



City of
Newcastle

CITY OF NEWCASTLE



Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 28 June 2022

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

22 June 2022

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**ORDINARY COUNCIL MEETING
28 June 2022**

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

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 17 MAY 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 220517 Public Voice Minutes

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

Attachment A

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 17 May 2022 at 6.03pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), K Hyland (Interim Director Strategy and Engagement), L Duffy (Acting Director City Wide Services), M Bisson (Manager Regulatory, Planning and Assessment), E Kolatchew (Manager Legal), S Moore (Manager Finance), K Sullivan (Councillor Services/Minutes), E Horder (Councillor Services/Meetings Support), R Garcia (Information Technology Support) and I Lockwood (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

REQUEST TO ATTEND BY AUDIO VISUAL LINK / APOLOGIES

MOTION

Moved by Cr Adamczyk, seconded by Cr Barrie

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

**Carried
unanimously**

MOTION

Moved by Cr Duncan seconded by Cr Mackenzie

The apologies submitted on behalf of Lord Mayor, Cr Nelmes and Councillor Wark be received and leave of absence granted.

**Carried
unanimously**

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

**ITEM-1 PV 17/05/22 - 142 DARBY STREET, COOKS HILL - DA2021/00962 -
HOTEL - EXTENSION OF TRADING HOURS**

Messrs Glenn Burgess and John Barnes, Cooks Hill Community Group Inc, addressed Council and outlined concerns and objections to the development application. Mr David Rippingill, Design Collaborative, addressed Council in support of the development application.

The meeting concluded at 6.44pm.

MINUTES - ORDINARY COUNCIL MEETING 24 MAY 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 220524 Ordinary Council Meeting

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

Attachment A

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 24 May 2022 at 6.04pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), L Duffy, (Acting Director City Wide Services), K Hyland (Interim Director Strategy and Engagement), E Kolatchew (Manager Legal), S Moore (Manager Finance), M Bisson (Manager Regulatory, Planning and Assessment), M Murray (Chief of Staff), L Zoneff (Media and Communications Adviser), E Horder (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support), R Garcia (Information Technology Support) and W Haddock (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

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

Carried

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - BRIEFING COMMITTEE MEETING 12 APRIL 2022
MINUTES - ORDINARY COUNCIL MEETING 26 APRIL 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried
unanimously**

LORD MAYORAL MINUTE

**ITEM-9 LMM 24/05/22 - ELECTION OF FEDERAL LABOR
GOVERNMENT**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Congratulates the Hon. Anthony Albanese MP who was officially sworn in as Australia's 31st Prime Minister on 23 May 2022, following the election of a Federal Labor Government;
- 2 Congratulates the four local Members of Parliament who have been elected to represent Greater Newcastle electorates: Sharon Claydon MP, Federal Member for Newcastle; Meryl Swanson MP, Federal Member for Paterson; Pat Conroy MP, Federal Member for Shortland; and Dan Repacholi MP, Federal Member for Hunter;
- 3 Congratulates Newcastle-based Senator, Ross Caddell, on his election as a Senator for NSW;
- 4 Acknowledges the contribution of local candidates, including Crs Wark and McCabe;
- 5 Notes that the new Prime Minister has committed to delivering a second Federal Budget in mid-2022;
- 6 Writes to Prime Minister Albanese and each of the City's local MPs congratulating them on their election victory, reiterating our strong support for a continued close collaborative partnership with the Federal Government and includes an updated version of our 2022 Federal Advocacy document of significant projects supported by Council for the advancement of our City.

Councillor Pull proposed the following amendment to the motion:

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- 7 Writes to the former Prime Minister Scott Morrison, thanking him for his service to Australia.

The Lord Mayor agreed to incorporate Councillor Pull's amendment into the motion.

The motion moved by the Lord Mayor, as amended, was put to the meeting.

**Carried
unanimously**

**ITEM-10 LMM 24/05/22 - ACKNOWLEDGING DETECTIVE
SUPERINTENDENT WAYNE HUMPHREY APM, NEWCASTLE
CITY POLICE DISTRICT COMMANDER CITY POLICE
DISTRICT COMMANDER**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that Newcastle City Police District Commander, Detective Superintendent Wayne Humphrey APM has transferred to the Port Stephens-Hunter Police District, with Superintendent Tracey Chapman to act in the role until November when Superintendent Kylie Endemi takes command of Newcastle City Police District;
- 2 Congratulates both Commanders on their new appointments, and thanks Detective Superintendent Humphrey for his dedicated service to the people of Newcastle and his collaborative working relationship with Council, including extensive collaboration regarding;
 - The Wickham Fire emergency response and clean-up
 - Newcastle Night-time Economy Trial
 - Major City events, including international sporting fixtures and events
 - COVID-19 City Taskforce and the City's response to the global COVID-19 pandemic.

**Carried
unanimously**

**ITEM-11 LMM 24/05/22 - ICLEI LOCAL GOVERNMENTS FOR
SUSTAINABILITY – COMMITMENT**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Recognises the City of Newcastle's long-standing membership of ICLEI – Local Governments for Sustainability. The Lord Mayor was elected to the ICLEI Oceania Regional Executive in July 2020.

- 2 Notes the Lord Mayor was invited to attend and address the ICLEI World Congress 2021-2022 in Malmo, Sweden in May 2022 focusing on strategies towards a climate neutral future, resilient and healthy communities, equitable and inclusive communities and sustainable finance and innovation.
- 3 Acknowledges City of Newcastle's long-standing commitment to, and leadership in addressing and taking action to address climate change, including strong action on climate change adaptation and mitigation.
- 4 Pledges our support for The Malmo Commitment [Attached], to be captured within CN's draft Environmental Strategy, which seeks to:
 - a. Prioritise all people and social equity at the core of local sustainable development.
 - b. Foster safe, vibrant cities, towns and communities for all to live, work and thrive.
 - c. Foster environmentally-sound human wellbeing through three key elements: i. Our cities and towns shall be for all ii. We shall promote safe & healthy urban spaces and communities iii. We shall ensure just transitions to a sustainable local economy, providing opportunities for dignified livelihoods to all.
 - d. Collaborate with community stakeholders to identify key sustainability challenges that must be prioritised within the community, and the social dimensions against which each challenge must be addressed.
 - e. Design smart social equity indicators to measure and monitor our progress in addressing key sustainability challenges facing our communities.
 - f. Report our progress and share our successes and lessons learned with other committed local governments to develop a pool of knowledge for further advancing equitable sustainable local development around the world.
 - g. Encourage the local governments of neighbouring communities, and those with which we work and partner, to commit to the Malmo Commitment and further enhance our collective efforts.

For the Motion:

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

Against the Motion:

Councillor Pull.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-40 CCL 24/05/22 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 FEBRUARY TO 30 APRIL 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 February to 30 April 2022) by the Chief Executive Officer (CEO).

**Carried
unanimously**

ITEM-42 CCL 24/05/22 - PUBLIC EXHIBITION OF COUNCILLOR EXPENSES AND FACILITIES POLICY

MOTION

Moved by Cr Clausen, seconded by Cr McCabe

That Council:

- 1 Places the draft Councillor Expenses and Facilities Policy, at **Attachment A**, on public exhibition for a period of 28 days in accordance with section 253 of the *Local Government Act 1993*.

**Carried
unanimously**

ITEM-43 CCL 24/05/22 - MARCH QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

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

Carried

ITEM-45 CCL 24/05/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the Executive Monthly Performance Report for April 2022.

Carried

ITEM-47 CCL 24/05/22 - TENDER REPORT - ELECTRICAL AND COMMUNICATIONS SERVICES - CONTRACT NO. 2022/075T

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the recommendation at Attachment A be adopted.

That Council:

- 1 Accept the following tenders for the provision of electrical and communication services for contract 2022/075T:
 - i) Novocastrian Electrical Contractors Pty Ltd,
 - ii) JAG Power and Data Solutions, and
 - iii) Stowe Electrical Pty Ltd.
- 2 Accept the following tender for the provision of building control installation and communication services for contract 2022/075T:
 - i) Hunter Electrical Services
- 3 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried

Councillor Adamczyk indicated that she wished to discuss partially confidential Item 46 – Tender Report – Astra Street Landfill Capping and Environmental Management Works – Contract No. 2022/055T in confidential session.

ITEM-39 CCL 24/05/22 - COMPULSORY ACQUISITION OF COMMUNITY LAND BY TRANSPORT FOR NSW - NEWCASTLE INNER CITY BYPASS

MOTION

Moved by Cr Clausen, seconded by Cr Pull

That Council:

- 1 Rejects the compensation offer made by TfNSW for the compulsory acquisition of eight parcels of Community Land (Land) as shown at **Attachment A**.
- 2 Endorses seeking a determination by the Valuer General on the compensation payable.
- 3 Endorses entering into a Deed of Release at a compensation value determined by the Valuer General.

- 4 Grants authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.
- 5 Endorses entering into a licence for access to the Land while compensation is being determined.

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

Against the Motion: Councillors Barrie and Wark.

Carried

ITEM-41 CCL 24/05/22 - NSW LAND AND HOUSING CORPORATION FUNDING DEED

MOTION

Moved by Cr Adamczyk, seconded by Cr Mackenzie

PART A

That Council:

- 1 Endorses the Funding Deed with the NSW Land and Housing Corporation as provided at **Attachment A**.
- 2 Delegates authority to the Chief Executive Officer to sign the Funding Deed.

Councillor Duncan proposed the following Part B to the motion.

PART B

That Council:

- 1 Notes that CN has a separate agreement in place with Land and Housing Corporation (LAHC) for the scheduled bi-annual bulk waste collections at its portfolio of social and affordable housing properties in the Newcastle LGA.
- 2 Notes that on occasion household rubbish from some LAHC properties is placed on footpaths and not arranged for collection by LAHC, resulting in unsightly waste remaining in the community for extended periods of time, causing amenity and occasional health concerns to residents.
- 3 Notes that as a result of advocacy from Ward Two Councillors CN has raised this concern directly with LAHC's Acting Chief Executive Officer.
- 4 Ensures that an agreement reached between the two organisations to review and revise the scheduled bulk waste collection agreement ensures service

levels meet LAHC, CN and community expectations without adverse financial impact upon ratepayers and is finalised by the end of June and communicated to Councillors and the community.

The mover and seconder of the motion agreed to incorporate Councillor Duncan's amendment into the motion.

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

**Carried
unanimously**

**ITEM-44 CCL 24/05/22 - QUARTERLY PERFORMANCE REPORT ON
THE 2018-2022 DELIVERY PROGRAM**

MOTION

Moved by Cr Richardson, seconded by Cr Mackenzie

That Council:

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

**Carried
unanimously**

ITEM-48 CCL 24/05/22 - WRITE-OFF OF SUNDRY DEBT

In moving the motion Councillor Pull proposed an additional point 4:

MOTION

Moved by Cr Pull, seconded by Cr Mackenzie

That Council:

- 1 Resolves to write off the sundry debt account totaling \$249,680.18 as per confidential **Attachment A**.
- 2 Notes that payment was subsequently recovered from CN's insurer and the write-off of the debt will have a negligible adverse financial impact on CN's net operating position.
- 3 This confidential attachment 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.
- 4 Receives a workshop discussing and outlining the processes and training that is in place to prevent another occurrence.

**Carried
Unanimously**

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council discuss the Notices of Motion before moving into confidential session.

Carried

NOTICES OF MOTION

ITEM-15 NOM 24/05/22 - HUNTER FIG TREES IN EAST END UPGRADE

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council

- 1 Notes the work proceeding on the East End Public Domain Stage 1 based on the plan adopted by Council in 2018 and commenced in May 2021.
- 2 Notes that City of Newcastle, as a part of planning for all projects, assess all trees and looks to retain the urban forest canopy wherever possible, whilst improving public infrastructure.
- 3 Receives a public briefing regarding plans for the four fig trees at the end of the Hunter Street Mall on the refuge island between Hunter and Scott Streets, on the basis that three of the figs are proposed to be removed due to their poor condition in 2023.

AMENDMENT

Moved by Cr Pull, seconded by Cr Church

Councillor Pull moved the following amendment:

That the Council:

- 3 Receives a closed councillor workshop regarding plans for the four fig trees at the end of the Hunter Street Mall on the refuge island between Hunter and Scott Streets, on the basis that three of the figs are proposed to be removed due to their poor condition in 2023.

For the Amendment:

Councillors Church and Pull.

