the Ordinary Council Meeting held 26 April 2022, Council awarded a contract for the Newcastle Art Gallery Expansion - Stage One mine void remediation works.
- 22 An application to modify the development consent for the project was approved by the Hunter Central Coast Regional Planning Panel in December 2021. The approval process included notification of the project to neighbouring properties.
- 23 Consultation throughout the design and documentation phase of the project has been undertaken with key stakeholder groups, including Newcastle Art Gallery Foundation and Newcastle Art Gallery Society.

## **BACKGROUND**

- 24 Newcastle Art Gallery is custodian to a nationally significant collection, recently valued at \$126 million. The collection has grown in excess of 500% since opening the existing building in 1977. The building has not had any significant upgrades during its 46-year life, resulting in exhibition space being converted into temporary art storage to accommodate the collection's growth.
- 25 Due to the limited size of the Gallery, only 1% of the collection can be displayed at any one time. To appropriately meet the growing expectations of the community, the building requires upgrading and expanding to provide modern facilities such as multiple exhibition spaces including dedicated permanent collection displays, a café, retail shop, multi-purpose program space, and a secure international standard loading dock.
- 26 An expanded and upgraded Gallery of international standing will enable increased exhibition and community engagement programming for the people of the Hunter while also offering a valuable cultural tourism opportunity for NSW. Along with increased public and education programs, and employment and enterprise opportunities which meet key economic, social and environmental priorities, the expansion of the Gallery will consolidate the Hunter's reputation as an active and vibrant centre for the arts and culture.
- 27 The Gallery expansion was included in the NSW Government's Cultural Infrastructure Plan 2025, identifying the project as a 'regional opportunity'.
- 28 The expanded Gallery will include the following features:
  - i) 116% increase in exhibition space,
  - i) new entrance and reception area with improved access and security,
  - ii) café and terrace,
  - iii) retail shop,

- iv) multi-purpose and educational program spaces,
  - v) international standard loading dock,
  - vi) improved environmental performance, and
  - vii) rainwater harvesting tanks.
- 29 Construction works will be scheduled to directly follow completion of the mine grouting works currently underway on the site.
- 30 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**

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

### **Option 2**

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

### **Option 3**

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

### **Option 4**

- 34 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**

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

## **ATTACHMENTS**

**Attachment A:** Confidential Recommendation

**Attachment B:** Confidential Tender Evaluation Matrix - Summary

***(refer Confidential Council Meeting agenda 26 April 2023 for Attachments A and B)***

## 9. NOTICES OF MOTION

### 9.1. BUZZING WITH LIFE: A POLLINATOR-FRIENDLY NEWCASTLE

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

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#### PURPOSE

*The following Notice of Motion was received on Thursday 13 April 2023 from the abovementioned Councillors.*

#### MOTION

That City of Newcastle

- 1 Notes that ecological services provided by pollinators (including native bees, insects, and butterflies) are necessary for healthy, secure and resilient ecosystems and food systems;
- 2 Notes with concern that the decline of pollinator populations and habitat in cities, including due to urbanisation, urban pollution and neonicotinoids, is endangering biodiversity, crop yields, and food security; and in 2022 and 2023 tens of thousands of local honeybees were killed after the varroa virus was detected in our city;
- 3 Notes that many cities have adopted pollinator-friendly policies, including limiting neonicotinoids and working to support businesses and residents to take steps to ensure that no plants, seeds or products containing neonicotinoids are used in the city; and that in June 2019 City of Newcastle committed to phasing out the use of glyphosates in pesticides and use alternative products where possible;
- 4 Resolves to communicate to our community the significance of participating in the local pollinator census during Australian Pollinator Week 11-19 November 2023; and
- 5 Commits to incorporate an urban pollination programme as part of CN's Environment Strategy to create vibrant pollinator corridors in our city by integrating pollinator ecosystem support into city fabric, plans and infrastructures and collaborating with community to raise awareness of the myriad benefits of adopting pollinator-friendly practices in public and private spaces.

## BACKGROUND

Pollinators secure the health, resilience, and prosperity of natural ecosystems and human and non-human food systems. Pollinators distribute pollen to pollinate flowers and plants, ecological services that stabilise and purify air, soil, and water systems, and regulate pests and disease, and are necessary to reproduce [75% of the world's crop species, 85% of wild plants, and 95% of flowering plants](#). [One third](#) of the food humans eat relies on pollination. Innumerable benefits flow from pollinator services directly and indirectly including public health, economies, and industries.

