

## ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

### 8.2 FUTURE FUND POLICY

- Attachment A:** Future Fund Policy  
**Attachment B:** Future Fund Governance Committee Charter

### 8.4 DECEMBER QUARTERLY BUDGET REVIEW

- Attachment A:** December Quarterly Budget Review Statement

### 8.6 SIX MONTHLY PERFORMANCE REPORT ON THE DELIVERY PROGRAM

- Attachment A:** Six-Monthly Performance Report on 2022-23 Delivering Newcastle 2040 (the 2022-2026 Delivery Program)

### 8.7 PEARSON STREET, LAMBTON – LAMBTON PARK TO CROUDACE STREET CYCLING CONNECTION

- Attachment A:** Pearson Street, Lambton – Cycling Connection Flyer  
**Attachment B:** Pearson Street, Lambton – Summary of community responses

### 8.8 COMPLIANCE AND ENFORCEMENT POLICY

- Attachment A:** Draft Compliance & Enforcement Policy (clean version)  
**Attachment B:** Draft Compliance & Enforcement (tracked changes version)

### 8.9 ADOPTION OF MOBILE FOOD VENDING (LOCAL APPROVALS) POLICY

- Attachment A:** Draft Mobile Food Vending (Local Approvals) Policy (Clean version)  
**Attachment B:** Draft Mobile Food Vending (Local Approvals) Policy (tracked changes version)

### 8.10 HUNTER WATER AMENITY IMPROVEMENT WORKS – LITCHFIELD PARK, MAYFIELD

- Attachment A:** Figure 1 – Photo of the Site  
**Attachment B:** Litchfield Park, Mayfield Land Parcels (Plan of Works and Area Identified for HW Easement)  
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**8.12            AUDIT AND RISK COMMITTEE ANNUAL REPORT**

**Attachment A:**            Audit and Risk Committee Annual Report

**8.13            ENDORSEMENT OF PLANNING AGREEMENT 30 AND 31 VISTA PARADE,  
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Vista Parade, Kotara

**8.15            EXECUTIVE MONTHLY PERFORMANCE REPORT**

**Attachment A:**            Executive Monthly Performance Report – January 2023

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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/23 – FUTURE FUND POLICY**

- 8.2**
- |                      |   |
|----------------------|---|
| <b>Attachment A:</b> | FUTURE FUND POLICY                          |
| <b>Attachment B:</b> | FUTURE FUND GOVERNANCE<br>COMMITTEE CHARTER |

# Future Fund Policy

February 2023

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## INTRODUCTION

### 1 Purpose

- 1.1 The purpose of this Policy is to:
- 1.1.1 Establish a City of Newcastle (CN) Future Fund (the Future Fund).
  - 1.1.2 Establish clear governance, oversight and accountability for the Future Fund.
  - 1.1.3 Ensure that all Future Fund related activities occur in accordance with legislative requirements.
- 1.2 The objective of the Future Fund is to diversify CN's investments so as to maintain long-term purchasing power of CN's reserves and enable delivery of the adopted Community Strategic Plan, by;
- 1.2.1 investing in a diversified portfolio of assets including but not limited to the diversification of assets by character and geography within New South Wales.
  - 1.2.2 achieving an optimum financial return within CNs risk tolerance.
  - 1.2.3 generating a commercial dividend to CN's General Fund.
  - 1.2.4 growing the Future Fund.

### 2 Scope

- 2.1 This Policy applies to all Elected Council, staff, committee members and advisers who undertake any aspect of the Future Fund

#### Delegation of authority

- 2.2 Section 377(1)(h) of the *Local Government Act 1993* requires a specific resolution of Council to acquire and divest land or other property.
- 2.3 The CEO and / or their delegate may make preliminary enquiries and negotiations regarding a possible purchase price, and, any contract must state that the proposal is conditional upon a resolution of Council.
- 2.4 CN Officers will undertake day-to-day activities to support the operation, administration and governance of the Fund.

#### Legislation

- 2.5 This policy operates under Section 186 of the *Local Government Act 1993*, which sets out that a council may acquire land (including an interest in land) or other property for the purpose of exercising any of its functions.
- 2.6 The financial investments permitted by Section 625 of the *Local Government Act 1993* does not apply to the acquisition of property for the purposes of this policy.
- 2.7 This policy only applies to the investment of unrestricted cash or cash held as internal reserve of council. The policy prohibits the use of funds restricted for an external purpose.

### 3 Principles

- 3.1 City of Newcastle (CN) commits itself to the following:
- 3.1.1 **Accountability and transparency** – The policy provides a framework for the transparent and merit-based provision of support and a system of accountability for the recipient.
  - 3.1.2 **Honesty and fairness** – Investments and business relationships will be conducted with honesty, fairness and probity at all levels. Confidentiality of information will be maintained.
  - 3.1.3 **Value for money** – The Future Fund portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage CN's Future Fund portfolio to safeguard the portfolio in accordance with the spirit of this Policy, and not for speculative purposes.
  - 3.1.4 **Consistency** – consistent processes must be used in all stages of managing CN's investments.
  - 3.1.5 **Probity** – Investment decisions will be open, fair, consistent and transparent and comply with the Local Government Act 1993, the Local Government (General) Regulation 2005, CN's Code of Conduct and ICAC's Managing Conflicts of Interest in the Public Sector.
  - 3.1.6 **Sustainability** – To sustainably meet community needs and expectations for all assets and asset infrastructure services.
  - 3.1.7 **Alignment with Council strategies** – The policy aligns with Achieving Together priorities and supports achievement of the Newcastle 2040 Community Strategic Plan.

## Part B Governance of the Fund

### 4 Governance Committee

- 4.1 There is to be a Future Fund Governance Committee (the **Governance Committee**)
- 4.2 The Governance Committee is an advisory committee only. The Committee's resolutions, which record its decisions, are recommendations of the Committee.
- 4.3 The Governance Committee shall be constituted with up to seven members, including:
- 4.3.1 The Lord Mayor and two Councillors appointed by the Elected Council, at least one of whom must also be a member of the Asset Advisory Committee
  - 4.3.2 The Chief Executive Officer (CEO) and the Chief Financial Officer
  - 4.3.3 Two independent members with appropriate professional capabilities
  - 4.3.4 An independent Chairperson
- 4.4 Independent committee members and the Chair must have relevant qualifications and substantial experience in any of the following professions:
- 4.4.1 Strategic or development planning;
  - 4.4.2 Accounting or economics;
  - 4.4.3 Financial planning;
  - 4.4.4 Investment banking or credit analysis;
  - 4.4.5 Legal and compliance;
  - 4.4.6 Commercial property and development;

- 4.4.7 Risk Management; or
- 4.4.8 Asset Management.
- 4.5 In addition, the Chairperson must have demonstrated experience and professional capabilities necessary to chair the Governance Committee.
- 4.6 The Chairperson and independent members will be remunerated.
- 4.7 Council Members remain Members of the Committee until:
  - 4.7.1 The conclusion of their term of office;
  - 4.7.2 They resign; or
  - 4.7.3 Their membership is otherwise terminated.
- 4.8 A Committee member must agree that it is a condition of the appointment that they are bound by Council's Code of Conduct.
- 4.9 The Governance Committee is responsible for:
  - 4.9.1 Endorsing the investment strategy for the Fund.
  - 4.9.2 Monitoring and overseeing of the investment activities conducted within the Fund.
  - 4.9.3 Recommending investment decisions as and when required in accordance with prevailing legislative and CN governance requirements.
  - 4.9.4 Approving the appointment, renewal, termination of the Independent Fund advisor.
  - 4.9.5 Reviewing investment reports.
  - 4.9.6 Being accountable for risk and return outcomes for The Fund.

## 5 Investment Fund Adviser

- 5.1 An Independent Future Fund Adviser(s) (the **Fund Adviser**) will be appointed by CN to advise the Committee. The Fund Adviser will have a detailed understanding of investment requirements and be suitably qualified by industry standards.
- 5.2 The Fund Adviser will:
  - 5.2.1 Provide advice on strategic direction of The Fund
  - 5.2.2 Provide advice on the identification, recommendation and analysis of investment opportunities
  - 5.2.3 Provide consulting on overall risk management relating to investments including operational risk
  - 5.2.4 Carry out research on direct investments as well as provide regular information pertaining to market and industry factors
  - 5.2.5 Monitor market events and impact on The Fund on a proactive basis
- 5.3 The Fund Advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments that they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the proposals being recommended or reviewed. This confirmation is required at the time each proposal is put forward for any purchase or sale transaction

## 6 Probity

- 6.1 An Independent Probity Adviser will be appointed to advise the Governance Committee and report on compliance with this policy.

- 6.2 The Probity Adviser will attend all Governance Committee meetings for the first 12 months of operations and thereafter, as required.
- 6.3 The Probity Adviser will review and advise on all property transactions.

## **7 CN Officers**

- 7.1 CN Officers will undertake day-to-day activities to support the operation, administration and governance of the Future Fund, including:
  - 7.1.1 Execute and or facilitate the acquisition, disposal, or management of assets in accordance with the terms set out within the Policy, CN's delegations register, and strategy.
  - 7.1.2 Ensure the Future Fund properties are managed and maintained in an appropriate manner.
  - 7.1.3 Ensure alignment between Council's financial budgets and The Fund.
  - 7.1.4 Develop the investment strategy for The Fund.

## **8 Acquisition, development and disposal of assets**

- 8.1 The Governance Committee shall review, not less than quarterly, the budget and assets in the Future Fund to ensure consistency with conditions and purposes within this Policy and alignment with the investment strategy.
- 8.2 The Governance Committee may, after considering the matters set out in this policy, make such recommendation as to the acquisition, development, demolition or disposal of assets (whether in whole or in part).
- 8.3 Nothing in this Policy prevents the Governance Committee from recommending the use of loans to finance the activities of the Fund.
- 8.4 Council may choose to adopt, vary or reject the Committee's recommendation.
- 8.5 The CEO or their delegate is responsible for the conduct of all negotiations and shall:
  - 8.5.1 Obtain valuations from a registered valuer
  - 8.5.2 Seek professional advice as considered necessary
  - 8.5.3 Have regard to Independent Commission Against Corruption publications and
  - 8.5.4 Seek Council resolution to confirm all acquisition and divestment contracts.

## **9 Reporting**

- 9.1 The financial status and performance of the Future Fund will be reported to Council and the Asset Advisory Committee on a quarterly basis.
- 9.2 Each year the Governance Committee will provide an annual report to Council, the Asset Advisory Committee and the Audit and Risk Committee which sets out the performance of the Future Fund against its purposes over the past year.
- 9.3 Annual reporting shall include, but is not limited to
  - 9.3.1 Operational performance;
  - 9.3.2 Portfolio distribution by asset type;
  - 9.3.3 Capital growth by asset type; and
  - 9.3.4 Any other requested or relevant information.

## 10 Review

- 10.1 This Policy is to be reviewed after the first twelve months and not less than every four years thereafter.

# Part C Investment Criteria and Risk Determination

## 11 Prudent Person Standard

- 11.1 The investment portfolio will be managed with the care, diligence, and skill that a prudent person would exercise. As trustees of public monies, CN officers are to manage CN's investment portfolio to safeguard the portfolio in accordance with the spirit of this Policy, and not for speculative purposes.

## 12 Asset Selection

- 12.1 The Future Fund is only to hold the following types of assets:
- 12.1.1 land;
  - 12.1.2 improvements to land;
  - 12.1.3 operations performed by CN with a commercial rate of return;
  - 12.1.4 investments made in accordance with the prevailing Ministerial Investment Order and the Local Government Act, 1993 (the Act).
- 12.2 The Future Fund has a preference for local investment options and will include locality as an evaluation criteria for assessing investment options.

## 13 Responsible Investments – environmental, social and governance considerations

- 13.1 As long term investors, CN believes that the long-term prosperity of the economy and the wellbeing of our community depends on a healthy environment, social cohesion and good governance of our organisation and the assets in which we invest.
- 13.2 CN will consider Environmental, Social and Governance (ESG) impacts of investments to mitigate risk to The Fund's assets and portfolio.
- 13.3 CN's preference is to enter into investments supporting ESG where;
- 13.3.1 The investment is compliant with the Policy objectives and parameters; and
  - 13.3.2 The rate of return is at least equal to comparable investments on offer to Council at the time of investment.
- 13.4 The Fund will avoid investment in activities of a nature consistent with environmentally and socially harmful activities.

## 14 Risk Management

- 14.1 In determining the level of risk CN will consider the following as a minimum:
- 14.1.1 Lease default risk
  - 14.1.2 Macroeconomic risk
  - 14.1.3 Liquidity risk

14.1.4 Regulatory risk

14.1.5 Location risk

14.1.6 Diversification risk

14.2 The risk to CN will be mitigated through:

14.2.1 Contracting of an appropriately qualified Fund Adviser

14.2.2 The Governance Committee systematically assessing and reviewing the performance of the Future Fund on a quarterly basis and using the information derived to determine future strategic decisions.

## ANNEXURE A - DEFINITIONS

**Asset Advisory Committee** means the standing committee established by Council to provide strategic advice and guidance on the development and implementation of Council's property asset direction for the City.

**Audit and Risk Committee** means the committee established by Council to provide independent assurance and assistance to Council on risk management, control, governance and external accountability responsibilities.

**CEO** means Chief Executive Officer of the City of Newcastle 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).

**CFO** means the Executive Director appointed by the CEO to be the Chief Financial Officer of the City of Newcastle.

**City of Newcastle (CN)** means Newcastle City Council.

**Council** means the elected Council.

**Future Fund** means the Future Fund created under the Council adopted Future Fund Policy.

**Governance Committee** means the Future Fund Governance Committee constituted by this Policy.

**Independent Future Fund Adviser** means the adviser(s) appointed by CN to advise the Governance Committee in relation to the Future Fund.

**Independent Probity Adviser** means the adviser appointed by CN to advise the Governance Committee and report on compliance with this Policy.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

## Annexure B Policy Authorisations

In accordance with section 378 of the Local Government Act 1993, the Chief Executive Officer delegates the following functions to the positions listed:

Function	Position Number / Title
Nil	

**DOCUMENT CONTROL**

Policy title	Future Fund
Policy owner	Executive Director Corporate Services
Policy expert/writer	Manager Finance, Property and Performance
Associated Procedure Title (if applicable)	Nil
Procedure owner (if applicable)	N/A
Prepared by	Finance, Property and Performance
Approved by	Council
Date approved	<a href="#">Click here to enter a date.</a>
Policy approval form reference	
Commencement Date	<a href="#">Click here to enter a date.</a>
Next revision date (date Policy will be revised)	30/11/2023
Termination date	30/11/2026
Version	Version number 1
Category	Administration
Keywords	Investment, Commercial, Property
Details of previous versions	Nil
Legislative amendments	Nil
Relevant Newcastle 2040 theme and priority	Achieving Together
Relevant strategy	Community Strategic Plan
Relevant legislation/codes (reference specific sections)	<i>Local Government Act 1993 (NSW) (s186)</i>
Other related policies/ documents/ strategies	Nil
Related forms	Nil
Required on website	Yes
Authorisations	Nil

# Future Fund Governance Committee Charter



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# Future Fund Governance 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 8.
- 1.4 **Council** means City of Newcastle (CN) and where appropriate includes its administration and elected Council (a specific reference to the elected Council means a decision of Councillors at a Council meeting).
- 1.5 **Committee** means the CN's Future Fund Governance Committee constituted in accordance with clause 5.
- 1.6 **The Fund** means the Future Fund created under the Council adopted Future Fund Policy.
- 1.7 **Member** means those described in clause 5.1.
- 1.8 **CEO** means the Chief Executive Officer of CN and includes their delegate or authorised representative.
- 1.9 **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 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.

## 2 Responsibilities

- 2.1 The responsibilities of the Committee are to:
  - 2.1.1 Endorse the investment strategy for the Future Fund
  - 2.1.2 Monitor and oversee the investment activities conducted within The Fund.
  - 2.1.3 Recommend investment decisions as and when required in accordance with prevailing legislative and CN governance requirements.
  - 2.1.4 Approve the appointment, renewal, termination of the Independent Fund advisor.
  - 2.1.5 Review investment reports provided by staff.
- 2.2 This Committee is accountable for risk and return outcomes for The Fund.
- 2.3 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.
- 2.4 This Committee will, where deemed necessary by the Committee, form working parties to investigate, consider, and provide expert advice on defined tasks and issues.
- 2.5 The Committee will consider issues within its Charter which are referred to it by CN.

### 3 Establishment and dissolution

- 3.1 The elected Council resolved to establish the Committee on X.
- 3.2 The Committee may be dissolved by resolution of the elected Council.

### 4 Authority

- 4.1 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.
- 4.2 The Committee's resolutions, which record its decisions, should be treated only as recommendations of the Committee. The Committee has no executive powers and cannot make decisions on behalf of CN under section 355 of the Act.
- 4.3 The Committee is not a committee as defined in section 360 of the Act, because its membership is not constituted solely by councillors.
- 4.4 Neither the Committee nor any of its Members may direct any CN officer in his or her duties.
- 4.5 The Committee may, in consultation with the CEO, request professional advice from the Future Fund Adviser to allow the Committee to meet its responsibilities.
- 4.6 The CEO may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.

### 5 Membership

- 5.1 The Committee is constituted by the following membership, which cannot be delegated.
  - 5.1.1 The Lord Mayor and two Councillors appointed by the elected Council, at least one of whom must also be a member of the Asset Advisory Committee.
  - 5.1.2 The Chief Executive Officer (CEO) and one Director appointed by the CEO;
  - 5.1.3 Two independent members with appropriate professional capabilities; and
  - 5.1.4 An independent Chairperson
- 5.2 Members of the Committee, taken collectively, will have a broad range of skills and experience relevant to The Fund, including but not limited to finance, the law, property management and commercial investments.
- 5.3 Members are entitled to vote on matters before the Committee.
- 5.4 The Chairperson and independent members will be remunerated.

## 6 Councillor Members

- 6.1 CN will call for nominations for Councillor Members at the commencement of each Council term.
- 6.2 The elected Council will elect two Councillor Members by resolution, at least one of whom must also be a member of the Asset Advisory Committee.
- 6.3 Councillor Members remain Members of the Committee until:
  - 6.3.1 the Committee is dissolved pursuant to clause 3.2 of this Charter;
  - 6.3.2 they resign; or
  - 6.3.3 their membership is otherwise terminated.
- 6.4 If re-elected to Council, retiring Councillor Members are entitled to nominate for re-appointment.

## 7 Independent Members

- 7.1 The CEO will determine membership criteria, including for the Chair. Expressions of interest (EOI) for independent members and the Chair will be called by any reasonable means which will ensure the roles can be accessed by a wide pool of applicants.
- 7.2 The CEO will convene a Selection Panel which will comprise the CEO, the CFO, the Lord Mayor and the 2 Councillor Members.
- 7.3 The Selection Panel will assess EOIs and recommend:
  - 7.3.1 independent members to the Committee;
  - 7.3.2 an independent member to be Chair of the Committee; and
  - 7.3.3 terms of appointment;
- 7.4 The CEO will appoint the independent members and Chair on the recommendation of the Selection Panel, and report the appointments to the elected Council.
- 7.5 Independent members, including the Chair, may be eligible for reappointment by approval of the Selection Panel.
- 7.6 Independent members will remain members of the Committee until:
  - 7.6.1 the expiry of their independent membership term under clause 7.3;
  - 7.6.2 the Committee is dissolved pursuant to clause 3 of this Charter; or
  - 7.6.3 Their membership is otherwise terminated;
- 7.7 An independent member may not be a Councillor or a CN employee.

## 8 Responsibility of Members

- 8.1 Members are expected to:
  - 8.1.1 understand the relevant legislative and regulatory requirements applicable to CN;

- 8.1.2 be able to contribute the time needed to understand the Committee's business papers and to attend Committee meetings; and
- 8.1.3 In accordance with this Charter, provide advice and feedback on matters brought before the Committee.

## 9 Responsibility of the Chairperson

- 9.1 The Chairperson will be responsible for keeping order at the meeting.
- 9.2 If the Chairperson is absent from a Committee meeting, the Chair of the Asset Advisory Committee will chair the meeting.
- 9.3 The Chairperson must have demonstrated experience and professional capabilities necessary to Chair the Committee.

## 10 Responsibility of the Facilitator

- 10.1 The Facilitator will be a suitably qualified Council officer, as determined by the CEO. The position may be shared amongst a number of suitably qualified Council officers.
- 10.2 The role of the Facilitator is to:
  - 10.2.1 Arrange for a report regarding the selection of Councillor Members to be tabled before the elected Council at the commencement of each Council term.
  - 10.2.2 Make committee governance papers (including but not limited to this Charter and Council's applicable policy/guideline documents) available to committee members, Councillors and relevant Council officers;
  - 10.2.3 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);
  - 10.2.4 Facilitate discussion at committee meetings, provide input at Committee meetings and participate at Committee meetings as an attendee;
  - 10.2.5 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 Council and Member resources, where approved by the Committee; and
  - 10.2.6 Work closely with the Chairperson and other Committee Members to administer the Committee and its meetings.

## 11 Responsibility and Requirements of the Secretary

- 11.1** The Secretary will be a suitably qualified CN officer who undertakes the following functions:
- 11.1.1 prepare agendas;
  - 11.1.2 maintain the register of members;
  - 11.1.3 maintain meeting attendance register;
  - 11.1.4 take minutes at committee meetings and prepare them for dissemination;
  - 11.1.5 accept and collate committee business papers prepared or submitted by CN officers, committee members, working parties and stakeholders;
  - 11.1.6 make agendas, minutes and committee business papers available to committee members, Councillors and relevant CN officers;
  - 11.1.7 book meeting venues and organise the provision of any necessary equipment; and
  - 11.1.8 provide administrative assistance to the Chairperson.
- 11.2** The role of the Secretary may be shared amongst a number of suitably qualified CN officers or be the same person.

## 12 Termination of Membership

- 12.1** Membership of any Member may be terminated by resolution of the elected Council, due to
- 12.1.1 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
  - 12.1.2 the Member's conduct being inconsistent with this Charter or CN's Code of Conduct.
- 12.2** Councillor membership terminates immediately upon a Councillor Member no longer being a Councillor.
- 12.3** 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.

## 13 Attendance at Meetings

- 13.1** Attendance at any meeting of the Committee is limited to the following:
- 13.1.1 Members;
  - 13.1.2 Secretary;
  - 13.1.3 Councillors as observer/s only. Councillors must give 3 days written notice to the Chairperson of their intention to attend and do not have the right to vote on matters before the Committee.

- 13.1.4 Other CN officers or guests, by invitation of the CEO or as approved by a resolution of the Committee.

## 14 Meeting Administration

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

## 15 Quorum

- 15.1 A quorum is constituted by attendance of a majority of the Committee members, including at least one independent member.

## 16 Meeting Schedule

- 16.1 The Committee will meet at least four times per year or as resolved by the Committee.
- 16.2 A forward meeting plan will be agreed by the Committee prior to the end of each calendar year.
- 16.3 Additional meetings may be scheduled by the:
- 16.3.1 Chairperson;
  - 16.3.2 Committee by resolution; or
  - 16.3.3 CEO.

## 17 Meeting Agendas

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

## 18 Future Fund Adviser

- 18.1 An Independent Investment Fund Adviser, or multiple, will be appointed by CN to advise the Committee.
- 18.2 The Fund Adviser will be suitably qualified by industry standards and have a detailed understanding of commercial investments.
- 18.3 The Fund Adviser is responsible for providing:
- 18.3.1 Advice on strategic direction of The Fund:
  - 18.3.2 Advice on the identification, recommendation and analysis of investment opportunities:

- 18.3.3 Consulting on overall risk management relating to investments including operational risk:
- 18.3.4 Research on direct investments as well as provide regular information pertaining to market and industry factors:
- 18.3.5 Monitoring of market events and impact on The Fund on a proactive basis:

- 18.4** The Fund Adviser or their representative will be invited to each Committee meeting.
- 18.5** The Fund Advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments that they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the proposals being recommended or reviewed. This confirmation is required at the time each proposal is put forward for any purchase or sale transaction.

## 19 Probity Adviser

- 19.1** An Independent Probity Adviser will be appointed by CN to advise the Committee.
- 19.2** The Probity Adviser is responsible for providing:
  - 19.2.1 Advice on compliance with the Investment Policy;
  - 19.2.2 Guidance and advice on issues concerning integrity, fairness and accountability that may arise throughout procurement and disposal processes.

## 20 Resolutions of the Committee

- 20.1** 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 4.
- 20.2** The Committee will make decisions (resolutions) by majority vote and record its decisions (resolutions) in the minutes of the Committee meeting.
- 20.3** The relevant CN Officer responsible for implementing a recommendation made by the Committee may action resolutions as they deem appropriate in accordance with their individual delegations and authorisations.
- 20.4** The Committee may submit reports to Council where a Council resolution is required to enact a recommendation of the Committee.

## 21 Reports

- 21.1** The Committee shall provide a report to Council and the Asset Advisory Committee on the performance of the Future Fund on a quarterly basis.
- 21.2** The Committee will provide an annual report to Council, the Asset Advisory Committee and the Audit and Risk Committee which sets out the performance of the Future Fund against its purposes over the past year.

- 21.3 CN will include in its Annual Report to the community a summary of the performance of The Fund against its purposes over the past year.
- 21.4 CN officers will report to the Committee regularly on the performance of The Fund as measured against agreed performance indicators.
- 21.5 Reporting shall include, but is not limited to.
  - 21.5.1 Operational performance;
  - 21.5.2 Portfolio distribution by asset type;
  - 21.5.3 Capital growth by asset type; and
  - 21.5.4 all other information requested by the committee.

## 22 Minutes

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

## 23 Conduct by members and attendees

- 23.1 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 accordingly.
- 23.2 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.
- 23.3 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.

## 24 Public Comment

- 24.1 The official spokespeople for the Committee should be 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.

## 25 Confidentiality

- 25.1 Due to the potential commercial implications, items of Committee business remain confidential unless confirmed otherwise by the Committee.
- 25.2 Prior to attending a meeting, any guests invited in accordance with clause 12.1.4 (who are not Councillors or CN officers) must sign a Deed of Confidentiality and agree to abide by the terms of CN's Code of Conduct relating to confidentiality.
- 25.3 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.

## 26 Induction

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

## 27 Review of Committee performance

- 27.1 The Chairperson will initiate a review of the Committee's performance at least once every three years.

## 28 Review of Charter

- 28.1 This Charter will be reviewed every three years and may only be amended by resolution of the elected Council.

## Annexure A - Definitions

**Asset Advisory Committee** means the standing committee established by Council to provide strategic advice and guidance on the development and implementation of Council's property asset direction for the City.

**Audit and Risk Committee** means the committee established by Council to provide independent assurance and assistance to Council on risk management, control, governance and external accountability responsibilities.

**CEO** means Chief Executive Officer of the City of Newcastle 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).

**City of Newcastle (CN)** means Newcastle City Council.

**Council** means the elected Council.

**Future Fund** means the Future Fund created under the Council adopted Future Fund Policy.

**Governance Committee** means the Future Fund Governance Committee constituted by this Policy.

**Independent Future Fund Adviser** means the adviser(s) appointed by CN to advise the Governance Committee in relation to the Future Fund.

**Independent Probity Adviser** means the adviser appointed by CN to advise the Governance Committee and report on compliance with this Policy.

## Annexure B - Policy Authorisations

Function	Position Number / Title

DRAFT

## Document Control

Procedure Title	Future Fund
Procedure owner	Executive Director Corporate Services
Procedure expert/writer	Executive Manager Finance, Property and Performance
Associated Policy Title (if applicable)	Nil
Policy owner (if applicable)	N/A
Prepared by	Finance, Property and Performance
Approved by	Choose an item.
Date approved	To be completed after approval
Commencement Date	To be completed after approval
Next revision date	Date the procedure is due for revision
Version	Version number
Category	Financial
Keywords	Investment, Commercial, Property
Details of previous versions	Nil
Legislative amendments	Nil
Relevant strategic direction	Choose an item.
Relevant legislation/codes (reference specific sections)	This policy supports CN's compliance with the following legislation: – Relevant Legislation / Codes that affect this policy If none, insert 'Nil'.
Other related policies/documents/ strategies	Related policies, documents and strategies (link) if applicable
Relevant strategy	List any related CN strategy
Related forms	Related forms if applicable
Authorisations	Functions authorised under this policy at Appendix A.

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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/23 - DECEMBER QUARTERLY BUDGET REVIEW**

**8.4**                      **Attachment A:**      December Quarterly Budget Review  
Statement

**DISTRIBUTED UNDER SEPARATE COVER**

# Quarterly Budget Review Statement

December 2022



# Income and Expenses Budget Review Statement

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Result for the financial quarter ending 31 December, 2022

Full Year Adopted Budget \$'000	Changes		Projected Year End result 2022/23 \$'000	Actual YTD \$'000
	Recommended September 2022 \$'000	Recommended December 2022 \$'000		
<b>Income from continuing operations</b>				
208,307			208,307	104,613
Rates & annual charges	-	-		
102,132	4,684	(5)	106,811	54,083
User charges & fees				
10,356	(2,392)	2,386	10,350	7,637
Other revenues				
16,687	2,915	3,884	23,486	5,867
Grants & contributions - operating				
33,762	(2,408)	(6,020)	25,334	3,633
Grants & contributions - capital				
3,359	-	2,304	5,663	4,075
Interest & investment revenue				
6,039	5	-	6,044	3,773
Other income				
<b>380,642</b>	<b>2,804</b>	<b>2,549</b>	<b>385,995</b>	<b>183,679</b>
<b>Total income from continuing operations</b>				
<b>Expenses from continuing operations</b>				
125,271	-	-	125,271	63,163
Employee benefits & on-costs				
104,359	1,945	3,642	109,946	43,297
Materials & services				
3,773	76	96	3,945	2,049
Borrowing costs				
63,407	(49)	(2)	63,356	31,733
Depreciation & amortisation				
44,650	2,556	(884)	46,322	22,715
Other expenses				
4,149	-	-	4,149	1,591
Net loss from the disposal of assets				
<b>345,609</b>	<b>4,528</b>	<b>2,852</b>	<b>352,989</b>	<b>164,549</b>
<b>Total expenses from continuing operations</b>				
<b>35,033</b>	<b>(1,724)</b>	<b>(303)</b>	<b>33,006</b>	<b>19,130</b>
<b>Operating result from continuing operations</b>				
<b>1,271</b>	<b>684</b>	<b>5,717</b>	<b>7,672</b>	<b>15,498</b>
<b>Net operating result before grants &amp; contributions - capital</b>				

## Income Statement Variations

Result for the financial quarter ending 31 December, 2022

	Recommended Changes (\$'000)	Explanation
<b>Income</b>		
<b>Rates &amp; annual charges</b>		
User charges & fees	(5)	Reduction in Parking meters partially offset by increases in Facility Hire
<b>Other revenues</b>	2,386	\$2.23m recovery of costs related to Wickham fire \$0.2m increase in income from Solar Farm
<b>Grants &amp; contributions - operating</b>	3,884	\$3.7m reclassification of Grants from Capital to Operating
<b>Grants &amp; contributions - capital</b>	(6,020)	\$3.7m reclassification of Grants from Capital to Operating \$2.3m reduction in Developer contributions
<b>Interest &amp; investment revenue</b>	2,304	Increase related to positive shift in Global economic markets
<b>Other income</b>		
<b>Income from continuing operations</b>	2,549	
<b>Expenses</b>		
<b>Employee benefits &amp; on-costs</b>		
<b>Materials &amp; services</b>	3,642	\$2m increase in expenditure related to CN's Capital Works Program \$1.1m increase in equipment hire and contract costs related to operations of Summerhill Waste Management facility \$0.2m increase in Fuel costs
<b>Borrowing costs</b>	96	Increase in interest cost related to rising interest rates
<b>Depreciation &amp; amortisation</b>	(2)	
<b>Other expenses</b>	(884)	Reduction in State Waste levy related to lower internal tonne volumes at Summerhill Waste Management facility
<b>Net loss from the disposal of assets</b>		
<b>Expenses from continuing operations</b>	2,852	

# Capital Statement

Result for the financial quarter ending 31 December, 2022

Full Year Adopted Budget \$'000	Changes		Projected year end result 2022/23 \$'000	Actual YTD \$'000	
	Recommended September 2022 \$'000	Recommended December 2022 \$'000			
<b>Capital funding</b>					
56,468	General fund contribution to capital	7,787	(1,386)	62,870	42,613
2,360	Stormwater Management Service Charge	-	-	2,360	1,180
21,173	Capital Grants & Contributions	(2,667)	(5,760)	12,746	3,633
617	Proceeds from the sale of assets	-	-	617	592
17,673	Net Loans Borrowings / (Repayments)	-	(10,398)	7,275	8,837
<b>Funding available for capital</b>					
<b>98,291</b>	<b>expenditure</b>	<b>5,121</b>	<b>(17,543)</b>	<b>85,868</b>	<b>56,854</b>
<b>Capital Expenditure</b>					
28,225	Asset Renewal	129	8,997	37,351	12,842
50,769	New / Upgrade	(1,287)	(21,136)	28,346	9,103
<b>78,994</b>	<b>Total capital expenditure</b>	<b>(1,158)</b>	<b>(12,139)</b>	<b>65,696</b>	<b>21,945</b>
<b>Transfer to or (Draw down on) reserves</b>					
<b>19,297</b>		<b>6,279</b>	<b>(5,404)</b>	<b>20,172</b>	<b>34,909</b>

# Cash and Investments Budget Review Statement

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Result for the financial quarter ending 31 December, 2022

	Opening Balance in Note 7c 01/07/2022 (000's)	Transfers to 2022/23 (000's)	Transfers from 2022/23 (000's)	Recommended Changes for Council Resolution (Sep QBR) (000's)	Recommended Changes for Council Resolution (DQBR) (000's)	Closing Balance in Note C1-3 30/06/2023 (000's)
<b>Unrestricted (Available Cash)</b>	<b>26,639</b>	<b>-</b>	<b>(3,057)</b>	<b>304</b>	<b>1,610</b>	<b>25,496</b>
<b>External Restrictions Included in Liabilities</b>						
Special purpose unexpended grants - general fund	2,342	-	(1,842)	-	-	500
Security bonds, deposits and retentions	1,638	-	-	-	-	1,638
<b>Other</b>						
Specific purpose unexpended grants (recognised as revenue) - general fund	1,329	-	(1,329)	-	-	-
Developer Contributions	21,664	12,388	(9,085)	894	2,057	27,918
Contributions to Specific works	491	-	(491)	-	-	-
Domestic Waste Management	9,369	-	(7,900)	-	7,900	9,369
Bequests and Donations	1,559	-	(100)	-	-	1,459
Special Benefit rates	1,005	1,297	(1,340)	-	43	1,005
Rawson Crown Land Reserve	3,433	1,078	(1,694)	(578)	(700)	1,539
Building Better Cities	454	-	-	-	(150)	304
Community Facilities fund	236	-	-	-	-	236
Childcare sinking fund	608	139	-	-	-	747
<b>Total Externally restricted</b>	<b>44,128</b>	<b>14,902</b>	<b>(23,781)</b>	<b>316</b>	<b>9,150</b>	<b>44,715</b>
<b>Internal Restrictions</b>						
Works program: New and upgrade	35,589	51,542	-	5,659	(18,954)	73,836
Works Program: Infrastructure Agreed level of service	135,085	-	-	-	-	135,085
Works program: Specific projects	26,743	-	(4,742)	-	(1,705)	20,296
Works carried forward	6,070	-	(6,070)	-	-	-
Waste Management: Remediation Provision	60,139	-	(18,595)	-	4,495	46,039
Employee Leave Entitlements	11,976	-	-	-	-	11,976
Superannuation: Defined Benefits	643	-	(643)	-	-	-
Workers Compensation: Self insurance	2,859	-	(2,859)	-	-	-
Newcastle Airport Partnership	13,144	-	-	-	-	13,144
Local Committees and childcare	438	-	-	-	-	438
Unexpended loans	-	12,600	-	-	-	12,600
<b>Total Internally restricted</b>	<b>292,686</b>	<b>64,142</b>	<b>(32,909)</b>	<b>5,659</b>	<b>(16,164)</b>	<b>313,413</b>
<b>Total Restricted</b>	<b>336,814</b>	<b>79,044</b>	<b>(56,690)</b>	<b>5,975</b>	<b>(7,014)</b>	<b>358,128</b>
<b>Total cash and investments</b>	<b>363,453</b>					<b>383,624</b>

# Works Program Summary

Result for the financial quarter ending 31 December, 2022

Full Year Adopted Budget \$,000	Portfolio/Program	Recommended September 2022 (\$,000)	Recommended December 2022 (\$,000)	Projected year end result 2022/23 (\$,000)	Actual YTD (\$,000)
<b>27,648</b>	<b>City Infrastructure - Assets &amp; Facilities</b>	<b>1,498</b>	<b>947</b>	<b>30,093</b>	<b>10,659</b>
905	Buildings - Council Support Services	20	300	1,225	137
527	Public Toilets	(287)	(200)	40	18
400	Retaining walls	41	530	971	55
3,938	Bridges	(60)	211	4,088	964
1,000	Footpaths	351	155	1,506	542
1,372	Roadside Furniture	(109)	(93)	1,170	424
3,225	Road Rehabilitation	(29)	(115)	3,080	1,334
6,500	Road Resurfacing	(638)	93	5,955	2,268
230	Parking Infrastructure	865	-	1,095	593
5,727	Stormwater System	1,344	465	7,536	3,353
3,825	Fleet Replacement	-	(399)	3,426	972
<b>3,015</b>	<b>Planning &amp; Environment - Transport</b>	<b>(232)</b>	<b>2,357</b>	<b>5,140</b>	<b>1,014</b>
1,885	Cycleways *	(812)	438	1,511	137
327	Pedestrian Access and Mobility Plan (PAMP)	247	1,072	1,647	314
803	Local Area Traffic Management (LATM)	333	847	1,982	563
<b>11,196</b>	<b>Planning &amp; Environment - Environment &amp; Sustainability</b>	<b>1,370</b>	<b>1,411</b>	<b>13,977</b>	<b>3,826</b>
315	Blackbutt Reserve	(25)	(30)	260	26
210	Flood Planning	38	-	248	37
3,330	Coast, Estuary and Wetlands	923	1,441	5,694	1,617
3,126	Bushland and Watercourses	534	-	3,660	1,046
1,810	Street and Park Trees	-	-	1,810	625
2,405	Sustainability & Climate	(100)	-	2,305	475
<b>7,603</b>	<b>Corporate Services</b>	<b>169</b>	<b>141</b>	<b>7,913</b>	<b>2,646</b>
-	Commercial Properties	-	-	-	-
1,060	Digital Enablement	(37)	73	1,096	433
-	Integrated Data & Systems	265	-	265	31
5,751	Core Systems Development & Maintenance	(59)	68	5,760	1,837
792	CX Strategy	-	-	792	345
<b>52,842</b>	<b>City Shaping</b>	<b>(1,175)</b>	<b>(25,844)</b>	<b>25,824</b>	<b>5,229</b>
36,000	Citywide	-	(14,094)	21,906	3,888
16,842	Summerhill	(1,175)	(11,750)	3,917	1,341
<b>18,915</b>	<b>Creative &amp; Community Services</b>	<b>(1,707)</b>	<b>3,432</b>	<b>20,641</b>	<b>5,360</b>
6,843	Aquatics	61	2,039	8,942	3,417
-	Cemeteries	-	-	-	-
300	Community Buildings	-	-	300	19
1,325	Civic Venues / Civic Services	3	(99)	1,229	107
8,483	Recreation & Sport	(1,851)	1,661	8,293	1,327
775	Economic Development	75	(170)	680	258
225	Art Gallery	-	-	225	5
965	Museum / Libraries / Historic Fort Scratchley	5	1	971	227
<b>3,821</b>	<b>Waste Services</b>	<b>48</b>	<b>(86)</b>	<b>3,784</b>	<b>1,530</b>
3,821	Waste Management	48	(86)	3,784	1,530
<b>7,564</b>	<b>City Infrastructure - Revitalisation</b>	<b>(295)</b>	<b>3,311</b>	<b>10,579</b>	<b>3,480</b>
2,876	City Centre	(1,311)	(49)	1,516	196
825	Coastal	10	3,550	4,385	978
3,863	Urban Centres	1,006	(190)	4,679	2,306
<b>132,605</b>	<b>Total Works Program</b>	<b>(324)</b>	<b>(14,331)</b>	<b>117,951</b>	<b>33,743</b>

\* The total spend on Cycleways across all Programs totals \$0.67m against the projected year end result of \$2.9m.