Against the Amendment:

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

Defeated

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

**Carried
unanimously**

**ITEM-16 NOM 24/05/22 - STATE ENVIRONMENTAL PLANNING
POLICY (DESIGN AND PLACE) 2021 (D&P)**

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle

- Notes CN's support for the proposed State Environmental Planning Policy (Design and Place) 2021 (D&P SEPP) as articulated in Council's 24-page submission to the NSW Department of Planning and Environment on 28th February 2022.
- Notes that the D&P SEPP established a broad-ranging policy reform suite which set out a best practice planning principles approach to building liveable communities, good place outcomes and sustainable buildings, including a new Urban Design Guide, a revision to the state's Apartment Design Guide and an overhaul of the state's basic building sustainability rules (BASIX).
- Notes the extensive resources that CN dedicated to the development of the D&P SEPP, including submissions on the Explanation of Intended Effect (EIE) and the Draft Policy, and participation in the D&P SEPP Policy Working Group for Regional Councils facilitated by the Government Architect. Further, Council notes the resources committed to this reform by other councils, peak bodies and a diverse array of stakeholders across the state.
- Notes the announcement by the Minister for Planning and Minister for Homes Anthony Roberts on Tuesday 5 April 2022 that NSW Government will not introduce the State Environmental Planning Policy for Design and Place, without providing an explanation or rationale to planning stakeholders or the community.
- Writes to Minister for Planning and Minister for Homes Anthony Roberts to request a formal explanation for the decision to dispense with these important planning reforms, and reiterating Council's support for the reform package generally, and the specific reform recommendations as expressed in CN's submission on the draft D&P SEPP.

For the Motion:

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

Against the Motion:

Councillors Barrie and Pull.

Carried

CONFIDENTIAL SESSION

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

Council move into confidential session to discuss Item 46 for the reasons outlined in the business papers.

Carried

Council moved into confidential session at 7.36pm.

**ITEM-46 CCL 24/05/22 - TENDER REPORT - ASTRA STREET LANDFILL
CAPPING AND ENVIRONMENTAL MANAGEMENT WORKS -
CONTRACT NO. 2022/055T**

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council move back into open session.

Council moved back into open session at 7:47pm.

MOTION

Moved by Cr Adamczyk, seconded by Cr Richardson

That the recommendation at Attachment A be adopted.

That Council:

- 1 Accept the tender of Daracon Contractors Pty Ltd in the amount of \$26,468,430 (excluding GST) for Astra Street Landfill Capping and Environmental Management Works for Contract No. 2022/055T.
- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

The Chief Executive Officer (CEO) reported the resolutions of partial confidential reports (refer as previously stated).

LATE ITEMS OF BUSINESS

ITEM 39 CCL 24/05/22 - SUPPLEMENTARY REPORT - PUBLIC EXHIBITION OF DRAFT DELIVERING NEWCASTLE 240

The CEO informed the Lord Mayor of a late item of business and the business proposed was of great urgency on the grounds that the matter of Supplementary Report – Public Exhibition of Draft Delivering Newcastle 2040, was required to go before Council prior to the next scheduled Council meeting.

The CEO was asked to outline the reasons for Council to consider the late item of business:

- The matter is urgent as IPART have requested CN provide an updated Council Resolution in support of our application for an Additional Special Variation, as endorsed at the April Ordinary Meeting. I am advised that if an updated Council resolution is not provided to IPART by 25 May 2022, IPART may be unable to consider CN's ASV application. The matter is therefore of great urgency and requires a decision by Council prior to the next scheduled Council meeting.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

The matter of the Supplementary Report – Public Exhibition of Draft Delivering Newcastle 2040 be heard as a late item of business in accordance with the Code of Meeting Practice and as outlined by the CEO.

Carried

The Lord Mayor ruled the matter of Supplementary Report – Public Exhibition of Draft Delivering Newcastle 2040 to be of great urgency on the grounds that it required a decision by Council before the next scheduled Council meeting.

MOTION

Moved by Cr Mackenzie, seconded by Adamczyk

That Council:

- 1 Resolves to apply to the Independent Pricing and Regulatory Tribunal (IPART) for a one-off Additional Special Variation (ASV) of 2.5% for the 2022-2023 financial year, and for this to be a permanent increase retained within the rate base.
- 2 Notes the additional income City of Newcastle (CN) will receive if the ASV is approved would be \$2.2m in 2022/23, and \$15m over the period of the Long-Term Financial Plan.
- 3 Notes the income is necessary to support CN's recovery from COVID-19 induced budget deficits in 2019 (\$3.6m), 2020/21 (\$32.5m) and 2021/22

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(forecast \$13.5m) while continuing to ensure adequate maintenance of critical community infrastructure.

- 4 Has considered the impact on ratepayers and the community in 2022/23 and in future years and considers this increase to be reasonable.
- 5 Notes that should the ASV be approved by IPART, the total rate increase for 2022-2023 will be 2.5%; consistent with the Long-Term Financial Plan.

For the Motion:

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

Against the Motion:

Councillors Barrie, Church, Pull and Wark.

Carried

The meeting concluded at 8.00pm.

REPORTS BY COUNCIL OFFICERS

ITEM-49 **CCL 28/06/22 - PUBLIC ART REFERENCE GROUP (PARG)
ANNUAL REPORT**

REPORT BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE AND CHIEF FINANCIAL
OFFICER / MANAGER REGULATORY, PLANNING AND
ASSESSMENT**

PURPOSE

To present the Public Art Reference Group (PARG) Annual Report 2020/2021.

RECOMMENDATION

That Council:

- 1 Receives the Public Art Reference Group Annual Report 2020/2021 as at **Attachment A**.

KEY ISSUES

- 2 The PARG acts as an Advisory Committee to the City of Newcastle (CN) on public art and met six times in 2021. The focus of PARG in 2021 was on public art associated with development applications and community mural and artwork in the private domain.
- 3 The Annual Report documents the activities of PARG during the period 2020 – 2021 and is included at **Attachment A**.
- 4 The PARG consider public art proposals in the private domain via development applications which trigger clause B.5 of the Newcastle Development Control Plan 2012 (NDCP 2012). This requires public and civic buildings, developments on key sites and developments over 45m in height to allocate 1% of the capital cost of the development towards public artwork for the development.
- 5 During the period 2020/2021, the PARG endorsed two public art proposals in the City and considered another five proposals.
- 6 At the end of 2021 expressions of interest were called for five additional members to join PARG for a period of three years. After a successful and competitive selection process, five new members were appointed and attended their first meeting in March 2022.

FINANCIAL IMPACT

- 7 Administrative costs to support PARG are included in the 2022/23 budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The PARG is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan, including:

Creative

- 3.3.1 Nurture cultural and creative practitioners
- 3.3.2 Promote Newcastle as a major arts and cultural destination
- 3.3.3 Facilitate opportunities for creative ideas

Inclusion

CN is committed to inclusion, Aboriginal and Torres Strait Islander peoples and culture, supporting local, our planet, innovation and social justice principles. These commitments underpin Newcastle 2040 and inform the actions we make, the behaviours we demonstrate and the interactions we have.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 PARG's 2022 priorities include conducting an audit of the existing public art in the City. This will align with and build on the 'Pin the City's Art' project designed to capture data and images on all forms of public art to preserve temporal works, documenting the city's intangible cultural heritage and urban landscape. Consistent with City of Newcastle's (CN) adopted Asset Management Policy, the audit will assist with assessing the condition and maintenance of public art, and provide a basis for ongoing public art management, disposals, acquisitions, and funding.

RISK ASSESSMENT AND MITIGATION

- 10 The PARG is contributing to the City by overseeing public art proposals in the private domain [in accordance with development controls](#). The proposed audit of public art will help mitigate the risk that public art will fall into disrepair.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 27 October 2020, Council resolved to endorse the PARG as a standing committee of Council to continue outside the term of the elected Council.
- 12 At the Ordinary Council Meeting held on 27 October 2020, Council resolved to endorse the expansion of PARG to include up to five external experts with:
- i) Three positions for persons with a strong demonstrated relationship to Newcastle who have acclaimed reputations for excellence in the field/s of

visual art, architecture, landscape architecture, cultural leadership and / or design.

- ii) One specific position for a cultural knowledge holder from the Indigenous community.
- iii) One specific position for a heritage expert.

CONSULTATION

13 The PARG Annual Report 2020/2021 will be reported to the Community and Cultural Advisory Committee and the Liveable Cities Advisory Committee at their next meetings.

BACKGROUND

14 The role of the PARG is:

- i) To act as an advisory body to CN on public art.
- ii) To advise on the commissioning and development of new public art works in the public and private domain.
- iii) Ensuring transparent commissioning processes that result in art works reflective of Newcastle's history, culture, and community.
- iv) Advocating for CN, providing leadership and ongoing support on all aspects of public art.

OPTIONS

Option 1

15 Council resolves to adopt the recommendation in paragraph 1. This is the recommended option.

Option 2

16 Council resolves to not adopt the recommendations arising from the Public Art Reference Group. This is not the recommended option.

REFERENCES

Nil.

ATTACHMENTS

Item 49 Attachment A: Public Art Reference Group Annual Report 2020/2021

Item 49 Attachment A - distributed under separate cover

ITEM-50 CCL 28/06/22 - ADOPTION OF CODE OF MEETING PRACTICE

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

PURPOSE

To adopt City of Newcastle's (CN's) Code of Meeting Practice (COMP).

RECOMMENDATION

That Council:

- 1 Adopts the Code of Meeting Practice at **Attachment A**.
- 2 Notes the submissions received in response to public exhibition at **Attachment B**.

KEY ISSUES

- 3 Section 360 of the Local Government Act 1993 (the Act) requires local councils to adopt a COMP that incorporates the mandatory provisions of the Office of Local Government's (OLG) Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code), within 12 months of a local government election.
- 4 At the Council meeting held on 26 April 2022, Council resolved to place CN's draft COMP on public exhibition for 28 days (from 27 April to 8 June 2022) with a submission period of 42 days, as is required under section 361 of the Act. The COMP placed on public exhibition was consistent with the mandatory Model Meeting Code, and also incorporated some non-mandatory and supplementary provisions.
- 5 Seventeen (17) submissions were received during the public exhibition period and are provided at Attachment B. These submissions relate to a suggestion made during the Chamber debate at the Council meeting held on 26 April 2022 to replace the "Opening Statement" with a "Prayer" in the Order of Proceedings (clause 8.1). Whilst no changes are proposed, the Order of Proceedings is a non-mandatory section of the COMP and it is open to Councillors to amend the Order of Proceedings.

FINANCIAL IMPACT

- 6 There is no budget implication in adopting the COMP.

NEWCASTLE 2040 ALIGNMENT

- 7 Adopting the COMP is consistent with the priorities of the Newcastle 2040 Community Strategic Plan.

4 Achieving Together

4.2 Trust and Transparency

4.2.1 Genuine engagement

4.2.2 Shared information and celebration of success

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 Once adopted, the COMP will be updated on CN's website.

RISK ASSESSMENT AND MITIGATION

- 9 Reviewing the COMP in line with each Council term ensures that policies remain up-to-date and relevant. The COMP is critical to supporting effective and evidence-based decision making and ensure CN complies with relevant legislation and guidelines.

RELATED PREVIOUS DECISIONS

- 10 At the Council Meeting on 26 April 2022, Council resolved to place the COMP on public exhibition.

CONSULTATION

- 11 The COMP was placed on public exhibition from 27 April to 8 June in accordance with section 361 of the Act.

BACKGROUND

Nil.

OPTIONS

Option 1

- 12 The recommendation as at Paragraphs 1 to 2. This is the recommended option.

Option 2

- 13 Council does not adopt the recommendations as at Paragraphs 1 to 2. This is not the recommended option.

REFERENCES

Model Code of Meeting Practice for Local Councils in NSW (2021)

<https://www.olg.nsw.gov.au/wp-content/uploads/2021/10/Model-Code-Meeting-Practice-2021.pdf>

ATTACHMENTS

Item 50 Attachment A: Code of Meeting Practice

Item 50 Attachment B: Submissions received – Public exhibition of the Code of Meeting Practice

Item 50 Attachments A and B distributed under separate cover

ITEM-51 CCL 28/06/22 - ASSET ADVISORY COMMITTEE CHARTER

REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: ACTING DIRECTOR INFRASTRUCTURE AND PROPERTY /
MANAGER PROPERTY AND FACILITIES

PURPOSE

To adopt the reviewed Asset Advisory Committee (Committee) Charter.

RECOMMENDATION

That Council:

- 1 Adopts the Asset Advisory Committee Charter as shown at **Attachment A**.

KEY ISSUES

- 2 The Charter has been revised to better reflect the intent and objectives of the Committee, as well as revisions for current organisational structure and terminology.
- 3 The current Charter was adopted on 26 September 2017.

FINANCIAL IMPACT

- 4 Nil.