Increasing media coverage has [shifted perspectives](#) on the responsibility of humans to care for the lives of well-known pollinators like honeybees. Yet, innumerable other species of bees and other types of pollinators are often overlooked. Researchers from the [University of Yarnun](#) have mapped 20,000 bee species [globally](#). In Australia an estimated between 1650-2,000 native bee species along with [thousands of other pollinators](#) including butterfly, native wasp, fly, moth, beetle, thrip and ant species (some of which are [undocumented](#)) are crucial to pollination in crops and gardens.



*Pollinators at work in the Hunter Valley (Images: author)*

But, [studies](#) across the global south and global north indicate that pollinator populations on all continents have diminished in recent decades due to habitat destruction, land management and monoculture farming practices, and widespread pesticide use. In 2021, an international panel of experts led by the [University of Cambridge](#) created a risk index of the causes and effects of dramatic pollinator declines in six global regions, cautioning the knock-on effects on humanity of declining pollinator populations. The [2007 Rome meeting of the UN Food and Agriculture Association](#) identified the urgent need to protect and conserve pollinating in agriculture as central in reproducing the ecosystems that humans and animals rely on, including for nutrition.

In cities, urbanisation, elevated carbon and pollution emissions, neonicotinoids, and urban heat island effects have exacerbated declining pollinators. In Australia specifically, ongoing [drought, bushfire, flood](#), and most recently the varroa mite incursion have decimated populations. In 2022 tens of thousands of honeybees were killed or kept in lockdown in Newcastle and surrounds due to the discovery of [the varroa virus at the Port of Newcastle](#) (notably, the first discovery in Australia as the only continent in the world previously uninfected). The 'eradication' zone was extended only [last month](#) after the geography of the virus expanded.

Research indicates the ecological significance and opportunities that cities pose for restoring pollinator habitats and reconnecting broken biodiversity corridors. As an amalgam of built and natural spaces, city environments offer opportunities for the urgent conservation action to restore pollinator habitat ([Hall et al. 2017](#)), and support a greater range of animals and insects than bushland and rural habitat if planted with biodiversity in mind ([Marinelli 2021](#), [Wenzel et al. 2020](#)). [ICLEI](#) Local Governments for Sustainability has emphasised that the city can be a refuge for insect pollinators in providing foraging and nesting sites, larval food plants and nectar that may be less available on intensively managed farmland. Protecting and conserving spaces for pollinators in cities is essential to supporting healthy and biodiverse ecosystems and food systems.

Globally, directives from multi-national organisations to integrate nature into city infrastructures to support pollinator habitats are increasingly common. In November 2021, the Executive Secretary of the [UN Convention on Biological Diversity](#) stated one of the most feasible approaches to solving the intertwined global climate and biodiversity crises is to design, plan, build, renovate and manage cities with nature-positive interventions. This ambition is reflected in the local government commitment to SDG 15 to "Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss", and in the aims of the World Economic Forum Global Commission on Nature Positive Cities global [BioDiverCities by 2030](#) project.

Regionally, local governments have been urged - by other levels of government and NGOs - to enshrine ways to protect and embed biodiversity and pollinators in the fabric of the city. The [EU Pollinators Initiative](#), the [Mediterranean Guide for Pollinator-Friendly Cities: Urban Declaration](#), and the [UK framework for local pollinator action plans](#) set coordinated actions and strategic objectives to support authorities to improve pollinator habitats in cities. In the report to CHOGM 2015 [Bees and Pollinators: A Commonwealth Concern](#) (p.10), tripartite actions are recommended; for city authorities to integrate pollination ecosystem support into the urban fabric of cities via: infrastructure provision in public and private spaces (such as buildings, roadways and pathways, and green spaces); planning and design codes; and identifying locally threatened habitats to restore and enhance to provide varied sources of food and shelter for pollinators.

Local governments have responded to these calls through adopting governance to be sensitive to and care for pollinators. Since 2011 343 cities and university campuses in [the USA](#), and 68 cities, 70 schools, and 18 universities in [Canada](#) (current at April 12 2022) have taken the 'pollinator pledge' and national pollinator partnership certification programmes. Certified 'bee cities' [pass a common resolution](#) to minimise the presence of pollinator- and human- harming neonicotinoids in pesticides (and in landscaping materials including plants and seeds) on publicly owned and managed lands. As well as targeting 'pests' neonicotinoids transfer via the nectar and pollen of plants to bees, causing [brain dysfunction](#) and poor performance in pollinating (rather than death).