**Contracts**  
**(quarter ended 31 December 2022)**

Contractor	Contract Detail	Contract Value	Commencement Date	Estimated Completion	Budgeted (Y/N)
KPMG Australia Pty Ltd, Green Cloud Consulting Pty Ltd, Avec Global Pty Limited	Technology One Professional Services Panel	\$750,000	24/10/2022	24/10/2024	Y
Colas NSW Pty Ltd, BMR Quarries Pty Ltd, SuperSealing Pty Ltd, Downer EDI Services Pty Ltd	Biennial CC&M Road Pavement Rejuvenation Services Panel	\$500,000	1/11/2022	30/06/2024	Y
Nova-Cut Concrete Sawing Pty Ltd, Mastercut Concrete Aust. Pty Ltd	Biennial CC&M Concrete Grinding Services Panel	\$250,000	7/11/2022	7/11/2024	Y
GHD Pty Ltd (Newcastle)	Summerhill Internal Site Access Road Upgrade Design	\$355,150	16/11/2022	22/06/2023	Y
Bridgestone Australia Ltd	Supply, Fitting, Maintenance & Recycling of Tyres, Tubes and Automotive & Marine Batteries	\$110,000	1/12/2022	31/12/2024	Y
BG&E Pty Ltd	Bridge Replacement Design - Hunter Street Bridge over Cottage Creek	\$249,799	15/12/2022	24/04/2023	Y

**Notes:**

1. Minimum reporting contract value is \$50,000.
2. Contracts to be listed are those entered into during the quarter and have yet to be fully performed, excluding contractors that are on Council's preferred suppliers list.
3. Contracts for employment are not included.

**Consultancy & Legal Expenses**  
**(quarter ended 31 December 2022)**

Expense	Expenditure YTD \$	Budgeted
Consultancies	\$7,056,025	Y
Legal	\$582,884	Y

**Notes:**

1. A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision-making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.
2. Where any expenses for consultancy or legal fees (including Code of Conduct expenses) have not been budgeted for, an explanation is to be given. Report on external expenses only (not internal expenses)

**CITY OF NEWCASTLE****Report by Responsible Accounting Officer for the quarter ending 31 December 2022**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Newcastle City Council for the quarter ended 31 December 2022 indicated that Council's projected financial position at 30 June 2023 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:  \_\_\_\_\_

Date: 10/02/2023

Name

Responsible Accounting Officer, City of Newcastle

## City Infrastructure - Assets &amp; Facilities

## Bridges

Boscawen Street Bridge Renewal  
 Bridge (Pedestrian) Waratah and Jesmond Parks  
 Bridge and large Culvert repairs  
 Bridge inspection and load rating  
 Chinchin St Bridge Renewal  
 Cottage Creek Bridge replacement  
 Cowper Street Bridge Lighting Renewal  
 Nelson Street Wallsend Bridge renewal  
 Newcastle Beach Subway renewal  
 Pedestrian Bridge Handrail replacement  
 Pedestrian Bridges Renewal  
 Yangan Dr Bridge Repair

## Buildings - Council Support Services

Asset Condition Reports  
 Dog Kennels at Animal Facility  
 Engineering Advice General  
 Rooftop Solar Upgrade program  
 Structures- Survey  
 Upgrade and centralise CCTV systems across City of Newcastle  
 Upgrade of Security Commander to C4  
 Various Buildings - renew air conditioning systems.  
 Various Council Buildings - assess hazardous materials.

## Fleet Replacement

Fleet Replacement Program 2019  
 Fleet Replacement Program 2021  
 Fleet Replacement Program 2022  
 Fleet Replacement Program 2023

## Footpaths

359 Park Avenue Korata - Footpath Design  
 Bailey Street Adamstown - Kerb extension and concrete footpath  
 Citywide - Minor Footpath Renewal  
 Cowper Street Carrington - Footpath Renewal  
 Honeysuckle Drv Newcastle - footpath reinstatement  
 King St Newcastle - Southern footpath renewal  
 Lloyd St Merewether footpath and kerb renewal  
 Mackie Avenue New Lambton - Pedestrian access to bridge and playground  
 R6 Cycleway, Throsby Creek pathway renewal and upgrade.  
 Station St Wickham - footpath construction  
 Steel River- Footpaths - Stage 1 - Bond Funded  
 Throsby Creek Shared Pathway Renewal Wickham to Maryville  
 Union Street Wickham - Footpath Upgrade Wickham Master Plan  
 Various cycleways - linemarking and signage program  
 Various Footpath Connectivity  
 Wharf Rd Newcastle footpath and tree renewal  
 William St Tighes Hill - footpath rehabilitation

## Parking Infrastructure

233 Wharf Road Newcastle - Carpark expansion  
 92 King St Car Park Demolition  
 Off Street Car Parks Furniture Renewal  
 Off Street Car Parks Minor Renewal  
 Off Street Car Parks Resurfacing  
 Parking Meter Replacement

## Public Toilets

Nesca Park - Toilet block DEMOLITION  
 Punt Road Stockton - Public Toilet DEMOLITION

## Retaining walls

Retaining Wall - Perkins Street Newcastle  
 Retaining Wall Renewal - Cross St Mayfield  
 Retaining wall Renewal - Henderson Pde, Merewether  
 Retaining wall Renewal - Various

Spruce Street - Batter Protection repair

#### Road Rehabilitation

Allowah St Waratah - road reconstruction

Bousfield Street Wallsend - Road Renewal

Bull Street Mayfield Batter and Footpath Remediation

Citywide - Laneway Renewal

Citywide - Road and Laneway Dedication

Corona St Hamilton East reconstruction

Croudace Road Elernmore Vale - Garsdale Ave to Cardiff Road - Road Rehabilitation (RR)

Design&Project Mgt Resources Build Pipeline Renewal Projects

Fern St Islington road reconstruction

Hope Street Wallsend - road renewal

Howell St Kotara - road reconstruction

Lambton Road New Lambton - Alma Rd to Avondale Rd - Road Rehabilitation (RR)

Lexington Pde AdamHts - road embankment

Longworth Ave Wallsend - road renewal design

Margaret St Merewether road reconstruction

Mathieson St Carrington - road renewal design

Memorial Drive The Hill – Road Embankment

Minmi RD Maryland Drv Maryland - intersection upgrade

Minmi Rd Wallsend - road upgrade

Minmi Rd Wallsend - road widening

Pride Ave Lambton - road renewal design

Rosemont Street Adamstown Heights - Road Renewal

Tyrone Road New Lambton reconstruction

Unnamed Laneway off Morehead St Lambton - renewal & upgrade

Vera St Waratah West

Wall Lane North Lambton

Watt St Newcastle - road renewal

Woodward St Merewether road and embankment

#### Road Resurfacing

Road Resurfacing - pavement and road roughness testing

Road Resurfacing - site preparation

Road Resurfacing Citywide

#### Roadside Furniture

Albert Street Wickham - Traffic Calming Devices

Anderson Drive, Beresfield - Ped Crossing Lighting

Bathers Way - Lighting Renewal

Bulkara St Wallsend - guardrail and footpath

Charlestown Rd Kotara - fence renewal and footpath

City Wide - CN Smart Pole Inspection and Maintenance

City Wide - Lighting Renewal

City Wide - street lighting assessment

CityWide - Structural Inspection - Art & Monuments in Roads

Honeysuckle Promenade - Lighting Renewal

Road Furniture - renewal

Roadside Furniture - renewal

Sunset Blv, Nth Lambton - Ped Crossing Lighting

Transport Stop Upgrade

Tyrrell Street Wallsend - Pedestrian Crossing Upgrade

Young Street Georgetown - Turton Rd to Parkview St - Transport Stop Upgrade

#### Stormwater System

Auckland Street Newcastle - Stormwater drainage renewal (stage 2)

Ayrshire St Sandgate - sediment control

Buchanan St Merewether - Drainage Construct Rehab

City Centre Drainage Master Plan

Citywide - stormwater quantity and quality modeling

Citywide - trenchless drainage rehab Implementation

Coorumbung Road Broadmeadow Drainage Rehabilitation

Creeks and Waterways - inspect erosion and sediment control

Drainage Management and Condition Survey

Fairfield Avenue New Lambton - Stormwater Design & Construction

Glebe Road The Junction

Howell St Kotara- Drainage rehabilitation  
 Low Lying Suburbs- Tide gate rehabilitation  
 Mayfield East Drainage Design (George St construct & Selwyn Channel Clearing)  
 Power St Islington- Stormwater construct - Stage 2  
 Roe Street Mayfield - Drainage connection laneway  
 Selwyn St Mayfield East – Stormwater Construction  
 Smith Street Merewether - Drainage Design  
 Stockton Laneways - Infiltration and unrelieved sags  
 Stormwater Drainage - Construct Access  
 Stormwater Drainage - Replace Grates  
 Stormwater Drainage- Renewal  
 Stormwater Drainage- Technical advice  
 Tooke St Cooks Hill - Stage 2 Drainage Rehabilitation Design & Construction  
 Union Street Cooks Hill Between Tooke St and Parkway Ave Drainage Rehabilitation  
 University Dr Waratah West - catchment rehabilitation  
 Various Headwall & Outlet Rehabilitation  
 Waratah Lane Newcastle East - Stormwater drainage upgrade  
 Water Quality Devices- Rehabilitation

### City Infrastructure - Revitalisation

#### City Centre

Christmas Tree Installation and Removal  
 HSR - Civic PDP  
 HSR - East End PDP - Stage 2 (Foreshore)  
 HSR - East End PDP (Hunter St Mall)  
 HSR - Hunter/Scott St - Streetscape upgrade  
 HSR - West End PDP - Stage 1 (Birdwood Park)  
 HSR - West End PDP - Stage 2 (Cycleway)

#### Coastal

Bathers Way - King Edward Park  
 Bathers Way - South Newcastle  
 Coastal Revitalisation - Planning

#### Urban Centres

Darby Street - Streets as Shared Spaces (SASS Grant Trial)  
 Georgetown Local Centre Renewal  
 Local Centre - Mitchell St Stockton Renewal  
 Local Centres – Establishment Maintenance  
 Local Centres – Facade Improvement Scheme  
 Local Centres – Feasibility  
 Local Centres – James St Plaza, Hamilton  
 Local Centres – Orchardtown Rd New Lambton  
 Local Centres - Shortland  
 Local Centres – Wallsend  
 Waratah Station Street Local Centre Renewal  
 Wickham Public Domain Plan

### City Shaping

#### Citywide

Art Gallery - Expansion  
 Astra St Remediation

#### Summerhill

Bulk Earthworks for Material Recovery Facility and Organics Processing Facility  
 Construction of operational area at SWMC and relocation of organics processing, concrete storage and recycling activities  
 Organics Facility  
 Organics Processing Facility Commissioning  
 OSD Materials Recovery Facility

### Corporate Services

#### Core Systems Development & Maintenance

Asset Management  
 Asset Management CiA Migration  
 Business Critical Hardware and Application Review  
 Core System Legal Initiatives and Governance Directorate Support  
 CWS core systems  
 Cyber Security Systems  
 Digital Asset Cold Storage

Geospatial Innovation and Improvements  
 Governance Finance System Upgrades and Improvements  
 IT Infrastructure  
 Legal Systems and Process Upgrades  
 Library Collection Management System  
 P&C Systems Review & Integration  
 P&C Timesheets  
 Regulatory Planning and Assessment System Upgrades and Improvement  
 System Stability & Infrastructure  
 Transport and Compliance System Upgrades and Improvements  
 Waste Services Processes and Systems

#### CX Strategy

CX Strategy Implementation

#### Digital Enablement

Booking Application (Bookable) realise for additional business areas and use cases  
 Consolidation and Diigitisation of Systems and Processes  
 CWS Bookings, Reservations and Online Store  
 CWS CSM and Service Enhancements  
 CWS Smart City Technology  
 Digital Regulatory, Planning and Assessment Initiatives  
 Digitisation of forms (move paper based forms online)  
 Governance Finance Initiatives  
 I&P Process & Procedure Review  
 IT Infrastructure  
 IT Infrastructure - CiA Field App  
 Process & Procedure Enhancements  
 Timesheets

#### Integrated Data & Systems

Business Analytics

P&C Digital Workflows and Dashboards

#### Creative & Community Services

##### Aquatic Centres

Inland Pool Investigation & Design  
 Inland Pools - Minor Infrastructure Renewal Program  
 Inland Pools - Playground Replacement Program  
 Inland Pools - Solar Replacement Program  
 Lambton Pool Grandstand Upgrade  
 Newcastle Ocean Baths Upgrade Project - Stage 1  
 Ocean Baths Pump Replacement  
 Replace waterslide at Lambton Swimming Centre

##### Art Gallery

Art Gallery - cultural asset preservation.  
 Art Gallery Replace HVAC plant  
 Art Gallery Works of Art

City Wide Services Collection Services

##### Civic Venues / Civic Services

City Hall - Furniture and equipment  
 City Hall - Stage 3 - West and North Facades  
 City Hall - Upgrade Security System  
 Civic Theatre - Control water ingress under stage / orchestra pit  
 Civic Theatre - refurbish auditoria  
 Civic Theatre - replace technical equipment  
 Civic Theatre - Upgrade Air Conditioning Units  
 Civic Theatre Foyer Renovation  
 Civic Theatre Loading Dock Rain Cover  
 Civic Theatre- reupholster 50 seats in Stalls & Dress  
 Civic Venues - Fire Safety Works  
 Fort Scratchley Function Centre - Refurbish facilities  
 Update the Conservation Management Plan for City Hall.

##### Community Buildings

Community Buildings refurbishment/renewal  
 Dixon Club Surfclub Precinct Upgrades - Stage 1

##### Economic Development

City Digital Corridor  
 Economic Development – City Analytics  
 Economic Development – Digital Prospectus  
 Economic Development – Skilled People Priority  
 Newcastle After Dark

#### Museum / Libraries / Historic Fort Scratchley

Lambton Library, Storybook Cottage and Early Childhood Literacy Centre  
 Library Resources  
 Museum - Lighting Control System  
 Replacement of RFID technology across Newcastle Libraries  
 Revaluation of Library Collection  
 Update function and layout of Wallsend District Library  
 Virtual Library Service

#### Recreation & Sport

Basketball court facilities  
 Concept Masterplan - Foreshore Park  
 Cricket Site Screens Waratah Oval  
 Darling St Oval - Grandstand  
 Fenced Off Leash Dog areas  
 Fencing - Sports Grounds  
 Floodlight Renewal Program  
 Foreshore Park - All abilities playground & water park  
 Gregson Park Playground  
 Implementation of Smart City Technologies - Sportsgrounds/Parks  
 Lugar Park - Upgrade to the Amenities  
 Masterplan Implementation  
 Mitchell Park, Merewether - Clark Stand Upgrade Works  
 Myer Park - Multipurpose Sports & Community Hub, Staged  
 National Park - Upgrade to Netball Pavilion  
 National Park Athletics Grandstand  
 National Park Number 1 Redevelopment  
 Park Accessibility Improvement Program  
 Passmore Oval Grandstand Upgrade  
 Plans of Management Review  
 Playground replacement programme  
 Playground Shade Program  
 Smith Park - Field Renovation  
 Sportsground Amenity Design & Construct  
 Sportsgrounds - Design & Build  
 Sportsgrounds - Renew sub surface drainage/irrigation systems  
 Sportsgrounds - Renewal of lighting poles  
 Tennis Facility Renewal Program  
 Various Parks - upgrade public access power.  
 Wallsend Active Hub Stage 2  
 Wallsend Oval No. 1 - Upgrade to Floodlighting  
 Waratah Oval Amenities Upgrade  
 Western Corridor Active Hub - Wallsend  
 Western Corridor District Sport & Recreation Facility Master Plan

#### Planning & Environment - Environment & Sustainability

Blackbutt Reserve  
 Blackbutt CARA Kiosk - Detailed Design & Construct  
 Blackbutt Reserve - replace boardwalk timber boards  
 Bushland and Watercourses  
 Aries Way Reserve - creek rehabilitation  
 Blackbutt Reserve - bushland regeneration  
 Bush Fire Assessment & Management  
 Community Education at environment rehabilitation worksites  
 Condition and Investigation - Natural Assets  
 Creek and Outlet Revegetation - post rehab construction  
 Environmental Project Delivery Support  
 Green Newcastle Strategy  
 Inland Clifline Rehabilitation - Waratah West  
 Ironbark Ck Rehabilitation - St 5 - 7

Ironbark Ck Reserve Stage 1-7 - revegetation works  
 Jesmond Bushland Complex Rehabilitation  
 Kotara Park - Creek rehabilitation Stage 1 & 2  
 Maryland Creek - Rehabilitation  
 Natural Asset Management Systems - development  
 Natural Connection - Newcastle's Healthy Catchments Program  
 North Lambton Catchment- Drainage and creek design  
 Sygna Cl Elernore Vale- Kaiyutibbin Ck Design & Construct  
 Various Priority Bushland Reserves - bushland regeneration  
 Various Priority Creeks - rehabilitation  
 Waterdragon Ck Kotara Park- Riparian rehabilitation  
 Wentworth Creek Rehabilitation - Stage 1 of 2  
**Coast, Estuary and Wetlands**  
 Astra St EEC Action Plan  
 Coastal Cliffline Rehabilitation Monitoring  
 Coastal Cliff line Rehab Stabilisation- Kilgour and Nobbys  
 Coastline - dune preservation and restoration  
 Hunter Estuary Coastal Management Program Preparation  
 Hunter River Foreshore Stockton - revegetation  
 Jersey Road Sandgate - Wetland Rehabilitation  
 Lloyd St Res Merewether-Littoral Rainforest Restoration  
 Market Swamp Wetland- rehabilitation design and construct  
 Newcastle Coastal Management Program Investigation and Preparation  
 Southern Beaches Coastal Management Program Preparation  
 Stockton Beach Nourishment  
 Stockton Buried Protection Structures - Barrie Crescent Stockton 2 sites - Zone 4  
 Stockton Buried Protection Structures - Zone 2 (2 sites - Sth Mitchell St Seawall & Dalby Oval)  
 Stockton Coastal Emergency Works  
 Stockton King St Breakwater Protection Structure  
 Stockton Mitchell St Sea Wall repair - Zone 3  
 Stockton Riverwall - Stage 6 - 9 Design & Construct - Stage 9  
 Various Priority Wetlands- Rehabilitation design and construct  
 Various Seawalls Monitoring and Works  
 Various Sites - coastal revegetation  
 Wetland Connection  
**Flood Planning**  
 Flash Flood Alert Service - Operation & Maintenance  
 Flood Education Campaign  
 Maintenance of Flood Detection Equipment  
 Minmi Rd Detention Basin Fletcher Dam Safety Works and Monitoring.  
 Sea & Groundwater Level Monitoring  
 Update existing flood studies to 2019 AR&R methodology  
**Street & Park Trees**  
 Citywide - Community Urban Forest Program  
 Citywide - tree audit for all attributes  
 Citywide Tree - inspection and monitoring  
 Gateways to Newcastle - Tree Planting  
 Living Streets Campaign  
 Park and Street Tree - Life extension program  
 SAPTRP - Street Tree Planting  
 Street Verge Gardens  
 Successional Large Tree Planting  
**Sustainability & Climate**  
 City Digital and Data Platforms  
 Climate Action  
 Electric Vehicle Trial - Pool Car replacement  
 Energy Savings Projects  
 Newcastle Living Lab  
 Smart City Infrastructure  
 Smart City Initiative  
 Smart Moves Newcastle  
**Planning & Environment - Transport**  
 Cycleways

CP - Bicycle Counters  
 CP - Broadmeadow Station to Donald Street Bridge  
 CP - Chatham Road and Clyde Street, Hamilton North  
 CP - Chinchin St Islington - Scholey St to Maitland Rd (Islington Park)  
 CP - Cycleways Education and Promotion  
 CP - Cycleways Investigation & Development  
 CP - Glebe Rd Adamstown to Newcastle West  
 CP – Grinsell Street to Rydal Street, New Lambton  
 CP – Hunter Street Trial Cycleway – National Park St, Newcastle West to Ivy St, Islington  
 CP - Lambton Park to Croudace St  
 CP - Maud Street - University to City Centre Cycleway  
 CP – Mayfield Precinct – Feasibility Study and Concept Design  
 CP - Merewether to Newcastle City Centre  
 CP - Richmond Vale Rail Trail  
 CP - Shortland to Tarro Cycleway  
 Cycleways - JHH to Wallsend off-road pathway desig  
 Cycleways Program Management  
 H23 Overpass to Mordue Parade  
 National Park Shared Paths

#### Local Area Traffic Management (LATM)

LATM - Chinchin St, Islington - Traffic Control Signals  
 LATM - Coane at Frederick St, Merewether - Intersection Upgrade  
 LATM - Croudace Road at Garsdale Avenue - Intersection Upgrade  
 LATM - Design and Construction of Traffic Calming Devices - Cooks Hill  
 LATM - Design and Construction of Traffic Calming Devices - Tighes Hill  
 LATM - Design and Construction Traffic Control Devices - Priority Projects  
 LATM - Glebe Road and Park Avenue, Adamstown - Traffic Control Signals  
 LATM - Memorial Drive, Bar Beach - Raised Pedestrian Crossing  
 LATM - Park Avenue and Joslin Street, Kotara - Traffic Control Signals  
 LATM - Parry Street and National Park Street Intersection, Newcastle West - Raised Crossings and Kerb Extensions  
 LATM - Prince Street, Waratah - Traffic Calming  
 LATM - Tauranga Road, New Lambton – Half Road Closure at Lambton Road  
 LATM - Traffic Modelling, Local Area Traffic Management Studies and Program Support  
 LATM – Wood Street, Newcastle West – Intersection Improvements and One-Way Traffic

#### Pedestrian Access and Mobility Plan (PAMP)

PAMP - Beech Close to Weller Street Shared Path  
 PAMP – Bridge Street, Waratah – Raised Pedestrian Crossing  
 PAMP - Brunker Road, Broadmeadow - Raised Pedestrian Crossing  
 PAMP - Cynthia Street, Adamstown Heights - Footpath  
 PAMP - Delando Street, Waratah - Footpath  
 PAMP - Design and Construction - PPN Projects  
 PAMP - Design and Construction of Kerb Ramps  
 PAMP - Elizabeth Street at Maitland Road, Mayfield - Pedestrian Refuge  
 PAMP – Frederick Street at Berner Street, Merewether – Raised Pedestrian Crossing  
 PAMP - Hannah Sreet and Ranclaud Street, Wallsend - Footpath  
 PAMP - Hannell Street, Maryville - Footpath  
 PAMP - Hawthorne Street, Beresfield - Footpath  
 PAMP - Hobart Road, New Lambton – Intersection Upgrade at Wallarah Road  
 PAMP - Janet Street, North Lambton - Footpath  
 PAMP - Lexington Parade, Kotara - Footpath  
 PAMP - Maryland Drive near Grange Avenue, Maryland - Pedestrian Refuge  
 PAMP - McCaffrey Drive, Rankin Park - Footpath  
 PAMP - Newcastle Road, Lambton - Footpath  
 PAMP - Program Support and Development of Principal Pedestrian Network  
 PAMP - Ruskin Street, Beresfield - Footpath  
 PAMP - Traise Street, Waratah - Footpath  
 PAMP - Wallarah Road, New Lambton - Raised Pedestrian Crossing  
 PAMP - Wentworth Street, Wallsend - Footpath  
 PAMP – Wilkinson Avenue, Birmingham Gardens – Raised Pedestrian Crossing  
 PAMP/LATM Minor Works

#### Waste Services

##### Waste Management

Cell 09 Landfill Design and Construction (Stage 2)

Cell 10 Landfill Design and Construction  
Domestic Bins (Repair, Replacement, New Deliveries and Upgrades)  
OFM SWMC New Access Road  
OFM Trade Waste & Sewer  
OFM\_Monitoring Well Network  
OSR Building & Demolition Leachate Upgrade  
OSR Emergency Stormwater Improvement Works  
Public Place Bins (Replacement and Upgrades)  
SBA Strategy Development  
SBA SWMC Masterplan  
SBA\_Delivery Strategy Studies  
Stormwater and Leachate Management - Design & Review of Existing Pond Integrity  
Summerhill Site Environmental Compliance Program  
Summerhill site Upgrades

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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/23 - SIX-MONTHLY PERFORMANCE REPORT ON THE DELIVERY PROGRAM**

<b>8.6</b>	<b>Attachment A:</b>	Six-Monthly Performance Report on 2022-23 Delivering Newcastle 2040 (the 2022-26 Delivery Program)
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**DISTRIBUTED UNDER SEPARATE COVER**

Six-monthly  
**December 2022**

# Performance Report



**Delivery Program 2022-2026**  
**Operational Plan 2022-2023**



**City of  
Newcastle**

# Acknowledgement of Country

We all sit on Awabakal and Worimi land  
'Niirun Yalawa Awabakal dha Worimi burrai'

City of Newcastle (CN) acknowledges its Local Government Area (LGA) sits within the Country of the Awabakal and Worimi peoples. We acknowledge that Country for Aboriginal peoples is an interconnected set of ancient relationships. We acknowledge the custodianship of the Awabakal and Worimi peoples and the care and stewardship they have performed in this place since time immemorial.

Always was, always will be Aboriginal land  
'Wunyibu wunyibu warra wunyibu wunyibu kuumba Guuri burrai'

## Enquiries

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newcastle.nsw.gov.au

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## Our performance

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# Why we do the performance report

## It is a report to our community on our performance against our Delivery Program.

CN is required under the Local Government Act s404(5) to provide progress reports on the Delivery Program and Operational Plan at least every six months. Our quarterly performance report details CN's progress on the principal activities detailed in the Delivery Program, *Delivering Newcastle 2040*.

### Reporting to our community

The quarterly performance reports, along with the six-monthly performance report and annual report are the key points of accountability between CN and our community.

It is not a report to the Office of Local Government or the NSW Government, it is a report to our community on our performance against our Delivery Program.

Every three months, CN reports on the key activities it has undertaken which contribute to achieving our Delivery Program, *Delivering Newcastle 2040* and in the long term our Community Strategic Plan (CSP), *Newcastle 2040*.



## Newcastle 2040 Community Strategic Plan

Newcastle 2040 is a shared community vision, developed as a guide to inform policies and actions throughout the city for the next 10+ years.

To guide us forward, we will focus on four themes that emerged from our shared planning process:

- Liveable
- Sustainable
- Creative
- Achieving Together

These themes work together in harmony to deliver our vision for Newcastle as a place for everyone.



## Delivering Newcastle 2040

The Delivery Program is a statement of commitment to the community from our newly elected Council. It translates the community's visions and priorities into clear actions, and is the primary reference point for activities undertaken by Council during its term of office. It allows Council to determine what is achievable over the next four years, what the priorities are, and how programs will be scheduled. The Operational Plan (including annual budget) is CN's action plan for achieving the community's priorities outlined in *Newcastle 2040* and the Delivery Program. An Operational Plan is prepared each year and adopted by Council. It identifies the projects, programs and actions that CN will deliver over a 12-month period commencing from 1 July.



# How to read our performance report

## Our commitment to the community

Provides an overview for each N2040 Theme. These pages highlight the supporting initiatives identified in the Resourcing Strategy to implement *Newcastle 2040*, including:

- Funding
- Services
- Assets
- Informing strategies
- Service indicators
- Key initiatives.

### Overview

A high-level overview of our performance including action progress, works program and total expenditure.

### Our performance

Our actions and measures of performance by Theme.

### Action progress

Action progress by Priorities and Objectives.

The Strategy column indicates actions that deliver against our strategies while the BAU column indicates actions that are business as usual.

Action progress is shown in the status column with the below indicators:

- On Track ✔
- Monitor ⚠
- Off Track ✘

### Measures

Measures for each priority help us understand how well we are performing and allow for evidence-based decision-making to inform other stages in our planning cycle. They are reported six-monthly in the performance report and annually in the annual report. See page 60 for baseline data and more detail.

# Overview of our performance

July to December 2022



**54,118**  
calls made to CN



Civic Theatre  
**99,863**  
attendees



**1,153**  
webchats with  
98% customer satisfaction rating



Art Gallery  
**\$126 million**  
collection value



Determined Development Applications  
**780**  
with a value of  
**\$ 808.6 million**



Museum  
**105,638**  
attendees



**72,237** customers  
to Summerhill Waste  
Management Centre



Library  
**91,437**  
attendees



**13,063**  
tonnes recycled

**183,683**  
loans

# Works program summary

July to December 2022



City infrastructure  
**\$7.4 million**



Recreation parks, sporting facilities and open space  
**\$1.3 million**



Transport  
**\$1 million**



Information technology  
**\$2.7 million**



City shaping  
**\$5.2 million**



Waste  
**\$1.5 million**



Stormwater  
**\$3.3 million**



City and coastal revitalisation  
**\$3.5 million**

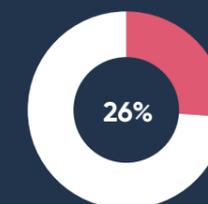


Environment and sustainability  
**\$3.9 million**



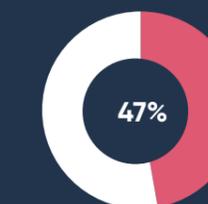
Cultural facilities  
**\$4 million**

Works program  
**\$33.7 million**  
Year To Date (YTD) Actual



● Full year budget  
● December actual

Total expenditure  
**\$164.5 million**  
YTD Actual



● Full year budget  
● December actual

Total actions  
**260** Actions completed  
or on track: 252



● On target ● Off track  
● Monitor

Total measures  
**66** Measures on track: 66



● On target ● Off track  
● Monitor



# Liveable Newcastle

We have made a commitment to working together with our community, stakeholders and partners to create a liveable Newcastle, supported by the following services, assets, strategies, plans and key initiatives.

## Services



Library services



Digital services & innovation projects



Urban planning



Open spaces & city greening



Regulatory services



Aquatic services



Facilities & property services



Parking services



Development assessment



Community programs & partnerships



Transport, traffic & local roads



Construction & building trades

## Assets

1 Holiday park  
972km Shared pathways

11 Libraries  
850km Roads

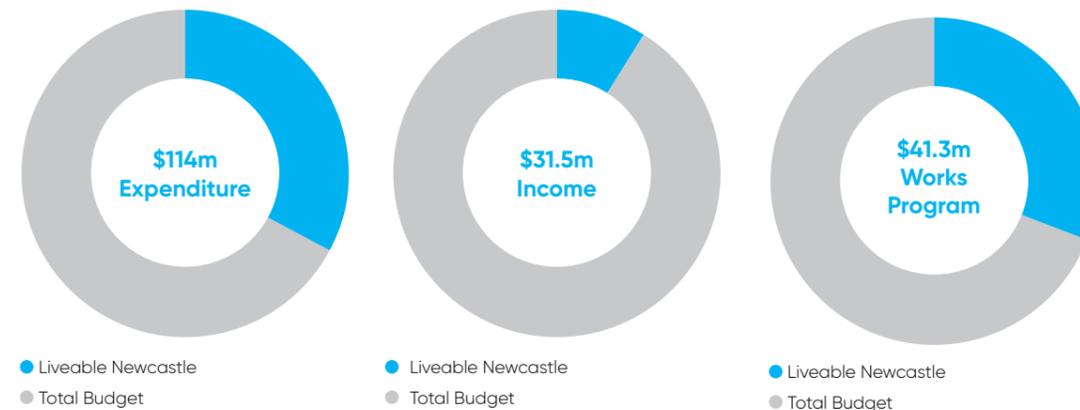
2 Ocean baths  
134 Playgrounds

250 Recreational parks  
147 Sporting grounds

127 Transport shelters  
17 Off-leash dog areas

15 Community halls & centres  
5 Inland swimming pools

## Total funding for 2022-2023



## Informing strategies

The following strategies have been developed to provide more specific and detailed guidance on the objectives of Liveable Newcastle.



### Supporting strategies and plans

- Disability Inclusion Action Plan 2022-2026
- Cycling Plan 2021-2030
- Parking Plan 2021-2030
- Local Housing Strategy 2020-2040
- Heritage Strategy 2020-2030
- Strategic Sports Plan 2020-2030

## Key initiatives

- Local Centre upgrades
- Foreshore Park upgrade
- Playground Improvement Program
- Newcastle Ocean Baths upgrade
- Develop a Pedestrian Plan



## Service indicators

Service indicators show the high-level impact of CN's service delivery on our city and community.

CN uses these indicators to track progress and performance against our service delivery and to guide our decision-making.