NEWCASTLE 2040 ALIGNMENT

- 5 The Charter is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan:

Achieving Together

- 4.3 Collaborative and innovative approach
 - 4.3.1 Collaborative organisation
 - 4.3.2 Innovation and continuous improvement

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 Nil.

RISK ASSESSMENT AND MITIGATION

- 7 Nil.

RELATED PREVIOUS DECISIONS

- 8 The current Charter was adopted at the Ordinary Council Meeting held 26 September 2017.
- 9 At the Ordinary Council Meeting held 18 January 2022, Council appointed Councillors Nelmes, Clausen and Barrie to the Committee for the duration of the current Council term.

CONSULTATION

- 10 In May 2022, the Asset Advisory Committee endorsed referring the reviewed Charter as shown at **Attachment A** to Council for adoption.

BACKGROUND

- 11 The Committee was established to investigate, consider, and provide advice on strategic property asset issues.

OPTIONS

Option 1

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

Option 2

- 13 Council does not resolve to adopt the reviewed Asset Advisory Committee Charter. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 51 Attachment A: Asset Advisory Committee Charter – June 2022

Item 51 Attachment A:

Asset Advisory Committee Charter



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1 Interpretation

- 1.1 **Act** means the *Local Government Act 1993* (NSW).
- 1.2 **Attendee** means a person entitled to attend a meeting of the Committee, however, do not have any entitlement to vote on matters before the Committee.
- 1.3 **Chairperson** means the person appointed in accordance with clause 10.
- 1.4 **City of Newcastle (CN)** means Newcastle City Council
- 1.5 **Council** means the elected Council
- 1.6 **Committee** means CN's Asset and Investment Committee constituted in accordance with clause 7.
- 1.7 **Member** means those described in clause 7.
- 1.8 **Facilitator** means a Council officer appointed to fulfil the tasks set out in clause 11.
- 1.9 **CEO** means the Chief Executive Officer of CN and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

- 1.10 **Guest** means any person invited by the Chairperson, CEO or at the request of the Committee to attend a meeting only for a specific purpose. Guests have no voting rights.
- 1.11 **Secretary** means the CN Officer appointed by the CEO to fulfil the role of secretary.

Unless stated otherwise, a reference to a clause is a reference to a clause of this Charter.

2 Responsibilities

- 2.1 This Committee was constituted to investigate, consider, and provide advice on strategic property asset issues within this Charter.
- 2.2 This Committee will, where considered beneficial, work collaboratively with CN's other committees to consider issues that are within the charters of more than one committee.
- 2.3 This Committee will, where deemed necessary by the Committee, form working parties to investigate, consider, and provide expert advice on defined tasks and issues.
- 2.4 The Committee will consider issues within its Charter which are referred to it by Council.

3 Purpose

- 3.1 The Asset Advisory Committee is an internal committee of councillors and senior officers
- 3.2 The purpose of the Committee is:

- 3.2.1 To provide advice on development of strategies related to CN landholdings that support urban policy and frameworks to achieve liveability objectives.
- 3.2.2 To provide advice on acquisition of land and buildings for strategic purposes
- 3.2.3 To provide advice on disposal of Council land and buildings that are excess to CN's needs or do not meet CN's investment benchmarks
- 3.2.4 To consider subdivision of CN land required for the implementation of CN's strategies
- 3.2.5 To provide advice on the reclassification of Community or Operational land
- 3.2.6 To provide advice on the development, re-development or adaptive re-use of CN's land and buildings
- 3.2.7 To consider and advise on entering into or varying leases between CN and third parties on Community and Operational land (including Crown Land managed by CN);
- 3.2.8 To consider and advise on providing Owners Consent associated with the use, fitout and development of leased properties
- 3.2.9 To provide advice to support the principle of long-term financial sustainability in the delivery of the annual capital works program
- 3.2.10 To provide advice on select major capital works projects (approx. \$10M+ cost across multiple delivery years).

4 Matters for consideration

- 4.1 Matters that meet the purpose of the Committee will be reviewed by the Facilitator and Director responsible for the Committee to determine if they are to be listed for discussion.

5 Establishment and dissolution

- 5.1 The elected Council resolved to establish the Committee on 17 November 2009. The Committee is a standing committee, which remains established across Council terms.
- 5.2 The Committee may be dissolved by resolution of the elected Council.

6 Authority

- 6.1 The Committee is an advisory committee only. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of CN rests with the Council and the CEO, as provided in the Act.
- 6.2 The Committee's resolutions, which record its decisions, should be treated only as recommendations of the Committee.
- 6.3 The CEO or relevant Director responsible for implementing a recommendation made by the Committee may action resolutions as they deem appropriate in

accordance with their individual delegations and authorisations, or refer the matter to the elected Council for determination.

- 6.4 The Committee is not a council committee as defined in section 373 of the Act, because its membership is not constituted solely by councillors. The Chairperson of the Committee may, if considered reasonably necessary and in consultation with the CEO, request external professional advice to allow the Committee to meet its responsibilities.
- 6.5 The Chairperson may, in consultation with the CEO, request that the Committee be updated on select major projects within the capital works program.
- 6.6 The CEO may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.

7 Membership

- 7.1 The Committee is constituted with up to seven ordinary members:
 - 7.1.1 Three Councillors appointed by the elected Council; and
 - 7.1.2 CEO; and four Directors as determined by the CEO from time to time
- 7.2 Members are entitled to vote on matters before the Committee.

8 Selection of Councillor Members

- 8.1 Council will call for nominations for Councillor Members at the commencement of each Council term.
- 8.2 The elected Council will elect three Councillor Members by resolution, including a Chairperson, Deputy Chairperson and Ordinary member.
- 8.3 Councillor Members remain Members of the Committee until:
 - 8.3.1 the conclusion of their term of office;
 - 8.3.2 they resign; or
 - 8.3.3 their membership is otherwise terminated.
- 8.4 If re-elected to Council, retiring Councillor Members are entitled to nominate for re-appointment.

9 Responsibility of Members

- 9.1 Members are expected to:
 - 9.1.1 understand the relevant legislative and regulatory requirements applicable to CN;
 - 9.1.2 be able to contribute the time needed to understand the Committee's business papers and to attend Committee meetings; and
 - 9.1.3 In accordance with this Charter, provide advice and feedback on matters brought before the Committee.
 - 9.1.4 Maintain confidentiality of matters discussed at the Asset Advisory Committee.

10 Appointment and responsibility of Chairperson

- 10.1 The Chairperson will be appointed by the elected Council.
- 10.2 The Chairperson will be responsible for keeping order at the meeting.
- 10.3 In the absence of the Chairperson, the Deputy Chairperson will chair the meeting. In the absence of both, a Member of the Committee will be nominated by the Committee to chair the meeting.

11 Responsibility and requirements of the Facilitator

- 11.1 The Facilitator will be a suitably qualified CN officer, as determined by the CEO. The position may be shared amongst a number of suitably qualified CN officers.
- 11.2 The role of the Facilitator is to:
 - 11.2.1 Arrange for a report regarding the selection of Councillor Members and a Committee Chairperson to be tabled before the elected Council at the commencement of each Council term.
 - 11.2.2 Make committee governance papers (including but not limited to this Charter and CN's applicable policy/guideline documents) available to committee members, Councillors and relevant CN officers;
 - 11.2.3 Liaise with Members, including Councillor Members, where the Members have a day to day enquiry of an administrative nature (including clarification of a Committee report or information about a meeting or process);
 - 11.2.4 Facilitate discussion at committee meetings, provide input at Committee meetings and participate at Committee meetings as an attendee;
 - 11.2.5 Where appropriate, liaise closely with the facilitators of CN's other committees to assist collaboration between committees, the sharing of information and the efficient use of CN and Member resources, where approved by the Committee; and
 - 11.2.6 Work closely with the Chairperson and other Committee Members to administer the Committee and its meetings.

12 Responsibility and Requirements of the Secretary

- 12.1 The Secretary will be a suitably qualified CN officer who undertakes the following functions: (insert/delete as required)
 - 12.1.1 prepare agendas;
 - 12.1.2 maintain the register of members;
 - 12.1.3 maintain meeting attendance register;
 - 12.1.4 take minutes at committee meetings and prepare them for dissemination;

12.1.5 accept and collate committee business papers prepared or submitted by CN officers, committee members, working parties and stakeholders;

12.1.6 make agendas, minutes and committee business papers available to committee members, Councillors and relevant CN officers;

12.1.7 book meeting venues and organise the provision of any necessary equipment; and

12.1.8 provide administrative assistance to the Facilitator

12.2 The role of the Secretary may be shared amongst a number of suitably qualified CN officers or be the same person.

13 Termination of Membership

13.1 Membership of any Member may be terminated by Council resolution of the elected Council, due to

13.1.1 the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance or the granting of leave by resolution of the Committee; or

13.1.2 the Member's conduct being inconsistent with this Charter or CN's Code of Conduct.

13.2 Councillor membership terminates immediately upon a Councillor Member no longer being a Councillor.

13.3 If a Councillor Member does not remain on the Committee for the entire Council term, appointment of a replacement Councillor Member must be by resolution of the elected Council as soon as practicable after the Councillor Member ceases to be a Member of the Committee.

14 Attendance at meetings

14.1 Attendance at any meeting of the Committee is limited to the following:

14.1.1 Members;

14.1.2 Facilitator and Secretary;

14.1.3 Other CN Directors, officers or guests, by invitation of the Chairperson, CEO or as approved by a resolution of the Committee.

15 Meeting administration

15.1 The CEO is responsible for ensuring that the Committee has adequate secretarial support and access to administrative resources by appointing a Secretary.

16 Quorum

16.1 A quorum is constituted by attendance of at least four Members, including at least one Councillor, and either the CEO or one Director.

17 Meeting schedule

- 17.1 The Committee will meet at least four times per year in August, November, February and May, on the third Thursday of the month or as resolved by the Committee.
- 17.2 A forward meeting plan will be agreed by the Committee prior to the end of each financial year.
- 17.3 Additional meetings may be scheduled by the:
 - 17.3.1 Chairperson;
 - 17.3.2 Committee by resolution; or
 - 17.3.3 CEO.

18 Meeting agendas

- 18.1 The Secretary will provide notice of meetings, including the agenda and business papers, to Members at least seven (7) days prior to the day of the meeting. These may be transmitted electronically.

19 Resolutions of the Committee

- 19.1 Resolutions of the Committee must be consistent with this Charter which limits decisions (resolutions) of the Committee to be treated as recommendations only as set out in clause 6.
- 19.2 The Committee will make decisions (resolutions) by majority vote and record its decisions (resolutions) in the minutes of the Committee meeting.

20 Reports

- 20.1 The relevant Director responsible for implementing a recommendation made by the Committee must report to the Committee as required, as to the status of actions taken. The Facilitator will coordinate such reports.
- 20.2 The Committee may submit reports to Council where a Council resolution is required to enact a recommendation of the Committee.

21 Minutes

- 21.1 All Committee business will be appropriately minuted and recorded by the Secretary, including registration in accordance with CN's Records Management Policy.
- 21.2 Draft minutes of the previous meeting will be distributed to the Committee at least seven (7) days prior to the next meeting.
- 21.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.

22 Conduct by members and attendees

- 22.1 All Members and attendees are expected to conduct themselves in accordance with CN's Code of Conduct. Any behaviour inconsistent with the Code of Conduct

will be treated as a breach of the Code of Conduct and will be dealt with it accordingly.

- 22.2 Conflicts of Interests must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 22.3 Significant Pecuniary or significant non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

23 Public Comment

- 23.1 The Lord Mayor or CEO are the official spokespeople for the Committee, in accordance with CN's Media Policy, and no other Members should speak to the media or members of the public in regard to Committee business.

24 Confidentiality

- 24.1 Due to the potential commercial implications, items of Committee business remain confidential unless confirmed otherwise by the CEO.
- 24.2 Prior to attending a meeting, any guests invited in accordance with clause 14.1.4 (who are not Councillors or CN officers) must sign a Deed of Confidentiality and agree to abide by the terms of Council's Code of Conduct relating to confidentiality.
- 24.3 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.

25 Induction

- 25.1 New Committee Members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

26 Review of Committee performance

- 26.1 In consultation with the Chairperson and CEO, the Facilitator will initiate a review of the Committee's performance at least once every two years.

27 Review of Charter

- 27.1 This Charter will be reviewed as soon as is reasonably practical after a council resolution to appoint Councillor members at the commencement of each new Council term. and may only be amended by resolution of the elected Council.

ITEM-52 CCL 28/06/22 - INTEREST ON OVERDUE RATES AND CHARGES FOR 2022/23

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

PURPOSE

To establish the rate of interest to be charged by City of Newcastle (CN) in respect of overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive).