City authorities committing to be 'pollinator-friendly' have introduced programs to protect, increase and enhance pollinator presence and biodiversity on parks and public lands, like Mexico City's [Green Plan](#), Colombia's [Medellin Biodiversa](#) programme, and the [Pollinator Pathmaker](#) artwork/garden in Eden in the UK. Concrete and impervious surfaces like median strips, and islands, along with formerly manicured green spaces like street gardens, trees and median strips and [nature strips](#), have been transformed. In Melbourne a [handbook](#) teaches schools, gardeners, business, and community how to maximise pollinator-friendly habitat in public and private spaces.

Awareness of the disappearance and fragmentation of native plant habitat in urban spaces has underpinned efforts to establish connected biodiversity corridors. Pollinator 'highways' and 'corridors' to support pollinators in their migrations to spread pollen have been established with increasing frequency and volume in cities, and across private and public spaces, including; the wildflower corridor in [London](#), the Pollinator Superhighway to move bees across in [Oslo](#), the Colorado Pollinator Project along [state highways from Denver, Colorado to the Nebraska state line](#), 96 kilometres of corridor in [North Carolina, hundreds of miles](#) along a [B-Line Insect Superhighway](#) in the UK, and an 8km corridor in [Melbourne](#). 'Bee hotels' on the rooftops of buildings in Europe and [on trees in Edmonton](#), 'bee bus stops' on the roof of bus shelters [in cities in the UK, Netherlands, Denmark, Sweden, France and Belgium](#), and a [B&B for Birds, Bees and Butterflies](#) in Bathurst provide safe spaces for pollinators to nest and rest.



Above: Bee bus stop, Sunderland, UK, and Utrecht, Netherlands (images: [Weston, 2022](#)).

City authorities have also considered how the needs of pollinators are represented in city plans and policies. Curridabat in Costa Rica [extended citizenship to pollinators, trees and native plants](#) in recognising them as “the consultants of the natural world, supreme reproducers ... The plan to convert every street into a biocorridor and every neighbourhood into an ecosystem required a relationship with them” (n.p.). The municipal government of Curridabat also uses environmental infrastructure and geolocation mapping to target locations with high numbers of elderly residents and children to ensure they benefit from air pollution removal and cooling effects provided by newly-created corridors. Following community pressure, the City of Port Phillip last year changed its policy for [planting along nature strips](#) in St Kilda and Port Melbourne to be facilitative of practices amenable to pollinator-friendly habitats.

Community engagement and outreach has raised awareness of pollinators. Educational programmes and events like 'Pollinator Weeks' in [Australia](#) and [the USA](#), and '[Bee Aware of Your Native Bees](#)' (focusing on locally-threatened species in Greater Western Sydney and Lithgow) have encouraged humans to engage with pollinator populations. Programmes have taught residents '[smart](#)' gardening practices to invite pollinators into private spaces by planting [soft stemmed plants](#), leaving lawns and gardens unmanicured, and [planting](#) bee-friendly plants on balconies and in other small spaces. Authorities in the USA have engaged with universities and businesses to support residents to avoid [pesticides](#) and using neonicotinoid-laced soil, seeds and plants.

Research including counts and audits aims to identify species and compile longitudinal data on trends in pollinator populations and identify pollinator preference to [non-native or native](#) plants and [building density](#). Citizen science to undertake pollinator 'censuses' has contributed to understanding local pollinator populations by collecting large amounts of data, and spanning significant geographic regions, like the [Great Southeast Pollinator Census](#) in North and South Carolina and Georgia, [insect pollinator surveys in Albury](#) in 2017, [pollinator counts in the Blue Mountains](#) since 2021, yearly censuses [across Australia](#) since 2015, and twice-yearly [wild pollinator counts](#) around Australia between 2014-2021, including [in Stockton, Carrington, Kooragang Island, Wallsend, Hamilton, and Lambton](#) in the Newcastle LGA in the most-recent [Spring 2021 count](#) (below).



*Map: Pollinator counting around Australia in spring 2021.*

## ATTACHMENTS

Nil

## 10. CONFIDENTIAL REPORTS

Nil