- The area's heritage is well conserved \*
- Good access to parks, natural areas and open spaces in my local area \*
- Public transport is adequate and accessible for my needs \*
- Good access to community facilities, such as libraries and community halls \*
- Sporting facilities and active lifestyle opportunities in the area meet my needs \*
- Feel part of the local community \*
- Newcastle is welcoming of diversity \*
- Social infrastructure index score: % of residents that live within 800m of community facilities, public transport, recreation facilities and green space (Source: CN Geographic Information System [GIS] mapped data)

% of houses that are walkable on footpaths within 800m of a local centre (Source: CN GIS mapped data)

\* Source: CN's Liveability and Wellbeing survey

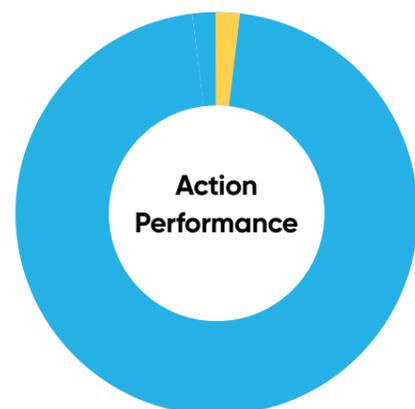


## How we performed

### Total actions

**98%**

Actions completed or on track

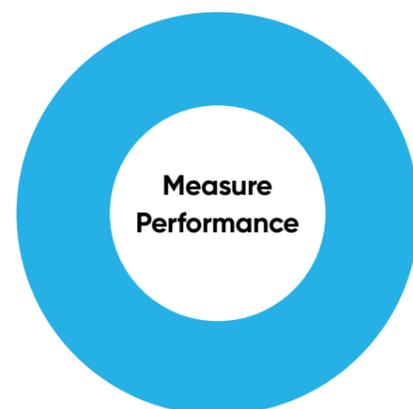


● Monitor 2 | 2%  
● On Track 91 | 98%  
● Off Track 0 | 0%  
● No Targets Set 0 | 0%

### Total measures

**100%**

Measures completed or on track



● Monitor 0 | 0%  
● On Track 22 | 100%  
● Off Track 0 | 0%  
● No Targets Set 0 | 0%

## Priority 1.1 Enriched neighbourhoods and places

### 1.1.1 Great spaces

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Plan and deliver parks and recreation facilities that support inclusivity, health and wellbeing, safety and liveability	✓	✓	Community & Recreation	✓
Provide sportsgrounds to meet community needs that are maintained to appropriate standards	✓		Community & Recreation	✓
Maintain parks and public spaces to promote the wellbeing of the community	✓		Community & Recreation	✓
Provide aquatic facilities to meet community needs and industry requirements	✓	✓	Community & Recreation	✓
Support safe use of beaches and ocean baths through professional lifeguard services	✓		Community & Recreation	✓
Perform venue management functions for all library buildings and spaces, including but not limited to venue/room hire and associated deliverables		✓	Museum Archive Libraries & Learning	✓
Grow the library brand; develop and execute an annual library marketing plan; create and deliver engaging, original member and community communications and promotional campaigns		✓	Museum Archive Libraries & Learning	✓
Create and design new collection and community access initiatives to deliver high-quality, continuously improved member services and experiences	✓		Museum Archive Libraries & Learning	✓
Prepare updated Newcastle Development Control Plan	✓		Planning Transport & Regulation	✓
Undertake Social Impact Assessment on identified development as part of the Development Assessment process	✓		Community & Recreation	✓
Implement Social Infrastructure Strategy and plan for healthy and vibrant community centres		✓	Community & Recreation	✓
Maintain Blackbutt Reserve and wildlife exhibits to provide opportunities for community learning	✓		Environment & Sustainability	✓



Newcastle Councillor Carol Duncan with operators Tom and Nova Carias at the newly opened Sunnyboy Kiosk at Dixon Park Beach.

## 1.1.2 Well-designed places

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Conduct regular inspection programs of food businesses, skin penetration premises and public swimming pools and monitor regulatory compliance for premises with water cooling systems (legionella)	✓		Planning Transport & Regulation	✓
Undertake investigations into alleged breaches of planning laws, fire safety and development consents. Promote awareness of policy, procedure and laws to encourage voluntary compliance	✓		Planning Transport & Regulation	✓
Undertake annual compliance inspections of registered and assisted boarding houses, as well as premises being used as unauthorised boarding houses, to ensure compliance with fire safety and planning legislation	✓		Planning Transport & Regulation	✓
Manage compliance with fire safety regulations through submissions of Annual Fire Safety Statements and the Fire Safety Education Program	✓		Planning Transport & Regulation	✓
Upgrade entry to Beresfield Community Children's Education Centre to make it more accessible to those with mobility needs	✓		Museum Archive Libraries & Learning	✓
Deliver library service and physical space improvements to remove community and inclusion barriers	✓	✓	Museum Archive Libraries & Learning	✓
Prioritise renewal and upgrade of infrastructure to meet identified levels of service	✓		Assets & Facilities	✓
Undertake building asset condition inspection and reporting to identify and implement maintenance action plans, asset standards gap analysis and long-term capital upgrade program	✓		Assets & Facilities	✓
Implement Property Portfolio Strategy to sustainably manage property assets		✓	Finance Property & Performance	✓
Manage urban encroachment around Summerhill Waste Management Centre		✓	Waste Services	✓
Provide a responsive, high-quality facilities management service across the organisation to meet service level standards	✓		Assets & Facilities	✓
Participate in government planning reform and implement changes required to internal processes		✓	Planning Transport & Regulation	✓
Implement a combustible cladding program in response to State Government audit		✓	Planning Transport & Regulation	✓
Deliver retaining wall program, including inspections, design and renewal implementation	✓		Assets & Facilities	✓
Apply crime prevention through environmental design principles for infrastructure projects	✓		Project Management Office	✓
Plan, design and implement remaining sections of Bathers Way	✓		Project Management Office	✓
Continue to deliver Local Centres Public Domain Program to foster new growth in urban centres		✓	Project Management Office	✓

## 1.1.3 Protected heritage

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Review City Centre Heritage Conservation Area		✓	Planning Transport & Regulation	✓
Implement Heritage Strategy and continue to increase the local community's understanding and participation to conserve, enhance and celebrate Newcastle's heritage places		✓	Planning Transport & Regulation	✓

### Measures



## Priority 1.2 Connected and fair communities

### 1.2.1 Connected communities

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver informed community programs to connect participants to their community and/or build capacity to participate in community life	✓	✓	Community & Recreation	✓
Maintain and deliver community information and data sources to support community development		✓	Community & Recreation	✓
Drive campaigns, education and awareness-raising initiatives that support community inclusion, liveability and belonging		✓	Community & Recreation	✓

### 1.2.2 Inclusive communities

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Implement Aboriginal Engagement Strategy		✓	People & Culture	✓
Implement Reconciliation Action Plan		✓	People & Culture	✓
Implement identified actions within Disability Inclusion Action Plan		✓	Community & Recreation	✓
Facilitate Aboriginal Advisory Committee	✓		People & Culture	✓
Build on relationships with Local Area Land Councils	✓	✓	Planning Transport & Regulation	✓

### 1.2.3 Equitable communities

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Ensure museum programs are as accessible as possible to people of all abilities		✓	Museum Archive Libraries & Learning	✓
Deliver Lifelong Learning programs to foster adult or intergenerational literacies and learning		✓	Museum Archive Libraries & Learning	✓
Design and provide Watch, Read, Listen advisory services for libraries, allowing the community to choose a style that best suits them		✓	Museum Archive Libraries & Learning	✓
Implement accessibility improvements in all infrastructure projects	✓	✓	Assets & Facilities	✓
Prepare Affordable Housing Contribution Scheme		✓	Planning Transport & Regulation	✓
Coordinate fair and equitable licensing of public spaces with positive customer experience	✓		Media Engagement Economy & Corp Affairs	✓
Undertake social research, analysis and advocacy that supports the community		✓	Community & Recreation	✓
Facilitate projects and programs that support and build capacity of the community sector		✓	Community & Recreation	✓
Deliver priority projects for Social Inclusion		✓	Community & Recreation	✓
Maintain public licences for companion animals, including providing microchipping services	✓		Planning Transport & Regulation	✓
Deliver and support Grants and Sponsorship Program up to \$1 million and build capacity within the community to write grant applications	✓	✓	Finance, Property & Performance	✓
Administer Social Inclusion Grants and support grant administration across the organisation	✓		Finance, Property & Performance	✓
Facilitate targeted partnerships that contribute to socio-economic inclusion outcomes for the people of Newcastle		✓	Community & Recreation	✓

## 1.2.4 Healthy communities

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Promote and encourage use of recreation parks and facilities for community health and wellbeing via website and other accessible channels	✓	✓	Community & Recreation	✓
Promote water safety awareness that supports community wellbeing and continue to develop and deliver initiatives to increase awareness	✓		Community & Recreation	✓
Facilitate community programs to meet the objectives of the Local Social Strategy		✓	Community & Recreation	✓
Provide animal management services that ensure pet owners can meet their responsibilities and that pets remain healthy, well-socialised and safe	✓		Planning Transport & Regulation	✓
Ensure an active presence in public spaces, particularly parks and beaches, to monitor and enforce regulations	✓		Planning Transport & Regulation	✓
Provide investigation and response to abandoned vehicles, public nuisance, footway/road obstructions, livestock, illegal signage and illegal dumping	✓		Planning Transport & Regulation	✓



Works continue to protect Stockton's Coastline.

### Measures



## Priority 1.3 Safe, active and linked movement across the city

### 1.3.1 Connected cycleways and pedestrian networks

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver improvements to existing infrastructure to accommodate better pedestrian connectivity across the LGA's network of footpaths, shared paths and cycleways	✓	✓	Civil Construction & Maintenance	✓
Complete Capital Works Program to enable a safe, active and linked pedestrian and cycle bridge network	✓	✓	Assets & Facilities	✓
Complete an audit of bike parking in the public domain and proactively provide bike parking at local centres and other attractors		✓	Planning Transport & Regulation	✓
Initiate and support events that encourage bike riding, such as National Ride2Work Day, NSW Bike Week, Biketober, local discovery rides		✓	Planning Transport & Regulation	✓
Upgrade, expand and connect cycling facilities (in accordance with the Safe System approach)		✓	Planning Transport & Regulation	✓
Develop a pedestrian plan that priorities pedestrian infrastructure and connections at local centres and other attractors		✓	Planning Transport & Regulation	✓

### 1.3.2 Road networks

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver bridge program, including inspections, design and renewal implementation	✓		Assets & Facilities	✓
Manage infrastructure works programs for development of traffic and transport infrastructure	✓		Planning Transport & Regulation	✓
Develop road rehabilitation and resurfacing programs	✓		Assets & Facilities	✓
Deliver Capital Works Program for civil infrastructure renewal and replacement in line with client needs and nominated targets for roads and drainage assets, and proactively manage maintenance of existing road infrastructure	✓	✓	Civil Construction & Maintenance	✓
Ensure road bridges are designed and constructed to enable safe, active and linked movement across the city	✓		Assets & Facilities	✓
Schedule and deliver routine inspection program for road and civil infrastructure asset condition	✓		Assets & Facilities	✓
Provide traffic engineering services to ensure a safe, effective and compliant local road network	✓		Planning Transport & Regulation	✓
Manage usage of roadways to allow development across the city and overall road network to ensure public safety	✓		Planning Transport & Regulation	✓
Undertake forward planning based off data-driven projections to allow for effective investment in transport infrastructure in alignment with strategic goals	✓	✓	Planning Transport & Regulation	✓

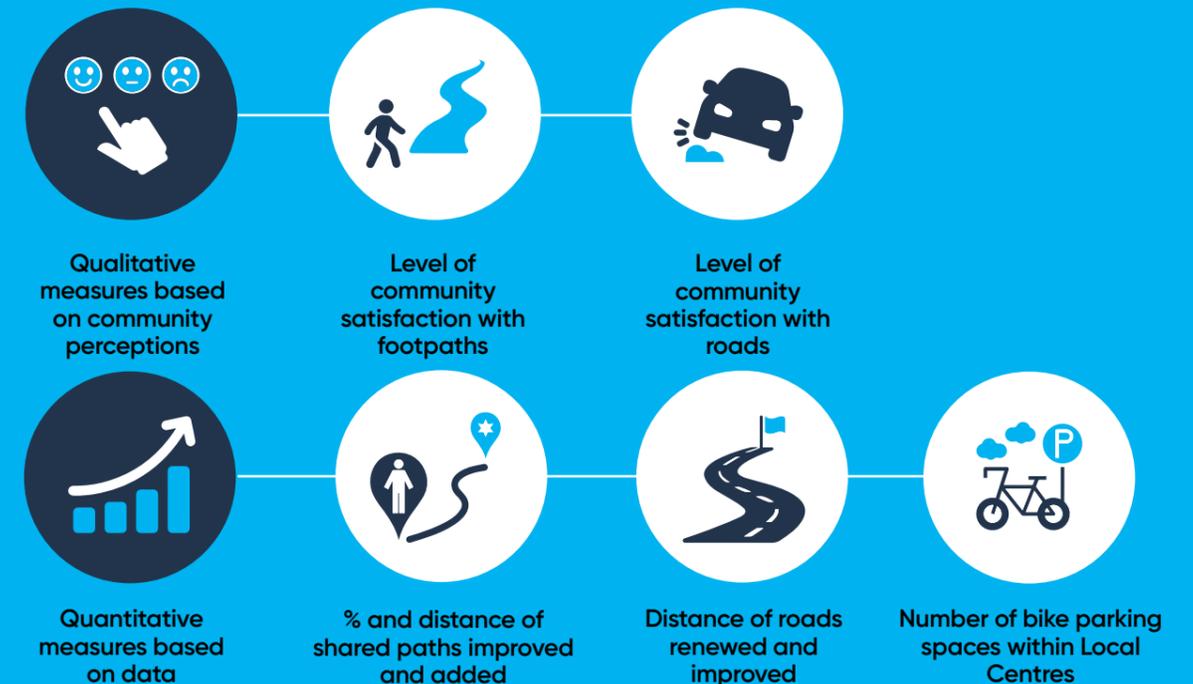
### 1.3.3 Managed parking

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Manage paid parking areas, including equipment and signage, and undertake strategic approach to paid parking elements, rates and innovation in smart parking	✓		Planning Transport & Regulation	✓
Enforce legislative compliance for road- and vehicle-related matters, as delegated under the <i>Roads Act</i> and <i>Local Government Act</i>	✓		Planning Transport & Regulation	✓
Facilitate proactive patrols of key areas to increase safety and amenity in public spaces such as schools, beaches, events	✓		Planning Transport & Regulation	✓
Manage Residential Parking Policy through identified areas of high usage with restrictions in residential areas	✓	✓	Planning Transport & Regulation	✓
Manage paid parking assets, including cash handling and security for all cash-operated machines	✓		Planning Transport & Regulation	✓
Review regulatory signage in paid and restricted parking areas	✓		Planning Transport & Regulation	✓

### 1.3.4 Effective public transport

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Develop Transport Stop Renewal and Upgrade Program	✓	✓	Assets & Facilities	✓
Develop and promote traffic and transport safety, information and strategy, including coordination with transport stakeholders on strategic transport outcomes		✓	Planning Transport & Regulation	✓

### Measures



## Priority 1.4 Innovative and connected city

### 1.4.1 Emerging technologies

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Create opportunities to provide library members with a modern and intuitive borrowing experience	✓	✓	Museum Archive Libraries & Learning	✓
Deliver the contemporary Libraries Infrastructure Plan improvements for Libraries technologies, buildings and spaces		✓	Museum Archive Libraries & Learning	✓
Continue to mature and enhance the Spatial Digital Twin to include more of the city's natural, built and social environments to facilitate better planning, service delivery and outcomes for the city	✓	✓	Information Technology	✓
Scale deployment of envirosensing network to provide real-time and local data on the city and natural environment		✓	Environment & Sustainability	✓
Support city digital and data networks and platforms, including fibre optics, public Wi-Fi, IoT networks, supporting data platforms and apps		✓	Information Technology	✓
Deliver digital transformation of CN services by leading development of platforms and processes to maximise benefit of digital investments		✓	Information Technology	○
Deliver business partnering excellence by building on a foundation of trust and recommending solutions that sustainably enable CN's strategic priorities		✓	Information Technology	✓
Continue to install smart city infrastructure appropriate to place to support efficiency, innovation and future city needs		✓	Environment & Sustainability	✓

### 1.4.2 Digital inclusion and social innovation

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Establish a fully resourced virtual library and seamless online membership experience	✓	✓	Museum Archive Libraries & Learning	✓
Develop innovative solutions to preserve, protect and present Newcastle's local history and heritage collection	✓		Museum Archive Libraries & Learning	✓
Continue to create and improve digital experiences such as Augmented Reality, Virtual Reality, Science, Technology, Engineering and Maths (STEM), and Robotics to provide inclusive access and exposure to current and future technologies		✓	Museum Archive Libraries & Learning	✓
Develop City Innovation Plan		✓	Media Engagement Economy & Corp Affairs	○



Councillor Deahna Richardson, Lord Mayor Nuatali Nelmes and Deputy Lord Mayor Declan Clausen celebrate the opening of the Wallsend Active Hub with members of the City of Newcastle team who worked on the project.

### Measures





# Sustainable Newcastle

We have made a commitment to working together with our community, stakeholders and partners to create a sustainable Newcastle, supported by the following services, assets, strategies, plans and key initiatives.

## Services



Recreational planning



Natural area/bushland services



Waste collections & cleaning services



Landfill operations



Resource recovery & recycling



Education programs



Commercial & internal waste



Innovation & futures



Asset services



Fleet management



Sustainability programs

## Assets

81km Waterways

113,048 Street & park trees

91 Bushland parcels

65 Wetlands

5.7km Bushland tracks & trails

2 Ocean baths

3.5km Coastal cliff line

10 Beaches

8.7km River walls

3.7km Sea walls

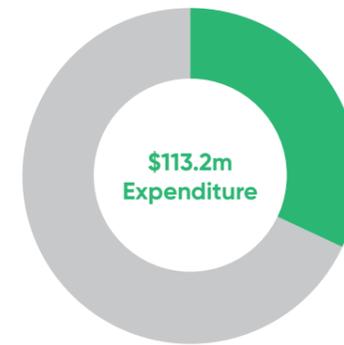
14km Coastline

1 Waste & resource recovery centre

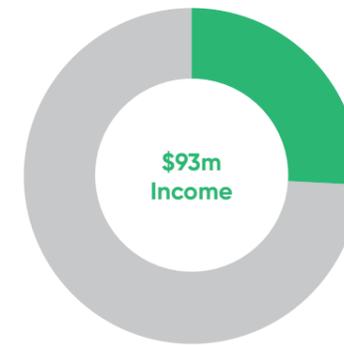
1 Solar farm

14,500 Solar panels

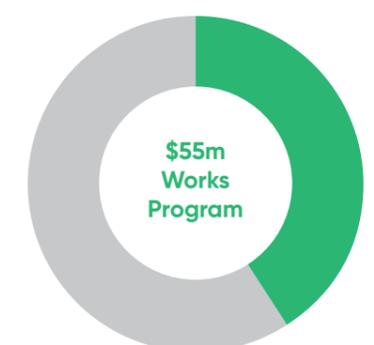
## Total funding for 2022-2023



● Sustainable Newcastle  
● Total Budget



● Sustainable Newcastle  
● Total Budget



● Sustainable Newcastle  
● Total Budget

## Informing strategies

The following strategies have been developed to provide more specific and detailed guidance on the objectives of Sustainable Newcastle.



Environment Management Strategy (draft)



Sustainable Waste Strategy

## Supporting strategies and plans

- ✓ Coastal Management Plan
- ✓ Cycling Plan 2021-2030
- ✓ Climate Action Plan 2021-2025
- ✓ Local Strategic Planning Statement 2020-2040
- ✓ Stockton Coastal Management Plan 2020
- ✓ Smart City Strategy 2017-2021

## Key initiatives

- Circular Economy Plan
- Food Organics and Green Organic (FOGO) Facility
- Tree planting commitment
- Fleet Transition Plan



## Service indicators

Service indicators show the high-level impact of CN's service delivery on our city and community.

CN uses these indicators to track progress and performance against our service delivery and to guide our decision-making.

CN operational greenhouse gas emissions (Source: CN data)

CN uptake and support of electric vehicles (Source: CN data)

Road and open parkland canopy cover (Source: CN GIS mapped data)

CN operational water consumption (Source: Hunter Water)

Use of local suppliers (Source: CN data)

Municipal waste diversion from landfill (Source: CN data)

## SUSTAINABLE DEVELOPMENT GOALS



## How we performed

### Total actions

**100%**

Actions completed or on track

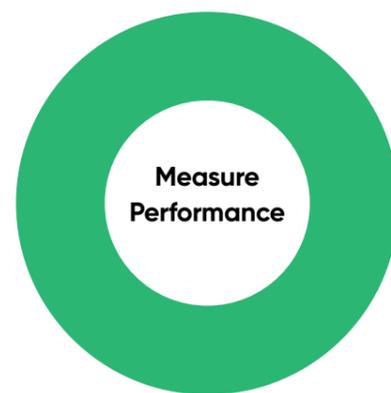


● Monitor	0   0%
● On Track	24   100%
● Off Track	0   0%
● No Targets Set	0   0%

### Total measures

**100%**

Measures completed or on track



● Monitor	0   0%
● On Track	11   100%
● Off Track	0   0%
● No Targets Set	0   0%



Newcastle green thumbs went head-to-head to enliven their neighbourhoods by entering City of Newcastle's (CN) 'Green Our City' street garden competition. Newcastle Deputy Lord Mayor Declan Clausen visited The Junction to congratulate the winner, Jennifer Ray.

## Priority 2.1 Action on climate change

### 2.1.1 Towards net zero emissions

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Continue implementation of CN-owned solar PV (photovoltaic) and battery systems at operational and community sites		✓	Environment & Sustainability	✓
Develop transition plan to zero-emissions vehicles for entire fleet and continue replacement of fleet with Electric Vehicles (EV)		✓	Environment & Sustainability	✓
Continue roll-out of CN sites and public EV charging networks		✓	Environment & Sustainability	✓
Continue to expand and utilise energy usage and utility monitoring and reporting		✓	Environment & Sustainability	✓

### 2.1.2 Know and share our climate risk

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Monitor sea level rise and groundwater behaviour in low-lying suburbs	✓		Environment & Sustainability	✓
Deliver environmental asset condition assessment and planning across the city	✓		Environment & Sustainability	✓

### 2.1.3 Resilient urban and natural areas

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Implement Living Streets Tree Replacement Program to maintain and replenish our urban forest and maintain our street, reserve and public land trees, ensuring the health of our trees and safety of the community	✓	✓	Environment & Sustainability	✓
Develop Climate Risk and Resilience Action Plan, including a climate risk analysis, to support CN and community adaptation		✓	Environment & Sustainability	✓
Deliver and implement flood planning across the city	✓	✓	Environment & Sustainability	✓
Deliver technical advice, natural asset planning and quality standards to ensure resilient urban and natural areas now and into the future	✓	✓	Environment & Sustainability	✓



## Priority 2.2 Nature-based solutions

### 2.2.1 Regenerate natural systems

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Proactively monitor and regulate activities to minimise environmental impact, including implementing Business Pollution Prevention Program and Erosion and Sediment Control Program	✓		Planning Transport & Regulation	✓
Manage contaminated land information and seek appropriate remediation through development application process	✓		Planning Transport & Regulation	✓
Maintain city and coastline assets to a high standard of cleanliness for our community and visitors	✓		Assets & Facilities	✓
Deliver projects that maintain and enhance the natural environment	✓	✓	Environment & Sustainability	✓
Provide investigation and response to tree removals, overgrown land, littering and nuisance birds	✓		Planning Transport & Regulation	✓

### 2.2.2 Expand the urban forest

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Provide sustainable infrastructure to support parkland and recreational facilities by construction of new assets and renewal of existing assets		✓	Community & Recreation	✓
Deliver projects that protect and enhance Newcastle's urban forest and grow community stewardship		✓	Environment & Sustainability	✓

### 2.2.3 Achieve a water-sensitive city

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver and implement stormwater and water quality planning and improvement across the city	✓		Assets & Facilities	✓
Irrigation and passive tree watering to ensure vitality of the urban forest and increase stormwater capture	✓		Environment & Sustainability	✓

### Measures



Qualitative measures based on community perceptions



Level of community satisfaction with climate action



Quantitative measures based on data



All installed lighting to be LED



Reduction in CN electricity use



Number of EV chargers available to the community

Measures



Qualitative measures based on community perceptions



Level of community satisfaction with wetlands and estuary



Level of community satisfaction with bushland and waterways



Quantitative measures based on data



Tree vacancies identified in Tree Asset Management System



Number of plants used in urban forest planting

Priority 2.3 Circular economy

2.3.1 Design out waste

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Develop Circular Economy Action Plan		✓	Environment & Sustainability	✓
Implement core infrastructure to transition site to a Resource Recovery Hub		✓	Waste Services	✓

2.3.2 Localised supply chain and sustainable procurement

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Ensure works program will incorporate local suppliers and sustainable procurement where financially responsible		✓	Finance Property & Performance	✓
Source and showcase products that highlight local producers and stories		✓	Media Engagement Economy & Corp Affairs	✓
Develop and implement food philosophy, working towards 85% of menu items being from within the catchment of the Hunter Joint Organisation		✓	Civic Services	✓



Measures



Qualitative measures based on community perceptions



Level of community satisfaction with green waste collection



Level of community satisfaction with greening and tree preservation



Quantitative measures based on data



Tonnes of waste material recovered

City of Newcastle (CN) unanimously adopted Our Sustainable Waste Strategy on 22 November 2022. The Strategy sets a vision for reducing waste, increasing recycling rates, strengthening the economy and creating new jobs within Newcastle over the next 20 years.



# Creative Newcastle

We have made a commitment to working together with our community, stakeholders and partners to shape a creative Newcastle, supported by the following services, assets, strategies, plans and key initiatives.

## Total funding for 2022-2023



### Services

 Art Gallery	 Museum
 Civic Theatre & Playhouse	 Visitor Information Centre
 Newcastle Venues	 Libraries & learning
 Marketing	 City events
 Tourism	 Economic development
 Business development	

### Assets

176 Public art, fountains and monuments	1 Airport
250 Smart poles	41 Cultural spaces
1 Art Gallery	1 Visitor Information Centre
150 Public Wi-Fi network access points	1 City Hall
1 Civic Theatre & Playhouse	1 Museum
1 Digital Library	

### Informing strategies

The following strategies have been developed to provide more specific and detailed guidance on the objectives of Creative Newcastle.



Economic Development Strategy 2021-2030

#### Supporting strategies and plans

- Destination Management Plan 2021-2025
- Disability Inclusion Action Plan 2022-2026
- Newcastle After Dark 2018-2022
- Smart City Strategy 2017-2021
- Cultural Precinct Plan

### Key initiatives

- Art Gallery expansion
- New Annual Festival
- Tourism destination management
- Cultural activation
- Digital prospectus



### Service indicators

Service indicators show the high-level impact of CN's service delivery on our city and community.

CN uses these indicators to track progress and performance against our service delivery and to guide our decision-making.

There are meaningful employment opportunities across Newcastle (Source: CN Liveability and Wellbeing survey)

Newcastle is a good place to start or grow a business (Source: CN Liveability and Wellbeing survey)

Newcastle has a thriving arts and culture scene (Source: CN Liveability and Wellbeing survey)

Newcastle offers a diverse range of events and activities (Source: CN Liveability and Wellbeing survey)

Return on investment on events (Source: CN data)

Value of building approvals (Source: CN data)



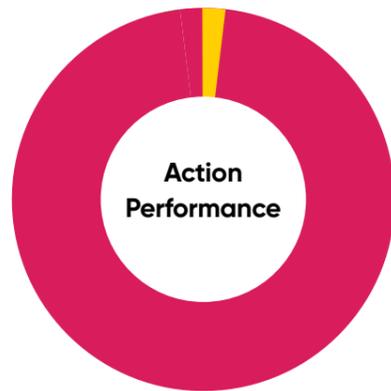
 4 QUALITY EDUCATION	 8 DECENT WORK AND ECONOMIC GROWTH	 9 INDUSTRY, INNOVATION AND INFRASTRUCTURE
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## How we performed

### Total actions

**97%**

Actions completed or on track

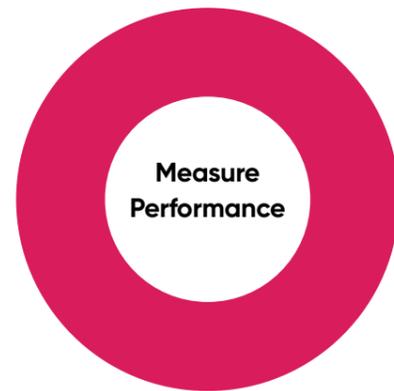


Monitor	1   3%
On Track	36   97%
Off Track	0   0%
No Targets Set	0   0%

### Total measures

**100%**

Measures completed or on track



Monitor	0   0%
On Track	20   100%
Off Track	0   0%
No Targets Set	0   0%



City of Newcastle waste collection truck driver Peter Hayward, Go Circular CEO Annie Jiang, Our Lady of Victories, Shortland teacher Lisa York, high school category winner Betsy Smith, Newcastle Lord Mayor Nuatali Nelmes, primary school category winner Sofia Puerto, Newcastle Art Gallery Head of Curatorial & Exhibitions Miriam Kelly and City of Newcastle waste collection truck driver Rene Griffin in front of the winning artworks on the waste collection trucks.

## Priority 3.1 Vibrant and creative city

### 3.1.1 Vibrant events

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver Event Sponsorship Program	✓		Media Engagement Economy & Corp Affairs	✓
Deliver Major Events Program by identifying and attracting major events to Newcastle	✓	✓	Media Engagement Economy & Corp Affairs	✓

### 3.1.2 Bold and challenging programs

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Attract exhibitions to Newcastle Museum, including travelling and community exhibitions	✓		Museum Archive Libraries & Learning	✓
Deliver programs that create stronger and more creative communities and support expressions of culture, identity and community pride	✓	✓	Museum Archive Libraries & Learning	✓
Develop ambitious programming and events that attract local, regional, state and national audiences	✓	✓	Art Gallery	✓
Present the best of international, national and local live performances across a broad arts spectrum that increases ticket sales and optimises financial returns, including through use of a range of commercial models	✓	✓	Civic Services	✓
Deliver Major Events Program, including New Annual and New Year's Eve	✓	✓	Media Engagement Economy & Corp Affairs	✓

### 3.1.3 Tourism and visitor economy

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Lead development of local visitor economy	✓	✓	Media Engagement Economy & Corp Affairs	✓
Develop, drive and implement key destination strategic plans and actions, including Destination Management Plan		✓	Media Engagement Economy & Corp Affairs	✓
Maintain destination digital consumer assets, including Visit Newcastle website and Business Events website, as well as print promotions such as City Guide, self-guided itineraries and maps	✓	✓	Media Engagement Economy & Corp Affairs	✓
Promote Newcastle as a destination for business, association and professional conferences and events through dedicated business events and promotional activities		✓	Media Engagement Economy & Corp Affairs	✓

### 3.1.3 Tourism and visitor economy (continued)

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Provide additional support to tourism industry and visitors during large-scale events		✓	Media Engagement Economy & Corp Affairs	✓
Support tourism industry and other stakeholders to enhance visitor experience in Newcastle		✓	Media Engagement Economy & Corp Affairs	✓
Develop Visitor Services Strategy		✓	Media Engagement Economy & Corp Affairs	○
Increase visitation engagement with What's ON website through communications and marketing	✓	✓	Media Engagement Economy & Corp Affairs	✓

### 3.1.4 Vibrant night-time economy

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver place activation and continue to develop and advocate for strategic policy and planning to enable, enhance and support night-time economy and live music		✓	Media Engagement Economy & Corp Affairs	✓
Support projects to understand, increase and enhance venue diversity at night		✓	Media Engagement Economy & Corp Affairs	✓
Develop clear assessment and approval pathways to facilitate outdoor trading and night-time economy		✓	Planning Transport & Regulation	✓

#### Measures



## Priority 3.2 Opportunities in jobs, learning and innovation

### 3.2.1 Inclusive opportunities

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver digital inclusion programs to increase participants' confidence in using digital technology and navigating the online environment		✓	Museum Archive Libraries & Learning	✓
Deliver programs whose primary purpose relates to early literacy and/or early childhood and parents' educational learning	✓	✓	Museum Archive Libraries & Learning	✓
Deliver quality early education services that meet the National Quality Framework	✓		Museum Archive Libraries & Learning	✓
Design and deliver member-responsive, diverse, entertaining, educational library collections through high-quality acquisition, discovery and access activities	✓		Museum Archive Libraries & Learning	✓

### 3.2.2 Skilled people and businesses

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver economic and workforce development programs to improve employment and productivity outcomes		✓	Museum Archive Libraries & Learning	✓
Implement the New Move community program and leverage to drive engagement, talent attraction and advocacy		✓	Media Engagement Economy & Corp Affairs	✓

### 3.2.3 Innovative people and businesses

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver programming that supports attraction and development of startup/scaleup businesses		✓	Media Engagement Economy & Corp Affairs	✓
Deliver public programs to sustain and grow innovation ecosystem to include Newihub, IQ events and festivals		✓	Media Engagement Economy & Corp Affairs	✓

Measures



Qualitative measures based on community perceptions



Level of community satisfaction with economic development



Quantitative measures based on data



Number of NewSkills training projects and number of participants



Number of users of Landing Pad startups/scaleups considering relocation to Newcastle



West Best Bloc Fest will return in 2023 to showcase more than 80 local music artists as one of 16 projects awarded a share of almost \$800,000 through the City Centre and Darby Street Special Business Rate (SBR) funding program. Councillor Carol Duncan; Ty Brennock from Les Poetes Pop; Atlas Franklin Alexander, Holly Wilson from Leda Gallery, and West Best Bloc Fest organiser / The Family Hotel owner Dylan Oakes.

Priority 3.3 Celebrating culture

3.3.1 Nurture cultural and creative practitioners

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Support development of local artists and cultural practitioners through collaborations and professional mentoring	✓	✓	Art Gallery	✓

3.3.2 Promote Newcastle as a major arts and cultural destination

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Promote Fort Scratchley as a distinct and significant cultural tourism destination		✓	Museum Archive Libraries & Learning	✓
Develop ambitious exhibition projects that attract local, regional, state and national audiences		✓	Museum Archive Libraries & Learning	✓
Deliver NewSkills program, aimed at providing support for training initiatives that address skills gaps and areas of economic transformation		✓	Media Engagement Economy & Corp Affairs	✓

3.3.3 Culture in everyday life

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Maintain a balance of Museum audience engagement targeted to a breadth of audience demographics	✓		Museum Archive Libraries & Learning	✓
Utilise digital platforms to improve access to Art Gallery and collections	✓	✓	Art Gallery	✓
Present an accessible and inclusive range of community, learning and participation events and free or low-cost activities to build new audiences and greater engagement with cultural activities, including through creative strategic partnerships	✓	✓	Civic Services	✓

Measures



Qualitative measures based on community perceptions



Level of community satisfaction with Art Gallery and programs



Level of community satisfaction with Civic venues



Level of community satisfaction with Museum



Quantitative measures based on data



Art Gallery outreach program attendance



Number of Museum ticketed attendees



Number of Art Gallery artists celebrated

Priority 3.4 City-shaping partnerships

3.4.1 Optimise city opportunities

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Develop and maintain a digital platform aimed at raising the profile of Newcastle's economic development opportunities		✓	Media Engagement Economy & Corp Affairs	✓
Prepare draft Broadmeadow Place Strategy		✓	Planning Transport & Regulation	✓
Continue to support development of Newcastle Airport's expansion and establishment of new national and international routes	✓	✓	Media Engagement Economy & Corp Affairs	✓

3.4.2 Advocacy and partnerships

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Develop and implement rolling 12-month Government Relations Roadmap that articulates forthcoming advocacy actions		✓	Media Engagement Economy & Corp Affairs	✓

Measures



Qualitative measures based on community perceptions



Level of community satisfaction with management of residential development



Quantitative measures based on data



Number of DAs determined



Reduction in backlog of undetermined DAs



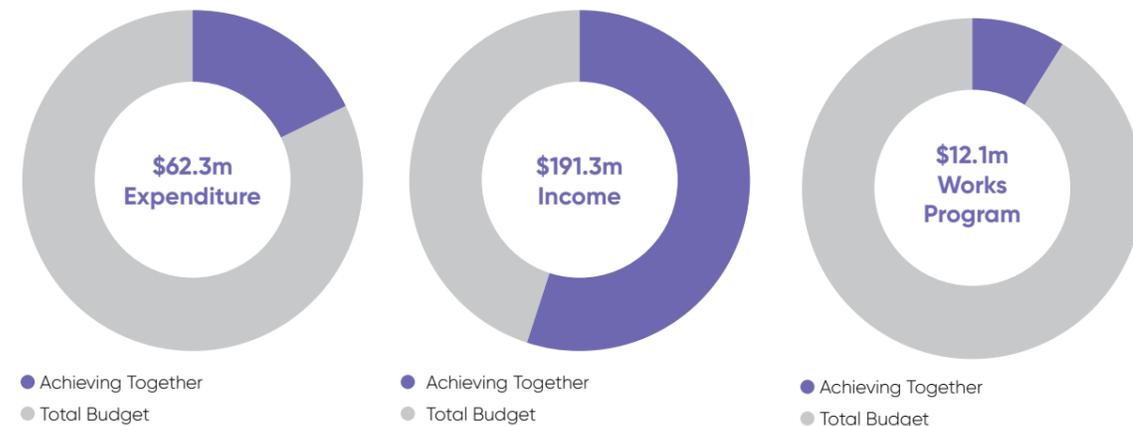
Christmas cheer lights up Newcastle's Civic precinct. Wheeler Place played a host to festive fun as the Civic precinct came to life with an 11-metre-high Christmas tree and family-friendly activities.