RECOMMENDATION

That Council:

- 1 Adopts the rate of 6.0% per annum on interest on overdue rates and charges for the period 1 July 2022 to 30 June 2023.

KEY ISSUES

- 2 CN has discretion to set the rate of interest in respect of overdue rates and charges each year. However, it must not exceed the limit specified by the Minister for Local Government (Minister). On 1 April 2022, the Minister advised that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 is 6.0% per annum.
- 3 In order to maintain a sufficient deterrent to the late payment of rates and charges it is proposed the maximum rates of interest allowable by the Minister apply to CN's overdue rates and charges. This rate is 6.0% per annum for the period 1 July 2022 to 30 June 2023. By comparison, the maximum rate set by the Minister for the 2021/22 year was also 6.0% per annum with this rate resolved for use by Council at the Ordinary Council Meeting held on 29 June 2021.
- 4 CN provides a range of measures for ratepayers experiencing financial hardship including the waiving of interest on any overdue rates, flexible payment plans and the deferral of rates against their estate. Additionally, CN funds a rates voucher scheme which is administered by three appointed community welfare agencies who provide vouchers which are redeemed as payment of a ratepayer's rates and charges. These agencies also provide free financial planning and counselling advice for those experiencing hardship.

FINANCIAL IMPACT

- 5 Imposition of interest on overdue rates and charges for the 2022/23 rating year will ensure cash flow is maintained and deter the deliberate late payment of debts. Estimated income from interest charges for the period 1 July 2022 to

30 June 2023 is \$175,000 based on existing and anticipated take-up of hardship assistance arrangements under the new rates.

COMMUNITY PLAN STRATEGIC ALIGNMENT

- 6 This report aligns with the following strategic directions of the Newcastle 2040 Community Strategic Plan:

Achieving Together

- 4.1 Inclusive and integrated planning
4.1.1 Financial sustainability.

IMPLEMENTATION PLANNING / IMPLICATIONS

- 7 CN will collect overdue rates and charges in accordance with relevant guidelines and approvals.

RISK ASSESSMENT AND MITIGATION

- 8 The *Local Government Act 1993* (Act) provides for interest charges to accrue on unpaid rates and charges at the interest rate resolved by Council. Provision is also made within the Act to allow special payment arrangements where ratepayer hardship exists.
- 9 If the rate of interest is set too low there is a risk that it may be considered as a relatively cheap form of finance thereby resulting in an increase in arrears. This situation would disadvantage the majority of ratepayers who pay their rates by the due date. Setting the interest rate at the maximum rate allowable by the Minister mitigates this risk. There are specific relief provisions available to pensioners and any ratepayers experiencing genuine financial hardship.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 29 June 2021, Council adopted the rate of interest on overdue rates and charges for 2021/22.

CONSULTATION

- 11 The Minister annually establishes the maximum interest rate on overdue rates and charges in accordance with section 566 of the Act. All ratepayers are advised of the applicable rate of interest on their annual Rates and Charges and quarterly Instalment Notices.
- 12 CN's draft Budget 2022-2023 (2022-2025 Delivery Program and 2022/23 Operational Plan) was placed on public exhibition and included information regarding interest free payment periods and waiving of interest charges for ratepayers suffering financial hardship. No comment in regard to this was received.

BACKGROUND

Interest Charges

- 13 In respect of eligible pensioners, the current practice provides that interest on overdue rates and charges shall:
- i) Not be applied where the net rates and charges are paid in full in the current year or suitable arrangements to pay are entered into; and
 - ii) Be waived where arrears of net rates and charges are paid in accordance with an arrangement in a subsequent year, except as provided for postponement of rates and charges under section 585 of the Act.
- 14 The practice of waiving interest charges for eligible pensioners who make arrangements to pay their rate obligation remains unchanged.

Writing-off Accrued Interest

- 15 The Act provides that special payment arrangements may be implemented, and interest charges be waived where these charges cause hardship to the ratepayer, or where circumstances exist that the late payment of the outstanding rates and charges was caused by reasons beyond the control of the ratepayer. CN's practice is consistent with these requirements.

Defer Rates and Charges Against Estate

- 16 Ratepayers may, subject to annual written applications and assessment, be eligible to defer the payment of rates and charges, allowing them to accrue against their estates.

OPTIONS

Option 1

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

Option 2

- 18 Council resolves not to adopt the recommendations and adopts alternate interest rates or different practices for the charging of interest on overdue rates and charges owed by eligible pensioners. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

**ITEM-53 CCL 28/06/22 - MAKING OF THE RATE - HUNTER
CATCHMENT CONTRIBUTION AND COMMISSION FOR
2022/23**

**REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL
OFFICER/ MANAGER FINANCE**

PURPOSE

To authorise the collection of the Hunter Catchment Contribution at the rate established by the NSW Government's Hunter Local Land Services for the 2022/23 rating year and to endorse the rate of commission to be applied by City of Newcastle (CN) for the collection of the Contribution on their behalf.

RECOMMENDATION

That Council:

- 1 Notes that the NSW Government's Hunter Local Land Services has established the Hunter Catchment Contribution rate for the 2022/23 rating year at 0.00977 of a cent in the dollar on all relevant properties within the Newcastle Local Government Area (LGA), with a land value in excess of \$300.
- 2 Adopts to continue the making, levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services at the rate detailed in Paragraph 1.
- 3 Adopts the rate of commission payable to CN for the collection of the 2022/23 Catchment Contribution at 5% of the Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

KEY ISSUES

- 4 CN, on behalf of Hunter Local Land Services, may levy the Hunter Catchment Contribution on all relevant properties within the LGA with a land value in excess of \$300 as per requirements of the *Local Land Services Act 2013* and the *Local Land Services Regulation 2014* (Regulation). Hunter Local Land Services has set the rate in the dollar that will apply to those rateable assessments liable to be charged the catchment contribution at 0.00977 of a cent in the dollar for the 2022/23 rating year.
- 5 The proposed rate of commission, payable by Hunter Local Land Services to CN for acting on their behalf, in the levying and collection of the 2022/23 Hunter Catchment Contribution is 5% of all monies collected, which is allowable under the legislation and as determined by Hunter Local Land Services.

- 6 Legislation allows Hunter Local Land Services to enter into an annual arrangement for CN to levy the Hunter Catchment Contribution on its Rates and Charges Notices. The levy, less the commission payable to CN, is passed on to Hunter Local Land Services. The funds collected by CN on behalf of Hunter Local Land Services are used by this Authority for managing the land, vegetation and water resources within the Hunter Catchment Area. This is done via various rehabilitation and flood mitigation projects.

FINANCIAL IMPACT

- 7 The estimated total levy to be collected from the catchment contribution within the LGA is \$2.69 million with an average residential levy of \$35.51 and business levy of \$59.27. The estimated commission to be earned by CN for the 2022/23 rating year is \$134,500. This is sufficient to cover the administrative costs incurred by CN in collecting and dispersing the levy.

NEWCASTLE 2040 ALIGNMENT

- 8 This report is consistent with the following strategic directions of the Newcastle 2040 Community Strategic Plan.

Achieving Together

4.1 Inclusive and integrated planning

4.1.1 Financial sustainability

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The provisions of the Regulation permit CN to collect this levy on behalf of Hunter Local Land Services. Information relating to the Hunter Catchment Contribution is outlined each year on CN's annual Rates and Charges Notices.

RISK ASSESSMENT AND MITIGATION

- 10 By making and levying the 2022/23 Hunter Catchment Contribution by 1 August 2022 ensures CN is able to continue the previous arrangement with Hunter Local Land Services and receive the commission payable.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 29 June 2021, Council adopted the rate for the 2021/22 rating year. Council noted that the Levy continues to be collected and spent without input from the residents of Newcastle, as Novocastrians are ineligible to stand for election, or to vote for the Board of Hunter Local Land Services, as the Catchment Contribution is considered to be a "levy" not a "rate". While levy payers are ineligible to be represented, ratepayers of Local Land Services are eligible to stand for election and may vote for candidates to the Board. Council invited the Chair and CEO of Hunter Local Land Services to present at a briefing, which was held on 13 October 2020.

BACKGROUND

- 12 In accordance with the provisions of the Regulation, CN has a previous arrangement to assess, collect and recover the Hunter Catchment Contribution on behalf of Hunter Local Land Services. The Hunter Catchment Contribution has been collected by CN since 1976.
- 13 Catchment Contributions were first collected by the Hunter Valley Conservation Trust in 1950, under section 4(1) of the Hunter Valley Conservation Trust Act 1950. This provision has carried through legislation current at the time for organisations such as the Hunter Catchment Management Trust and the Hunter Central Rivers Catchment Management Authority. In 2014, Catchment Contributions became the responsibility of Local Land Services.
- 14 In addition to catchment health initiatives, a proportion (approximately 30 per cent) of the Catchment Contributions collected is allocated towards maintenance and construction of the Hunter Valley Flood Mitigation Scheme. This responsibility was introduced in 1956, with the introduction of the Hunter Valley Flood Mitigation Act (1956), and now continues under the Water Management Act (2000).
- 15 By Government Gazette dated 3 June 2022, Hunter Local Land Services confirms that the 2022/23 Hunter Catchment Contribution will be 0.00977 of a cent in the dollar. The rate of commission, set by Hunter Local Land Services, payable to CN for the levying and collection of the Hunter Catchment Contribution remains at 5%.

OPTIONS

Option 1

- 16 The recommendations as at Paragraphs 1 to 3. This is the recommended option.

Option 2

- 17 Council resolves not to make and levy the Hunter Catchment Contribution in accordance with the Local Land Services Regulation 2014. Failure to make and levy the 2022/23 Hunter Catchment Contribution will result in the loss of \$134,500 in estimated commission. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

ITEM-54 CCL 28/06/22 - ADOPTION OF DELIVERING NEWCASTLE 2040 AND RESOURCING NEWCASTLE 2040

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

PURPOSE

To adopt the 2022-2023 Delivering Newcastle 2040, the 2022-2023 Fees and Charges, and Resourcing Newcastle 2040.

RECOMMENDATION

That Council:

- 1 Adopt 2022-2023 Delivering Newcastle 2040 at **Attachment A**.
- 2 Adopt the 2022-2023 Fees and Charges at **Attachment B**.
- 3 Adopt Resourcing Newcastle 2040 at **Attachment C** (including the Long-Term Financial Plan at **Attachment D**, Workforce Development Strategic Plan at **Attachment E**, and the Asset Management Planning documents at **Attachment F**).

KEY ISSUES

- 4 Section 404 of the Local Government Act 1993 (Act) requires City of Newcastle (CN) to have an Operational Plan each financial year outlining the planned activities and services to be delivered. The Delivery Program and Operational Plan are combined into Delivering Newcastle 2040 (**Attachment A**).
- 5 Section 608 of the Act enables CN to apply fees for services provided. CN's 2022-2023 Fees and Charges Register is at **Attachment B**.
- 6 Section 403 of the Act requires councils to have a long-term strategy for the provision of resources required to perform its functions, including implementing the objectives set out in a Community Strategic Plan. CN's long-term resourcing strategy is Resourcing Newcastle 2040 (**Attachment C**).
- 7 Resourcing Newcastle 2040 is comprised of three inter-related elements: Long-Term Financial Plan (**Attachment D**), Workforce Development Strategic Plan (**Attachment E**), and Asset Management Planning suite of documents (**Attachment F**).

- 8 Delivering Newcastle 2040 and the Fees & Charges were publicly exhibited for 28 days from 28 April 2022 to 26 May 2022, with a report on submissions at **Attachment G**.
- 9 Delivering Newcastle 2040 delivers a net operating surplus while renewing and maintaining assets in a sustainable range and utilising evidence-based decision-making to underpin its financial sustainability.
- 10 The Long-Term Financial Plan forecasts CN will meet 100% of the Office of Local Government's (OLG) financial performance measures including achieving annual operating surpluses across the 10-year time horizon.
- 11 CN's financial position is forecast to return to an operating surplus in 2022-2023 after recent operating deficits caused by a \$40m reduction in income due to the COVID-19 pandemic (2019/20-2021/22). However, the pandemic continues to impact CN's revenue, including significantly lower returns on investments, and reduced Civic Theatre and City Hall income, and lower parking infringement notices due to reduced commuter activity in the city.
- 12 In addition to ongoing financial impacts caused by the pandemic, IPART determined the annual rate peg to be 0.7% for 2022-2023 (with an additional 0.5% for CN relating to population increase). This rate peg is the lowest in two decades and compromised CN's ability to maintain service levels, noting CN's costs are affected by a Consumer Price Index growth rate of 3.5% and forecast to increase to 7.0% by December 2022. Further confirming the financial magnitude of IPART's decision, the Cordell Construction Cost Index shows that national construction costs increased by 7.3% in 2021. The Australian Bureau of Statistics estimates that fuel costs also increased by 7.1% over the same 12-month period.
- 13 Following concerns raised by the NSW Minister for Local Government to the Chair of IPART, Councils were able to apply to vary their rates income by greater than the 0.7% peg (up to a maximum rate cap of 2.5%) under an Additional Special Variation (ASV).
- 14 IPART determined on 20 June 2022 to grant CN's application for an ASV to vary rates income from 1.2% to 2.5%. IPART noted in its determination that it did not receive any submissions objecting to CN receiving a 2.5% rate cap.
- 15 In April 2022, the Local Government Grants Commission communicated a change in the allocation of the Financial Assistance Grants. There is no change to the grant in 2022-2023 however the proposed changes will reduce CN's share by 2% or 4% per year from 2023-2024 based on the option selected by the OLG. The impact of this reduction would be a loss of up to \$4m over the next ten years which would create further pressure on CN's finances.