# Achieving Together

We have made a commitment to Achieving Together with our community, stakeholders and partners with the support of the following services, assets, strategies, plans and key initiatives.

## Total funding for 2022-2023



## Services

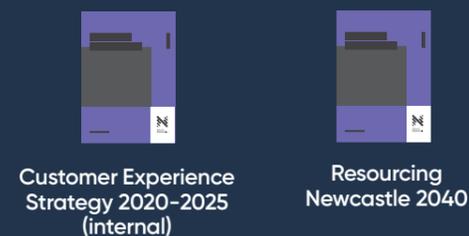
- Business & customer improvement
- Regulatory services
- Corporate finance
- Rates & debt management
- Legal services & contracts
- Governance
- Records & information
- Audit & risk
- Information technology
- Media & stakeholder relations
- Customer experience
- People & culture

## Assets

- 1,300 CN staff
- 7 Informing strategies within N2040
- \$2 billion Total value of assets
- 4 Strategic Advisory Committees
- 171,307 Residents
- 304 Volunteers
- 1 Customer Service Centre
- 1 Have Your Say engagement site
- 13 Lord Mayor & councillors
- 1 Guraki Aboriginal Advisory Committee
- 1 Newcastle Youth Council
- 1 City of Newcastle app

## Informing strategies

The following strategies have been developed to provide more specific and detailed guidance on the objectives of Achieving Together Newcastle.



### Supporting strategies and plans

- Disability Inclusion Action Plan 2022-2026
- Aboriginal Employment Strategy 2021
- Reconciliation Action Plan 2021-2024

## Service indicators

Service indicators show the high-level impact of CN's service delivery on our city and community.

CN uses these indicators to track progress and performance against our service delivery and to guide our decision-making.

Trust in CN (Source: CN's Liveability and Wellbeing survey)

Overall performance (Source: CN's Community Satisfaction survey)

Operating performance ratio \*

Own source operating revenue ratio \*

Unrestricted current ratio \*

Debt service cover ratio \*

Rates and annual charges outstanding percentage \*

Cash expense cover ratio \*

\* Source: CN's financial statements

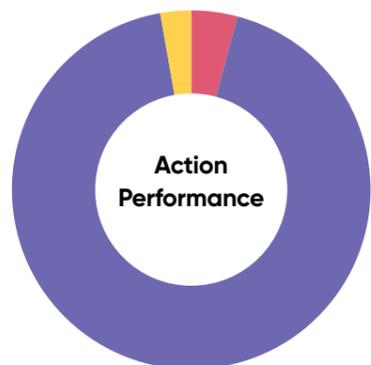
## Key initiatives

- Our people
- Financial sustainability
- Customer Experience Transformation Program
- Digital transformation



**Total actions**  
**95%**

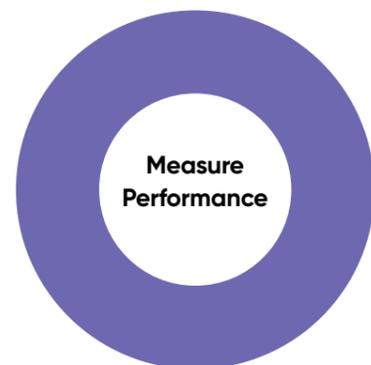
Actions completed or on track



● Monitor 2 | 2%  
● On Track 101 | 95%  
● Off Track 3 | 3%  
● No Targets Set 0 | 0%

**Total measures**  
**100%**

Measures completed or on track



● Monitor 0 | 0%  
● On Track 13 | 100%  
● Off Track 0 | 0%  
● No Targets Set 0 | 0%

## Priority 4.1 Inclusive and integrated planning

### 4.1.1 Financial sustainability

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Ensure management of budget is compliant with policy, legislation, risk tolerance and corporate strategies	✓		Finance Property & Performance	✓
Ensure rates and charges for the financial year are levied and collected in accordance with relevant legislation, while also incorporating rates assistance provisions	✓		Finance Property & Performance	✓
Provide effective management of investment portfolio to maximise return within our policy and risk framework		✓	Finance Property & Performance	✓
Ensure timely and accurate management of accounts payable, stores and logistics, purchasing procedures and financial authorisations to provide both internal and external customers with a high level of service	✓		Finance Property & Performance	✓

### 4.1.2 Integrated planning and reporting

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Continue integration of service asset planning with corporate systems including Camms Risk, Camms Strategy and Service Planning	✓	✓	Assets & Facilities	✓
Build awareness across councillors and the community around our long-term planning and integrating <i>Newcastle 2040's</i> vision and priorities into all that we do		✓	Finance Property & Performance	✓
Develop <i>Delivering Newcastle 2040</i> and quarterly reports through inclusive, integrated planning and reporting and collaboration across the organisation	✓	✓	Finance Property & Performance	✓
Build awareness and capabilities around IPR and strategic planning with a corporate online hub		✓	Finance Property & Performance	✓



CN's new Enterprise Agreement (EA) 2023 was ratified by the NSW Industrial Relations Commission on 13 December 2022. The new EA reflects commitment to inclusion, diversity and equity along with a raft of other leave provisions and enhancements offering greater flexibility.

### 4.1.3 Aligned and engaged workforce

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Continue to develop a culture underpinned by safety, where our employees feel their wellbeing is valued and their safety is CN's first consideration	✓	✓	People & Culture	✓
Partner to enhance the lens of safety in CN culture	✓		People & Culture	✓
Implement Recovery at Work Program to foster a healthy environment for return to work following lost time injury	✓		People & Culture	✓
Continue to implement Health and Wellbeing Strategy with a focus on psychosocial risk management	✓	✓	People & Culture	✓
Continue to mature enterprise risk management culture and framework to enhance decision-making in supporting delivery of CN's vision, purpose and objectives	✓	✓	Legal & Governance	✓
Implement approved salary system review that includes a progression framework, job evaluation tools and recognition of critical roles in collaboration with parties to the CN Enterprise Agreement (2019)		✓	People & Culture	✓
Implement Remuneration Governance Framework		✓	People & Culture	
Review, analyse and recommend appropriate activities and strategies for employee value proposition, focusing on attraction and retention		✓	People & Culture	✓
Review, analyse and implement improved activities to build CN's reputation as an employer of choice		✓	People & Culture	✓
Implement Inclusion, Diversity and Equity Strategy (2022-2025)		✓	People & Culture	✓
Review Full Time Employee (FTE) requirements and critical roles annually as part of the corporate planning process	✓	✓	People & Culture	✓
Review true vacancies regularly to offer opportunities and flexible options for critical emerging and development roles	✓	✓	People & Culture	✓



EV Charging Station.

### Measures



## Priority 4.2 Trust and transparency

### 4.2.1 Genuine engagement

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Develop engagement and communication strategy for Broadmeadow Place Strategy		✓	Planning Transport & Regulation	✓
Develop and implement Engagement and Culture Strategy		✓	People & Culture	✓
Enhance and build trust with effective communications and genuine community engagement	✓	✓	Media Engagement Economy & Corp Affairs	✓
Establish community engagement at the forefront of project planning	✓	✓	Media Engagement Economy & Corp Affairs	✓
Conduct genuine community engagement for project plans and strategy	✓		Media Engagement Economy & Corp Affairs	✓
Expand engagement with the community through improved use of digital platforms and communication regarding CN projects	✓	✓	Media Engagement Economy & Corp Affairs	✓
Develop targeted engagement strategies to ensure feedback from hard-to-reach groups is incorporated in decision-making	✓	✓	Media Engagement Economy & Corp Affairs	✓

### 4.2.2 Shared information and celebration of success

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Celebrate our achievements through our Annual Report	✓	✓	Finance Property & Performance	✓
Provide important and relevant updates to stakeholders regarding development, planning and regulations	✓	✓	Planning Transport & Regulation	✓
Implement Leadership Capability Framework		✓	People & Culture	✓
Deliver on-budget centralised marketing programs, including for major events, key projects, CN facilities and corporate marketing	✓	✓	Media Engagement Economy & Corp Affairs	✓
Establish creative services including graphic design and digital content production as an internal service	✓		Media Engagement Economy & Corp Affairs	✓
Manage integrity of CN's brand	✓		Media Engagement Economy & Corp Affairs	✓
Develop and implement communications campaigns using a range of channels and media to reach community and stakeholders with key information	✓		Media Engagement Economy & Corp Affairs	✓
Provide strategic communications support, including delivering effective communication plans and products to promote activities and services	✓	✓	Media Engagement Economy & Corp Affairs	✓
Use a range of methods and channels to ensure broad reach	✓		Media Engagement Economy & Corp Affairs	✓
Process applications for access to information within statutory timeframe in accordance with GIPA Act	✓		Legal & Governance	✓
Proactively publish information on CN's website and improve efficient release of information	✓		Legal & Governance	✓
Ensure compliance with obligations under the <i>Privacy Act</i> and Privacy Management Plan	✓		Legal & Governance	✓

### 4.2.3 Trusted customer experience

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Create and maintain high level of customer satisfaction through all services provided at the Museum	✓		Museum Archive Libraries & Learning	✓
Continue to provide high-quality, responsive customer service delivery to the community via phone, digital and counter channels	✓	✓	Customer Experience	✓
Provide regular and meaningful communications to both internal and external customers around customer experience improvement initiatives and customer satisfaction/success indicators	✓		Customer Experience	✓
Provide exceptional visitor experience for all customers - audience, artists, touring parties, CN staff	✓		Civic Services	✓
Implement and manage Voice of the Customer Program	✓		Customer Experience	✓
Embed customer-centric ways of working and continue to grow service delivery capabilities to manage customer expectations and deliver what we promise		✓	Customer Experience	✓
Improve customer experience and staff engagement	✓		Planning Transport & Regulation	✓
Improve stakeholder relationships within CN and review common processes to improve customer experience	✓	✓	Planning Transport & Regulation	✓
Deliver complaints-handling management and reporting	✓		Customer Experience	✓
Develop Social Media Style Guide that aligns with Corporate Brand Strategy	✓	✓	Media and Stakeholder Relations	✓
Develop and deliver Digital Marketing Strategy to increase online profile and presence		✓	Media Engagement Economy & Corp Affairs	✓
Oversee corporate website content, including homepage curation and coordination of the editor/champion network	✓		Media Engagement Economy & Corp Affairs	✓
Manage surrendered and lost animals in CN facility, with active engagement to find owners or rehome	✓		Planning Transport & Regulation	✓
Provide legal representation in litigated matters	✓		Legal & Governance	✓

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Conduct monthly collection management record auditing	✓		Museum Archive Libraries & Learning	✓
Build a framework for health monitoring across whole employee life cycle	✓		People & Culture	✓
Develop another targeted approach to hazardous manual handling	✓		People & Culture	✓
Maintain CN's delegation and authorisations register	✓		Legal & Governance	✓
Ensure insurance program appropriately protects CN's risk exposure, achieves value for money and claims are managed in a timely manner	✓		Legal & Governance	✓
Adopt and maintain audit committee in accordance with statutory obligations and recognised best practice	✓		Legal & Governance	✓
Implement best practice improvements to Corporate Governance Framework	✓		Legal & Governance	✓
Create awareness and manage CN's Code of Conduct as a core component of Ethical Framework	✓		Legal & Governance	✓
Maintain Policy Framework	✓		Legal & Governance	✓
Maintain Legislative Compliance Framework	✓		Legal & Governance	✓
Facilitate councillor professional development and councillors understanding their obligations as elected representatives	✓		Legal & Governance	✓
Continue optimisation of Human Resource Information System	✓		People & Culture	○
Develop and implement information security operations to manage/audit IT governance and meet legislation and regulatory compliance requirements	✓		Information Technology	✓
Maintain support for operational practices to manage all customer and business interactions	✓		Planning Transport & Regulation	✓

Measures



Qualitative measures based on community perceptions



Level of community satisfaction with CN's response to community needs



Quantitative measures based on data



CN website visitors per month



Number of council resolutions completed and resolved



Number of compliments and complaints received at CN

## Priority 4.3 Collaborative and innovative approach

### 4.3.1 Collaborative organisation

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Provide timely and considered legal advice to internal stakeholders to protect legal risk	✓		Legal & Governance	✓
Contribute to a collaborative organisation through face-to-face interactions and identifying opportunities for adding value within CN	✓		Information Technology	✓
Facilitate Leadership Development Program		✓	People & Culture	✓
Support internal stakeholders to enable efficient and effective delivery of works in the community		✓	Civil Construction & Maintenance	✓
Actively listen to our community to improve service delivery and programming at the Museum	✓		Museum Archive Libraries & Learning	✓
Enhance relationships within and external to CN to promote the Museum		✓	Museum Archive Libraries & Learning	✓
Provide timely and considered contract advice to internal stakeholders to protect Legal risk	✓		Legal & Governance	✓
Maintain a records management program	✓		Legal & Governance	✓
Continue to deliver revised Privacy Management Plan	✓		Legal & Governance	✓

### 4.3.2 Innovation and continuous improvement

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Develop and implement Business Excellence Framework and Continuous Improvement Program		✓	Finance Property & Performance	✓
Foster a culture of quality and continuous improvement, facilitated through an ongoing commitment to training and mentoring	✓		Civil Construction & Maintenance	✓
Encourage innovative thought and process, striving for best practice approaches, solutions, systems and deliverables	✓		Media Engagement Economy & Corp Affairs	○
Improve processing times for development and related applications and align with performance indicators	✓		Planning Transport & Regulation	✓
Optimise landfill operations		✓	Waste Services	○
Improve Summerhill Waste Management Centre accessibility		✓	Waste Services	○
Implement IT changes to improve efficiencies and assist with development assessment and compliance business operations		✓	Planning Transport & Regulation	✓
Develop and deliver internal programming to build capacity and apply technologies and innovation practices	✓	✓	Media Engagement Economy & Corp Affairs	○



Pepper the dancing robot at the Digital Library 12 Stewart Avenue, Newcastle West.

### 4.3.2 Innovation and continuous improvement

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Drive cost savings and improved customer service levels through growth in use of electronic rates emailing platform		✓	Finance Property & Performance	✓
Review current processes and procedures with development assessment and compliance matters and identify opportunities to streamline and improve		✓	Planning Transport & Regulation	✓
Consistently apply the right method and channel for delivering value to CN through flexible delivery	✓		Information Technology	✓
Maintain operational fleet and plant to provide cost-effective, safe, fit-for-purpose, legislatively compliant assets that support the needs of internal customers in their delivery of services to the community	✓		Civil Construction & Maintenance	✓
Provide value to CN by constantly searching for ways to improve and refine fleet assets through strategic planning, data-driven decision-making and alignment with CN's sustainability goals and vision, as well as all applicable legislation		✓	Assets & Facilities	✓
Revise and embed CN's crisis and emergency management capabilities	✓		Legal & Governance	✓
Develop and implement Continuous Improvement Program relating to key functions in development assessment		✓	Planning Transport & Regulation	✓
Deliver annual internal audit program in accordance with Office of Local Government guidelines	✓		Legal & Governance	✓
Implement revised Corruption Prevention Framework	✓		Legal & Governance	✓
Develop Employee Listening Strategy		✓	People & Culture	✓
Identify and action process improvements to increase interaction with customers across all Transport and Compliance avenues	✓	✓	Planning Transport & Regulation	✓
Review, confirm and map all active processes across Transport and Compliance to maximise operational efficiencies	✓	✓	Planning Transport & Regulation	✓
Continue to resource and deliver business support outcomes while identifying and actioning efficiency improvements	✓	✓	Planning Transport & Regulation	✓

### 4.3.3. Data-driven decision-making and insights

ACTION	BAU	STRATEGY	SERVICE UNIT	STATUS
Deliver needs-based data architecture that directly links to CN's priorities, objectives and governance requirements		✓	Information Technology	✓
Deliver Shared Data Framework and leverage open and shared data for organisational and city innovation	✓	✓	Media Engagement Economy & Corp Affairs	✓
Develop customer satisfaction survey to gauge user feedback on IT service and identify opportunities for improvement		✓	Information Technology	✓
Establish a data analytics service under City Intelligence Program, aimed at providing evidence-based insights to the business community	✓	✓	Media Engagement Economy & Corp Affairs	✓
Enable data-trusted single source of truth that is clean, comprehensive, governed and accessible		✓	Information Technology	✓
Implement Performance and Development Framework	✓	✓	People & Culture	✓
Consolidate and enhance geospatial capabilities to support service delivery, increase operational efficiency and improve decision-making	✓	✓	Information Technology	✓
Implement and establish measures for marketing and business development strategy and key campaigns for the Civic Venues		✓	Civic Services	✓
Create a data-led organisation where business intelligence actively informs decision-making and future strategy development		✓	Information Technology	✓

#### Measures



# Works program 2022-2023

FULL YEAR ADOPTED BUDGET \$,000	PORTFOLIO/PROGRAM	RECOMMENDED SEPTEMBER 2022 (\$,000)	PROJECTED YEAR END RESULT 2022/23 (\$,000)	ACTUAL YTD (\$,000)
<b>2,132</b>	<b>Infrastructure &amp; Property</b>	<b>(226)</b>	<b>1,906</b>	<b>130</b>
905	Buildings - Council Support Services	20	925	83
-	Caravan Parks and Commercial Properties	-	-	-
300	Community Buildings	-	300	13
527	Public Toilets	(287)	240	-
400	Retaining Walls	41	441	34
<b>16,035</b>	<b>Roads</b>	<b>(485)</b>	<b>15,550</b>	<b>2,210</b>
3,938	Bridges	(60)	3,877	336
1,000	Footpaths	351	1,351	275
1,372	Road Furniture	(109)	1,263	264
3,225	Road Rehabilitation	(29)	3,196	530
6,500	Road Resurfacing	(638)	5,862	805
<b>3,245</b>	<b>Transport</b>	<b>632</b>	<b>3,877</b>	<b>1,069</b>
1,885	Cycleways *	(812)	1,073	105
230	Parking Infrastructure	865	1,095	383
327	Pedestrian Access and Mobility Plan	247	574	183
803	Local Area Traffic Management	333	1,135	398
-	Parking Meter Replacement	-	-	-
<b>5,937</b>	<b>Stormwater</b>	<b>1,382</b>	<b>7,319</b>	<b>1,140</b>
5,727	Stormwater System	1,344	7,071	1,128
210	Flood Planning	38	248	12
<b>8,266</b>	<b>Environment</b>	<b>1,457</b>	<b>9,723</b>	<b>1,786</b>
3,330	Coast, Estuary and Wetlands	923	4,253	950
3,126	Bushland and Watercourses	534	3,660	609
1,810	Street and Park Trees	-	1,810	227
<b>6,811</b>	<b>Information Technology</b>	<b>169</b>	<b>6,980</b>	<b>1,499</b>
1,060	Digital Enablement	(37)	1,023	181
-	Integrated Data and Systems	265	265	22
5,751	Core Systems Development and Maintenance	(59)	5,692	1,296
<b>3,972</b>	<b>Strategic</b>	<b>(25)</b>	<b>3,947</b>	<b>438</b>
340	Strategic Plans	-	340	13
2,065	Smart City	(100)	1,965	225
775	Economic Development	75	850	1
792	CX Strategy	-	792	198
<b>3,825</b>	<b>Fleet Replacement</b>	<b>-</b>	<b>3,825</b>	<b>415</b>

FULL YEAR ADOPTED BUDGET \$,000	PORTFOLIO/PROGRAM	RECOMMENDED SEPTEMBER 2022 (\$,000)	PROJECTED YEAR END RESULT 2022/23 (\$,000)	ACTUAL YTD (\$,000)
3,825	Fleet Replacement	-	3,825	415
<b>7,879</b>	<b>Priority Projects</b>	<b>(320)</b>	<b>7,559</b>	<b>1,875</b>
315	Blackbutt Reserve	(25)	290	10
2,876	City Centre Revitalisation	(1,311)	1,565	89
825	Coastal Revitalisation	10	835	565
3,863	Urban Centre Revitalisation	1,006	4,869	1,211
<b>74,504</b>	<b>City Wide Services</b>	<b>(2,910)</b>	<b>71,594</b>	<b>4,869</b>
6,843	Aquatic Centres	61	6,903	1,843
1,325	Civic Venues / Civic Services	3	1,328	17
865	Libraries	5	870	142
8,483	Rec Parks, Sporting and Open Spaces	(1,851)	6,632	773
39,263	Waste Management	(1,127)	38,136	1,048
17,625	Art Gallery	-	17,625	1,044
100	Museum / Historic Fort Scratchley	-	100	-
<b>132,605</b>	<b>Total Works Program</b>	<b>(325)</b>	<b>132,281</b>	<b>15,430</b>

\*The total spend on Cycleways across all Programs is \$4.8 million.

# Measures

Measures help us understand how well CN is performing. They also allow for evidence-based decision-making to inform other stages in our planning cycle.



**Service and program measures**  
The impact of our individual services and programs

## KEY FOR BASELINE DATA

All baseline data is 2020-2021 unless otherwise stated

*New measure	New measure means targets will be set after 12 months of data collection.
**Satisfaction reasoning	A mean score above 3.0 indicates more satisfaction than dissatisfaction within the community. CN aims for satisfaction with these assets and services. A mean score above 3.5 indicates high satisfaction. CN aims for higher satisfaction for these higher-performing assets and services.

N2040 THEME: LIVEABLE NEWCASTLE			N2040 THEME: LIVEABLE NEWCASTLE		
PRIORITIES	SERVICE AND PROGRAM MEASURES	TARGET	BASELINE	WHY THIS IS IMPORTANT	SOURCE
<b>1.1 Enriched neighbourhoods and places</b>	<ul style="list-style-type: none"> <li>Level of community satisfaction with sportsground usage</li> <li>Level of community satisfaction with beaches and beach facilities</li> <li>Level of community satisfaction with parks and recreational areas</li> <li>Number of community seasonal sport bookings</li> <li>Parks usage attendance</li> <li>Beach usage attendance</li> <li>Pools usage attendance</li> </ul>	<ul style="list-style-type: none"> <li>Greater than 3.5**</li> <li>Greater than 3.5**</li> <li>Greater than 3.5**</li> <li>New measure*</li> <li>New measure*</li> <li>Maintain</li> <li>Increase by 5%</li> </ul>	<ul style="list-style-type: none"> <li>3.8</li> <li>4.0</li> <li>3.7</li> <li>114</li> <li>*New measure</li> <li>1,411,258</li> <li>336,703</li> </ul>	<p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p> <p>CN is responsible for the development, maintenance and management of many community assets including parks, gardens, playgrounds and ovals, beaches and pools, to name just a few. Within these spaces there may be a number of facilities including BBQs, fitness and play equipment, toilets, walking tracks, irrigation systems and water features.</p> <p>This data provides insight into how people use our city over time and informs decision-making that responds to current and future needs and behaviours of our community.</p>	<ul style="list-style-type: none"> <li>CN - Satisfaction Survey</li> <li>CN - Satisfaction Survey</li> <li>CN - Satisfaction Survey</li> <li>CN - Booking System</li> <li>CN data</li> <li>CN data</li> <li>BlueFit Report</li> </ul>
<b>1.2 Connected and fair communities</b>	<ul style="list-style-type: none"> <li>Number of awareness-raising initiatives relating to inclusion</li> <li>Library program, event and exhibition attendance</li> <li>Visits to Library physical service points</li> <li>Level of community satisfaction with Libraries</li> <li>Number of Home Library Service items/members</li> <li>Number of Library loans</li> </ul>	<ul style="list-style-type: none"> <li>New measure*</li> <li>Increase by 5%</li> <li>Increase by 5%</li> <li>Greater than 3.5**</li> <li>Increase by 5%</li> <li>Increase by 5%</li> </ul>	<ul style="list-style-type: none"> <li>New measure*</li> <li>54,964</li> <li>263,495</li> <li>4.0</li> <li>25,000/277</li> <li>769,329</li> </ul>	<p>These insights help us understand the needs of our audiences to support more effective planning, engagement and design outcomes for our program, events and exhibitions.</p> <p>CN is responsible for the management and maintenance of many community assets across the LGA, including libraries. Within these spaces there may be a number of facilities, services and programs. This data provides insight into how people use our libraries over time and informs decision-making that responds to current and future needs and behaviours of our community.</p> <p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p> <p>The Home Library Service is for anyone who isn't physically able to make it to a branch because of a disability, illness or limited mobility. This insight helps us understand the needs of our community and plan our programs for the future, but also highlights the important of connection outside of our assets.</p>	<ul style="list-style-type: none"> <li>CN data</li> <li>CN - Library data</li> <li>CN - Library data</li> <li>CN - Satisfaction Survey</li> <li>CN - Library data</li> <li>CN - Library data</li> </ul>

N2040 THEME: LIVEABLE NEWCASTLE			N2040 THEME: LIVEABLE NEWCASTLE		
PRIORITIES	SERVICE AND PROGRAM MEASURES	TARGET	BASELINE	WHY THIS IS IMPORTANT	SOURCE
1.3 Safe, active and linked movement across the city	<ul style="list-style-type: none"> <li>Level of community satisfaction with footpaths</li> <li>Level of community satisfaction with roads</li> <li>% and distance of shared paths improved</li> <li>% and distance of shared paths added</li> <li>Distance of roads new and improved</li> <li>Number of bike parking spaces within local centres</li> </ul>	<ul style="list-style-type: none"> <li>Greater than 3**</li> <li>Greater than 3**</li> <li>TBA</li> <li>TBA</li> <li>TBA</li> </ul>	<ul style="list-style-type: none"> <li>3.1</li> <li>3.2</li> <li>TBA</li> <li>TBA</li> <li>TBA</li> <li>TBA</li> </ul>	<p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p> <p>Walking and cycling are basic, affordable and clean forms of travel available to almost all ages and groups in society. In Newcastle, though private cars are the dominant mode for commuting and, indeed, all trip purposes, the large majority of trips involve distances that could reasonably be undertaken by walking or cycling. Coupled with large areas of relatively flat topography and Newcastle's favourable climate, potential for mode substitution is high, and this indicator assesses the perceived walkability and cycle-friendly nature of our city.</p>	<ul style="list-style-type: none"> <li>CN - Satisfaction Survey</li> <li>CN - Satisfaction Survey</li> <li>CN data</li> <li>CN data</li> <li>CN data</li> </ul>
1.4 Innovative and connected city	<ul style="list-style-type: none"> <li>Number of heritage collection items digitised</li> <li>Number of Pay by Phone parking transactions</li> <li>Number of customer service webchats</li> <li>Customer satisfaction with webchat conversations</li> <li>Number of e-Library loans</li> <li>Level of community satisfaction with the city's innovation</li> </ul>	<ul style="list-style-type: none"> <li>10,000 per annum</li> <li>Increase by 10%</li> <li>Increase by 10%</li> <li>Maintain above 90%</li> <li>TBA</li> <li>Greater than 3.5**</li> </ul>	<ul style="list-style-type: none"> <li>67,027 items</li> <li>851,827</li> <li>2,727</li> <li>91%</li> <li>TBA</li> <li>3.5</li> </ul>	<p>For more than 60 years the Library has been committed to collecting and documenting the story of Newcastle and the Hunter. Over that time the Library has acquired an extensive and important collection of books, documents, archives, maps, pictures and photographs that document the story of Newcastle. The Library has a number of collections that feature rare, unique and notable items. Many of the items in these collections have come to the Library through the generous donations of members of the community. Key to accessing this information is the use of new digital technologies to make old information more widely accessible and able to be reused.</p> <p>Increased digital uptake will support improvements in living standards, ensuring we remain globally competitive and are well positioned to protect our interests. Greater adoption of digital technology in a secure and trusted environment is one of the drivers of liveability.</p> <p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p>	<ul style="list-style-type: none"> <li>CN - Library data</li> <li>CN data</li> <li>CN data</li> <li>CN data</li> <li>CN data</li> <li>CN - Satisfaction Survey</li> </ul>

N2040 THEME: SUSTAINABLE NEWCASTLE			N2040 THEME: SUSTAINABLE NEWCASTLE		
PRIORITIES	SERVICE AND PROGRAM MEASURES	TARGET	BASELINE	WHY THIS IS IMPORTANT	SOURCE
2.1 Action on climate change	<ul style="list-style-type: none"> <li>Installed lighting to be LED</li> <li>CN reduction in electricity use</li> <li>Number of EV chargers available to the community</li> <li>Level of community satisfaction with climate action</li> </ul>	<ul style="list-style-type: none"> <li>100% of all installed lighting to be LED by 2025</li> <li>30% reduction by 2025</li> <li>All key sites throughout the city</li> <li>Greater than 3**</li> </ul>	<ul style="list-style-type: none"> <li>5,000</li> <li>20.8% progress to date</li> <li>4 public EV charging sites (7 chargers, 11 charging bays)</li> <li>3.2</li> </ul>	<p>LED lighting produces less waste light and more useful lumens than other lighting technologies. By replacing all the lighting in our LGA with LEDs, we will see as much as a 60% to 70% improvement in our overall energy efficiency.</p> <p>Saving electricity reduces energy costs, as well as how much carbon dioxide is released into the atmosphere.</p> <p>Transport emissions play a significant role in our city's carbon emissions, as well as air and noise pollution, which will be reduced through the uptake of electric vehicles.</p> <p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p>	<ul style="list-style-type: none"> <li>TBA</li> <li>Ironbark Sustainability snapshotclimate.com.au</li> <li>CN data</li> <li>CN - Satisfaction Survey</li> </ul>
2.2 Nature-based solutions	<ul style="list-style-type: none"> <li>Tree vacancies identified in Tree Asset Management System (TAMS)</li> <li>Number of plants used in urban forest planting (CN open space) annually</li> <li>Level of community satisfaction with the city's wetlands and estuary</li> <li>Level of community satisfaction with greening and tree preservation</li> <li>Level of community satisfaction with the city's bushland and waterways</li> </ul>	<ul style="list-style-type: none"> <li>85% of vacancies to be planted by 2045. 100% of vacancies to be planted by 2060 (TAMS)</li> <li>4 areas per annum</li> <li>Greater than 3.5**</li> <li>Greater than 3.5**</li> <li>Greater than 3.5**</li> </ul>	<ul style="list-style-type: none"> <li>63,000 vacant tree spots at 31/01/2022 (TAMS) reducing by effective 500 p.a.</li> <li>4 areas per annum</li> <li>3.6</li> <li>3.4</li> <li>3.5</li> </ul>	<p>The overall performance of tree planting needs to be a comparison between the trees planted vs the trees being removed within the same timeframe to be a true record. Vacancies are measured because when vacancies reduce, there is a net gain in trees.</p> <p>Native plants play a very important role in our ecosystems. They are more favourable for supporting local wildlife and have evolved for survival. Consequently, they tend to be more naturally adapted to local growing conditions and often require fewer inputs (for example, fertiliser or water) for successful establishment, and this can mean reduced maintenance.</p> <p>CN plays a role in the provision of green, blue and wild spaces for the health and enjoyment of the community. Community satisfaction with these spaces is examined in the annual satisfaction survey with the aim to increase satisfaction scores year on year. Our community should be satisfied with the environmental assets and services that CN provides.</p>	<ul style="list-style-type: none"> <li>TAMS</li> <li>CN data</li> <li>CN - Satisfaction Survey</li> <li>CN - Satisfaction Survey</li> <li>CN - Satisfaction Survey</li> </ul>

N2040 THEME: SUSTAINABLE NEWCASTLE			N2040 THEME: SUSTAINABLE NEWCASTLE		
PRIORITIES	SERVICE AND PROGRAM MEASURES	TARGET	BASELINE	WHY THIS IS IMPORTANT	SOURCE
2.3 Circular economy	<ul style="list-style-type: none"> <li>• Tonnes of waste material recovered</li> <li>• Level of community satisfaction with green waste collection</li> <li>• Level of community satisfaction with greening and tree preservation</li> </ul>	<ul style="list-style-type: none"> <li>• New measure*</li> <li>• Greater than 3.5**</li> <li>• Greater than 3.5**</li> </ul>	<ul style="list-style-type: none"> <li>• 31,928.77 tonnes</li> <li>• 3.7</li> <li>• 3.7</li> </ul>	<p>Reducing waste conserves space in our landfills and reduces the need to build more landfills, which take up valuable space and are a source of air and water pollution.</p> <p>By reducing our waste, we are also conserving our resources. Resources like aluminium, petroleum and trees are all used to make new materials such as cans, plastic bags and paper packaging.</p> <p>Less energy is used to recycle materials as opposed to creating new materials. The manufacturing of consumer goods is a process that consumes a lot of energy, so by limiting the amount of new resources required, a large amount of energy can be saved.</p> <p>By recycling, reusing and reducing the amount of waste we have, we are helping to build a more sustainable future for all. We only have a limited amount of natural resources on this planet and a limited capacity to process waste, so it's important to do our part each day towards a better future.</p> <p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p> <p>Local businesses are the lifeblood of our community. Supporting local businesses creates jobs, reduces carbon footprints, injects money into the local economy and promotes a sense of community. CN commits to the preference of local businesses when considering the acquisition of goods and services.</p>	<ul style="list-style-type: none"> <li>• CN data*</li> <li>• CN - Satisfaction Survey</li> <li>• CN - Satisfaction Survey</li> </ul> <p><i>* Includes kerbside collection, bulk waste and drop-off</i></p>

N2040 THEME: CREATIVE NEWCASTLE			N2040 THEME: CREATIVE NEWCASTLE		
PRIORITIES	SERVICE AND PROGRAM MEASURES	TARGET	BASELINE	WHY THIS IS IMPORTANT	SOURCE
3.1 Vibrant and creative city	<ul style="list-style-type: none"> <li>Number of events delivered</li> <li>Number of event licences processed/actioned</li> <li>Number of ticketed attendance at Civic Theatre</li> <li>Number of attendance at City Hall</li> <li>Growth in business tourism</li> <li>Level of community satisfaction with promotion of tourism</li> <li>Level of community satisfaction with entertainment and events</li> <li>Number of social media followers across all CN platforms (quarterly)</li> <li>Social media reach on the CN corporate channel only (quarterly)</li> </ul>	<ul style="list-style-type: none"> <li>Increase by 10%</li> <li>Increase by 10%</li> <li>Increase by 10%</li> <li>Increase by 10%</li> <li>New measure*</li> <li>Greater than 3.5**</li> <li>Greater than 3.5**</li> <li>New measure*</li> <li>Increase by 5%</li> </ul>	<ul style="list-style-type: none"> <li>252 (2021/22)</li> <li>462/240</li> <li>92,260</li> <li>8,999</li> <li>\$219m (2019)</li> <li>3.6</li> <li>3.7</li> <li>285,846 (Q1 2022)</li> <li>225,259 (Q1 2022)</li> </ul>	<p>Success begins with getting to know your audience members – what motivates them, what makes them engage or disengage. Tailoring your event design to create meaningful, personal connections with attendees will ultimately help you drive behaviour change and create value for your business.</p> <p>An event is recognised as having a low, medium, high or major impact based on numbers of attendees. Minor: 1 to 250, Low: 250 to 2,500, Medium: 3,000 to 6,000, High: 6,500 to 10,000, Major: 10,000 to 25,000 + Multiple Venues.</p> <p>Events and performances are a key component of developing a sense of community and pride, generating economic growth, accentuating natural and man-made assets, and giving the city its identity, both regionally and nationally.</p> <p>In addition to being one of the key drivers of the tourism industry's development, the business events sector is an important generator of income, employment, innovation and investment. Individual LGA profiles are no longer available; consequently Newcastle data is incorporated into Hunter Region data.</p> <p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p> <p>We use social media to engage and communicate with our community. We can measure how people are interacting with us and if our message resonates with them. We can also use social media to learn from our customers and community about how we can improve their experience. 'Reach' provides a meaningful measure, as it looks at how many individual people actually engage with our social media.</p>	<ul style="list-style-type: none"> <li>Ungerboeck</li> <li>Ungerboeck</li> <li>CN data</li> <li>CN data</li> <li>CN – Satisfaction Survey</li> <li>CN – Satisfaction Survey</li> <li>CN data</li> <li>CN data</li> </ul>