FINANCIAL IMPACT

- 16 The 2022-2023 budget has been developed in accordance with CN's Long-Term Financial Plan (LTFP) objective of delivering a net operating surplus whilst maintaining services for the community and a robust cash reserve of at least \$370m.
- 17 The budgeted operating result provides a \$1.27m surplus, providing the financial capacity to maintain services and meet community commitments detailed in the draft Operational Plan.
- 18 The 2022-2023 works program is an ambitious \$132.6m, which is 87% increase compared with ten years ago. Key projects include the expansion of the Newcastle Art Gallery, the construction of an organic processing facility allowing the recycling of food and garden waste, the restoration of the Newcastle Ocean Baths, the remediation of CN's former rubbish tip at Sandgate and more than \$4m in new cycleways. A comprehensive list of works is included in the Newcastle 2040 Appendix.
- 19 Independent modelling of the 2022-2023 works program forecasts it will generate up to 740 new local jobs in the Newcastle Local Government Area and increase total economic output by up to \$325m.
- 20 It is forecast that \$98.3m will be generated from CN's operations in 2022-2023 to fund community projects.

NEWCASTLE 2040 ALIGNMENT

- 21 Delivering Newcastle 2040 delivers against the four themes in Newcastle 2040, Liveable, Sustainable, Achieving Together and Creative.
- 22 This report aligns to all priorities in Newcastle 2040.

IMPLEMENTATION PLAN/IMPLICATIONS

- 23 Delivering Newcastle 2040, 2022-2023 Fees and Charges and the Long-Term Financial Plan are required to be adopted by Council by 30 June 2022 following a minimum 28-day public exhibition period.
- 24 Delivering Newcastle 2040 includes actions that require implementation by CN as well as by partner agencies.

RISK ASSESSMENT AND MITIGATION

- 25 Delivering Newcastle 2040 is built on a number of assumptions, including some outside of CN's control, which may impact outcomes, including:
 - i) Government grant funding (eg Federal Assistance Grant);
 - ii) Investment returns;

- iii) External contributions (eg local infrastructure contributions);
- iv) Government cost shifting;
- v) Monetary and fiscal policy (eg interest rates, taxation);
- vi) Legislative and policy changes (eg IPART determined rate peg);
- vii) Natural disasters (eg storms, pandemics).

26 Delivering Newcastle 2040 will be monitored against financial performance indicators with adjustments implemented via the quarterly budget review process. This may include adjustments to accommodate income variability as a result of ongoing COVID-19 disruption to business as usual activities, as well as any changes to the rate peg and the Federal Assistance Grant as documented earlier in this report.

RELATED PREVIOUS DECISIONS

- 27 At the Ordinary Council Meeting on 26 April 2022, Council endorsed Newcastle 2040.
- 28 At the Ordinary Council Meeting on 26 April 2022, Council resolved to place the draft 2022-2023 Delivering Newcastle 2040, 2022-2023 Fees & Charges and the Long-Term Financial Plan on public exhibition for a minimum of 28 days.

CONSULTATION

- 29 Consultation with the elected Council to inform development of the draft Delivering Newcastle 2040 included a workshop on 22 January 2022 and on 15 February 2022 to explore current and emerging opportunities and discussion regarding proposed initiatives.
- 30 A Councillor Workshop on the draft Delivering Newcastle 2040 was held on 12 April 2022.
- 31 A Councillor Workshop outlining community feedback received during the public exhibition period was held on 14 June 2022.
- 32 The draft Resourcing Newcastle 2040, draft 2022-2023 Fees & Charges and draft Long-Term Financial Plan were placed on public exhibition from 28 April 2022 to 26 May 2022, and supported by the following promotion:
 - i) Have your Say page on CN's website
 - ii) Social media
 - iii) Print advertising
 - iv) Media releases
- 33 A summary of promotion and the submissions received during the public exhibition period is outlined in the Public Exhibition Report, **Attachment G**.

BACKGROUND

- 34 The Delivery Program is required to be prepared every four years following a local government general election. The Operational Plan is subsequently required to be reviewed annually and adopted by 30 June of the relevant year.
- 35 The Integrated Planning and Reporting (IPR) guidelines for NSW Local Government released in September 2021 require the Long-Term Financial Plan to be publicly exhibited for at least 28 days and submissions received in that period must be considered before the final Long-Term Financial Plan is adopted by the council.
- 36 The IPR guidelines require CN to develop and endorse a Workforce Management Strategy on the human resourcing requirements of Delivering Newcastle 2040.
- 37 The IPR guidelines require CN to prepare and adopt an Asset Management Policy, an Asset Management Strategy and Asset Management Plans to support Delivering Newcastle 2040.

OPTIONS

Option 1

- 38 The recommendation as at Paragraph 1 – 3. This is the recommended option.

Option 2

- 39 Council resolves to vary the recommendation in the adoption of this report. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 54 Attachment A:** 2022-2023 Delivering Newcastle 2040
- Item 54 Attachment B:** 2022-2023 Fees and Charges
- Item 54 Attachment C:** Resourcing Newcastle 2040
- Item 54 Attachment D:** Long-Term Financial Plan
- Item 54 Attachment E:** Workforce Development Strategic Plan
- Item 54 Attachment F:** Asset Management Planning
- Item 54 Attachment G:** Public Exhibition Report

Item 54 Attachments A – G – distributed under separate cover

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ITEM-55 CCL 28/06/22 - MAKING OF THE RATE AND CHARGES FOR 2022/23

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

PURPOSE

To make the Rates and Charges for the period 1 July 2022 to 30 June 2023 in accordance with the provisions of sections 532 – 535 of the *Local Government Act 1993* (Act).

RECOMMENDATION

That Council:

- 1 Makes the following Rates and Charges for the 2022/23 financial year:

RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
Ordinary Rates					
Residential	Nil	0.227580	823.93	50	110,580,258
Farmland	\$1,134.70	0.293510	Nil	Nil	23,032
Business	\$1,134.70	1.568100	Nil	Nil	45,807,615
Business Sub-Categories					
Major Commercial Shopping Centre - Kotara	\$1,134.70	3.679722	Nil	Nil	1,659,555
Major Commercial Shopping Centre – Jesmond	\$1,134.70	4.585446	Nil	Nil	651,133
Major Commercial Shopping Centre – Waratah	\$1,134.70	5.078439	Nil	Nil	458,075
Major Commercial Shopping Centre – Wallsend	\$1,134.70	5.767255	Nil	Nil	461,380
Major Commercial Shopping Centre – The Junction	\$1,134.70	3.948715	Nil	Nil	244,820
Major Commercial Shopping Centre – Inner City	\$1,134.70	1.093038	Nil	Nil	244,841
Major Commercial Shopping Centre (Inner City-East)	\$1,134.70	1.475658	Nil	Nil	92,671
Suburban Shopping Centre – Hamilton	\$1,134.70	1.934387	Nil	Nil	63,641
Suburban Shopping Centre – Inner City	\$1,134.70	2.202954	Nil	Nil	123,586

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Suburban Shopping Centre	\$1,134.70	3.282880	Nil	Nil	218,640
Suburban Shopping Centre – Mayfield	\$1,134.70	2.202954	Nil	Nil	194,961
Kotara – Homemaker's Centre	\$1,134.70	1.387959	Nil	Nil	313,009
Kotara – Homemaker's Centre - South Zone	\$1,134.70	1.666798	Nil	Nil	340,027
Kooragang Industrial Coal Zone	\$1,134.70	1.920089	Nil	Nil	710,744
Kooragang North Industrial Coal Zone	\$1,134.70	2.617107	Nil	Nil	1,587,275
Kooragang Industrial Centre - Walsh Point	\$1,134.70	2.186269	Nil	Nil	2,214,488
Kooragang Industrial Centre	\$1,134.70	1.751565	Nil	Nil	1,124,848
Mayfield West Storage Units	\$567.35	2.831941	Nil	Nil	49,615
Mayfield North Heavy Industrial Centre	\$1,134.70	1.083683	Nil	Nil	675,622
Mayfield North Industrial Centre	\$1,134.70	1.714055	Nil	Nil	517,165
Mayfield North Industrial Centre - Future Development	\$1,134.70	1.845360	Nil	Nil	396,549
Carrington Industrial Port and Coal Zone	\$1,134.70	3.392505	Nil	Nil	1,604,655
Carrington Industrial Centre	\$1,134.70	2.435489	Nil	Nil	1,513,768
Carrington Industrial Port Operations Use	\$1,134.70	2.721934	Nil	Nil	290,104
Broadmeadow Industrial Centre	\$1,134.70	3.870560	Nil	Nil	174,175
Hexham Industrial Centre	\$1,134.70	2.532696	Nil	Nil	1,033,325
Special Rates					
Hunter Mall	Nil	0.170510	Nil	Nil	80,693
Mayfield Business District	Nil	0.095597	Nil	Nil	82,250
Hamilton Business District - Zone A	Nil	0.177738	Nil	Nil	93,809
Hamilton Business District - Zone B	Nil	0.088869	Nil	Nil	36,452
Hamilton Business District - Zone C	Nil	0.044435	Nil	Nil	14,827
Wallsend Business District - Zone A	Nil	0.371295	Nil	Nil	117,334
Wallsend Business District - Zone B	Nil	0.185647	Nil	Nil	15,234
Wallsend Business District - Zone C	Nil	0.278471	Nil	Nil	22,278
New Lambton Business District	Nil	0.098478	Nil	Nil	15,760
City Centre - City East	Nil	0.221853	Nil	Nil	185,260
City Centre - Darby Street	Nil	0.051079	Nil	Nil	35,104
City Centre - City West (Close Zone)	Nil	0.078447	Nil	Nil	259,162
City Centre - City West (Distant Zone)	Nil	0.039224	Nil	Nil	14,548
City Centre – Tower	Nil	0.221853	Nil	Nil	178,955

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City Centre – Mall	Nil	0.221853	Nil	Nil	116,328
City Centre – Civic (Close Zone)	Nil	0.116374	Nil	Nil	112,856
City Centre – Civic (Distant Zone)	Nil	0.058187	Nil	Nil	6,507
TOTAL					174,756,934

- 2 An Ordinary Rate of zero point two two seven five eight zero cents (0.227580c) in the dollar with a 50% base charge of eight hundred and twenty three dollars and ninety three cents (\$823.93) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.

- 3 An Ordinary Rate of zero point two nine three five one zero cents (0.293510c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.

- 4 An Ordinary Rate of one point five six eight one zero zero cents (1.568100c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre – Hamilton, Major Commercial Shopping Centre (Inner City-East), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Mayfield West Storage Units, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.

- 5 An Ordinary Rate of three point six seven nine seven two two cents (3.679722c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m²), providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.

- 6 An Ordinary Rate of four point five eight five four four six cents (4.585446c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
- 7 An Ordinary Rate of five point zero seven eight four three nine cents (5.078439c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
- 8 An Ordinary Rate of five point seven six seven two five five cents (5.767255c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.
- 9 An Ordinary Rate of three point nine four eight seven one five cents (3.948715c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES – THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.

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- 10 An Ordinary Rate of one point zero nine three zero three eight cents (1.093038c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, National Park, King and Steel Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
- 11 An Ordinary Rate of one point four seven five six five eight cents (1.475658c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY-EAST)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, Steel, King and Ravenshaw Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City-East).
- 12 An Ordinary Rate of three point two eight two eight eight zero cents (3.282880c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m² which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Major Commercial Centres (Inner City-East), Suburban Shopping Centre – Mayfield or Suburban Shopping Centre - Hamilton. This land is categorised as Sub-category Business - Suburban Shopping Centres.
- 13 An Ordinary Rate of two point two zero two nine five four cents (2.202954c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West situated on a site of greater than four thousand and nine hundred square metres (4,900m²) which operates as a Supermarket excepting the land categorised as Major Commercial Centres (Inner City) or Major Commercial Centres (Inner City-East). This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.
- 14 An Ordinary Rate of one point nine three four three eight seven cents (1.934387c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS –**

SUBURBAN SHOPPING CENTRES – HAMILTON. This sub-category applies to all rateable land within the centre of commercial activity defined by the land bounded by Hudson, Swan Donald and Bennett Streets, Hamilton which operates as a Supermarket. This land is categorised as Sub-category Business - Suburban Shopping Centres – Hamilton.