N2040 THEME: CREATIVE NEWCASTLE			N2040 THEME: CREATIVE NEWCASTLE		
PRIORITIES	SERVICE AND PROGRAM MEASURES	TARGET	BASELINE	WHY THIS IS IMPORTANT	SOURCE
<b>3.3 Celebrating culture</b>	<ul style="list-style-type: none"> <li>Level of community satisfaction with Art Gallery and programs</li> <li>Level of community satisfaction with Civic venues</li> <li>Level of community satisfaction with Museum</li> <li>Physical attendance at Art Gallery outreach programs</li> <li>Number of artists celebrated (Art Gallery)</li> <li>Museum ticketed attendees</li> </ul>	<ul style="list-style-type: none"> <li>Greater than 3.5**</li> <li>Greater than 3.5**</li> <li>Greater than 3.5**</li> <li>New measure*</li> <li>New measure*</li> <li>Increase by 5%</li> </ul>	<ul style="list-style-type: none"> <li>3.7</li> <li>3.7</li> <li>3.7</li> <li>New measure*</li> <li>New measure*</li> <li>105,745</li> </ul>	<p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p> <p>Over the next two years the Art Gallery will modify some of the ways it connects with the community, while its physical space is being upgraded. This change will lead to increased outreach programs. To capture the Art Gallery's impact on how we celebrate culture, outreach programs will be measured by number of people attending.</p> <p>Reinforce the links between artistic creations and society, encourage greater awareness of the diversity of artistic expressions and highlight the contribution of artists to sustainable development.</p> <p>Events and performances are a key component of developing a sense of community and pride, generating economic growth, accentuating natural and man-made assets, and giving the city its identity, both regionally and nationally.</p>	<ul style="list-style-type: none"> <li>CN - Satisfaction survey</li> <li>CN - Satisfaction survey</li> <li>CN - Satisfaction survey</li> <li>CN data</li> <li>CN data</li> <li>Camms</li> </ul>
<b>3.4 City-shaping partnerships</b>	<ul style="list-style-type: none"> <li>Number of DAs determined</li> <li>Number of DAs approved</li> <li>Level of community satisfaction with management of residential development</li> </ul>	<ul style="list-style-type: none"> <li>Maintain</li> <li>Maintain</li> <li>Greater than 3**</li> </ul>	<ul style="list-style-type: none"> <li>1,645</li> <li>1,309</li> <li>3.2</li> </ul>	<p>Development Applications (DAs) are a merit-based assessment conducted directly through CN.</p>	<ul style="list-style-type: none"> <li>CN data</li> <li>CN - Satisfaction survey</li> </ul>

N2040 THEME: ACHIEVING TOGETHER			N2040 THEME: ACHIEVING TOGETHER		
PRIORITIES	SERVICE AND PROGRAM MEASURES	TARGET	BASELINE	WHY THIS IS IMPORTANT	SOURCE
4.1. Inclusive and integrated planning	<ul style="list-style-type: none"> <li>Level of community satisfaction with CN's long-term planning and vision for the city</li> <li>Level of community satisfaction with CN's overall performance</li> <li>Decrease first year employee turnover rate</li> <li>Increase Indigenous workforce representation</li> <li>Increase our workplace engagement result</li> </ul>	<ul style="list-style-type: none"> <li>Greater than 3**</li> <li>Greater than 3.5**</li> <li>12.5%</li> <li>4%</li> <li>7.2%</li> </ul>	<ul style="list-style-type: none"> <li>3.3</li> <li>3.7</li> <li>14%</li> <li>3%</li> <li>7%</li> </ul>	<p>During engagement for Newcastle 2040, the community told us that considered and long-term planning should be a key focus area to ensure our vision of a liveable, sustainable and thriving global city is obtained. Community views on the success of CN to plan long-term are gained through the annual satisfaction survey with the aim to increase satisfaction scores year on year.</p> <p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p> <p>This data provides insights into our people. A strong culture attracts talent that fits into our organisation better and helps keep them on board longer. People who feel like they are where they belong are more likely to stay, which means higher retention rates and lower turnover and increases overall wellbeing for both individuals and communities.</p>	<ul style="list-style-type: none"> <li>CN - Satisfaction survey</li> <li>CN - Satisfaction survey</li> <li>HRIS</li> <li>HRIS</li> <li>Engagement Survey</li> </ul>
4.2. Trust and transparency	<ul style="list-style-type: none"> <li>Number of resolutions, total and resolved</li> <li>Level of community satisfaction with CN's response to community needs</li> <li>Number of compliments received at CN</li> <li>Number of complaints received at CN</li> </ul>	<ul style="list-style-type: none"> <li>Greater than 80%</li> <li>Greater than 3.5**</li> <li>Maintain higher compliments than complaints</li> </ul>	<ul style="list-style-type: none"> <li>227 total/191 completed</li> <li>3.4</li> <li>288 compliments/122 complaints</li> </ul>	<p>Council resolutions are decisions made at Council to take action; this measure provides insights into how many resolutions happen at Council and how many are completed within the year.</p> <p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p> <p>A key responsibility of CN is to respond to community needs. The community perception of this response is gained through the annual satisfaction survey and indicates the success of CN in this space.</p>	<ul style="list-style-type: none"> <li>CN data</li> <li>CN - Satisfaction survey</li> <li>CN data</li> </ul>
4.3. Collaborative and innovative approach	<ul style="list-style-type: none"> <li>Number and value of community grants</li> <li>Number of process completed within Promapp</li> <li>Number of staff trained in process mapping</li> <li>Level of community satisfaction with involvement in council decision-making</li> </ul>	<ul style="list-style-type: none"> <li>Increase by 5%</li> <li>New measure*</li> <li>New measure*</li> <li>Greater than 3**</li> </ul>	<ul style="list-style-type: none"> <li>\$585,110</li> <li>New measure*</li> <li>New measure*</li> <li>3.2</li> </ul>	<p>CN collaborates with numerous government organisations, businesses, community groups and individuals to deliver positive outcomes for the Newcastle community. Our Community Grants provide a number of funding opportunities to support initiatives that contribute to the social, cultural, environmental and economic life of the city.</p> <p>Measuring process improvements is important because it allows us to see whether the actions we take are actually helping CN thrive and become more efficient over time.</p> <p>The community satisfaction survey's intention is to provide insights into the factors that drive satisfaction within the community and show CN the effectiveness of its service delivery in meeting community expectations. Satisfaction is measured out of 5 with a mean score above 3.0 indicating more satisfaction than dissatisfaction within the community in relation to a particular CN attribute.</p>	<ul style="list-style-type: none"> <li>CN data</li> <li>CN data - Promapp</li> <li>CN data - Promapp</li> <li>CN - Satisfaction survey</li> </ul>

# Glossary

**ABS** Australian Bureau of Statistics.

**ADVOCACY** The act of speaking or arguing in favour of something, such as a cause, idea or policy. In the context of the Strategic Priorities it refers to another sphere of government or organisation delivering a service or outcome for the city.

**BAU** Business as usual.

**COMMUNITY LAND** Land classified as community land must be kept for use by the general community. All community land must be regulated by a Plan of Management, which may apply to one or more areas of land.

**CN** City of Newcastle.

**CROWN LAND** Land is land that is owned by the NSW Government but managed on its behalf by Council.

**CX STRATEGY** Our plan for a better customer experience. Our CX strategy aims to flip the power from the institution to the customer, building life-long trust.

**DA** Development Application.

**DCP** Development Control Plan.

**DIAP** The Disability Inclusion Action plan will act as a roadmap to guide CN's actions and establish strategies to ensure we create an inclusive community for all people who live, visit and work in Newcastle.

**DELIVERY PROGRAM** A strategic document with a minimum four-year outlook, which outlines the key strategies the organisation will undertake to achieve its desired outcomes. (Note: this is a legislative requirement).

**EEO** Equal Employment Opportunity.

**ELT** CN's Executive Leadership Team is led by the CEO and comprises five Directorates: Governance, Strategy and Engagement, People and Culture, Infrastructure and Property, and City Wide Services.

**FBT** Fringe Benefits Tax.

**FINANCIAL YEAR** The financial year we are reporting on in this document is the period from 1 July 2020 to 30 June 2021.

**FTE** Full-time equivalent. In relation to staff numbers this refers to a figure that is based on the wages for full-time staff.

**GIPA** *The Government Information (Public Access) Act 2009* (NSW), or GIPA Act, replaced freedom of information legislation.

**GIS** Geographic Information System.

**IPART** Independent Pricing and Regulatory Tribunal.

**KPI** a quantifiable measure of performance over time for a specific objective. KPIs provide targets for teams to shoot for, milestones to gauge progress, and insights that help people across the organization make better decisions.

**LGA** Local Government Area.

**LIVEABILITY AND WELLBEING SURVEY** The Liveability and Wellbeing survey is conducted to help benchmark key measures and track themes within the Newcastle 2040 Community Strategic Plan, measure quality of life and liveability within Newcastle and understand trust towards CN.

**NEWCASTLE 2040 (N2040)** *Newcastle 2040* is our integrated Community Strategic Plan which provides clear strategic direction for the long term and identifies the main priorities, aspirations and future vision of the community.

**DELIVERING NEWCASTLE 2040 (DN2040)** *Delivering Newcastle 2040* is our combined Delivery Program and Operational Plan, and translates the community's visions and priorities into clear actions. It is the primary reference point for all activities undertaken by Council during its term of office.

**OPERATIONAL PLAN** A document with a one-year outlook that outlines the key activities to be undertaken to achieve the desired outcomes set out in the Community Strategic Plan. (Note: this is a legislative requirement.)

**PAMP** Pedestrian Accessibility and Mobility Plan.

**PARTNERING** A structured approach to working together with other parties to achieve a mutually beneficial outcome.

**PERFORMANCE** The results of activities and progress in achieving the desired outcomes over a given period of time.

**RATE PEGGING** The percentage limit by which a council may increase the total income it will receive from rates. The percentage is set each year by the NSW Minister for Local Government.

**RISK MANAGEMENT** A discipline for developing appropriate procedures to reduce the possibility of adverse effects from future events.

**SRV** Special Rate Variation.

**SUSTAINABLE DEVELOPMENT** Development that meets the needs of the present generation without compromising the capacity of future generations to meet their needs.

**SDGs** Sustainable Development Goals.

**TARGET** A goal to be reached by a specific date, which may be higher than the forecasted performance. It aims to continually improve performance.

[newcastle.nsw.gov.au](http://newcastle.nsw.gov.au)

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/2023 - PEARSON STREET, LAMBTON – LAMBTON PARK  
TO CROUDACE STREET CYCLING CONNECTION**

- |     |                      |  |
|-----|----------------------|--|
| 8.7 | <b>Attachment A:</b> | Pearson Street, Lambton - Cycling Connection Flyer       |
| 8.7 | <b>Attachment B:</b> | Pearson Street, Lambton - Summary of community responses |

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**CCL 28/02/2023 - PEARSON STREET, LAMBTON – LAMBTON PARK  
TO CROUDACE STREET CYCLING CONNECTION**

**ITEM-XX**      **Attachment A:**      Pearson Street, Lambton - Cycling Connection  
Flyer

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## Traffic and Active Transport Project

# Pearson Street Cycling Connection, Lambton

We are seeking feedback on a revised proposal to improve cycling connectivity on Pearson Street, between Lambton Park and Croudace Street.



*The proposed works will significantly improve pedestrian and cycling connectivity in this busy part of Lambton.*

## Background

Public exhibition for the provision of a cycling route along Pearson Street between Lambton Park and Croudace St was held earlier this year. The project has been reviewed based on community feedback. We have updated the plans to improve:

- street drainage and management of flood flows
- road safety for all road users
- the coherence of the route for cyclists
- connection to Lambton Public School
- vegetation planting
- traffic conditions in Grainger Street

It should be noted that all submissions received under the previous consultation have been considered.

## How we use feedback

We are seeking community feedback to make an informed decision on this project.

To view the concept design, FAQs and provide feedback, visit [newcastle.nsw.gov.au/yoursay](https://newcastle.nsw.gov.au/yoursay) and complete the online form. You can also review the initial design which is being updated.

Alternatively, you can email a written submission to [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au). Please include 'Submission – Cycling Connection, Pearson Street, Lambton' in the subject line.

## Postal submissions can be sent to:

Chief Executive Officer  
City of Newcastle

Attention: Transport and Compliance  
PO Box 489  
Newcastle NSW 2300

**Subject:** Submission – Cycling Connection,  
Pearson Street, Lambton

The public exhibition period closes  
**midnight Friday 9 September 2022.**

For more information call  
**4974 2000**



### What is proposed

We are seeking feedback on the revised proposal to improve cycling connection between Lambton Park and Croudace Street, by creating a 'quietway' along Pearson Street and improving connection to the existing network. A quietway is a mixed traffic environment where vehicle speeds and volume are lowered and cyclists can share the standard traffic lane with general traffic.

The project will remain largely the same as the previous concept, with traffic calming along Pearson Street and appropriate connections including sections of shared path, crossings and off/on ramps.

The main changes from the previous concept are:

- Replacing Pearson Street thresholds with cushions
- Extending the shared path in Croudace Street north of Pearson Street to the midblock crossing at Lambton Public School
- Moving the combined crossing on Morehead Street south towards the existing Lambton Park shared path, with a shared path to Pearson Street
- Replacing the pedestrian crossing at the end of Pearson Street at Morehead Street with a pedestrian refuge
- Providing a crossing option for eastbound cyclists in Pearson Street to Lambton Park with kerb extension and ramps
- Restricting Grainger Street to one-way southbound between Elder Street and Howe Street, maintaining access for northbound cyclists.
- Maintaining the right turn from Croudace Street into Pearson Street (recognising that alternative movements are more dangerous)
- Potentially banning left turns from Croudace Street to Pearson Street if there is community support (reduce rat running and increase safety at intersection)

## Pearson Street, Lambton



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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/2023 - PEARSON STREET, LAMBTON – LAMBTON PARK  
TO CROUDACE STREET CYCLING CONNECTION**

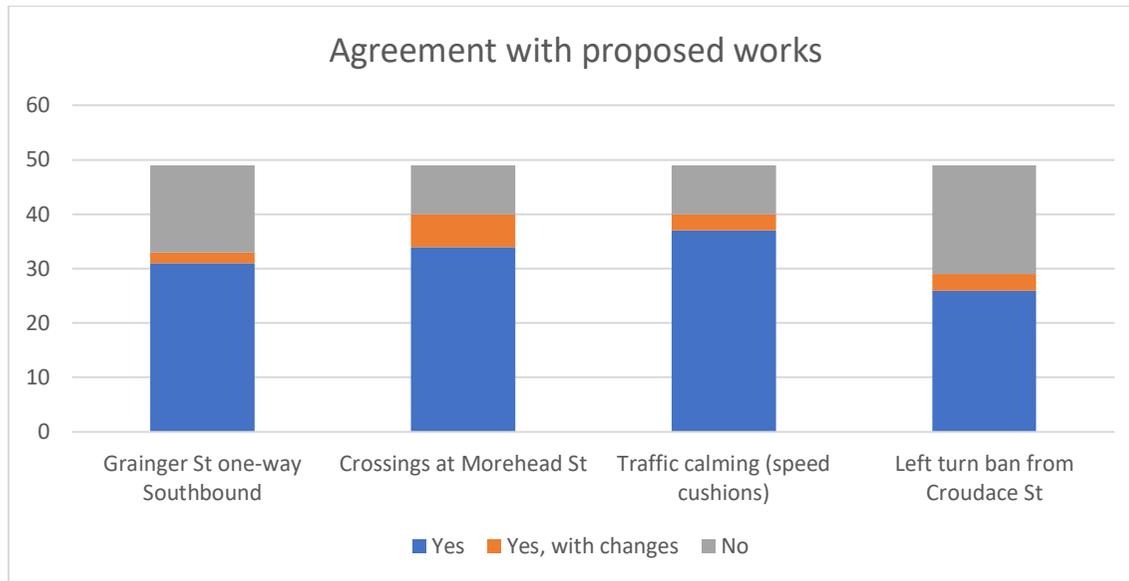
**ITEM-XX**    **Attachment B:**    Pearson Street, Lambton - Summary of community responses

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**SUMMARY OF SUBMISSIONS – PEARSON STREET – CYCLING CONNECTION FROM LAMBTON PARK TO CROUDACE STREET**

Question	Yes	Yes, with changes	No
Do you support restricting Grainger Street to one way southbound between Elder Street and Howe Street?	31	2	16
Do you support the new design for cycling connections across Morehead St from Pearson St to Lambton Park?	34	6	9
Do you support the proposed traffic calming treatments (speed cushions) on Pearson Street?	37	3	9
Do you support restricting left turns from Croudace Street into Pearson Street?	26	3	20



No.	Document Date	Suburb	Summary of Submission	CN Response
2	8/15/2022 4:21:47 PM	Lambton	Respondent recommended direction of traffic on Grainger should be northbound	It is proposed to restrict Grainger Street to one-way southbound as this reflected the main movements along this road and lined up with the parking on the east side of the road. Morehead St can be used instead of Grainger St for northbound traffic flow.
3	8/15/2022 4:27:04 PM	New Lambton	Respondent supports proposed works	Noted
4	8/15/2022 4:37:06 PM	Lambton	Respondent supports restricting Grainger to Southbound	Noted
7	8/15/2022 6:59:36 PM	North Lambton	Respondent doesn't support maintaining right movement from Croudace Street	Noted. The safety issues around this right turn movement have been of concern and the subject of extensive discussions. When examining the wider traffic and safety issues, it was deemed that banning the right turn into Pearson St could lead to a reduction in safety along Croudace Street and put pressure on other intersections. This was noted by a number of people in the community and a decision was made to look for other traffic calming options to ensure that this project does not promote behaviours that decrease public safety when compared to existing conditions.
8	8/15/2022 7:52:58 PM	Lambton	Respondent is concerned about increased traffic in Lambton park resulting from improving this connection into the parks shared path	Improving the cycling connections in Lambton Park is beyond the scope of this project but may be part of the future cycling program. Bike/pedestrian counters have been installed in Lambton Park and will help inform impacts of this project on the park.

No.	Document Date	Suburb	Summary of Submission	CN Response
9	8/15/2022 8:34:19 PM	Lambton	Respondent doesn't support the left turn ban, noting inconvenience for Pearson St residents living near Croudace St. Similarly, the restriction of Grainger St to southbound will also affect these residents. It's also noted road cushions should be closer to Grainger Street where speed is more problematic.	It's noted these restriction will affect residents on Pearson Street near Grainger Street in terms of vehicle access to their dwellings, but these inconveniences are not severe or unsafe. Slight adjustments in the location of the speed cushions may be considered in detailed design if deemed to have community benefits.
10	8/15/2022 8:52:09 PM	Lambton	Respondent support banning left turn into Pearson Street. However, also is concerned about the continuing safety issues for cars turning right from Croudace Street to Pearson Street	Noted. The safety issues around this right turn movement have been of concern and the subject of extensive discussions. When examining the wider traffic and safety issues, it was deemed that banning the right turn into Pearson St could lead to a reduction in safety along Croudace Street and put pressure on other intersections. This was noted by a number of people in the community and a decision was made to look for other traffic calming options to ensure that this project does not promote behaviours that decrease public safety when compared to existing conditions.
11	8/15/2022 9:43:35 PM	Lambton	Respondent questions placement of Morehead Street crossing and argues for 40km/h limit on this road. There are also concerns about not banning the right turn into Pearson St and believes there will be a lack of compliance with the left turn ban and it will put pressure on Kendall St which is narrow	The placement of the crossing will be closer to the alignment with the path through Croudace St to avoid conflicts with the driveway. The safety issues related to banning the right turn into Pearson street were considered too great to justify. Kendall and Elder Street may gain some traffic but it is expected to only be local traffic and Grainger Street will be able to cope with this movement because of the one way restrictions

No.	Document Date	Suburb	Summary of Submission	CN Response
13	8/15/2022 10:25:59 PM	Lambton	Respondent questions the need for this, and requests traffic calming on Karoola Road	Karoola Road is outside the scope of this works. CN transport team to discuss internally the potential to investigate Karoola Road in the LATM program
14	8/16/2022 7:40:02 AM	Lambton	Respondent supports restricting Grainger St to Southbound, however questions the banning of the left turn movement	To reduce the risks at Pearson St near Croudace Street, it was decided to potentially restrict left turn movements from Croudace Street into Pearson St, as this was identified as a major "rat-run" movement for vehicles bypassing the signalised intersection at Howe Street. With changes to traffic conditions likely to happen once the Jesmond to Rankin Park bypass is completed, the treatments and restrictions at Croudace Street will be reviewed as appropriate.
17	8/16/2022 2:13:26 PM	Newcastle	Respondent recommends speed cushions be placed closer to Grainger Street which is the most dangerous section of road	Noted. This can be considered in detailed design??
18	8/16/2022 7:48:07 PM	wallsend	Respondent recommends waiting for bypass to be completed before implementing restrictions	The connection between Lambton Park and Croudace Street is a major gap in one of our more frequented cycling routes and is a key connection for people going to the hospital, university or suburbs further west, which are expanding. Therefore, it is prioritised in our cycling program and it's important to complete some improvements promptly. Further work may be considered upon completion of the bypass.
19	8/17/2022 11:08:04 AM	Lambton	Respondent supports proposal and recommends a fence on Morehead Street	Noted. Fencing will be complicated by driveways, however it can be investigated
20	8/17/2022 9:25:24 PM	North Lambton	Respondent is concerned that restrictions of Grainger Street will increase traffic turning left from Morehead Street into Newcastle Road	The restrictions on Grainger Street are only south of Elder Street so shouldn't affect movements onto Newcastle Road

No.	Document Date	Suburb	Summary of Submission	CN Response
21	8/18/2022 11:49:07 AM	Lambton	Respondent supports the project but is wary is complex traffic issues affecting residents in this area	Noted
22	8/19/2022 12:52:13 PM	Lambton.	Respondent is concerned that the project increases safety issues at intersection of Pearson Street and Grainger Street and that the right turn into Pearson Street should be banned	The amended plans aim to improve conditions at the Pearson Street/Grainger Street intersection by reducing the different movements. The kerb extension also provide extra space to creep forward before entering the intersection
23	8/19/2022 3:30:19 PM	Lambton	Respondent supports the proposal	Noted
24	8/20/2022 3:57:04 PM	Lambton	Respondent recommends waiting for bypass to see how residents feel about left turn ban	The connection between Lambton Park and Croudace Street is a major gap in one of our more frequented cycling routes and is a key connection for people going to the hospital, university or suburbs further west, which are expanding. Therefore, it is prioritised in our cycling program and it's important to complete some improvements promptly. Further work may be considered upon completion of the bypass.

No.	Document Date	Suburb	Summary of Submission	CN Response
27	8/21/2022 10:13:28 PM	Lambton	<p>Respondent recommends that Grainger Street be one way northbound. This would avoid a conflict point at the Grainger St/ Howe St intersection. The contraflow cycling provision on Graingers St is also questioned</p> <p>Respondent questions the crossing on Morehead Street, both position and need. It is recommended that a footpath be put on Pearson Street where it's missing. The safety issues with the right turn restriction were also questioned. The need for re-surfacing was also brought up.</p>	<p>The issues at the intersection of Grainger Street and Howe Street are beyond the scope of this project but could be investigated as part of the LATM program. Contraflow cycle lanes are legal without separation and contraflow cycling allowance only requires a sign, not necessarily a lane. The crossing is deemed necessary, with certain users needing priority to safely and comfortably cross Morehead Street. The safety issue is related to people turning out of Armstrong Street that wish to Southbound. The other right turn option is Elder Street, which is after the midblock crossing which has a history of non-compliance and there is also a pedestrian crossing on Elder Street. Resurfacing has been discussed with assets management</p>
29	8/22/2022 11:51:06 AM	Lambton	<p>Respondent recommends banning the right turn movement from Croudace Street into Pearson Street</p>	<p>When examining the wider traffic and safety issues, it was deemed that banning the right turn into Pearson St could lead to a reduction in safety along Croudace Street and put pressure on other intersections. This was noted by a number of people in the community and a decision was made to look for other traffic calming options to ensure that this project does not promote behaviours that decrease public safety when compared to existing conditions.</p>

No.	Document Date	Suburb	Summary of Submission	CN Response
30	8/22/2022 1:07:39 PM	Lambton	Respondent recommends a cycleway along Howe Street, maintaining the pedestrian crossing on Morehead Street at Elder Street and to consider issues on Elder Street resulting from restricting left turn into Pearson Street	No pedestrian crossings will be removed as part of this project. Howe Street remains an identified route under the Cycling Plan and remains an identified project for future works. However, due to the traffic volume, vehicle speeds, and existing parking, there would need to be substantial changes to the existing conditions to accommodate separated cycling lanes that would support all bicycle users. Any future cycleway works would work in conjunction with the facilities in Pearson Street, and the long-term benefits of the traffic calming, and pedestrian connections will provide ongoing outcomes for the community.
31	8/22/2022 6:01:33 PM	Lambert	Respondent doesn't support the proposal and recommends council improve pedestrian provisions in the area	Noted. Pedestrian provisions are being considered in the pedestrian plan. It is recommended to register for updates for community consultation activities
32	8/23/2022 11:46:06 AM	Lambton	Respondent doesn't support restricting Grainger Street to Southbound	CN appreciates the effort to explain the issues around restricting Northbound movements. However, the issues around the safety at Grainger St and Pearson St led to the decision. The reliability and safety of Grainger St will also be improved. Morehead and Elder Street are collector roads that should be used rather than Grainger Street where possible.

No.	Document Date	Suburb	Summary of Submission	CN Response
33	8/25/2022 4:50:19 PM	Georgetown	Respondent recommends a more direct solution along Howe Street	Howe Street remains an identified route under the Cycling Plan and remains an identified project for future works. However, due to the traffic volume, vehicle speeds, and existing parking, there would need to be substantial changes to the existing conditions to accommodate separated cycling lanes that would support all bicycle users. Any future cycleway works would work in conjunction with the facilities in Pearson Street, and the long-term benefits of the traffic calming, and pedestrian connections will provide ongoing outcomes for the community.
34	8/26/2022 9:52:20 AM	Lambton	Respondent recommend crossing in Morehead Street near Rudy's and not to ban the left turn into Pearson Street	Drainage considerations and coherence of paths for cyclists played a role to redesign the crossings near Lambton Park. As pointed out by some community members, the original design was confusing for cyclists, with an expectation for westbound cyclists to cross a pedestrian crossing (there wasn't enough width for a combined crossing). There was also the potential for crowding on the corner between the crossings.
35	8/28/2022 4:45:17 PM	North Lambton	Respondent doesn't support banning left turn into Pearson, with concerns for parents dropping children at daycare	To reduce the risks at Pearson St near Croudace Street, it was decided to potentially restrict left turn movements from Croudace Street into Pearson St, as this was identified as a major "rat-run" movement for vehicles bypassing the signalised intersection at Howe Street. With changes to traffic conditions likely to happen once the Jesmond to Rankin Park bypass is completed, the treatments and restrictions at Croudace Street will be reviewed as appropriate.

No.	Document Date	Suburb	Summary of Submission	CN Response
39	9/01/2022 11:38	New Lambton	Respondent recommends a bike lane and reduced speed limits	A bike lane was not supported because of constraints on space and the lower traffic volumes and speeds on Pearson Street
40	9/01/2022 12:33	NEW LAMBTON (2305)	Respondent doesn't support proposal, believing cyclists won't deviate to use Pearson Street	Noted. While there will be cyclists that continue to use Howes Street, this route will help cyclists that aren't confident to share traffic lanes on busy roads
43	9/02/2022 12:50	Merewether Heights	Respondent doesn't support restrictions on Grainger Street	An issue noted by the community was the concern around Grainger Street, particularly at the intersection with Pearson Street. It is proposed to restrict Grainger Street to one-way southbound as this reflected the main movements along this road and lined up with the parking on the east side of the road. Morehead St can be used instead of Grainger St for northbound traffic flow. A contraflow cycle lane on Grainger Street will accommodate cycling towards Elder Street to ensure permeability remains for active transport options.
44	9/03/2022 16:15	North Lambton	Respondent recommends moving the crossing to Howe Street	A crossing on Howe street would cause safety issues with no storage for turning cars when they need to stop for pedestrians and/or cyclists. The crossing locations will service pedestrians walking through the park that continue on to Howe Street, as well as cyclists heading to Pearson Street
46	9/07/2022 8:05	Lambton	Respondent supports the proposal	Noted
47	9/09/2022 13:29	Lambton	Respondent has issues with the left turn ban because it may lead to increased traffic on Kendall Street	This is a possibility. However, it's believed this option wouldn't be attractive for rat-running, and residents also have the option to use Elder Street which is a collector road.

No.	Document Date	Suburb	Summary of Submission	CN Response
48	9/09/2022 23:36	Hamilton	Respondent recommends closing the Pearson St completely at Croudace Street and questions why banning the right turn creates a safety issue. It's recommended to move the ramps further away from the corner to avoid potential conflicts. Other suggestion to improve cycling safety include redesign on speed cushions, pavement treatments, pedestrian refuges and on/off ramps to Lambton Park	Issues related to cycling safety will be further considered in detailed design and these comments can be discussed with the designer where deemed appropriate. When examining the wider traffic and safety issues, it was deemed that banning the right turn into Pearson St could lead to a reduction in safety along Croudace Street for traffic from Armstrong Street and put pressure on other intersections.
49	9/11/2022 9:22	Lambton	Respondent recommends not including the fences near the road cushions	Avoiding fences near speed cushions will be considered in detailed design

## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

### **CCL 28/02/23 – COMPLIANCE AND ENFORCEMENT POLICY**

- |     |                      |  |
|-----|----------------------|--|
| 8.8 | <b>Attachment A:</b> | Draft Compliance & Enforcement Policy<br>(clean version)           |
| 8.8 | <b>Attachment B:</b> | Draft Compliance & Enforcement Policy<br>(tracked changes version) |

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# Compliance and Enforcement

## November 2022

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# 1 Purpose

- 1.1 The Compliance and Enforcement Policy (the “**Policy**”) provides information to all internal and external stakeholders and interested parties about the City of Newcastle’s (“**CN**”) position on compliance and enforcement matters within the local government area.
- 1.2 The Policy outlines how CN conducts compliance and enforcement activities in a fair and equitable manner; and establishes a framework to guide the most efficient and effective use of CN resources to achieve the best environmental, health and safety outcomes for the community.
- 1.3 The Policy is modelled on the NSW Ombudsman Model Policy. In implementing the Policy, CN will have regard to compliance and enforcement guidelines developed by the NSW Ombudsman.
- 1.4 The compliance and enforcement activities of CN play an important role in achieving CN's Community Strategic Plan (“**CSP**”). The CSP is a shared community vision and it includes a number of key objectives for the city.
- 1.5 The Policy assists CN to achieve the shared objective of protecting and enhancing our environment and ensuring we have a liveable environment.
- 1.6 CN's current compliance and enforcement activities are referenced in CN's Delivery Program and Operational Plan.

# 2 Scope

- 2.1 The Policy applies to the compliance and enforcement activities carried out by CN in respect of the broad range of legislation, regulations, guidelines, codes and standards that CN is delegated and responsible to administer and enforce. Specific legislation and delegations are outlined in CN's register of delegations and authorisations.
- 2.2 This includes regulatory functions, including, but not limited to:
  - 2.2.1 development and building control,
  - 2.2.2 pollution control,
  - 2.2.3 environmental health,
  - 2.2.4 public health and safety,
  - 2.2.5 animal control,
  - 2.2.6 food safety,
  - 2.2.7 parking and traffic, and
  - 2.2.8 fire safety
- 2.3 When new legislative requirements and associated regulatory responsibilities are introduced, CN will assess these responsibilities to determine the prioritisation of resources across the new and existing regulatory functions of CN. If new regulatory functions are to be performed, new systems, procedures and processes may need to be created and associated staff training completed. In some cases, new regulatory functions may not be commenced due to resourcing constraints and potential impacts upon other regulatory functions and associated service commitments to the community. Where there is overlap in responsibilities and functions between regulatory agencies (ie. NSW EPA, NSW Police or Liquor & Gaming NSW) CN will prioritise those functions which are the highest priority for CN, and for which CN has sole regulatory responsibility.

## 3 Principles

3.1 The following principles underpin CN's approach to compliance and enforcement:

3.1.1 Accountable and transparent

- 3.1.1.1 acting in the best interests of public health and safety and in the best interests of the environment,
- 3.1.1.2 ensuring accountability for decisions to take or not take action,
- 3.1.1.3 acting fairly and impartially and without bias or unlawful discrimination,
- 3.1.1.4 providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community,
- 3.1.1.5 ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy,
- 3.1.1.6 acting on complaints or concerns about the conduct of CN staff in accordance with CN's complaints management policy and procedures, and
- 3.1.1.7 advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.

3.1.2 Consistent

- 3.1.2.1 ensuring all compliance and enforcement action is implemented consistently, and
- 3.1.2.2 encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.

3.1.3 Proportional

- 3.1.3.1 ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach,
- 3.1.3.2 making cost-effective decisions about enforcement action, and
- 3.1.3.3 taking action to address harm and deter future unlawful activity.

3.1.4 Timely

- 3.1.4.1 Ensuring timely responses to reports alleging unlawful activity whilst recognising that complex matters may require more time for detailed investigation or legal advice before decisions are made and action is taken.

## 4 Responsibility

4.1 CN receives numerous requests from members of the public, and various other parties and authorities to investigate concerns regarding non-compliant or unlawful activities.

4.2 CN staff who deal with reports alleging unlawful activity are responsible for implementing this Policy. CN staff are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate Service unit of CN.

4.3 Only CN staff with appropriate authorisations and/or delegations can undertake investigations or compliance and enforcement action in relation to this Policy.

4.4 CN staff are required to:

- 4.4.1 treat all relevant parties with courtesy and respect,

- 4.4.2 communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation,
- 4.4.3 make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions,
- 4.4.4 inform all relevant parties of reasons for decisions,
- 4.4.5 provide information, considering the requirements of NSW privacy legislation, to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity, and
- 4.4.6 provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

## 5 Responding to concerns about unlawful activity

- 5.1 All concerns received are initially received and assessed by CN's Customer Contact Centre or Records Section in accordance with our customer service charter. Concerns of a serious nature can be referred immediately to the relevant sections of CN for further assessment and appropriate response.
- 5.2 Decisions about what action should be taken by CN are made at CN's discretion, having regard to this Policy and related policies and procedures.
- 5.3 CN will endeavour to provide clear and transparent information on how we generally respond to reports of alleged unlawful activity through the provision of information via our website and advice via our Customer Contact Centre. This will include information on reports related to low risk matters or matters which may not warrant further investigation.
- 5.4 CN does not have unlimited resources to investigate all reports received which allege unlawful activity. The Policy and associated procedures assist staff in the appropriate allocation of investigation and legal resources.
- 5.5 CN expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by CN. This includes:
  - 5.5.1 providing a clear description of the problem (and the resolution sought, if relevant),
  - 5.5.2 giving all available and relevant information to CN, including any new information about the alleged activity that may become known to the person following the making of their report,
  - 5.5.3 not giving any information that is intentionally misleading or wrong,
  - 5.5.4 cooperating with CN's inquiries and giving timely responses to questions and requests for information,
  - 5.5.5 treating CN's staff with courtesy and respect,
  - 5.5.6 allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by CN,
  - 5.5.7 attending court to give evidence regarding the unlawful activity, including any impact it has had on them personally, if required.
- 5.6 If these expectations are not met, CN may terminate an investigation, set limits or conditions on the continuation of the investigation or may restrict further communications with the individual.
- 5.7 Any unreasonable conduct will be dealt with in accordance with the principles of the NSW Ombudsman's "Managing Unreasonable Conduct by a Complainant" Manual 2021 and CN's Customer Complaints Handling Policy.

## 6 Investigating alleged unlawful activity

- 6.1 A preliminary assessment of all matters will be made to determine the priority for a response, and whether further investigation or other action is required. Not all reports alleging unlawful activity will need to be actioned after this preliminary assessment.
- 6.2 An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex.
- 6.3 The objective of the processes CN uses when investigating incidents of alleged unlawful activity is to:
- 6.3.1 determine the cause of the incident,
  - 6.3.2 determine if there has been a contravention of law, policy or standards,
  - 6.3.3 gather evidence to the required standard to support any required enforcement action, and
    - 6.3.3.1 determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.
- 6.4 Any decision not to further investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.
- 6.5 CN's risk management framework and relevant procedures and processes are used to guide the assessment and prioritisation of alleged unlawful activities. CN will prioritise matters on the basis of risk to public safety, human health and/or the environment.
- 6.6 CN's compliance and enforcement risk rating categories are low, medium and high.
- 6.7 CN allocates required resources to the investigation of allegations of "high" risk activities as first priority over all other requests.
- 6.8 Allegations of activities that fall within CN's "low" and "medium" risk categories are allocated resources when available and if necessary, after application of any specific internal procedures to address these concerns. These activities may include, but are not limited to:
- 6.8.1 unauthorised development that has a low environmental impact, which may include:
    - 6.8.1.1 signs (with no safety or heritage impacts),
    - 6.8.1.2 building non-compliance,
    - 6.8.1.3 home occupation/business/industry, and
    - 6.8.1.4 residential living in shed / garage / caravan.
  - 6.8.2 stormwater nuisance,
  - 6.8.3 residential (domestic) noise and odour,
  - 6.8.4 dog barking and defecating,
  - 6.8.5 cat nuisance,
  - 6.8.6 tree pruning
  - 6.8.7 Noise impacts associated with business operations permissible under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 6.9 In relation to "low, and medium risk activities, CN may direct community members to other relevant authorities or agencies that can assist them, or to other action that they may choose to take to resolve the matter.
- 6.10 When a dispute between two neighbours is a civil matter, CN will often have no authority to resolve the issue in dispute.

- 6.11 Anonymous reports will be recorded and risk assessed for investigation in accordance with this Policy. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports may be less likely to warrant further investigation.
- 6.12 CN often receives reports related to matters that fall under the regulatory responsibility of a state or federal government agency. People making such reports will be advised to contact the relevant agency and that no further investigative action is required to be taken by CN.

## 7 Taking enforcement action

- 7.1 When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, CN will consider the full circumstances and facts of the matter, public safety, human health and/or the environment, and the public interest.
- 7.2 The following considerations will assist CN in determining the most appropriate response:
- 7.2.1 considerations about the alleged offence and impact, including the nature, extent and severity of the unlawful activity; the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity, and the seriousness of the breach,
- 7.2.2 considerations about the alleged offender, including any prior warnings or previous enforcement action taken against them, any mitigating or aggravating circumstances,
- 7.2.3 considerations about the impact of any enforcement action, including the need to deter any future unlawful activity and whether the costs and benefits of taking formal enforcement action as opposed to taking informal or no action,
- 7.2.4 considerations about the potential for remedy, including whether the breach can be easily remedied and whether it is likely consent would have been given for the activity if it had been sought, and
- 7.2.5 whether the taking of enforcement action will have an unreasonable impact on CN's resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.

## 8 Options for dealing with confirmed cases of unlawful activity

- 8.1 Enforcement options which may be appropriate for breaches determined to be of low, medium, high or significance are set out below. It is important to remember that the following is a guide only and Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity. Each case must be assessed on the particular circumstances and facts, with any decision being made on the merits.

Enforcement action	Significance of breach		
	High	Medium	Low
Prosecution	*		
Court Order	*		
Penalty Notice	*	*	*
Notice / Order / Direction	*	*	*
Letter requesting undertaking	*	*	*

Negotiated outcome	*	*	*
Formal caution		*	*
Warning letter		*	*
Record breach			*

- 8.2 In some cases, it may be appropriate to use more than one enforcement option. If initial enforcement action does not achieve a satisfactory outcome, it may be necessary to proceed to a higher level of enforcement response.
- 8.3 Enforcement action will be reviewed and monitored, commensurate to the risk level, to determine whether there has been compliance with the required action. Continuing unlawful activity will also be risk assessed and actioned in accordance with this Policy.

## 9 Voluntary compliance

- 9.1 CN encourages voluntary compliance by providing information and education to specific regulated communities that:
- 9.1.1 removes barriers to compliance, such as lack of knowledge, regarding legislative requirements and responsibilities,
  - 9.1.2 increases awareness and understanding within the regulated community on how to comply, and how levels of compliance are assessed,
  - 9.1.3 outlines the consequences of non-compliance in relation to relevant issues such as loss of reputation, health and safety and environmental impacts, financial penalties and legal action.

## 10 Role of CN where there is a private certifier

- 10.1 If a private certifier is appointed the Principal Certifying Authority (**PCA**), CN is not responsible to ensure building and construction compliance, and the relevant PCA should be contacted directly to advise of any alleged unlawful activities.
- 10.2 PCA's have a mandatory obligation to act on non-compliant aspects of a development. Once the PCA becomes aware that there is a likely non-compliance, the PCA must issue a written directions notice (**WDN**) to the person responsible within 2 days. If the responsible person fails to comply with the WDN the PCA must provide a copy of the completed WDN and supporting evidence to CN within two days after the follow-up inspection was carried out.
- 10.3 Once the PCA refers the completed WDN to Council any further enforcement action is Council's responsibility. Any enforcement action Council takes will be determined in accordance with this Policy.

## 11 Procedural fairness

- 11.1 CN staff are to act in accordance with the principles of natural justice (or procedural fairness) which include:
- 11.1.1 providing a fair hearing – allowing a person whose interests may be adversely affected by a decision to present their case,
  - 11.1.2 impartiality in the decision-making process – staff are to be unbiased and not hold a vested interest in the outcome of a process,
  - 11.1.3 decisions based on evidence – decisions must be based on the evidence provided, not on irrelevant issues, and there must be a rational basis upon which the decision maker has decided to accept the evidence as credible, and
  - 11.1.4 CN staff are to have regard to the 'good practice' NSW Ombudsman's "Enforcement guidelines for councils" (December 2015).

- 11.2 In accordance with the NSW Ombudsman's "Enforcement guidelines for councils", staff will apply discretion in an impartial, consistent and fair manner, with the public interest in mind. Discretion only extends to the scope and purpose for which delegation is provided.

## 12 Confidentiality

- 12.1 CN will endeavour to maintain confidentiality of people who report allegations of unlawful activity. People who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. CN may have to disclose information that identifies them in the following cases:
- 12.1.1 the disclosure is necessary to investigate the matter,
  - 12.1.2 their identity has already been disclosed to the subject of their report directly or in a publicly available document,
  - 12.1.3 the individual was consulted following receipt of a *Government Information (Public Access) Act 2009* application and they did not object to the disclosure,
  - 12.1.4 the individual consents in writing to their identity being disclosed,
  - 12.1.5 the disclosure is required by any law,
  - 12.1.6 the disclosure is required to comply with principles of procedural fairness,
  - 12.1.7 the matter proceeds to court and the person is required as a witness.

## Annexure A - Definitions

**CEO** means the Chief Executive of the 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).*

**City of Newcastle (CN)** means Newcastle City Council.

**Compliance** is the act of adhering to, and demonstrating adherence to, laws, regulations, conditions, standards and policies. **Council** means the elected Council.

**Enforcement activities** refer to actions taken in response to contravention of laws, regulations, conditions, standards and policies.

**NSW Ombudsman Model Policy** means the Model Compliance and Enforcement Model Policy in the NSW Ombudsman's Enforcement guidelines - December 2015.

**Regulated community** means a community defined by their common responsibility to comply with particular laws, regulations or policies.

**Report alleging unlawful activity** refers to an expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

**Unlawful activity** refers to an activity or work that has been or is being carried out contrary to the below and/or fails to take required action in order to be compliant with:

- Terms or conditions of a development consent, approval, permit or licence,
- An environmental planning instrument that regulates the activities or work that can be carried out on particular land,
- A legislative provision regulating a particular activity or work, or
- A required development consent, approval, permission or licence.

## Document control

Policy title	Compliance and Enforcement
Policy owner	Executive Manager Planning, Transport & Regulation
Policy expert / writer	Environmental Health Coordinator
Associated Procedure Title (if applicable)	
Procedure owner (if applicable)	N/A
Prepared by	Executive Manager Planning, Transport & Regulation
Approved by	Elected Council
Date approved	To be completed by Legal
Policy approval form reference	ECM#
Commencement Date	To be completed by Legal
Next revision date (date policy will be revised)	25/06/2022
Termination date	To be completed by Legal (one year post revision date)
Version	Version number (versions mean adopted versions only)
Category	Governance
Keywords	Compliance, regulation, law enforcement, illegal activities
Details of previous versions	The City of Newcastle (September 2019) Compliance Policy
Legislative amendments	N/A
Relevant strategic direction	Protected and Enhanced Environment
Relevant strategy	N/A
Relevant legislation / codes (reference specific sections)	<p>This policy supports CN's compliance and enforcement functions associated with a wide range of legislation and codes, including reference within:</p> <p><u><a href="#">The City of Newcastle - Register of Delegations and Authorisations</a></u></p>

Other related policies / documents / strategies	<p><u>Newcastle City Council (September 2021) Customer Complaints Handling Policy</u></p> <p><u>CN Customer Service Charter</u> City of Newcastle (March 2019) Internal Review Guidelines for Penalty Notices under the Fines Act 1996</p> <p>NSW Ombudsman's Model Compliance and Enforcement Model Policy</p>
Related forms	N/A
Required on website	Yes
Authorisations	N/A

DRAFT

# Policy

Style Definition: TOC 9: Space Before: 0 pt, After: 0 pt

Compliments and Encouragement

**June 2019**

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[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

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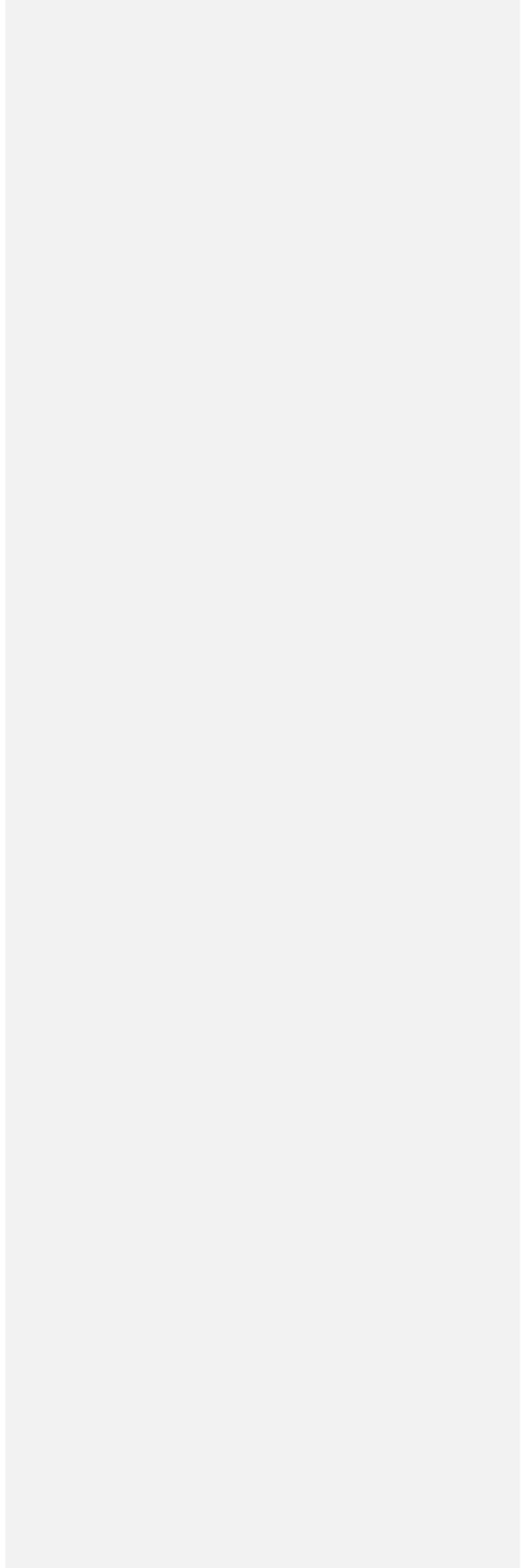
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### 3 Principles

3.1 The following principles underpin CN's approach to compliance and enforcement:

3.1.1 Accountable and transparent

3.1.1.1 acting in the best interests of public health and safety and in the best interests of the environment

3.1.1.2 ensuring accountability for decisions to take or not take action

3.1.1.3 acting fairly and impartially and without bias or unlawful discrimination

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- 6.2 An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex.
- 6.3 The objective of the processes CN uses when investigating incidents of alleged unlawful activity is to:
  - 6.3.1 determine the cause of the incident.
  - 6.3.2 determine if there has been a contravention of law, policy or standards.
  - 6.3.3 gather evidence to the required standard to support any required enforcement action, and
    - 6.3.4.6.3.3.1 determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.
- 6.4 Any decision not to further investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

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- 6.5 CN's risk management framework and relevant procedures and processes are used to guide the assessment and prioritisation of alleged unlawful activities. CN will prioritise matters on the basis of risk to public safety, human health and/or the environment.
- 6.6 CN's compliance and enforcement risk rating categories are low, medium, high and high extreme.
- 6.7 CN allocates required resources to the investigation of allegations of "extreme and high" risk activities as first priority over all other requests.
  - 6.7.1 Allegations of activities that fall within CN's "low" and "Response to medium" risk categories are actioned as soon as practical depending on available resources allocated to higher risk investigations.
- 6.8 Low risk activities are only allocated resources when available and if necessary, after application of any specific internal procedures to address these for common low risk concerns. These low risk activities may include, but are not limited to:
  - 6.8.1 unauthorised development that has a with low environmental impact, which may include:
    - 6.8.1.1 signs (with no safety or heritage impacts).
    - 6.8.1.2 building non-compliance.
    - 6.8.1.3 home occupation/business/industry, and
    - 6.8.1.4 residential family member living in shed / garage / caravan.
  - 6.8.2 stormwater nuisance.
  - 6.8.3 residential (domestic) noise and odour.
  - 6.8.4 dog barking and defecating.
  - 6.8.5 cat nuisance.
  - 6.8.6 tree pruning
  - 6.8.7 Noise impacts associated with business operations permissible under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 6.9 In specific internal procedures and publicly available information to assist the community have been developed for the following common low risk concerns:
  - 6.9.1 stormwater nuisance (problem solving between neighbours)
  - 6.9.2 nuisance (barking) dogs
  - 6.9.3 neighbourhood (residential) noise.
- 6.10.9 Procedures and information provided in relation to "these low, and medium risk activities" CN concerns may direct community members to other relevant authorities or agencies that can assist them, or to other action that they may choose to take to resolve the matter.
- 6.11.10 When a dispute between two neighbours is a civil matter, CN will often have no authority to resolve the issue in dispute.
- 6.12.6.11 Anonymous reports will be recorded and risk assessed for investigation in accordance with this Policy a similar manner. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports may be less likely to warrant further investigation.
- 6.12 CN often receives reports related to matters that fall under the regulatory responsibility of a state or federal government agency. People making such reports will be advised to contact the relevant agency and that no further investigative action is required to be taken by CN.

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## 7 Taking enforcement action

- 7.1 When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, CN will consider the full circumstances and facts of the matter, public safety, human health and/or the environment, and the public interest.
- 7.2 The following considerations will assist CN in determining the most appropriate response in the public interest:
  - 7.2.1 considerations about the alleged offence and impact, including the nature, extent and severity of the unlawful activity: the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity, and the seriousness of the breach.
  - 7.2.2 considerations about the alleged offender, including any prior warnings or previous enforcement action taken against them, any mitigating or aggravating circumstances.

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9.1.2 increases awareness and understanding within the regulated community on how to comply, and how levels of compliance are assessed.

9.1.3 outlines the consequences of non-compliance in relation to relevant issues such as loss of reputation, health and safety and environmental impacts, financial penalties and legal action.

Role

## 410 Role of CN where there is a private certifier

10.1 ~~40.1~~ If a private certifier is appointed the Principal Certifying Authority (PCA), CN is not responsible to ensure building and construction compliance, and the relevant PCA should be contacted directly to advise of any alleged unlawful activities. Private certifiers have the

10.2 PCA's have a mandatory obligation to act on non-compliant aspects of a development. Once the PCA becomes aware that there is a likely non-compliance, the PCA must issue a written directions notice (WDN) to the person responsible within 2 days. If the responsible person fails to comply with the WDN the PCA must provide a copy of the completed WDN and supporting evidence to CN within two days after the follow-up inspection was carried out.

10.3 Once the PCA refers the completed WDN to Council any further enforcement action is Council's responsibility. Any enforcement action Council takes will be determined in accordance with this Policy.

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power to issue a notice of intention to issue an order to the owner or builder to comply with the conditions of consent or rectify any breaches. A copy of any notice of intention issued by a certifier must be provided to CN.

## 211 11 Procedural fairness

- 11.1 CN staff officers are to act in accordance with the principles of natural justice (or procedural fairness) which include:
  - 11.1.1 providing a fair hearing – allowing a person whose interests may be adversely affected by a decision to present their case.
  - 11.1.2 impartiality in the decision-making process – staff officers are to be unbiased and not hold a vested interest in the outcome of a process.
  - 11.1.3 decisions based on evidence – decisions must be based on the evidence provided, not on irrelevant issues, and there must be a rational basis upon which the decision maker has decided to accept the evidence as credible, and
  - 11.1.4 CN staff officers are to have regard to the ‘good practice’ NSW Ombudsman’s “Enforcement enforcement guidelines for councils” (December 2015).
- 11.2 In accordance with the NSW Ombudsman’s “Enforcement enforcement guidelines for councils”, staff Officers will apply discretion in an impartial, consistent and fair manner, with the public interest in mind. Discretion only extends to the scope and purpose for which delegation is provided.

## 12 Confidentiality

### 3-12 Confidentiality

- 12.1 CN will endeavour to maintain confidentiality of people who report allegations of unlawful activity. People who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. CN may have to disclose information that identifies them in the following cases:
  - 12.1.1 the disclosure is necessary to investigate the matter.
  - 12.1.2 their identity has already been disclosed to the subject of their report directly or in a publicly available document.
  - 12.1.3 the individual was consulted following receipt of a *Government Information (Public Access) Act 2009* application and they did not object to the disclosure.
  - 12.1.4 the individual consents in writing to their identity being disclosed.
  - 12.1.5 the disclosure is required by any law.
  - 12.1.6 the disclosure is required to comply with principles of procedural fairness.
  - 12.1.7 the matter proceeds to court and the person is required as a witness.

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## 4 Annexure A - Definitions

**CEO** means the Chief Executive of the 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).*

**City of Newcastle (CN)** means Newcastle City Council.

**Compliance** is the act of adhering to, and demonstrating adherence to, laws, regulations, conditions, standards and policies.

**Council** means the elected Council.

**Enforcement activities** refer to actions taken in response to contravention of laws, regulations, conditions, standards and policies.

**NSW Ombudsman Model Policy**~~model policy~~ means the Model Compliance and Enforcement Model Policy in the NSW Ombudsman's Enforcement guidelines - December 2015.

**Regulated community** means a community defined by their common responsibility to comply with particular laws, regulations or policies.

**Report alleging unlawful activity** refers to an expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

**Unlawful activity** refers to an activity or work that has been or is being carried out contrary to the below and/or fails to take required action in order to be compliant with:

- Terms or conditions of a development consent, approval, permit or licence.
- An environmental planning instrument that regulates the activities or work that can be carried out on particular land.
- A legislative provision regulating a particular activity or work, or
- A required development consent, approval, permission or licence.

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## 5 Document control

Policy title	Compliance and Enforcement
Policy owner	<del>Executive Director Governance / Manager Regulatory, Planning, Transport &amp; Regulation and Assessment</del>
Policy expert / writer	Environmental Health Coordinator
Associated Procedure Title (if applicable)	<del>Stormwater nuisance (problem solving between neighbours)</del> Nuisance (barking) dogs Neighbourhood (residential) noise

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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/23 – ADOPTION OF MOBILE FOOD VENDING (LOCAL APPROVALS) POLICY**

- |     |                      |  |  |
|-----|----------------------|--|--|
| 8.9 | <b>Attachment A:</b> | Draft Mobile Food Vending (Local Approvals) Policy (Clean version) |  |
|     | 8.9                  | <b>Attachment B:</b>   | Draft Mobile Food Vending (Local Approvals) Policy (tracked changes version) |

**DISTRIBUTED UNDER SEPARATE COVER**

# Mobile Food Vending (Local Approvals) Policy

February 2023

[newcastle.nsw.gov.au](http://newcastle.nsw.gov.au)



City of  
Newcastle

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## INTRODUCTION

### 1 Purpose

- 1.1 The City of Newcastle (CN) supports the operation of mobile food vending vehicles (food trucks and food vans) to enliven the Newcastle Local Government Area (LGA) and encourage diversity in takeaway food options.
- 1.2 The purpose of the Mobile Food Vending (Local Approvals) Policy (this Policy) is to provide the framework for the approval and the operation of mobile food vending vehicles in the Newcastle LGA.
- 1.3 This Policy provides guidance to assist applicants in how to operate a mobile food vending vehicle in a lawful, safe and environmentally sustainable manner.
- 1.4 This Policy is a Local Approvals Policy prepared and adopted under section 158 of the *Local Government Act 1993* (the Act).
- 1.5 This Policy is divided into three parts in accordance with the requirements of the Act:
  - a) Part 1 of the Policy specifies any exemptions from the Policy;
  - b) Part 2 of the Policy specifies the criteria which CN must consider when determining whether or not to grant approval for a particular activity; and
  - c) Part 3 of the Policy specifies other matters relating to approvals.

### 2 Scope

- 2.1 This Policy applies to all CN-owned roads within the Newcastle LGA.
- 2.2 This Policy applies to all approvals relating to any mobile food vending vehicle that has stopped to make a sale, or with the intention to sell, on any CN-owned road.
- 2.3 This Policy does not apply to any mobile food vending vehicle that is operating pursuant to a separate “events” authorisation and/or sporting ground licence issued by CN. The use of CN-owned parks, reserves and the like by mobile food vending vehicles is prohibited unless expressly authorised by CN.
- 2.4 This Policy does not apply to the use and operation of any mobile food vending vehicle that is used on private land. Such activities may be exempt from a requirement to obtain development consent, subject to the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Codes).
- 2.5 This Policy does not apply to food carts, and applications will not be accepted for food carts under this Policy.

### 3 Principles

- 3.1 CN commits to the following:
  - d) **Accountability and transparency** – This Policy aims to ensure that CN determines applications in a manner that is accountable and transparent.
  - e) **Activation of public spaces** – Mobile food vending locations will be identified for use in areas that support CN's strategies, including the activation of public spaces and support and encouragement for local business.

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## ROLES AND RESPONSIBILITIES

### 4 Applicants

- 4.1 Applicants are to ensure that all information required on the approved form is submitted and the relevant application fee is paid. Applicants will also need to provide their vehicle for inspection on request and pay for any inspection conducted in accordance with CN's current fees and charges.
- 4.2 Mobile food vending vehicle operators are required to comply with all the conditions on the approval as well as the relevant legislation applicable to their activity.

### 5 CN Officers

- 5.1 CN Officers will review the application to ensure it is complete on lodgement and request any further information required to allow the application to proceed in a timely manner.
- 5.2 CN Officers will assess the application and recommend determination of the application in accordance with this Policy and related legislation.
- 5.3 CN Officers will enforce compliance with this Policy and related approvals in accordance with the CN's Compliance and Enforcement Policy.
- 5.4 CN will maintain a register of approvals as required by section 113 of the Act.

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## **PART 1: EXEMPTIONS FROM THE NECESSITY TO OBTAIN APPROVAL**

### **6 No current exemptions**

- 6.1 Section 158(3) of the Act requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from CN.
- 6.2 To ensure the safety of food for human consumption, there will be no exemptions for compliance with the Policy in relation to mobile food vending vehicles.

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## **PART 2: CRITERIA FOR ASSESSMENT OF APPLICATION**

### **7 General requirements**

- 7.1 An application is to be made on the Approved form. The prescribed fee is also to be paid before the application is assessed.
- 7.2 The vehicle must be able to comply with the vehicle design and construction requirements in this Policy. CN may inspect the vehicle to determine compliance with this Policy and charge the associated fee in accordance with CN fees and charges.
- 7.3 Only the sale of food and drinks will be allowed from mobile food vending vehicles. No sale of alcohol, cigarettes or other products from mobile food vending vehicles will be permissible.
- 7.4 The applicant is to submit a copy of their public liability insurance that complies with CN's insurance requirements, indemnifying the applicant against any actions, suits, claims, demands or proceedings for death or injury to any third party or parties or loss of, or damage to, any property, with an indemnity amount of not less than \$20,000,000 per occurrence and noting CN as an interested party.
- 7.5 The applicant is to submit copies of their current motor vehicle insurance policies that complies with CN's insurance requirements, and that protect the applicant:
  - a) Against injury to any third party or parties under Compulsory Third Party Insurance as required by the *Motor Accidents Compensation Act 1999*; and
  - b) Third Party Property Damage that provides against loss of, or damage to, any property whatsoever caused by the use of the vehicle by the Licensee, or any other person (including a person not employed by the Licensee). The policy is to have a limit of indemnity of not less than \$20,000,000 and shall be extended to include "CTP Gap Coverage Endorsement" cover. The policy shall note the interest of the Council as an insured.
- 7.6 These insurance policies must be kept current for the term of the approval.

### **8 Vehicle design and construction requirements**

- 8.1 Mobile food vending vehicles must be no wider than 2.5m. Additionally, mobile food vending vehicles that are 7.5m or greater in length require separate Road Occupancy Permits.
- 8.2 The design and construction of a mobile food vending vehicle is to comply with the requirements contained within NSW Food Authority Guidelines for Mobile Food Vending Vehicles.

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## **PART 3: OTHER MATTERS RELATING TO APPROVALS**

### **9 Processing and determining applications generally**

- 9.1 CN will process and determine applications in accordance with the general provisions of Division 3 of the Act.

### **10 Approval conditions and review**

- 10.1 All approvals will be issued with an end date of 30 June each current financial year, to enable an annual review.
- 10.2 Approvals will be issued subject to conditions, including but not limited to compliance with the requirements of the *Food Act 2003*, Food Standard Codes and compliance with this Policy.
- 10.3 Failure to adhere to any condition of approval and/or legislative requirement may result in modification, suspension, or revocation of an approval, in addition to the potential issuing of fines.

### **11 Stopping locations and time**

- 11.1 No mobile food vending vehicle is to be positioned within 50m of an operating food and drink premises or kiosk or a special event selling food. This minimum distance requirement is measured in a straight line from the closest point of the vehicle to the main entrance of a food and drink premises or kiosk or boundary of a licensed event area.
- 11.2 Mobile food vending vehicles are to arrive at a location fully equipped. Deliveries are not to be made to a vehicle while it is in operation.
- 11.3 Food trucks may only operate in the areas specified in Annexure C (the schedule of streets may be updated from time to time). Maps of the approved locations are also available on CN's website.
- 11.4 Each food truck will be able to trade for a maximum period of four hours. After four hours, the truck will need to move to another location before trading again.
- 11.5 Food vans may only operate in the areas specified in Annexure D. Maps of the approved areas are also available on CN's website.
- 11.6 Each food van will be able to trade for a maximum period of one hour. After one hour the van will need to move to another location before trading again.

### **12 Additional locations**

- 12.1 When determining the suitability of any additional food truck locations to those specified in Annexure C, CN will have regard to:
- a) Land use zoning and permissible uses within that zone (compatibility considerations)
  - b) Proximity to residential properties (potential residential amenity impacts)
  - c) Proximity to other food and drink premises
  - d) Road, road-user, and pedestrian safety
  - e) Availability of existing locations for approved vehicles.

### **13 Parking**

- 13.1 Mobile food vending vehicles are to park legally at all times and operate so as to:
- a) Not impact on or conflict with any marked bicycle lanes; and
  - b) Ensure access to pedestrian ramps and footpaths are not compromised; and
  - c) Ensure that access or egress from any building is not restricted by the operation of the vehicle; and
  - d) Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, fire hydrants, telephone booths and post boxes or the like.

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## 14 Permitted days and hours of operation

- 14.1 The use of CN-owned roads for the purpose of operating a mobile food vending vehicle is restricted to 7am to 10pm each day, inclusive of set up and set down times, unless the location is within or immediately adjacent to a residential zone, in which case the operation is restricted to 7am to 7pm on any day.
- 14.2 Mobile food vending vehicles are not to remain in any on-road location overnight.

## 15 Serving

- 15.1 Mobile food vending vehicles are not to operate with their serving window opening onto any part of a vehicular carriageway or a cycleway.

## 16 Customer seating

- 16.1 The placement of tables, chairs or other seating apparatus is not permitted at any time.

## 17 Waste management and recycling

- 17.1 Provisions for waste management are to include the following:
- Mobile food vending vehicle operators are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, and stored and disposed of at the cost of the operator.
  - Any waste produced by the operation of the mobile food vending vehicle is to be removed from the site via the mobile food vending vehicle at the end of the trading period.
  - The trading area is to be left in a clean and tidy condition at the end of each trading interval.
  - The trading approval holder is liable to reimburse CN for any cleaning cost incurred by CN during the duration of the trading period as a result of the operation of the mobile food vending vehicle.
  - Disposal of all liquid wastes generated within the food van is to be discharged to the sewer or as approved by an authorised CN Officer. Under no circumstances is liquid waste to be discharged to the ground or in the stormwater drain.
  - Details of liquid waste and garbage disposal arrangements must be supplied with the application for the mobile food vending vehicle.
  - Packaging used for the sale of food must be recyclable or compostable in line with the *Plastics Reduction and Circular Economy Act 2021*. Details of recyclable materials are available on the City of Newcastle website.

## 18 Signage

- 18.1 An Approval under this Policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the mobile food vending vehicles.
- 18.2 This Policy does not allow the use of any temporary signage (e.g A-frame boards) in association with the operation of any mobile food vending vehicle.

## 19 Animals and pests

- 19.1 All practicable measures are to be taken to prevent pests (including birds, spiders and flying insects) from entering or remaining in the vehicle.
- 19.2 No animal is permitted to enter any vehicle, whether the vehicle is in operation or not.

## 20 Water supply

- 20.1 The mobile food vending vehicle must be provided with an adequate supply of potable water stored in approved containers and suitably protected against contamination, for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes.

20.2 The mobile food vending vehicle is to be equipped with a wastewater tank external to the vehicle, of at least 50 litre capacity with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

20.3 All hot water for washing purposes is to be supplied from a suitable hot water system and should be piped so it can be mixed with cold water.

## **21 Maintenance**

21.1 The mobile food vending vehicle and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order, free from dirt, fumes, smoke, foul odours and other contaminants.

## **22 Control of pollution**

22.1 Operators are to comply with the *Protection of the Environment Operations Act 1997*, which contains provisions relating to pollution, including prevention of offensive noise, smoke, odour and wastewater discharges.

## **23 Noise**

23.1 The emission of noise associated with the use of the mobile food vending vehicle, including the operation of any mechanical plant and equipment, is to comply with the following:

- a) The use of the vehicle must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.
- b) If any noise complaints are received and substantiated by an authorised CN Officer, the CN Officer may direct that the use of the food truck/business is to be suspended or moderated to prevent nuisance until attenuation measures are completed and CN has confirmed in writing that the use may resume.
- c) The operation of a mobile food vending vehicle is not to involve the use of any bell, music or other sound device to attract customers, while the vehicle is moving or stationary.

## **24 Odour**

24.1 If any odour or smoke complaints are received and substantiated by an authorised CN Officer, then the use of the vehicle or apparatus is to be moderated as directed by an authorised CN Officer as deemed necessary to prevent nuisance.

## **25 Food handling**

25.1 The requirements for the handling of food for sale and human consumption are outlined in the standards set by the NSW Food Authority's website. The requirements also apply to pre-packaged food and low-risk food. Fact Sheets and user guides are available on the Food Standards Australia New Zealand website.

## **26 Preparing food at home**

26.1 A separate approval may be required for the preparation of food as part of a home business. Please contact CN for further information regarding restrictions in your residential zone on 4974 2000.

## **27 Related food premises**

27.1 Where the operation of the mobile food vending vehicle involves the use of premises within the Newcastle LGA for the storage or preparation of food in conjunction with a mobile food vending vehicle, a Development Consent for such use may be required under the *Environmental Planning and Assessment Act 1979*.

27.2 Any change in the related food premises is to be notified to CN.

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## ANNEXURE A – CONTACT INFORMATION

Please contact CN for further information relating to this Policy or questions on the application, approval or operation of mobile food vending vehicles in the Newcastle LGA.

City of Newcastle

Tel: (02) 4974 2000

Website: [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

Further food safety information can be obtained from:

NSW Food Authority

Tel: 1300 552 406

Fax: (02) 9199 8253

Website: [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

Email: [food.contact@dpi.nsw.gov.au](mailto:food.contact@dpi.nsw.gov.au)

Food Standards Australia New Zealand

Website: [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

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## ANNEXURE B - DEFINITIONS

**The Act** means the *Local Government Act 1993* (NSW).

**Approved form** means the current mobile food vending vehicle application form as found on CN's website.

**City of Newcastle (CN)** means Newcastle City Council.

**CN-owned roads** means all the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.

**CN Officer** means an officer who works for CN.

**Food truck** means a vehicle used for the purposes of on-site preparation and sale of hot and cold food (considered a medium to high risk food category). Food trucks routinely change location and must not remain in any one location for more than 4 hours at one time.

**Food van** means a vehicle used for the purposes of selling tea, coffee, drinks, cakes, sweets, packaged sandwiches, or other similar food (low risk food category). Food vans routinely change location and can make intermittent stops of up to 1 hour at any one time.

**Food cart** means a unit/vehicle which may or may not be powered, that is for the purpose of selling food or drink which operates within Council-owned roads and does not meet the definition of a food truck or food van. Food carts are not supported under the Policy.

**Mobile food vending vehicle** includes food trucks and food vans and means a vehicle located on CN-owned roads used in connection with the preparation and/or sale of food. It includes vehicles used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food.

For the purposes of this Policy, the term "mobile food vending vehicle" refers to both food trucks and food vans, being vehicles that are registered within the meaning of the *Road Transport Act 2013*.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

**ANNEXURE C - PERMITTED TRADING LOCATIONS – FOOD TRUCKS**

<b>Location No.</b>	<b>Site Name</b>	<b>Street Address</b>	<b>Suburb</b>
<b>1</b>	National Park	Union Street	Newcastle West
<b>2</b>	Newcastle Foreshore (east)	Wharf Road	Newcastle East
<b>3</b>	Newcastle Foreshore (west)	Wharf Road	Newcastle
<b>4</b>	Dixon Park	Ocean Street	Merewether
<b>5</b>	Civic Park	Laman Street	Newcastle
<b>6</b>	Myers Park	Melville Road	Broadmeadow
<b>7</b>	Freeway South Business Park	Arunga Drive Enterprise Drive Balook Drive Yangan Drive Balbu Close Birraba Avenue Pippita Close Kullara Close	Beresfield
<b>8</b>	Steel River Industrial Estate	Steel River Blvd Metal Pit Drive Riverside Drive Channel Road Murray Dwyer Circuit McIntosh Drive Laurio Place Frost Drive Spit Island Close Pambalong Drive	Steel River

Maps: The above Permitted Trading Locations for Food Trucks are shown in a map linked to CN's website.

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## ANNEXURE D - PERMITTED AND EXCLUDED TRADING LOCATIONS – FOOD VANS

Trading locations for food vans are primarily based on land use zonings defined by relevant Environmental Planning Instruments that apply to the Newcastle LGA. Relevant instruments include the *Newcastle Local Environmental Plan 2012* and *State Environmental Planning Policy (Three Ports) 2013*. Zoning information, including maps, can be accessed via the NSW Legislation website. It is noted that land use zones are likely to change from time to time.

Irrespective of the relevant land use zone, food vans are not to operate on “*classified*” roads within the meaning of the *Roads Act 1993*. Please visit the Transport for NSW website which provides NSW road network classifications. It is noted that the list of classified roads is likely to change from time to time.

Subject to other exclusions on this Appendix, food vans may operate on CN-owned roads within the Newcastle LGA zoned:

- Zone B2 Local Centre
- Zone B3 Commercial Core
- Zone B4 Mixed Use
- Zone B5 Business Development
- Zone RE1 Public Recreation land that directly adjoins the ocean or harbour
- Zone IN1 General Industrial
- Zone IN2 Light Industrial
- Zone IN3 Heavy Industrial
- Zone SP1 Special Activities
- Zone SP2 Infrastructure
- Zone RE2 Private Recreation

Food vans are not to operate on CN-owned roads within the Newcastle LGA that are zoned or are adjacent to land zoned:

- Zone R2 Low Density Residential
- Zone R3 Medium Density Residential
- Zone R4 High Density Residential
- Zone B1 Neighbourhood Centre
- Zone RE1 Public Recreation land that does not directly adjoin the ocean or harbour
- Zone C1 National Parks and Nature Reserves
- Zone C2 Environmental Conservation
- Zone C3 Environmental Management
- Zone C4 Environmental Living
- Zone W2 Recreational Waterways

**Maps:** The approved locations for food vans are shown in a map linked to CN's website.

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**ANNEXURE E - POLICY AUTHORISATIONS**

Title of authorisation	Description of authorisation	Position Number & Title
Nil.		