- 15 An Ordinary Rate of two point two zero two nine five four cents (2.202954c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – SUBURBAN SHOPPING CENTRE – MAYFIELD** apply to all rateable land within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m²) with a minimum 4,000m² of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 16 An Ordinary Rate of one point three eight seven nine five nine cents (1.387959c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – KOTARA HOMEMAKER’S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker’s Centre.
- 17 An Ordinary Rate of one point six six six seven nine eight cents (1.666798c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – KOTARA HOMEMAKER’S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker’s Centre - South Zone.
- 18 An Ordinary Rate of one point nine two zero zero eight nine cents (1.920089c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.
- 19 An Ordinary Rate of two point six one seven one zero seven cents (2.617107c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots

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

- 20 An Ordinary Rate of two point one eight six two six nine cents (2.186269c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 3 DP 234288, Lot 3 DP 1117013, and Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 DP 271222, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1 DP 57567, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lots 3 DP 858206, Lots 2, 4, 5 DP 1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lots 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 123/1223462. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.
- 21 An Ordinary Rate of one point seven five one five six five cents (1.751565c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land not used primarily as a service station and categorised as Business in terms of Section 518 of the Act which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.
- 22 An Ordinary Rate of one point zero eight three six eight three cents (1.083683c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lots 224, 225

DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.

- 23 An Ordinary Rate of one point seven one four zero five five cents (1.714055c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 Lots 5, 6 and 7 DP 1204575 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 24 An Ordinary Rate of one point eight four five three six zero cents (1.845360c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE - FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982, Lots 51, 52, 53 and 54 DP 1229869 and Lot 332 DP 1176879. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 25 An Ordinary Rate of two point eight three one nine four one cents (2.831941c) in the dollar with a minimum rate of five hundred and sixty seven dollars and thirty five cents (\$567.35) named **BUSINESS – MAYFIELD WEST STORAGE UNITS** apply to all rateable land in CN LGA within the centre of activity defined by all lots contained within Strata Plan 99055. This land is categorised as sub-category Business - Mayfield West Storage Units.
- 26 An Ordinary Rate of three point three nine two five zero five cents (3.392505c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199, the land contained within Railway Land Lease reference number 115/75/2261, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP1187068, Lot 30 DP 1190075, Lots 8 and 11 DP 1190231, Lots 13, 14, 15, 16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91, 92, 93 DP 1193181, Lots 1, 2, 3 DP 1195231, Lots 219, 220 DP 1195310 . and Lots 1, 2, 3 in DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.
- 27 An Ordinary Rate of two point seven two one nine three four cents (2.721934c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 834572.

This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.

- 28 An Ordinary Rate of two point four three five four eight nine cents (2.435489c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m²) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 29 An Ordinary Rate of three point eight seven zero five six zero cents (3.870560c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 30 An Ordinary Rate of two point five three two six nine six cents (2.532696c) in the dollar with a minimum rate of one thousand one hundred and thirty four dollars and seventy cents (\$1,134.70) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham or Tarro excepting Lots 2 and 3 DP 874409 and Lot 1 DP 90824. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 31 A Special Rate of zero point one seven zero five one zero cents (0.170510c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District. This rate applies to all properties within the defined area categorised as Business.
- 32 A Special Rate of zero point zero nine five five nine seven cents (0.095597c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “Mayfield Business District” as defined in **Attachment B** for the purpose of defraying the additional

cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District. This rate applies to all properties within the defined area categorised as Business.

- 33 A Special Rate of zero point one seven seven seven three eight cents (0.177738c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 34 A Special Rate of zero point zero eight eight eight six nine cents (0.088869c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 35 A Special Rate of zero point zero four four four three five cents (0.044435c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 36 A Special Rate of zero point three seven one two nine five cents (0.371295c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 37 A Special Rate of zero point one eight five six four seven cents (0.185647c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.

- 38 A Special Rate of zero point two seven eight four seven one cents (0.278471c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 39 A Special Rate of zero point zero nine eight four seven eight cents (0.098478c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "New Lambton Business District" as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District. This rate applies to all properties within the defined area categorised as Business.
- 40 A Special Rate of zero point two two one eight five three cents (0.221853c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City East" as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East. This rate applies to all properties within the defined area categorised as Business.
- 41 A Special Rate of zero point zero four nine eight three three cents (0.049833c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area -Darby Street" as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street. This rate applies to all properties within the defined area categorised as Business.
- 42 A Special Rate of zero point zero five one zero seven nine cents (0.051079c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City West" as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 43 A Special Rate of zero point zero three nine two two four cents (0.039224c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part

of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -City West” as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone). This rate applies to all properties within the defined area categorised as Business.

- 44 A Special Rate of zero point two two one eight five three cents (0.221853c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower. This rate applies to all properties within the defined area categorised as Business.
- 45 A Special Rate of zero point two two one eight five three cents (0.221853c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall. This rate applies to all properties within the defined area categorised as Business.
- 46 A Special Rate of zero point one one six three seven four cents (0.116374c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 47 A Special Rate of zero point zero five eight one eight seven cents (0.058187c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area –Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 48 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.

- 49 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres (350m²) or part thereof, of land area capped at a maximum of \$5,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 48.
- 50 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m² or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$5,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 51 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m²) or part thereof, of land area capped at a maximum of \$2,500 for each non-strata property. This charge shall only apply where a business property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 52 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of four hundred and sixty dollars and zero cents (\$460.00) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.
- 53 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and seventy six dollars and seventy seven cents (\$276.77) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

KEY ISSUES

- 54 This report formalises the specific rates in the dollar amounts to apply to CN's Ordinary and Special Rates for the period 1 July 2022 to 30 June 2023.

Additionally, specific charge amounts for waste and storm water management purposes are recommended.

FINANCIAL IMPACT

55 Making of the Rates and Charges is a statutory requirement to enable rates revenue to be raised and levied as detailed in the 2022/23 Delivering Newcastle 2040 document. The estimated amount of levy to be raised is as per the totals shown in the table within paragraph 1 of this report.

NEWCASTLE 2040 ALIGNMENT

56 The making of Rates and Charges for 2022/23 is consistent with the following strategic directions of the Newcastle 2040 Community Strategic Plan.

Achieving Together

- 4.1 Inclusive and integrated planning
 - 4.1.1 Financial sustainability.

IMPLEMENTATION PLAN/IMPLICATIONS

57 In accordance with Section 405 of the Act Council must adopt the 2022/23 Operational Plan incorporating CN's Revenue Policy and Rating Structure by 30 June 2022. This Operational Plan must be adopted by Council prior to the making of the Rates and Charges.

58 Sections 532 and 535 of the Act, require Council to make the Rates and Charges by resolution for the period 1 July 2022 to 30 June 2023. These Rates and Charges must be made by 1 August 2022.

RISK ASSESSMENT AND MITIGATION

59 Failure to make the 2022/23 Rates and Charges will prevent the service of the Rates and Charges Notices. Should these Notices not be served by 1 August 2022 the due date for payment of the Notices will be delayed until 30 November 2022.

RELATED PREVIOUS DECISIONS

60 At the Ordinary Council Meeting held on 26 April 2022, Council resolved to place Delivering Newcastle 2040 (incorporating the 2022/23 draft Operational Plan, draft Fees and Charges and the 2022-2025 Delivery Program) on public exhibition for a minimum 28 days. The documents were subsequently placed on public exhibition from 28 April 2022 to 26 May 2022.

61 At the Ordinary Council Meetings held on 26 April 2022 and 24 May 2022 Council resolved to apply to the Independent Pricing and Regulatory Tribunal (IPART) for a one-off Additional Special Variation (ASV) of 2.5% for the 2022-

2023 financial year, following the intervention by the NSW Minister for Local Government in response to Council concerns.

CONSULTATION

- 62 A Councillor Workshop was held on 14 June 2022 to provide Councillors with the feedback received during the public exhibition of Delivering Newcastle 2040
- 63 It is a requirement of the Act that CN must not make a rate or charge until it has given public notice of the draft 2022/23 Operational Plan and has considered any submission made concerning that plan.
- 64 Delivering Newcastle 2040 (incorporating the 2022/23 draft Operational Plan) was placed on public exhibition from 28 April 2022 to 26 May 2022. This document incorporated details of the proposed rating structure for 2022/23.
- 65 During the public exhibition period, an engagement webpage was set up to receive submissions and enable downloading of Delivering Newcastle 2040 and draft Fees and Charges 2022/23. A summary video and the engagement webpage were also publicised using social media (Facebook and LinkedIn).
- 66 All submissions received regarding Delivering Newcastle 2040, including those relating to rates and charges, have been considered and are reported separately in the report to Council recommending adoption of Delivering Newcastle 2040.

BACKGROUND

- 67 The adoption of the rate structure contained within Delivering Newcastle 2040, satisfies the provisions of Section 532 of the Act and allows the making of the Rates and Charges for the period 1 July 2022 to 30 June 2023.

OPTIONS

Option 1

- 68 The recommendations as at Paragraphs 1 - 53. This is the recommended option.

Option 2

- 69 Council does not adopt the Rates and Charges as detailed in this report. Any delay in making the Rates and Charges may also delay the issuing of rate notices which may have a significant negative cash flow impact on CN. This also places CN in a position where it may breach the Act. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 55 Attachment A:** Schedule A - Hunter Mall
- Item 55 Attachment B:** Schedule B - Mayfield Business District
- Item 55 Attachment C:** Schedule C - Hamilton Business District - Zone A
- Item 55 Attachment D:** Schedule D - Hamilton Business District - Zone B
- Item 55 Attachment E:** Schedule E - Hamilton Business District - Zone C
- Item 55 Attachment F:** Schedule F - Wallsend Business District - Zone A
- Item 55 Attachment G:** Schedule G - Wallsend Business District - Zone B
- Item 55 Attachment H:** Schedule H - Wallsend Business District - Zone C
- Item 55 Attachment I:** Schedule I - New Lambton Business District - Zone A
- Item 55 Attachment J:** Schedule J - City Centre - City East
- Item 55 Attachment K:** Schedule K - City Centre - Darby Street
- Item 55 Attachment L:** Schedule L - City Centre City West (Close Zone)
- Item 55 Attachment M:** Schedule M - City Centre City West (Distant Zone)
- Item 55 Attachment N:** Schedule N - City Centre – Tower
- Item 55 Attachment O:** Schedule O - City Centre – Mall
- Item 55 Attachment P:** Schedule P - City Centre - Civic (Close Zone)
- Item 55 Attachment Q:** Schedule Q - City Centre - Civic (Distant Zone)

Item 55 Attachments A – Q distributed under separate cover

ITEM-57 CCL 28/06/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2021/22 Operational Plan as at the end of May 2022.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

- 1 Receives the Executive Monthly Performance Report for May 2022.

KEY ISSUES

- 2 At the end of May 2022 the consolidated YTD actual operating position is a deficit of \$0.4m which represents a positive variance of \$1.3m against the budgeted YTD deficit of \$1.7m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2021/22 is a deficit of \$9.9m.
- 3 The net funds generated as at the end of May 2022 is a surplus of \$31.1m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$23.4m to the YTD budgeted position of \$7.7m. 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) and settlement of recent property disposals.
- 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 May 2022 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 At the Ordinary Council Meeting held on 5 August 2021 Council unanimously adopted a resolution to increase the works program by at least \$10m and to support the Community and Economic Resilience Package 2.0 to help offset the adverse economic impact of the on-going COVID-19 pandemic and specifically the lockdown placed upon the Newcastle local government area on 5 August 2021.
- 11 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

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

BACKGROUND

- 13 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

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 57 Attachment A: Executive Monthly Performance Report – May 2022

Item 57 Attachment A distributed under separate cover

NOTICES OF MOTION

ITEM-17 NOM 28/06/22 - 25 YEARS ANNIVERSARY OF NSW APOLOGY TO THE STOLEN GENERATION

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

PURPOSE

The following Notice of Motion was received on Thursday 16 June 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Acknowledges that 18 June 2022 marked the twenty-fifth anniversary of Premier Bob Carr MP's apology to the Indigenous people of New South Wales for the systemic removal of Aboriginal children and the separation of generations of Aboriginal families over many decades by government.
- 2 Sincerely apologises for the intergenerational trauma, hurt, abuse and injustices suffered by Aboriginal children and their families, because of those government policies, the effects of which still live on in many survivors to this day.
- 3 Recognises the hard work and dedication of the Guraki Aboriginal Advisory Committee, and the contribution by the broader Aboriginal and Torres Strait Islander community to the City of Newcastle.
- 4 Reaffirms City of Newcastle's commitment to truth-telling and reconciliation, noting the City's unanimous support for the campaign for a referendum for Indigenous Constitutional Recognition through a Voice to Parliament.

BACKGROUND

AFTER 'SORRY': NSW PARLIAMENT TO MARK 25-YEAR STOLEN GENERATIONS ANNIVERSARY

7 June 2022

More than 50 Stolen Generations survivors and their supporters will attend ceremonial proceedings at NSW Parliament House today, sharing their stories and being acknowledged in both Houses of Parliament.

Speaker of the NSW Legislative Assembly Jonathan O'Dea said the NSW Parliament will mark the 25th anniversary of the NSW Government apology to the

“Stolen Generations” (the Aboriginal infants and children forcibly removed from their families from the 1920s until 1969).

"It will be an honour and a privilege to hear survivors' stories here at Parliament House, a place that made the laws that inflicted enormous harm," said Mr O'Dea.

"It is vital for us as a society, and for the ongoing healing of survivors, that these stories continue to be recognised."

In 1997, the NSW Government under Premier Bob Carr, supported by then-Leader of the Opposition Peter Collins, made an unreserved apology to the Aboriginal people of NSW for the policies and practices that led to the removal of generations of Aboriginal children from their families.

The current NSW Premier and Leader of the Opposition will mark the 25th anniversary by reaffirming their commitment to the Apology and ongoing reconciliation.

President of the NSW Legislative Council Matthew Mason-Cox said that revisiting the apology demonstrated the Parliament's continued commitment to the process of reconciliation with Aboriginal people.

"On this anniversary, we take another step towards the goal of collective healing and reaffirm our commitment to reconciliation for all people in NSW," said Mr Mason-Cox.

"The NSW Apology in 1997 was a pivotal moment. Commemorating the 25th anniversary of that apology and reflecting on our past is essential as we contemplate the future together."

FROM THE HEART

"From The Heart" is the organisation that campaigns to take up the call of the Uluru Statement and the constitutionally enshrined Voice to Parliament, believing that now is the time for Australians to come together through a referendum and make these fair and practical changes.

From the Heart is a campaign for an Aboriginal and Torres Strait Islander Voice to Parliament that is enshrined in the Constitution.

A Voice to Parliament is a body enshrined in the Constitution would enable Aboriginal and Torres Strait Islander people to provide advice to the Parliament on policies and projects that impact their lives.

A Voice to Parliament gives the Australian Government the opportunity to make policies with Aboriginal and Torres Strait Islander people, rather than for Aboriginal and Torres Strait Islander people.

ATTACHMENTS

Read P, 'Reflecting on *The Stolen Generations*' (2014) 13 *Indigenous Law Bulletin* 3:
<http://classic.austlii.edu.au/au/journals/IndigLawB/2014/24.pdf>

**ITEM-18 NOM 28/06/22 - PLAYGROUND REPLACEMENT PROGRAM
2022/23**

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

PURPOSE

The following Notice of Motion was received on Thursday 16 June 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle:

1. Notes the ongoing success of our Playground Replacement Program with brand new playgrounds being delivered in 2021/22 at McCauley Park, Tarro; Minmi Reserve, Minmi; Kotara Park, Kotara and Bernborough Avenue, Maryland as well as significant progress towards the completion of the \$1.5 million Wallsend Active Hub, bringing the City's investment into new and upgraded playgrounds to more than \$10 million in the past five years alone;
2. Notes that our 2022/23 Budget has dedicated \$15.3 million for new and improved parks, playgrounds, sporting, and aquatic facilities – including a Playground Replacement at Beresfield Pool, following recent upgrades to the playgrounds at Wallsend and Mayfield Pools;
3. Notes that the first stage of the multimillion-dollar investment into the Foreshore Park all-abilities playground and water park Masterplan implementation will be delivered in partnership under the Works Program in our 2022/23 Budget, and that along with the Playground Replacement Program, forms a key priority component of the 'Liveable Newcastle' objective of our Community Strategic Plan *Newcastle 2040*;
4. Advises the community that the 2022/23 Playground Replacement Program includes upgrades in the following locations:
 - a) Waratah Park, Waratah
 - b) Harold Myers Park, Birmingham Gardens
 - c) Vera Wilson Park, Beresfield
 - d) Highland County, Fletcher
 - e) Avon Street Reserve, Mayfield

BACKGROUND

Playground Replacement Program

Our City's playgrounds provide local children and families with the opportunity to spend more time outdoors and engage in an active and healthy lifestyle.

Since the initiation of the City's annual Playground Replacement Program in 2017, up to four of Newcastle's 134 playgrounds are replaced each year as part of the asset renewal works program.

City of Newcastle has invested more than \$10 million in playground projects during the past five years including construction of the inclusive playground at Stevenson Park at Mayfield, the Stockton and Wallsend Active Hubs and the adventure playground at Blackbutt's Richley Reserve.

Playground Replacement Program 2021/22

Under the Playground Replacement Program, three new playgrounds have been upgraded – McCauley Park at Tarro, Minmi Reserve at Minmi, Kotara Park, Kotara and Bernborough Avenue, Maryland.

McCauley Park, Tarro



The play area has been designed to cater for a wide range of ages and includes swings, slides, climbing and balancing components.



Minmi Reserve, Minmi

The replacement of the playground at the Minmi Reserve features new creative, cognitive and inclusive features such as a multiplay unit, balancing trails and sensory bridge.



Bernborough Avenue in Maryland and Kotara Park are also benefiting from a new design and equipment upgrades as a part of the annual Playground Replacement Program.

2020/2021 Completed Playground Replacements

- Dangar Park, Mayfield
- Gross Street Reserve, Tighes Hill

- King Edward Park, Cooks Hill
- Novocastrian Park, New Lambton
- Stevenson Park, Mayfield West

2019/2020 Completed Playground Replacements

- Coldstream Reserve, Rankin Park
- Brickworks Park and Carrington Street Reserve, Wallsend
- Learmonth Park, Hamilton South
- Islington Park, Islington

2018/2019 Completed Playground Replacements

- Cressington Way Reserve, Wallsend
- Fletcher Street Reserve, Adamstown

2017/2018 Completed Playground Replacements

- Grahame Park, Carrington
- Bull and Tourle Street Reserve, Mayfield West
- Smith Park, Hamilton North
- Wallsend Park, Wallsend

Inland Pool Playground Replacement Program

- Wallsend Pool Playground
- Mayfield Pool Playground

ATTACHMENTS

Nil.

ITEM-19 NOM 28/06/22 - CURBING ILLEGAL DUMPING DRIVEN BY INSECURE HOUSING

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

PURPOSE

The following Notice of Motion was received on Thursday 16 June 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes City of Newcastle's commitment to increasing affordable and social housing in Newcastle to help address the housing affordability crisis across the city;
- 2 Notes that a lack of affordable rental accommodation can result in housing stress and housing insecurity;
- 3 Notes that insecure housing can be a significant driver of illegal dumping, especially in areas where there is a high turnover of tenants, and this cost is entirely borne by ratepayers in the community;
- 4 Notes that insecure housing has been exacerbated in recent years by short term leases, high rents, and added cost of living pressures;
- 5 Notes that tenants can be given as little as 14 days notice to vacate a residential premises, and arranging a bulk waste collection in such a time frame is not always possible;
- 6 Notes that the Tenants Union estimates a forced eviction and the associated relocation costs will cost a tenant a minimum of \$2500, and the cost of having waste removed privately can be prohibitive for those already experiencing financial hardship;
- 7 Advocates to the NSW State Government to amend the Residential Tenancies Act 2010 to address housing insecurity and ensure that the cost of eviction is not borne by those who can least afford it;.
- 8 Requests City of Newcastle's Affordable Housing Working Party consider Council's response to the issue of illegal dumping resulting from insecure housing, including in multi-unit dwellings.

BACKGROUND

Illegal dumping of household bulk waste items is a significant problem in the Newcastle LGA, especially in areas with a high turnover of tenants, like Shortland.

A portion of this illegal dumping can be attributed to termination of residential tenancies, which often leaves tenants with limited options if they are unable to schedule a kerbside collection, or don't have the capacity to use a self haul voucher. There are added complexities if the tenant resides in a multi-unit complex, where bulk waste collections are arranged by the Owners Corporation.

Private waste removal can cost as much as \$132 per cubic metre.

Research shows that in the Newcastle LGA, 10,000 families suffer from housing stress (where more than 30 per cent of income is spent on housing), and the associated costs of relocating following the termination of a tenancy is unaffordable for many tenants.

In NSW, 80% of renters have moved in the last five years, one in three have moved two to three times, and one in ten have moved five times or more. Of those terminations, 30% were initiated by the landlord, which means tenants have limited time and limited control over how and when they dispose of their bulk waste items that they can't take with them.

Currently, the cost associated with illegal dumping driven by insecure housing is borne by the ratepayer and the community more broadly.

Further information:

Tenants Union data: <https://www.tenants.org.au/blog/true-cost-eviction>

Private Rubbish removal rate provided by 1300Rubbish:

<https://www.1300rubbish.com.au/>

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

COUNCILLOR: C PULL

PURPOSE

The following Notice of Motion was received on Friday 16 June 2022 from the abovenamed Councillor.

MOTION

That City of Newcastle

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

BACKGROUND

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

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

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

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

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

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

ATTACHMENTS

- NOM Item 20 Attachment A:** ABC Newcastle Article (05/06/2017)
NOM Item 20 Attachment B: LMM (26/05/2020) - City of Newcastle submission – Draft determination on prices for Hunter Water Corporation (HWC) from 1 July 2020.

NOM Item 20 Attachment A: ABC Newcastle Article (2017)

SOME SHOPS STILL EMPTY 10 YEARS AFTER SUPERSTORM SWEEPED THROUGH WALLSEND

[ABC Newcastle](#) / By [Dan Cox](#) and [Karen Shrosbery](#)

Posted Mon 5 Jun 2017 at 7:29am Monday 5 Jun 2017 at 7:29am



Stricken freighter Pasha Bulker sits on Nobbys Beach. (Mathew Packer: User submitted)

Nearly 10 years on from the deadly June 2007 storm that ravaged New South Wales, a businessman in the Newcastle suburb of Wallsend says some of the shops in the small CBD remain empty.

On Thursday it will be a decade since an east coast low killed nine people, inundated thousands of properties with water, and grounded the coal ship Pasha Bulker on Newcastle's Nobbys Beach.

Nelson Street in Wallsend's CBD was particularly affected, including Glenn Jennings' and David Earle's embroidery shop, which was destroyed.

"We've had about four foot of water run through the shop. It came through our back roller door," Mr Earle said in the days after the storm.

"We've got embroidery machines out the back that weigh about a tonne-and-a-half, and the water has knocked them over.

"It's then come through our dividing wall and blown our front shop windows out. It's broken all the brickwork underneath, it's just a mess.

"We had stock running down the drain, and we are totally destroyed. I don't think we'll salvage very much at all."