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## DOCUMENT CONTROL

Policy title	Mobile Food Vending (Local Approvals) Policy
Policy owner	Manager Planning, Regulation and Assessment
Policy expert/writer	Environmental Health Coordinator
Associated Guideline or Procedure Title	Nil.
Guideline or Procedure owner	N/A
Prepared by	Regulatory, Planning and Assessment
Approved by	Council
Date approved	To be completed by Legal
Policy approval form reference	ECM#
Commencement Date	To be completed by Legal
Next review date	To be completed by Legal
Termination date	To be completed by Legal (one year post revision date)
Version #	Version number 3
Category	Regulatory, Enforcement and Compliance
Details of previous versions	Version #2 – ECM: 5926573
Keywords	Mobile food vending vehicles, food vending trucks, vans, trailers
Relevant strategy	Night-time Economy Strategy - Newcastle After Dark (2018-2022)
Relevant legislation/codes (reference specific sections)	<p>This Policy supports CN's compliance with the following legislation:</p> <ul style="list-style-type: none"> <li>– <i>Local Government Act 1993</i> (NSW) (s68, s75-113, s158-161)</li> <li>– <i>Environmental Planning and Assessment Act 1979</i> (NSW)</li> <li>– <i>Food Act 2003</i> (NSW) (s37)</li> <li>– <i>Motor Accidents Act 1988</i> (NSW) OR <i>Motor Accidents Compensation Act 1999</i></li> <li>– <i>Protection of the Environment Operations Act 1997</i> (NSW)</li> <li>– <i>Road Transport Act 2013</i> (NSW)</li> <li>– <i>Roads Act 1993</i> (NSW) (Dictionary, Part 5 Classification of roads)</li> <li>– <i>Food Standards Code - Standard 3.2.2</i></li> <li>– State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</li> <li>–</li> </ul>
Other related documents	<p>NSW Food Authority – Guidelines for Mobile Food Vending Vehicles (July 2020)</p> <p>Department of Local Government Street Vending Control</p>

	Guidelines 2017
Related forms	Mobile Food Vending Vehicle Application Form
Required on website	Yes
Authorisations	Functions authorised under this Policy at Annexure E

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# Mobile Food Vending (Local Approvals) Policy

September 2022

[newcastle.nsw.gov.au](http://newcastle.nsw.gov.au)



City of  
Newcastle

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## INTRODUCTION

### 1 ~~\_\_\_\_\_~~ Title of the Policy

2 ~~\_\_\_\_\_~~ This Policy (“the Policy”) is called the Local Approvals Policy for Mobile Food Vending Vehicles.

### 31 ~~\_\_\_\_\_~~ What is the Purpose of the Policy?

3.41.1 ~~\_\_\_\_\_~~ The City of Newcastle (CN) supports the operation of mobile food vending vehicles (food trucks and food vans) to enliven the City of Newcastle Local Government Area (LGA) and encourage diversity in takeaway food options.

3.21.2 ~~\_\_\_\_\_~~ The purpose of the Mobile Food Vending (Local Approvals) Policy (this Policy) is to provide the framework for the approval and the operation of mobile food vending vehicles in the City of Newcastle Local Government Area LGA. The Policy sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the on-street trading parameters.

3.3 ~~\_\_\_\_\_~~ The Policy also supplements provisions of the Local Government Act 1993, the Roads Act 1993, the Food Act 2003, and associated regulations.

1.3 ~~\_\_\_\_\_~~ This Policy provides guidance to assist applicants in how to operate a mobile food vending vehicle in a lawful, safe and environmentally sustainable manner.

1.4 ~~\_\_\_\_\_~~ This Policy is a Local Approvals Policy prepared and adopted under section 158 of the Local Government Act 1993 (the Act).

3.41.5 ~~\_\_\_\_\_~~ This Policy is divided into three parts in accordance with the requirements of the Local Government Act 1993 the Act:

- a) Part 1 of the Policy specifies any exemptions from the Policy;
- b) Part 2 of the Policy specifies the criteria which Council must consider when determining whether or not to grant approval for a particular activity; and
- c) Part 3 of the Policy specifies other matters relating to approvals.

### 4 ~~\_\_\_\_\_~~ Review of the Policy

5 ~~\_\_\_\_\_~~ The Policy is a Local Approvals Policy prepared and adopted under section 158 of the Local Government Act 1993.

6 ~~\_\_\_\_\_~~ The Policy will be reviewed every three years from the date of commencement.

### 7 ~~\_\_\_\_\_~~ What are the objectives of the Policy?

8 ~~\_\_\_\_\_~~ The Policy aims to:

9 ~~\_\_\_\_\_~~ Ensure that mobile food vending vehicles operate in accordance with the rules and restrictions on lawful parking spaces on Council-owned roads; and

10 ~~\_\_\_\_\_~~ Ensure that food sold through mobile food vending vehicles is safe and fit for human consumption; and

11 ~~\_\_\_\_\_~~ Provide guidance and assistance to people wanting to operate a mobile food vending vehicle on Council-owned roads in the City of Newcastle Local Government Area; and

12 ~~\_\_\_\_\_~~ Ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in vehicles are adequate; and

13 ~~\_\_\_\_\_~~ Minimise any potential adverse impacts of mobile food vending vehicles; and

14 ~~\_\_\_\_\_~~ Ensure the safe operation of mobile food vending vehicles; and

15 ~~\_\_\_\_\_~~ Ensure the operation of mobile food vending vehicles does not increase litter or waste in or from the trading location; and

16 ~~\_\_\_\_\_~~ Ensure that the operation of the mobile food vending vehicle does not adversely

~~impact any surrounding sensitive land uses, and in particular residential amenity.~~

~~17 — Policy commencement date~~

~~18 — The Policy was adopted by Council on 26 March 2019 and came into operation on 27 March 2019.~~

~~192 — Where the Policy applies~~Scope

~~2.1~~ This Policy applies to all Council-owned roads within the City of Newcastle Local Government Area.

~~2.2~~ This Policy applies to all approvals relating to any mobile food vending vehicle that has stopped to make a sale, or with the intention to sell, on any Council-owned road.

~~19.12.3~~ This Policy does not apply to any food truck or food van mobile food vending vehicle that is operating pursuant to a separate “events” authorisation and/or sporting ground licence issued by Council. The use of Council parks, reserves and the like by mobile food vending vehicles is prohibited unless expressly authorised by Council.

~~19.22.4~~ This Policy does not apply to the use and operation of any mobile food vending vehicle food truck or food van that is used on private land. Such activities may be exempt from a requirement to obtain development consent, subject to the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Codes).

~~Approvals to which the policy relates~~

~~19.3 This Policy applies to the following activity, as specified in the Table under Section 68 of the Local Government Act 1993: “Use a standing vehicle or any article for the purpose of selling any article in a public place” all approvals relating to any Mobile food vending vehicle that has stopped to make a sale, or with the intention to sell, on any Council-owned road.~~

~~19.4 This Policy does not apply to food carts, and applications will not be accepted for food carts under this Policy. For the purposes of the Policy a ‘standing vehicle’ includes any food truck or food van that has stopped to make a sale, or with the intention to sell. When will the policy be revoked?~~

~~19.5 In accordance with Section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election of Council, unless Council revokes the Policy sooner. Definitions~~

~~19.6 For the purposes of the Policy:~~

~~19.7 (a) A mobile food vending vehicle is a vehicle located on Council-owned roads used in connection with the preparation and/or sale of food.~~

~~19.8 It includes vehicles used for on-site food preparation (eg. hamburgers, hot dogs and kebabs), one-step food preparation (eg. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food.~~

~~19.9 For the purposes of the Policy, the term “mobile food vending vehicle” refers to both food trucks and food vans, being vehicles that are registered within the meaning of the Road Transport Act 2013.~~

~~19.10 All mobile food vending vehicles require an approval issued by Council prior to operating.~~

~~19.11 (b) A food truck is a vehicle used for the purposes of on-site preparation and sale of hot and cold food (considered a medium to high risk food category). Food trucks routinely change location and must not remain in any one location for more than 4 hours at one time.~~

~~19.12 (c) A food van is a vehicle used for the purposes of selling tea, coffee, drinks, cakes,~~

sweets or other similar food (low risk food category). Food vans routinely change location and can make intermittent stops of up to 15 minutes at any one time.

19.13(d) A food cart is a unit/vehicle which may or may not be powered, that is for the purpose of selling food or drink which operates within Council-owned roads and does not meet the definition of a food truck or food van (Note: food carts are not supported under the Policy).

19.14(e) Council-owned roads includes all of the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.

19.15 Explanations of notes in the text

19.16 The notes in text boxes are explanatory notes and do not form part of the Policy. The notes are provided to assist with the understanding of the Policy.

19.17 P.11 Other relevant documents

19.18 The following documents are related to the Policy:

19.19 • Local Government Act 1993

19.20 • Food Act 2003

19.21 • Roads Act 1993

19.22 • Food Standards Code

19.23 • Mobile Food Vending Vehicles – Operation, construction and food handling guidelines, August 2009 (available on the NSW Government Food website <http://www.foodauthority.nsw.gov.au/>)

2.5 • Department of Local Government Street Vending Control Guidelines

### **3 Principles**

3.1 CN commits to the following:

d) **Accountability and transparency** – This Policy aims to ensure that CN determines applications in a manner that is accountable and transparent and efficient.

e) **Activation of public spaces** – Mobile food vending locations will be identified for use in areas that support CN's strategies, including the activation of public spaces and support and encouragement for local business.

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## **ROLES AND RESPONSIBILITIES**

### **4 Applicants**

- 4.1 Applicants are to ensure that all information required on the approved form is submitted and the relevant application fee is paid. Applicants will also need to provide their vehicle for inspection on request and pay for any inspection conducted in accordance with CN's current fees and charges.
- 4.2 Mobile food vending vehicle operators are required to comply with all the conditions on the approval as well as the relevant legislation applicable to their activity.

### **5 CN Officers**

- 5.1 CN Officers will review the application to ensure it is complete on lodgement and request any further information required to allow the application to proceed in a timely manner.
- 5.2 CN Officers will assess the application and recommend determination of the application in accordance with this Policy and related legislation.
- 5.3 CN Officers will enforce compliance with this Policy and related approvals in accordance with the CN's Compliance and Enforcement Policy.
- 19.245.4 CN will maintain a register of approvals as required by section 113 of the Act.

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## PART 1: EXEMPTIONS FROM THE NECESSITY TO OBTAIN APPROVAL

### 206 Exemptions under the Policy~~No current exemptions~~

~~6.1 There are no exemptions under the Policy for mobile food vending vehicles. Section 158(3) of the Local Government Act 1993 Act requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council.~~

~~20.16.2 To ensure the safety of food for human consumption, there will be no exemptions for compliance with the Policy in relation to mobile food vending vehicles.~~

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## **PART 2: CRITERIA COUNCIL CN MUST CONSIDER WHEN DETERMINING APPLICATIONS FOR MOBILE FOOD VENDING VEHICLES FOR ASSESSMENT OF APPLICATION**

### **217 General requirements of mobile food vending vehicles**

~~21.1 Approval under the *Local Government Act 1993* is required prior to commencement of operation of a mobile food vending vehicle on a Council-owned road. The operation of a mobile food vending vehicle without the required approval is an offence.~~

~~21.27.1 An application for approval to use a mobile food vending vehicle is to be made on the approved Approved form. The prescribed fee is also to be paid before the application is assessed.~~

~~21.3 The vehicle must be able to comply with the vehicle design and construction requirements in this Policy. Prior to the issue of an approval under this Policy, the mobile food vending vehicle is to be made available for inspection by Council's Regulatory Services officer/s. Council will charge a fee for inspecting the mobile food vending vehicle as per Council's adopted Fees and Charges Schedule. Based on The Food Regulation Partnership adopted in July 2018, Council may choose to not inspect the vehicle, if the applicant is able to produce a satisfactory operational inspection report from their home jurisdiction council. CN may will inspect the vehicle to determine compliance with this Policy and charge the associated fee in accordance with CN fees and charges, or CN may accept a satisfactory operational inspection report from another Council.~~

~~21.4 All Approvals will be issued with an end date of 30 June each year, to enable an annual review.~~

~~21.5 Operators are to notify the food business to Council using a Food Business Update form found on Council website at [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au).~~

~~21.67.2 The criteria to be used in the assessment of a mobile food vending vehicle for approval will include all the relevant provisions contained in the standards as set out in Part 2 of the Policy, the *Food Act 2003* and associated regulations, and the Food Standards Code. The vehicle complies with the criteria set out in Part 2A.~~

~~21.7 Approvals will be issued subject to conditions, including but not limited to compliance with the Policy.~~

~~21.87.3 Only the sale of foodstuffs and drinks will be allowed from mobile food vending vehicles. No sale of alcohol, cigarettes or other products from mobile food vending vehicles will be permissibleapproved.~~

~~21.97.4 The applicant is to submit a copy of a broadform their public liability insurance that complies with CN's insurance requirements, indemnifying the applicant against any actions, suits, claims, demands or proceedings for death or injury to any third party or parties or loss of, or damage to, any property, with an indemnity amount of not less than \$20,000,000 per occurrence and noting Council as an interested party. The Insurance is to be valid at all times from the date of approval through to the date the approval lapses.~~

~~21.107.5 The applicant is to submit copies of their valid current motor vehicle insurance policies that complies with CN's insurance requirements, and that protect the applicant:~~

- a) Against any injury to any third party or parties under Compulsory Third Party Insurance as required by the *Motor Accidents Compensation Act 1999*; and
- b) Third Party Property Damage that provides a Against loss of, or damage to, any property whatsoever caused by the use of the vehicle when being driven by the Licensee, an employee of the Licensee, an independent contractor or any other person (including a person not employed by the Licensee). The policy is to have a limit of indemnity of not less than \$20,000,000 and shall be extended to include "CTP Gap Coverage Endorsement" cover. The policy shall note the interest of the Council as an insured, and shall be extended to include "CTP Gap Coverage

Endorsement" cover. The policy shall note the interest of the Council as an insured.  
~~21.11 These insurance policies must be kept current for the term of the approval, is to be valid at all times from the date of approval through to the date the approval lapses.~~

## 7.6

~~Food General requirements in accordance with Food Safety Standard 3.2.3~~

~~The design and construction of a mobile food vending vehicle is to:~~

~~Be appropriate for the types of food produced and activities conducted; and~~

~~Provide adequate space for all activities and for all equipment to be used or stored; and~~

~~Allow easy cleaning/sanitising procedures of all structures and equipment; and~~

~~Prevent entry of pests, dust, fumes, smoke and other contaminants; and~~

~~Exclude favourable sites for pests to harbour (live and breed).~~

~~Further details on these requirements are contained within Mobile Food Vending Vehicles – Operation, construction and food handling guidelines, prepared by the NSW Food Authority. All mobile food vending vehicles approved by Council are required to comply with these guidelines.~~

~~Part 2A: Criteria Council must consider when determining an application to operate a food truck~~

~~Location~~

~~Food trucks may only operate in the areas specified in Appendix A (the schedule of streets may be updated from time to time). Maps of the approved locations are also available on Council's website.~~

~~Council will use the following principles in determining the suitability of any additional food truck locations to those specified in Appendix 1:~~

~~Land use zoning and permissible uses within that zone (compatibility considerations)~~

~~Proximity to residential properties (potential residential amenity impacts)~~

~~Proposed hours of operation (consideration of other food and drink premises in proposed location)~~

~~Road, road-user, and pedestrian safety~~

~~Availability of alternate locations.~~

~~Food trucks permitted to operate on Council-owned roads are to:~~

~~Be located within existing lawful parking spaces; and~~

~~Comply with the local parking restrictions; and~~

~~Stand in any one location for a maximum period of four hours at a time, inclusive of set-up and pack-up times; and~~

~~Not return to an operating location for four hours; and~~

~~Comply with the relevant road rules; and~~

~~Not operate directly in front of a residential building (house or apartment) on the same side of the road as the frontage of the residential building.~~

~~Proximity to an operating food truck~~

~~21.12 Mobile food vending vehicles Food trucks are not to trade within a 50m radius of another Mobile food vending vehicle/food truck.~~

## **22 — Proximity to existing comparable premises**

~~22.1 No Mobile food vending vehicle food truck is to be positioned within 50m of an operating food and drink premises or kiosk or a special event selling food. This minimum distance requirement is measured in a straight line from the closest point of the Mobile food vending vehicle food truck (location) to the main entrance of a food and drink premises or kiosk or boundary of a licensed event area.~~

## **23 — Parking**

~~23.1 Mobile food vending vehicles Food trucks are to operate so as to must:~~

- ~~a) Not impact on or conflict with any marked bicycle lanes; and~~
- ~~b) Ensure access to pedestrian ramps and footpaths are not compromised; and~~
- ~~c) Ensure that access or egress from any building is not restricted by the operation of the Mobile food vending vehicle food truck; and~~
- ~~d) Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, fire hydrants, telephone booths and post boxes or the like.~~

## **248 Vehicle design and construction Truck specifications requirements**

~~24.1 Mobile food vending vehicles Food trucks must be no wider than 2.5m.~~

~~8.1 Additionally, mMobile food vending vehicles that are vehicles 7.5m or greater in length require separate Road Occupancy Permits.~~

~~24.28.2 The design and construction of a mMobile food vending vehicle is to comply with the requirements contained within NSW Food Authority Guidelines for Mobile Food Vending Vehicles — Operation, construction and food handling guidelines, prepared by the NSW Food Authority.~~

## **25 — Deliveries**

~~25.1 Food trucks Mobile food vending vehicles are to arrive at a location fully equipped. Deliveries are not to be made to a food truck vehicle while it is in operation.~~

## **26 — Part 2B: Criteria Council must consider when determining an application to operate a food van**

### **27 — Location**

~~28 Food vans may only operate in the areas specified in Appendix B. Maps of the approved areas are also available on Council's website.~~

### **29 — Stopping time**

~~29.1 Each Mobile food vending vehicle food van will be able to trade for a maximum period of one hour 15 minutes in one location at one time.~~

~~29.2 An authorised CN Officer has the authority to require the vehicle to move on from the area within the one hour 15 minute period if necessary.~~

### **30 — Proximity to existing comparable premises**

~~30.1 No Mobile food vending vehicle food van is to be positioned within 50m of an operating food and drink premises or kiosk or a special event selling food. This minimum distance requirement is measured in a straight line from the closest point of the food van (location) to the main entrance of a food and drink premises or kiosk or boundary of a licensed event area.~~

## **PART 2C: CRITERIA COUNCIL MUST CONSIDER WHEN DETERMING AN APPLICATION TO OPERATE A FOOD CART**

### **31 — Food Carts not supported under the Policy**

~~31.1 Applications for approval to operate a food cart on Council-owned roads pursuant to Section 68 of the Local Government Act 1993, for the purpose of selling any article in a public place, are not supported under this Policy.~~

## **PART 3: OTHER MATTERS RELATING TO APPROVALS ~~FOR MOBILE FOOD VENDING VEHICLES~~**

### **9 Processing and determining applications generally**

9.1 CN will process and determine applications in accordance with the general provisions of Division 3 of the Act.

### **10 Approval conditions and review**

10.1 All approvals will be issued with an end date of 30 June each current financial year, to enable an annual review.

10.2 Approvals will be issued subject to conditions, including but not limited to compliance with the requirements of the *Food Act 2003*, Food Standard Codes and compliance with this Policy.

— Failure to adhere to any condition of approval and/or legislative requirement may result in modification, suspension, or revocation of an approval, in addition to the potential issuing of fines.

— Food trucks may only operate in the areas specified in Annexure C (the schedule of streets may be updated from time to time). Maps of the approved locations are also available on CN's website.

10.3 Food vans may only operate in the areas specified in Annexure D. Maps of the approved areas are also available on CN's website.

### **11 Stopping locations and time**

11.1 No mobile food vending vehicle is to be positioned within 50m of an operating food and drink premises or kiosk or a special event selling food. This minimum distance requirement is measured in a straight line from the closest point of the vehicle to the main entrance of a food and drink premises or kiosk or boundary of a licensed event area.

11.2 Mobile food vending vehicles are to arrive at a location fully equipped. Deliveries are not to be made to a vehicle while it is in operation.

11.3 Food trucks may only operate in the areas specified in Annexure C (the schedule of streets may be updated from time to time). Maps of the approved locations are also available on CN's website.

11.4 Each food truck will be able to trade for a maximum period of four hours. After four hours, the truck will need to move to another location before trading again.

11.5 Food vans may only operate in the areas specified in Annexure D. Maps of the approved areas are also available on CN's website.

11.6 Each food van will be able to trade for a maximum period of one hour. After one hour the van will need to move to another location before trading again.

### **12 Additional ~~Assessing~~ locations for vehicle operations**

12.1 ~~CN will use the following principles in~~ When determining the suitability of any additional food truck locations to those specified in Annexure C, CN will have regard to:

- a) Land use zoning and permissible uses within that zone (compatibility considerations)
- b) Proximity to residential properties (potential residential amenity impacts)
- c) ~~Proposed hours of operation (consideration~~ Proximity to other food and drink premises in proposed location)
- d) Road, road-user, and pedestrian safety
- e) ~~Availability of alternat~~ Availability of existing locations for approved vehicles.e locations.

Food trucks permitted to operate on CN-owned roads are to:  
Be located within existing lawful parking spaces; and  
Comply with the local parking restrictions; and  
Stand in any one location for a maximum period of four hours at a time, inclusive of set-up and pack-up times; and  
Not return to an operating location for four hours; and  
Comply with the relevant road rules; and  
Not operate directly in front of a residential building (house or apartment) on the same side of the road as the frontage of the residential building.

Approval of a ~~M~~mobile food vending vehicle is subject to compliance with the requirements of the *Food Act 2003*, Food Standard Codes, and all other conditions of approval.

~~31.2~~ The mobile food vending vehicle approval (page 1) issued by ~~C~~Nouncil is to be displayed in a location that is clearly visible to customers at all times during operation. A copy of the full approval document is to be kept within the vehicle at all times and made available to an authorised ~~C~~Nouncil ~~O~~fficer upon request.

~~31.3~~ Failure to adhere to any condition of approval and/or legislative requirement may result in modification, suspension, or revocation of an approval, in addition to the potential issuing of fines.

## **32 — Proximity to an operating food truck**

~~32.1~~ Mobile food vending vehicles Food trucks are not to trade within a 50m radius of another Mobile food vending vehicles food truck.

### **Proximity to existing comparable premises**

~~No~~ Mobile food vending vehicle truck is to be positioned within 50m of an operating food and drink premises or kiosk or a special event selling food. This minimum distance requirement is measured in a straight line from the closest point of the food truck vehicle (location) to the main entrance of a food and drink premises or kiosk or boundary of a licensed event area.

## **3313 Parking**

~~33.13.1~~ Food trucks Mobile food vending vehicles are to park legally at all times and operate so as to:

- a) Not impact on or conflict with any marked bicycle lanes; and
- b) Ensure access to pedestrian ramps and footpaths are not compromised; and
- c) Ensure that access or egress from any building is not restricted by the operation of the food truck vehicle; and
- d) Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, fire hydrants, telephone booths and post boxes or the like.

## **3414 Permitted days and hours of operation**

~~34.14.1~~ The use of ~~C~~Nouncil-owned roads for the purpose of operating a ~~m~~Mmobile food vending vehicle is restricted to 7am to 10pm each day, inclusive of set up and set down times, unless the location is within or immediately adjacent to a residential zone, in which case the operation is restricted to 7am to 7pm on any day.

~~34.214.2~~ Mobile food vending vehicles are not to remain in any on-road location overnight.

## **3515 Serving**

~~35.15.1~~ Mobile food vending vehicles are not to operate with their serving window opening onto any part of a vehicular carriageway or a cycleway.

### **3616 Customer seating**

~~36.416.1~~ The placement of tables, chairs or other seating apparatus is not permitted at any time.

### **3717 Waste management and recycling**

~~37.417.1~~ Provisions for waste management are to include the following:

- a) Mobile food vending vehicle operators are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, and stored and disposed of at the cost of the operator.
- b) Any waste produced by the operation of the mobile food vending vehicle is to be removed from the site via the mobile food vending vehicle at the end of the trading period.
- c) The trading area is to be left in a clean and tidy condition at the end of each trading interval.
- d) The trading approval holder is liable to reimburse ~~Council~~ ~~Council~~ for any cleaning cost incurred by ~~Council~~ ~~Council~~ during the duration of the trading period as a result of the operation of the mobile food vending vehicle.
- e) Disposal of all liquid wastes generated within the food van is to be discharged to the sewer or as approved by an authorised ~~Council~~ ~~Council~~ Officer. Under no circumstances is liquid waste to be discharged to the ground or in the stormwater drain.
- f) Details of liquid waste and garbage disposal arrangements must be supplied with the application for the ~~mMobile~~ mobile food vending vehicle.
- g) Packaging used for the sale of food must be recyclable or compostable in line with the *Plastics Reduction and Circular Economy Act 2021*. Details of recyclable materials are available on the City of Newcastle website. Where feasible the packaging used for the sale of food should be selected for its suitability for recycling in the City of Newcastle Local Government Area. Details are available on the City of Newcastle website on <http://www.newcastle.nsw.gov.au>

~~38~~ ~~Note: The City of Newcastle has prepared a Local Approvals Policy for Waste Management in a public place which addresses the management of commercial waste in a public place.~~

### **3918 Signage**

~~39.418.1~~ An Approval under ~~this~~ Policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the ~~mMobile~~ mobile food vending vehicles.

~~39.218.2~~ ~~This~~ Policy does not allow the use of any temporary signage (e.g A-frame boards) in association with the operation of any ~~mMobile~~ mobile food vending vehicle.

### **4019 Animals and pests**

~~40.419.1~~ All practicable measures are to be taken to prevent pests (including birds, spiders and flying insects) from entering or remaining in the vehicle.

~~40.219.2~~ No animal is permitted to enter any vehicle, whether the vehicle is in operation or not.

### **4120 Water supply**

~~41.420.1~~ The ~~mMobile~~ mobile food vending vehicle must be provided with an adequate supply of potable water stored in approved containers and suitably protected against contamination, for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes.

~~41.220.2~~ The ~~mMobile~~ mobile food vending vehicle is to be equipped with a wastewater tank

external to the vehicle, of at least 50 litre capacity with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

20.3 All hot water for washing purposes is to be supplied from a suitable hot water system and should be piped so it can be mixed with cold water.

## 21 **Maintenance**

21.1 The mobile food vending vehicle and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order, free from dirt, fumes, smoke, foul odours and other contaminants.

## 4222 **Control of pollution**

42.422.1 Operators are to comply with the *Protection of the Environment Operations Act 1997*, which contains provisions relating to pollution, including prevention of offensive noise, smoke, odour and wastewater discharges.

## 4323 **Noise**

43.423.1 The emission of noise associated with the use of the mobile food vending vehicle, including the operation of any mechanical plant and equipment, is to comply with the following:

- a) The use of the vehicle must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.
- b) If any noise complaints are received and substantiated by an authorised Council Officer, the Council Officer may direct that the use of the food truck/business is to be suspended or moderated to prevent nuisance until attenuation measures are completed and Council has confirmed in writing that the use may resume.
- c) The operation of a mobile food vending vehicle is not to involve the use of any bell, music or other sound device to attract customers, ~~not~~ while the vehicle is moving or stationary.

## 4424 **Odour**

44.424.1 If any odour or smoke complaints are received and substantiated by an authorised Council Officer, then the use of the vehicle or apparatus is to be moderated as directed by an authorised Council Officer as deemed necessary to prevent nuisance.

## 4525 **Food Handling**

45.425.1 The requirements for the handling of food for sale and human consumption are outlined in the standards set by the NSW Food Authority's website, ([www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)). The requirements also apply to pre-packaged food and low-risk food. Fact Sheets and user guides are available on the Food Standards Australia New Zealand website ([www.foodstandards.gov.au](http://www.foodstandards.gov.au)).

## 4626 **Preparing food at home**

46.426.1 A separate approval may be required for the preparation of food as part of a home business. Please contact Council for further information regarding restrictions in your residential zone on 4974 2000.

## 4727 **Use of separate/Related food premises**

47.427.1 Where the operation of the mobile food vending vehicle involves the use of premises within the City of Newcastle Local Government Area, for the storage or preparation of food in conjunction with a mobile food vending vehicle, a Development Consent for such use may be required under the *Environmental Planning and Assessment Act 1979*.

~~47.227.2~~ Any change in the ~~permanent facilities~~related food premises is to be notified to ~~C~~Nouncil.

#### ~~48~~ — **Maintenance**

~~48.1~~ The vehicle and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order, free from dirt, fumes, smoke, foul odours and other contaminants.

#### ~~49~~ — **Non-compliance**

~~49.1~~ ~~Authorised C~~Nouncil's ~~Authorised Officers~~ may issue penalty infringement notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with the Policy and all related offences. Serious pollution incidences can also be prosecuted by state agencies such as the NSW Environment Protection Authority.

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## ANNEXURE A – CONTACT INFORMATION

Please contact CN ~~or the NSW Food Authority~~ for further information ~~relating to information contained within the~~relating to this Policy or questions on the application, approval or operation of mobile food vending vehicles in the Newcastle LGA.

City of Newcastle

Tel: (02) 4974 2000

Website: [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

Further food safety information can be obtained from:

NSW Food Authority

Tel: 1300 552 406

Fax: (02) ~~9647 00269~~199 8253

Website: <http://www.foodauthority.nsw.gov.au>

Email: [food.contact@dpifoodauthority.nsw.gov.au](mailto:food.contact@dpifoodauthority.nsw.gov.au)

Food Standards Australia New Zealand

Website: [www.http://foodstandards.gov.au](http://www.foodstandards.gov.au)

## ANNEXURE B - DEFINITIONS

The Act means the *Local Government Act 1993* (NSW).

Approved form means the current mobile food vending vehicle application form for use of a mobile food vending vehicle as found on CN's website. **Definitions**

For the purposes of the Policy: CEO means Chief Executive Officer of the City of Newcastle 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).

City of Newcastle (CN) means Newcastle City Council.

Council-owned roads means all of the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.

CN Officer means an officer who works for CN.

Food truck means a vehicle used for the purposes of on-site preparation and sale of hot and cold food (considered a medium to high risk food category). Food trucks routinely change location and must not remain in any one location for more than 4 hours at one time.

Food van means a vehicle used for the purposes of selling tea, coffee, drinks, cakes, sweets, packaged sandwiches, or other similar food (low risk food category). Food vans routinely change location and can make intermittent stops of up to 301 hour15 minutes at any one time.

Food cart means a unit/vehicle which may or may not be powered, that is for the purpose of selling food or drink which operates within Council-owned roads and does not meet the definition of a food truck or food van. ~~Food carts are not supported under the Policy.~~

Mobile food vending vehicle means includes food trucks and food vans and means a vehicle located on CN-owned roads used in connection with the preparation and/or sale of food. It includes vehicles used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food. ~~It does not include Food carts.~~

For the purposes of this Policy, the term "mobile food vending vehicle" refers to both food trucks and food vans, being vehicles that are registered within the meaning of the *Road Transport Act 2013*.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

**ANNEXURE C - PERMITTED TRADING LOCATIONS – FOOD TRUCKS**

Location No.	Site Name	Street Address	Suburb
1	National Park	Union Street <del>Parry Street</del>	Newcastle West <del>Newcastle West</del>
2	Newcastle Foreshore (east)	Wharf Road	Newcastle East
3	Newcastle Foreshore (west)	Wharf Road	Newcastle
4	Dixon Park	Ocean Street	Merewether
5	Civic Park	Laman Street	Newcastle
6	Myers Park	<del>Meyers Melville</del> Road	Broadmeadow
7	Freeway South Business Park	Arunga Drive Enterprise Drive Balook Drive Yangan Drive Balbu Close Birraba Avenue Pippita Close Kullara Close	Beresfield
8	Steel River Industrial Estate	Steel River Blvd Metal Pit Drive Riverside Drive Channel Road Murray Dwyer Circuit McIntosh Drive Laurio Place Frost Drive Spit Island Close Pambalong Drive	Steel River

Maps: The above Permitted Trading Locations for Food Trucks are shown in a map linked to the Council's website: <https://newcastle.nsw.gov.au/business/regulations/food-drink-business/mobile-food-vending-vehicles>. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) and search for "Mobile Food Vending".

## ANNEXURE D - PERMITTED AND EXCLUDED TRADING LOCATIONS – FOOD VANS

Trading locations for food vans are primarily based on land use zonings defined by relevant Environmental Planning Instruments that apply to the [City of Newcastle Local Government Area](#). Relevant instruments include the *Newcastle Local Environmental Plan 2012* and *State Environmental Planning Policy (Three Ports) 2013*. Zoning information, including maps, can be accessed via the NSW Legislation website, [at www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au). It is noted that land use zones are likely to change from time to time.

Irrespective of the relevant land use zone, food vans are not to operate on “classified” roads within the meaning of the *Roads Act 1993*. Please visit the [Transport for NSW Roads and Maritime Services website roads and waterways website \(https://roads-waterways.transport.nsw.gov.au/classification/map/cartomapwww.rms.nsw.gov.au\)](http://roads-maritime-services-roads-and-waterways-website-roads-and-waterways-website-https://roads-waterways.transport.nsw.gov.au/classification/map/cartomapwww.rms.nsw.gov.au) to which provides NSW road network classifications determine which roads are classified. It is noted that the list of classified roads is likely to change from time to time.

Subject to other exclusions on this Appendix, food vans may operate on [Council-owned roads](#) within the Newcastle [Local Government Area LGA](#) zoned:

[Zone B2 Local Centre](#)

[Zone B3 Commercial Core](#)

[Zone B4 Mixed Use](#)

[Zone B5 Business Development](#)

[Zone RE1 Public Recreation land that directly adjoins the ocean or harbour](#)

[Zone IN1 General Industrial](#)

[Zone IN2 Light Industrial](#)

[Zone IN3 Heavy Industrial](#)

[Zone SP1 Special Activities](#)

[Zone SP2 Infrastructure](#)

[Zone RE2 Private Recreation](#)

[Zone B2 Local Centre](#)

[Zone B3 Commercial Core](#)

[Zone B4 Mixed Use](#)

[Zone B5 Business Development](#)

[Zone RE1 Public Recreation land that directly adjoins the ocean or harbour](#)

[Zone IN1 General Industrial](#)

[Zone IN2 Light Industrial](#)

[Zone IN3 Heavy Industrial](#)

[Zone SP1 Special Activities](#)

[Zone SP2 Infrastructure](#)

[Zone RE2 Private Recreation](#)

Food vans are not to operate on [Council-owned roads](#) within the Newcastle [Local Government Area LGA](#) that are zoned or are adjacent to land zoned:

[Zone R2 Low Density Residential](#)

[Zone R3 Medium Density Residential](#)

[Zone R4 High Density Residential](#)

[Zone B1 Neighbourhood Centre](#)

[Zone RE1 Public Recreation land that does not directly adjoin the ocean or harbour](#)

[Zone C1 National Parks and Nature Reserves](#)

[Zone C2 Environmental Conservation](#)

[Zone C3 Environmental Management](#)

[Zone C4 Environmental Living](#)

[Zone W2 Recreational Waterways](#)

[Zone R2 Low Density Residential](#)

[Zone R3 Medium Density Residential](#)

[Zone R4 High Density Residential](#)

[Zone B1 Neighbourhood Centre](#)

[Zone RE1 Public Recreation land that does not directly adjoin the ocean or harbour](#)

[Zone E1 C1 National Parks and Nature Reserves](#)

[Zone E2 C2 Environmental Conservation](#)

[Zone E3 C3 Environmental Management](#)

[Zone E4 C4 Environmental Living](#)

[Zone W2 Recreational Waterways](#)

**Maps:** The ~~approved above Permitted and Excluded Trading L~~ocations for ~~f~~Food ~~v~~vans are shown in a map linked to the ~~C~~ouncil's website: ~~<https://newcastle.nsw.gov.au/business/regulations/food-drink-business/mobile-food-vending-vehicles>~~. ~~www.newcastle.nsw.gov.au~~ and search for "Mobile Food Vending".

---

**ANNEXURE E - POLICY AUTHORISATIONS**

Title of authorisation	Description of authorisation	Position Number & Title
Nil.		