SHOP HAS BEEN EMPTY EVER SINCE

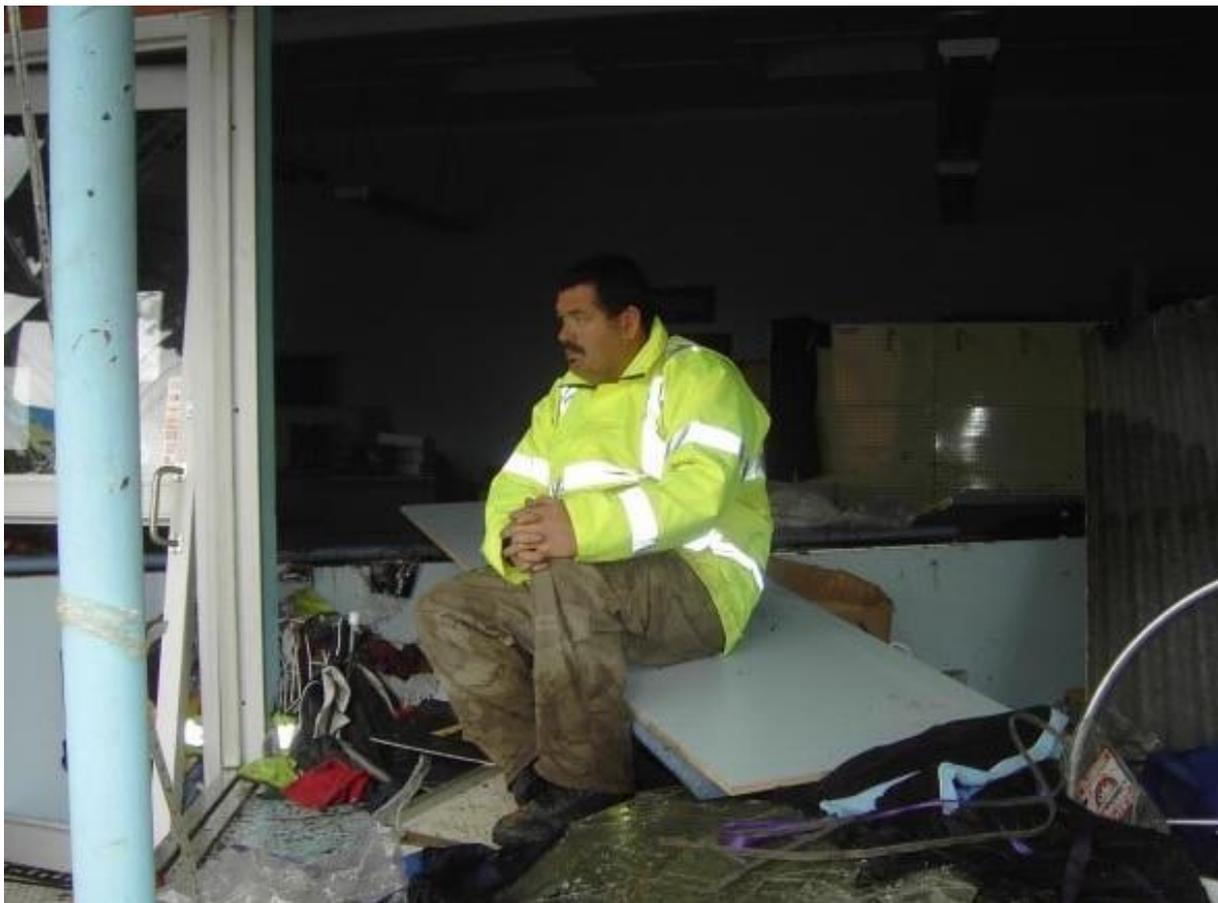
Mr Jennings said there was no evidence anything had changed when it came to flood mitigation.

"There will always be that nagging doubt now that, if you were to even rent a building down here, I don't think you'd get insurance for flood ever again in this area," he said.

"That is a problem because you're then taking a risk of throwing your capital into something that might go away in the next flood."

Mr Jennings said he had sold the building after the flood, and it had been empty ever since.

"There was a real, real terrible time for a lot of people down here because they didn't have the right insurance," he said.



Glenn Jennings in his embroidery shop on Nelson Street at Wallsend, which was destroyed by the June 2007 flood. *(Supplied: Jane Bonfield)*

"Unfortunately when there's an interpretation one way for the insurance company they're going to say no, and a lot of these people got burnt and they've moved on, disappeared.

"Sadly, quite a few of the shops are still empty, 10 years on."

MP URGES COUNCIL TO MAKE FLOOD MITIGATION PLANS A PRIORITY

Wallsend MP Sonia Hornery said the only way the CBD would not go under water again was if three key bridges were rebuilt immediately.

The town also went under during the 2015 superstorm, and she said she did not want to see businesses dealing with another flood.

"The only way that will not happen again is if we implement the flood risk management plans," she said.

"They include one major thing — the council rebuilds the three problematic bridges in Wallsend, which don't allow the floodwater to move along.

"That's the Tyrrell Street Bridge, the Nelson Street Bridge, and the Boscawen Street Bridge."



Parts of Wallsend were flooded during a severe storm in June, 2007.

Ms Hornery is calling on Newcastle council to make the project its highest priority.

She said the latest report showed rebuilding Tyrrell Street Bridge would cost about \$1.8 million.

"Unless those three bridges are re-built completely, we will be flooded again," she said.

"There's been too much talk. I've met with the six different general managers of Newcastle council about this, and lobbied them for funding.

"Really, the bridges are council responsibility. It needs to be a priority, built as soon as possible."

NOM Item 20 Attachment B: LMM (26/05/2020) - City of Newcastle submission - Draft determination on prices for Hunter Water Corporation (HWC) from 1 July 2020.

ITEM-11 LMM 26/05/2020 - City of Newcastle submission – Draft determination on prices for Hunter Water Corporation (HWC) from 1 July 2020.

MOTION

That City of Newcastle:

1. Congratulates Mr Darren Cleary on his appointment as Managing Director, Hunter Water Corporation on 29 April 2020;
2. Notes that the Independent Pricing and Regulatory Tribunal (IPART) recently called for submissions on the Draft determination on prices for Hunter Water Corporation (HWC) from 1 July 2020, and that City of Newcastle provided a submission (Attachment A) to IPART on 8 April 2020;
3. Welcomes HWC's proposed discretionary expenditure on recycled water and stormwater naturalisation;
4. Requests the inclusion of funding in HWC's 2020-2024 capital program for:
 1. the widening of the Hunter Water stormwater channel through Wallsend to support the City's investments in new bridges to alleviate risk to property and life from flooding
 2. the connection of sewer services to the township of Hexham
5. Notes that the channel widening at Wallsend and connection of sewer services at Hexham projects could provide a significant opportunity to create local jobs, providing an immediate and significant stimulus for the local economy, and that a copy of CN's submission has been forwarded to the Minister for Water, Property and Housing, the Hon. Melinda Pavey MP, for her consideration.
6. Commits \$17.2 million to complete bridge upgrades throughout the entire Wallsend town centre, as well as \$3.5 million for property acquisition as required for our ongoing flood mitigation work. However, notes that this investment alone will only result in minor improvements and continued flooding for the town centre and not the anticipated reduction in flood damages and risk, if the HWC channel is not widened to 21 metres through Wallsend Town Centre.

BACKGROUND:

On 10 March 2020, City of Newcastle (CN) received correspondence from Hunter Water Corporation (HWC), inviting submission on the Independent Pricing and

Regulatory Tribunal's (IPART) draft determination on prices for HWC from 1 July 2020.

On 8 April 2020, CN provided a submission on the draft determination.

CITY OF NEWCASTLE SUBMISSION SUMMARY:

In general, CN's submission is supportive of IPART's proposal, which will see a decrease in water bills for most users while maintaining a clear economic price signal to promote the conservation of water.

CN supports the strategic direction of Hunter Water, with its aim towards achieving the Sustainable Development Goals (SDGs), and reducing its environmental impacts.

The City has adopted the SDGs as a cornerstone of its long-term planning and is proud to be a United Nations city. Hunter Water's efforts to promote water conservation are consistent with the aims of the City's Community Strategic Plan (CSP).

CN's submission seeks to draw IPART's attention to a three key items:

1. CN's support for proposed discretionary expenditure on recycled water and stormwater naturalisation;
2. CN's urgent request for inclusion of funding in Hunter Water's 2020-2024 capital program for the widening of the Hunter Water channel through Wallsend; and
3. CN's request for inclusion of funding in Hunter Water's 2020-2024 capital program for the connection of sewer services to the township of Hexham.

The elected Council has considered these matters on numerous occasions and sees each as a high priority project due to their impact on the livelihoods and amenity of our community and impact on the natural environment.

CN seeks IPART's support to include these projects its final determination of Hunter Water Prices as the most cost effective and efficient means to address these serious issues for our community.

CN seeks IPART's support to include these projects its final determination of Hunter Water Prices as the most cost effective and efficient means to address these serious issues for our community.

ATTACHMENT: Attachment A:

City of Newcastle submission: *Draft determination on prices for Hunter Water Corporation (HWC) from 1 July 2020*

ITEM-21 NOM 28/06/22 - MEGA-WATT SCALE BATTERY INSTALLATION

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Friday 17 June 2022 from the abovenamed Councillor.

MOTION

That the City of Newcastle

- 1 Notes that the Climate Action Plan 2021-25 includes, as Action 1.5, to: “investigate and install megawatt scale battery storage options to firm renewable supply and build resilience across CN operations.”
- 2 Notes the installation of a smaller scale energy storage system (ESS) underway at Summerhill Waste Management facility.
- 3 Notes that a megawatt scale ESS connected to the Summerhill Solar Farm could firm renewable energy supply to Summerhill Waste Management operations, including the organics recycling facility, the Materials Recovery Facility (MRF), the proposed EV waste collection fleet, and additional operational infrastructure.
- 4 Consider and investigate the opportunities for a mega-watt scale ESS in the development of:
 - a) The City of Newcastle Fleet Transition Plan.
 - b) The City of Newcastle Waste Strategy.

BACKGROUND

The Newcastle Climate Action Plan (2021-2025) sets the roadmap for achieving emission reduction both within the City of Newcastle (CN) operations and across the broader community, to support a future net zero emission Newcastle.

The Climate Action Plan includes as a primary objective to utilise 100% renewable energy supply for City of Newcastle Operations. The five actions outlined to achieve this objective are:

- Continue to source 100% renewable electricity through a combination of onsite generation, battery storage and renewable electricity power purchasing agreements (PPAs).

- Transition all plant and equipment to electric and battery powered options or other zero-emission alternatives.
- Eliminate the use of fossil-based gas across CN operations. Where electric alternatives are unavailable, investigate the use of renewable gas.
- Implement alternatives to reduce and remove the use of fossil-based liquid fuels across CN operations.
- Investigate and install megawatt scale battery storage options to firm renewable supply and build resilience across CN operations.

ATTACHMENTS

Nil.

**ITEM-22 NOM 28/06/22 - INTERNATIONAL CAMPAIGN TO ABOLISH
NUCLEAR WEAPONS**

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Friday 17 June 2022 from the abovenamed Councillor.

MOTION

That the City of Newcastle

1. Notes that the International Campaign to Abolish Nuclear Weapons (ICAN) Cities Appeal was endorsed unanimously by the City of Newcastle on 26 February, 2019.
2. Further notes that the CN submitted a motion in support of the Treaty on the Prohibition of Nuclear Weapons to the Australian Local Government Association (ALGA) for discussion at the 2020 National General Assembly.
3. Further notes that CN reaffirmed its long-held commitment to declaring the city a Nuclear Free Zone in June 2021, with reference to 29 June 1982 when the City first declared Newcastle a Nuclear Free Zone under Lord Mayor Joy Cummings AM, and resolving to establish with Hunter Peace Group a dedicated Newcastle Peace Park at Tighes Hill Reserve, adjacent to Islington Park.
4. Writes to the Prime Minister The Hon Anthony Albanese MP, Minister for Foreign Affairs Senator the Hon Penny Wong, Minister for Defence and Deputy Prime Minister The Hon Richard Marles MP, and Minister for Defence Industry The Hon Pat Conroy MP to urge them to urgently progress the signing and ratification on the Treaty on the Prohibition of Nuclear Weapons.
5. Further writes to Minister for Defence and Deputy Prime Minister The Hon Richard Marles MP, and Minister for Defence Industry The Hon Pat Conroy MP to express CN's opposition to a nuclear submarine base in the Port of Newcastle, consistent with this and proceeding resolutions of Council.

BACKGROUND

The International Campaign to Abolish Nuclear Weapons (ICAN) is a coalition of non-governmental organisations in one hundred countries promoting adherence to and implementation of the United Nations Treaty on the Prohibition of Nuclear Weapons (TPNW). This landmark global agreement was adopted in New York on 7 July 2017.

ICAN began in Australia and was formally launched in Austria in April 2007. ICAN was awarded the 2017 Nobel Peace Prize for our “work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons” and our “ground-breaking efforts to achieve a treaty-based prohibition of such weapons”.

Australia has consistently voted against an annual UN General Assembly resolution since 2018 that welcomes the adoption of the TPNW and calls upon all states to sign, ratify, or accede to it “at the earliest possible date”.

Australia has not yet signed or ratified the Treaty on the Prohibition of Nuclear Weapons.

ATTACHMENTS

Nil.

low carbon journey as soon as possible, given the scale of emissions associated with all sectors of the community. CN can address areas such as electricity and transport use where decarbonisation is already achievable, while beginning the groundwork and supporting emerging areas such as renewable hydrogen and zero-emission industries. This will pave the way for a resilient and thriving Net Zero Emission City.

Further, CN can also take a leadership role in working collaboratively with other levels of government, business, industry and advocacy groups to ensure a managed transition that supports the community along the way and provides new and meaningful opportunities for work.

ATTACHMENTS

Nil.