DRAFT

## DOCUMENT CONTROL

Policy title	Mobile Food Vending (Local Approvals) Policy
Policy owner	Manager Regulatory, Planning and Assessment
Policy expert/writer	Environmental Health Coordinator
Associated Guideline or Procedure Title	Nil.
Guideline or Procedure owner	N/A
Prepared by	Regulatory, Planning and Assessment
Approved by	Council
Date approved	To be completed by Legal
Policy approval form reference	ECM#
Commencement Date	To be completed by Legal
Next review date	To be completed by Legal
Termination date	To be completed by Legal (one year post revision date)
Version #	Version number 3
Category	Regulatory, Enforcement and Compliance
Details of previous versions	Version #2 – <b>ECM:</b> <a href="#">5926573</a>
Keywords	Mobile food vending vehicles, food vending trucks, vans, trailers
Relevant strategy	<a href="#">Newcastle Local Strategic Planning Statement 2019</a> <a href="#">Night-time Economy Strategy - Newcastle Local Housing Strategy 2020</a> <a href="#">Newcastle After Dark (2018-2022)</a>
Relevant legislation/codes (reference specific sections)	<p>This Policy supports CN's compliance with the following legislation:</p> <ul style="list-style-type: none"> <li>– <i>Local Government Act 1993</i> (NSW) (s68, s75-113, s158-161)</li> <li>– <i>Environmental Planning and Assessment Act 1979</i> (NSW)</li> <li>– <i>Food Act 2003</i> (NSW) (s37)</li> <li>– <i>Motor Accidents Act 1988</i> (NSW) OR <i>Motor Accidents Compensation Act 1999</i></li> <li>– <i>Protection of the Environment Operations Act 1997</i> (NSW)</li> <li>– <i>Road Transport Act 2013</i> (NSW)</li> <li>– <i>Roads Act 1993</i> (NSW) (Dictionary, Part 5 Classification of roads)</li> <li>– <i>Food Standards Code - Standard 3.2.2</i></li> <li>– <a href="#">State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</a></li> <li>– <a href="#">Environmental Planning and Assessment (COVID-19 Development – Takeaway Food and Beverages) Order 2020, issued by the NSW government, dated 31 March</a></li> </ul>

	<a href="#">2020</a>
Other related documents	<p><a href="#">NSW Food Authority – Guidelines for Mobile Food Vending Vehicles (July 2020) – Operation, construction and food handling guidelines, July 2020 (available on the NSW Government Food website <a href="https://www.foodauthority.nsw.gov.au/sites/default/files/2021-02/mobile_food_vending_guidelines.pdf">https://www.foodauthority.nsw.gov.au/sites/default/files/2021-02/mobile_food_vending_guidelines.pdf</a>)</a></p> <p><a href="#">Department of Local Government Street Vending Control Guidelines 2017</a></p> <p><a href="#">Nil.</a></p>
Related forms	Mobile Food Vending Vehicle Application Form
Required on website	Yes
Authorisations	Functions authorised under this Policy at Annexure E

---

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/23 - HUNTER WATER AMENITY IMPROVEMENT WORKS  
- LITCHFIELD PARK, MAYFIELD**

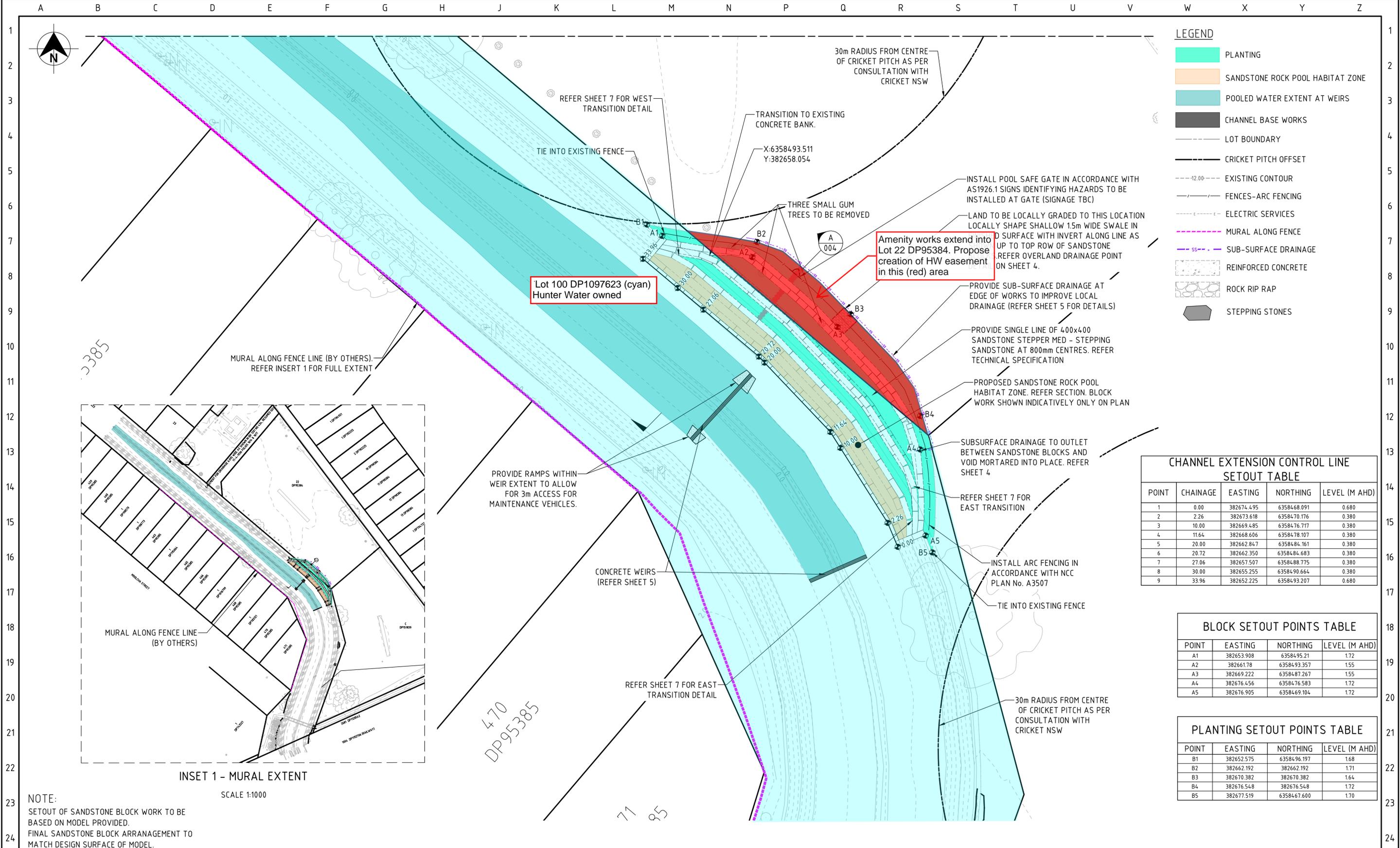
**8.10**

- Attachment A:** FIGURE 1 - PHOTO OF THE SITE
- Attachment B:** LITCHFIELD PARK, MAYFIELD LAND PARCELS (PLAN OF WORKS AND AREA IDENTIFIED FOR HW EASEMENT)
- Attachment C:** MAYFIELD EASEMENT LAYOUT PLAN (AREA IDENTIFIED FOR HW EASEMENT)

**DISTRIBUTED UNDER SEPARATE COVER**

Figure 1 Visualisation of completed HW amenity works at Litchfield Park, Mayfield





**LEGEND**

- PLANTING
- SANDSTONE ROCK POOL HABITAT ZONE
- POOLED WATER EXTENT AT WEIRS
- CHANNEL BASE WORKS
- LOT BOUNDARY
- CRICKET PITCH OFFSET
- EXISTING CONTOUR
- FENCES-ARC FENCING
- ELECTRIC SERVICES
- MURAL ALONG FENCE
- SUB-SURFACE DRAINAGE
- REINFORCED CONCRETE
- ROCK RIP RAP
- STEPPING STONES

**CHANNEL EXTENSION CONTROL LINE SETOUT TABLE**

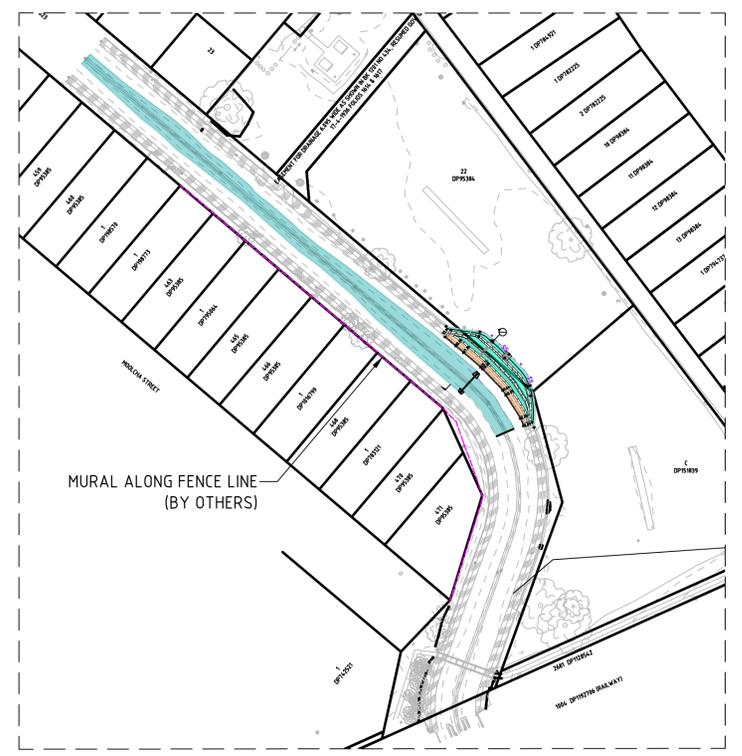
POINT	CHAINAGE	EASTING	NORTHING	LEVEL (M AHD)
1	0.00	382674.495	6358468.091	0.680
2	2.26	382673.618	6358470.176	0.380
3	10.00	382669.485	6358476.717	0.380
4	11.64	382668.606	6358478.107	0.380
5	20.00	382662.847	6358484.161	0.380
6	20.72	382662.350	6358484.683	0.380
7	27.06	382657.507	6358488.775	0.380
8	30.00	382655.255	6358490.664	0.380
9	33.96	382652.225	6358493.207	0.680

**BLOCK SETOUT POINTS TABLE**

POINT	EASTING	NORTHING	LEVEL (M AHD)
A1	382653.908	6358495.21	1.72
A2	382661.78	6358493.357	1.55
A3	382669.222	6358487.267	1.55
A4	382676.456	6358476.583	1.72
A5	382676.905	6358469.104	1.72

**PLANTING SETOUT POINTS TABLE**

POINT	EASTING	NORTHING	LEVEL (M AHD)
B1	382652.575	6358496.197	1.68
B2	382662.192	382662.192	1.71
B3	382670.382	382670.382	1.64
B4	382676.548	382676.548	1.72
B5	382677.519	6358467.600	1.70



**INSET 1 - MURAL EXTENT**  
SCALE 1:1000

**NOTE:**  
SETOUT OF SANDSTONE BLOCK WORK TO BE BASED ON MODEL PROVIDED.  
FINAL SANDSTONE BLOCK ARRANGEMENT TO MATCH DESIGN SURFACE OF MODEL.

	<p><b>CONSULTANT DETAILS:</b> Aurecon Australia Pty Ltd ABN 54 005 139 873 23 Warabrook Boulevard, Warabrook NSW 2304 Australia Telephone: +61 2 4941 5415 Email: newcastle@aurecongroup.com</p>		<p>DESIGNED: SJ DATE: 20/07/22 COMPANY: AURECON DRAWN: TN DATE: 20/07/22 COMPANY: AURECON CHECKED: WL DATE: 20/07/22 COMPANY: AURECON APPROVED: PG DATE: 20/07/22 COMPANY: AURECON</p>
<p>0 CONSTRUCTION ISSUE HK 05/08/22 B 100% DETAIL DESIGN ISSUE HK 12/07/22 A 80% DETAIL DESIGN ISSUE HK 25/05/22</p>		<p>TITLE: SR00039B THROSBY CREEK STORMWATER CHANNEL - MAYFIELD BRANCH <b>GENERAL ARRANGEMENT AND SETOUT PLAN</b></p>	
<p>CONSULTANT REFERENCE No. 521943 - HW DESP - SR00039</p>		<p>SIZE: A1 SCALE: 1:150 INDEX No. 85220 DRAWING No. 16265 SHEET 003 REV No. 0</p>	

VERSION 4



NOTES:  
 1. ALL DIMENSIONS AND AREAS ARE SUBJECT TO APPROVALS AND FINAL SURVEY  
 2. ALL INFORMATION SHOWN HERewith IS A DESKTOP COMPILATION OF INFORMATION AVAILABLE ON PUBLIC RECORD, NO CADASTRAL SURVEY HAS BEEN UNDERTAKEN

333 DP95143

2 DP95384

MYOLA STREET

23 DP95384

28 DP95384 (FORMED ROAD)

142°50'30" 124.11 (DP95384)  
124.24 (CALC)

22 DP95384

EASEMENT FOR DRAINAGE 6.095 WIDE AS SHOWN IN BK 1201 NO 434, RESUMED GOV. GAZ. 17-4-1936 FOLIOS 1614 & 1617

310°12'30" 121.22 (DP95384)  
121.31 (CALC)

100 DP1097623 (STORMWATER CHANNEL)

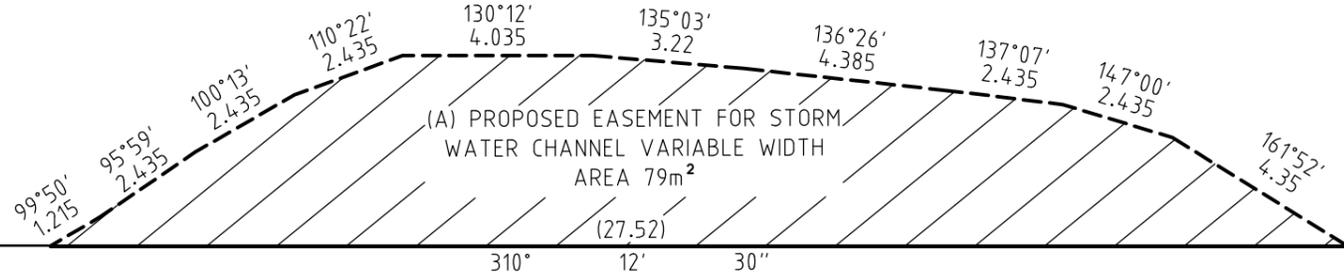
(A) PROPOSED EASEMENT FOR STORM WATER CHANNEL VARIABLE WIDTH AREA 79m<sup>2</sup>

SEE DIAGRAM

(A) PROPOSED EASEMENT FOR STORM WATER CHANNEL VARIABLE WIDTH AREA 79m<sup>2</sup>

DIAGRAM

1:150



Plot Date: 2022-10-26 5:14 PM Filename: P512448 MAYFIELD EASEMENT LAYOUT PLAN.DWG

REFERENCE DRAWINGS				REFERENCE MODELS				
REV	DATE	REVISION DETAILS		REV	DRAWN	DESIGNED	VERIFIED	APPROVED
0	26/10/2022	FOR ISSUE		0	AD	N/A	PS	AD

PREPARED BY: **aurecon** www.aurecongroup.com

CLIENT: HUNTER WATER

CERTIFICATION: No. CERTIFIER DATE CLIENT DOCUMENT NUMBER REV

All written dimensions take precedence over scaled dimensions.

Coordinate system: GDA2020 MGA56  
 Height datum: n/a

PRINT ALL COPIES IN COLOUR

CONSTRUCTION STATUS	
NOT FOR CONSTRUCTION	
DRAWN BY	AD
DESIGNED BY	N/A
STATUS FOR APPROVAL	-
DOCUMENT STATE	FOR ISSUE

PROJECT			
P512448 - SR00039B			
TITLE			
LAYOUT PLAN OF PROPOSED EASEMENT WITHIN LOT 22 DP95384 LITCHFIELD PARK MAYFIELD NSW			
DOCUMENT CODE			
SCALE	SIZE	REFERENCE No.	REV
1: 500	A3	-	-

---

**CCL 28/02/2023 – AUDIT AND RISK COMMITTEE  
ANNUAL REPORT**

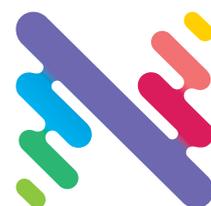
8.12                    **Attachment A:** Audit and Risk Committee Annual Report

**DISTRIBUTED UNDER SEPARATE COVER**

Audit and Risk Committee

# Annual Report

2021/22



## Acknowledgment

City of Newcastle (CN) acknowledges that we operate on the grounds of the traditional country of the Awabakal and Worimi peoples.

We recognise and respect their cultural heritage, beliefs and continuing relationship with the land, and that they are the proud survivors of more than two hundred years of dispossession.

CN reiterates its commitment to address disadvantages and attain justice for Aboriginal and Torres Strait Islander peoples of this community.

## Enquiries

For information contact

**Lisa Ollerton**

**Audit Coordinator**

**Phone 02 4974 2000**

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# 1. Foreword

The Audit and Risk Committee performs an advisory and assurance role for City of Newcastle and the elected Council. Our work across the 2021/2022 year was risk based and linked to Council's strategic goals. While we have a strong focus on issues relating to the integrity of financial reporting, and oversee external audit, internal audit, governance, risk management, internal control, and compliance matters within Council, we are also tuned to the "business of the business".

This means our focus is designed around not only considering basic commercial controls but also the impact of decisions on services. We consider reviews of council operations in areas like Waste Management, Workplace Health & Safety, Reserves Management, National Heavy Vehicle Accreditation Scheme, Procurement and Contract Management, Legislative Compliance, Fleet Management, Insurance, and Accelerated Development Approvals.

Our focus next year continues this theme, with focus on Waste Services, Planning, Coastal Management, and People and Culture.

Thank you to all Committee members for their expertise, sector insights and valued contributions during and between meetings. The Committee composition includes a balance of professional skills, knowledge, and technical experience, as well as sufficient capacity, independence, and objectivity, to discharge its responsibilities. The majority of Committee members are independent

members, and all members undergo periodic rotation to provide fresh perspectives and enhance independence.

Members' ability to ask questions, evaluate answers, and probe issues has contributed to our ability as a whole to think objectively and independently. Our annual review of performance allowed us to take stock, refresh our approach, and better engage. We work within a culture of openness and transparency, ready to accept and foster change.

Finally, at each meeting we consider emerging risks to Council, both from within Council operations, and from the external landscape. An organisations risk framework is strengthened when it considers all the risks impacting its operations. This strengthening provides Council with insights and potential tools to address these risks, safeguard community assets, and provide a real benefit to City of Newcastle and its community.

**Stephen Coates**  
Independent Chair  
Audit and Risk Committee

# 2. Background

This annual report documents the operation and activities of the Audit and Risk Committee (Committee) for City of Newcastle (CN) from 1 July 2021 to 30 June 2022.

The Committee plays a pivotal role in overseeing CN's governance and risk framework and provides independent assurance and oversight of audit processes, including internal control activities.

The Committee was established on 19 May 2009 by a resolution of Council and is made up of three independent external members and two Councillor members. This membership is in accordance with the Office of Local Government Internal Audit Guidelines (September 2010) and the Audit and Risk Committee Charter (adopted by Council 27 February 2018). All Committee member profiles are included on pages 10-11 of this report.

The Committee operates under its charter which contains the Committee's responsibilities. Broadly, these include oversight of CN's risk management control framework, legislative compliance and internal audit. The Committee also reviews the external audit opinion and recommendations and other aspects of financial governance and reporting.

CN's Internal audit function and the Committee support the Chief Executive Officer (CEO) to oversee CN's governance and risk management and controls. Both functions are referenced in CN's Enterprise Risk Management (ERM) Framework.



# 3. City of Newcastle

Newcastle is Australia's seventh largest city, with CN managing an asset portfolio of \$2.5 billion, an operational budget of more than \$349 million and capital expenditure of \$100.6 million.

Our proactive and innovative organisation makes a positive difference in our community through various services and initiatives to achieve the Newcastle 2040 Community Strategic Plan. We are focused on achieving our organisational goals while developing and inspiring our employees to reach their full potential and grow both professionally and personally. Our CREW values (Cooperation, Respect, Excellence and Wellbeing) underpin everything we do as well as how we expect all our staff to engage with one another and the community.

CN employs almost 1,300 staff across five directorates and is responsible for providing services and facilities to more than 171,000 people.



### Cooperation

We work together as an organisation, helping and supporting each other



### Respect

We respect diverse views and opinions and act with integrity



### Excellence

We strive for quality and improvement in everything we do



### Wellbeing

We develop a safe and supportive environment

## Our Organisation



**Chief Executive Officer**  
Jeremy Bath

City Wide Services	Information Technology	Governance	Infrastructure and Property	People and Culture	Strategy and Engagement
 Alissa Jones	 Ken Liddell (interim)	 David Clarke	 Joanne Rigby (interim)	 Fiona Leatham	 Kathleen Hyland (interim)
Art Gallery	Information Technology	Finance	Depot Operations	Safety and Wellbeing	Major Events and Corporate Affairs
Museum		Legal	Assets and Projects	Workforce Development	Community, Strategy and Innovation
Civic Services		Regulatory, Planning and Assessment	Civil Construction and Maintenance	Strategic Partnering	Customer Experience
Libraries and Learning		Transport and Compliance	Property and Facilities		
Waste Services					
Parks and Recreation					

# 4. City of Newcastle Audit and Risk Committee

The Committee is established to provide independent assurance on risk management, control, governance and external accountability. CN's Audit Coordinator reports to the Committee. The Committee's Charter requires the Committee to report at least annually to the elected Council on its affairs and the matters it has considered.

\* The above Organisation structure is up to 30 September 2022. CN's current Organisation Structure, effective 1 October 2022, is available via our website: [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au).

# 5. Audit and Risk Committee members



**Stephen Coates**  
Independent Committee Chair

*July 2017 – Current*

Stephen joined the Committee on 1 July 2017 and is immediate Past President of the Institute of Internal Auditors – Australia, President of the Asian Confederation of Institute of Internal Auditors, and a member of the International Internal Audit Standards Board (IIASB). He is an experienced Board and Audit Committee Chair and has extensive experience leading assurance and risk advisory teams in both the private and public sector. Stephen works with Board and Committees on managing risk culture and risk frameworks and delivers training events globally on risk and risk related topics.



**Greg McKenna**  
Independent Committee Member

*June 2018 – Current*

Greg joined the Committee on 25 June 2018 and was reappointed to the Independent member position in August 2021. Greg is currently the CEO of the Police Bank Limited, a Mutual Bank dedicated to serving its members and their families in the NSW Police Force, AFP, Tasmanian Police and Australian Border Force. Greg's career in Banking and Finance spans more than 30 years. He is also a member of the Australian Institute of Company Directors and holds a Bachelor of Business (Banking and Finance) from Monash University as well as a Master of Applied Finance from Macquarie University.



**Cr John Mackenzie**  
Committee Member

*September 2017 – Current*

Cr Mackenzie was elected to Council in September 2017 and joined the Committee in September 2017. He additionally holds the title of Dr Mackenzie and is a policy research consultant with over 15 years' experience in academic, government and consulting roles. He brings to Council expertise in social research, impact assessment, community engagement and evaluation. John has worked around the country on policy initiatives that bring communities together to find solutions to complex, divisive and intractable natural resource management problems, such as water allocation in the Murray Darling Basin and Indigenous water rights in Cape York and the Kimberley.



**Vivek Chopra**  
Independent Committee Member

*August 2021 – Current*

Vivek joined the Committee on 31 August 2021 and is currently the Head of Internal Audit and Assurance at St. Vincent De Paul Society QLD. Vivek sits on other local government Councils within QLD and Victoria and is a Board Member of a reputed Not for Profit organisation in NSW. Vivek is also the Deputy Chair of Institute of Internal Auditors Australia, QLD Chapter. Vivek lectures about Financial Accounting and Audit and Assurance at reputed QLD universities, has completed his Bachelor of Commerce degree, Masters of Accounting degree and is a FCPA and GAICD. His areas of expertise are within internal and external audit, risk management, compliance, quality management, governance and cyber security. Vivek aspires to provide a collaborative and integrated approach to delivering sustainable and cost effective solutions.



**Cr Carol Duncan**  
Committee Member

*August 2021 – Current*

Cr Duncan was elected to Council in September 2017 and joined the Committee in August 2021. Cr Duncan is an experienced media and local government professional with extensive broadcast journalism experience across Australia, and a casual academic in the School of Humanities, Social Sciences and Creative Industries at the University of Newcastle. A resident in Newcastle since 1993, Cr Duncan has served on the HMRI and Newcastle Art Gallery Foundations and is the founder of the Lost Newcastle community history group of some 70,000 members. Cr Duncan has been recognised by the Walkley Foundation, the NSW Premier's Office and the NSW Cancer Council for her work as a journalist. She is also a member of the Australian Institute of Company Directors. She is committed to the continued development of Newcastle as a city of opportunity for health, education, arts and culture. Cr Duncan is a member of the NSW Public Libraries Association and an alternate member on the Hunter and Central Coast Regional Planning Panel.

## 6. Audit and Risk Committee attendance

The Committee meets a minimum of five times annually to consider matters relating to the financial, audit and risk management issues of CN. In 2021/22 the Committee:

- Received briefings on risk, audit actions, quarterly budget review statements and the quarterly forward internal audit plan at each meeting
- Considered reports on internal and external audits
- Received briefings from RSM and the Audit Office of NSW, including CN's audited financial statements
- Discussed emerging risks and any general business arising
- Held in-camera sessions with individual key stakeholders, including CN's CEO, Director Governance and Chief Financial Officer, CN's Audit Coordinator, and the Audit Office of NSW and their appointed auditor, prior to each Committee meeting

The Committee's attendance at the 2021/22 meetings included:

Name	Role	Eligible	Attended
<b>Stephen Coates</b>	Chair	5	5
<b>Vivek Chopra</b>	Independent	5	5
<b>Greg McKenna</b>	Independent	5	5
<b>Cr Dr John Mackenzie</b>	Councillor	5	5
<b>Cr Carol Duncan</b>	Councillor	5	5

Other attendees at Committee meetings include:

#### CN staff:

- CN's Chief Executive Officer (CEO)
- Director Governance and Chief Financial Officer
- Manager Legal
- Manager Finance
- Manager Risk and Audit
- Audit Coordinator
- Governance Support Officer

#### Invitees:

- Audit Office of NSW
- Co sourced internal auditors
- CN staff requested presenting to the Committee

## 7. Audit and Risk Committee report card

Committee Charter	Compliance
<i>Committee meetings</i>	A quorum was met at every meeting.
<i>Composition</i>	3 Independent members 2 Councillors
<i>Broad range of skills and experience</i>	The Committee consists of a diverse range of extensive experience across risk management, internal audit, local government and commercial activities.
<i>Functional separation</i>	The Committee has no executive powers.
<i>Sufficient time allocated to tasks</i>	The Committee agenda facilitated adequate time to discuss all internal audit reviews, external audit reviews, update on the progress of the implementation of audit actions.
<i>Probity</i>	Members declared conflicts of interest if they arose.
<i>Risk management</i>	Risk management key activities are reported at each meeting of the Committee. The Committee maintains interest in the implementation status of CN's Enterprise Risk Management Framework and clarification of risk data to inform business planning and decision making, including the internal audit plan.
<i>Control framework</i>	The Committee effectively reviewed the controls, policies and procedures through audit reports and high-level briefings received.
<i>Compliance</i>	The Committee received and reviewed the annual calendar of Compliance and Reporting Requirements 2021/2022
<i>Fraud, corruption and control</i>	The Committee received and reviewed CN's Fraud and Corruption Control Plan.
<i>Internal audit</i>	Reviewed and approved the internal audit coverage and CN's internal audit plan, ensuring it considered the risk management plan. Consideration was given to the identification of significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices. The Committee monitored the implementation of internal audit recommendations by management.
<i>External audit</i>	The Committee has continued to review CN's financial position and commitment towards achieving financial sustainability.
<i>External accountability</i>	The Committee met on 6 October 2022 to receive briefings on the draft audit and CN's financial statements in respect of the year ended 30 June 2022. A management report of significant financial matters for the year ended 30 June 2022 was reviewed.
<i>Financial management</i>	The Committee acts as a forum for communication between the Council, the CEO, senior management, internal audit, external auditors and the Auditor Office of NSW.
<i>Self-assessment</i>	The Committee conducted a self-assessment to determine the extent to which it is achieving its overall objective to provide independent assurance and assistance to CN on risk management, control, governance, and legal and regulatory obligations; and assess the performance of CN's internal audit function. The self-assessment for 2021/2022 was completed by the Committee and attendees in October 2022.

# 8. Internal audit

Resources were allocated to complete ten internal audits in the 2021/2022 internal audit program. CN co-sources its internal audit function. CN outsourced 50% of the internal audit function during 2021/22, with a panel established in August 2021 comprising two appointed providers Centium and Prosperity. Co-sourcing facilitates an agile internal audit program and ensures a high level of independence and autonomy from CN's management and enables specialised knowledge and skills to be procured to conduct audits of those high-risk areas which could impact the achievement of CN's objectives.

The outsourced internal audits are supported by CN's Audit Coordinator who undertakes the balance of the internal audit program and provides support to the Committee.

The Committee reviews audit reports and endorses recommendations as appropriate. Audit actions are tracked and the current status of audit action items are reported to the Governance and Risk (Executive) Committee (GREC), the Executive Leadership Team and to the Committee on a quarterly basis.

In the past 12 months, the internal audit function reviewed, provided assurances and recommended control and efficiency improvements across the following diverse operations:

Audit	Completed by
1 RMS Drives 2020/2021	CN
2 Quality Assurance Assessment Internal Audit	Institute of Internal Auditors
3 Payment Card Industry Data Security Standard Reassessment	CN
4 Contract Management Compliance	CN
5 National Heavy Vehicle Accreditation Scheme	CN
6 Reserves Management	Centium
7 COVID19 Grants Administration	Prosperity
8 Purchasing and Procurement < \$250,000	CN
9 Project Management (Finalised August 2022)	Prosperity
10 Cloud Based Systems and Outsourced Management Agreements IT (Finalised August 2022)	Centium

As at 30 June 2022, of the 10 audits scheduled in the FIAP:

- Eight (8) audits were completed and had been reported to the Committee
- Two (2) audits were in progress in line with expectations communicated to the Committee at its meeting on 2 June 2022 and finalised in August 2022.

Other assurance/consulting activities completed during the 2021/2022 financial year include:

Assurance/Consulting Activity	Collaboration Team
1 Assurance Mapping / Audit Universe	Audit Coordinator
2 Support and advice on the implementation of the compliance module within CAMMs RISK	Audit Coordinator / Governance and Councillor Services
3 Support and advice on the development of a revised Corruption Prevention Framework	Audit Coordinator / Governance and Councillor Services
4 Support and advice Operational Risk review	Risk and Audit
5 Smart Poles Procurement	Audit Coordinator

## Snapshot of internal audit action progress

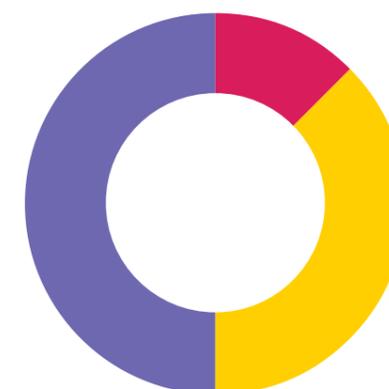
CN has a robust and established implementation and monitoring program to support controls for high risk actions to be implemented within agreed due date. All audit actions are proactively monitored for progress of implementation with overdue actions reported to the Governance and Risk (Executive) Committee (GREC) and to the Committee.

CN's Audit Coordinator prepares a detailed audit action progress report for GREC and for each Committee meeting.

The following table and graph provide an overview of the audit actions raises, closed and reported by the Committee during 2021/2022:

Audit	Open Actions 1 July 2021	New Actions Raised	Actions Completed	Remaining Actions 30 June 2022
Customer Service Review	1	-	1	-
Summerhill Environmental Compliance	5	-	5	-
Cyber Security	13	-	11	<b>2</b>
PCI DSS	6	-	6	-
Rates Management	1	-	1	-
Overtime Assurance	5	-	2	<b>3</b>
Fleet Management	15	-	12	<b>3</b>
IT Governance and Strategy	3	-	-	<b>3</b>
Quality Assurance Internal Audit	-	14	1	<b>13</b>
PCI DSS Reassessment	-	-	-	-
Contract Management Compliance	-	8	6	<b>2</b>
NHVAS	-	11	11	-
COVID19 Grants Administration	-	8	7	<b>1</b>
Reserves Management	-	3	-	<b>3</b>
Procurement < \$250,000	-	2	-	<b>2</b>
<b>Total</b>	<b>49</b>	<b>46</b>	<b>63</b>	<b>32</b>

### Audit actions by risk



- High - 4
- Medium - 12
- Low - 16

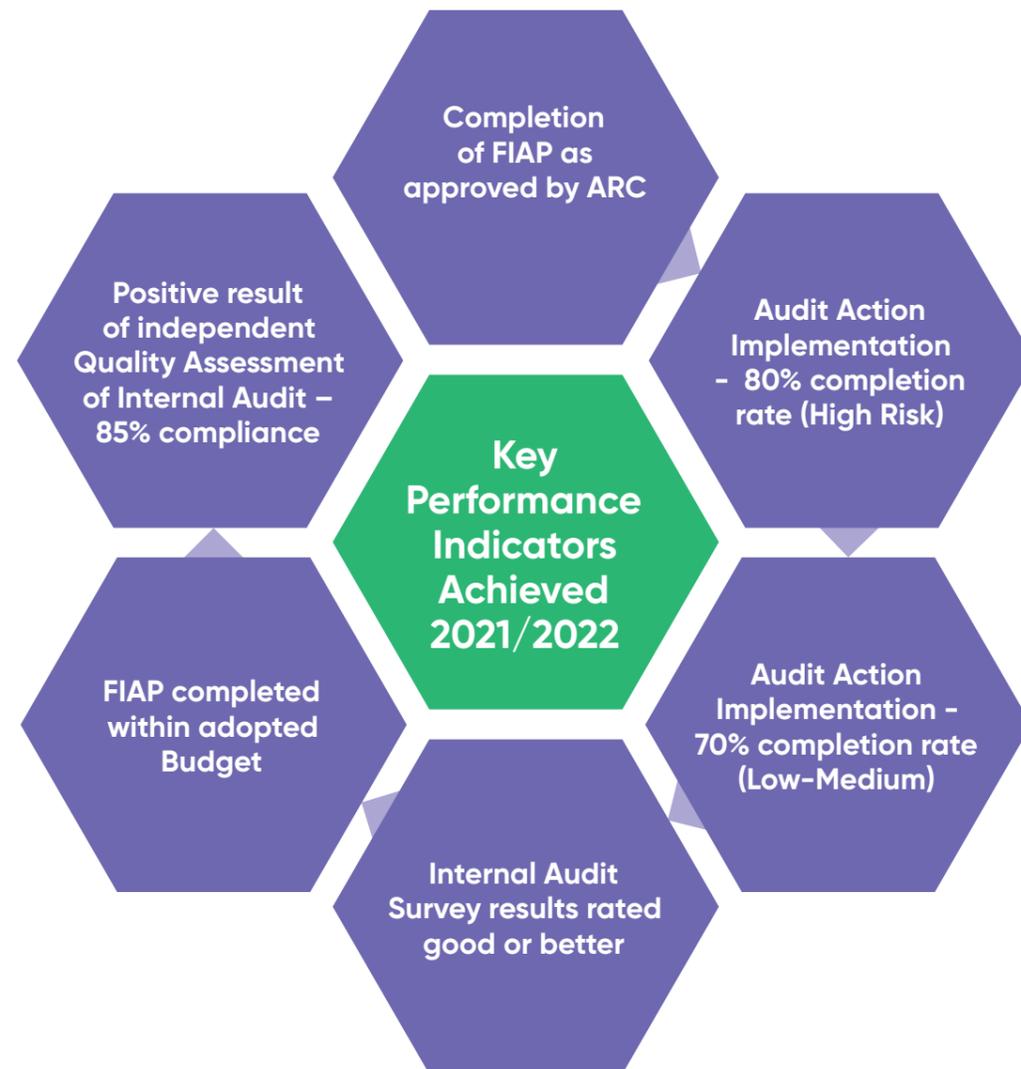
### Overview of Audit Actions 1 July 2021 - 30 June 2022



- Open Actions  
1 July 2021 - 49, 26%
- New Actions Raised - 46, 24%
- Actions Completed - 63, 33%
- Remaining Actions  
30 June 2022 - 32, 17%

## Internal Audit Performance

The following key performance indicators have been developed to ensure compliance with the standards of the International Professional Practice Framework (IPPF) for Internal Auditing (the Standards) and provide CN's Executive Leadership Team and the Committee with assurance that the internal audit function is operating effectively.



## 9. Risk management

Risk management is an integral part of CN's governance and risk framework. It provides assurance to our employees and to the community, including:

- Acknowledging risk is inherent in all activities and processes
- Ensuring ERM is essential for the efficient and effective governance of the organisation in its delivery of services to the community
- Integrating risk management into decision-making processes improves our capacity to adapt to change and to achieve CN's long- and short-term objectives
- Minimising the effect of negative risk and optimising opportunities
- Accepting that we cannot eliminate risk but rather that we manage our risks within a documented and agreed risk appetite.

CN's approach to risk is aligned to the Australian Standards for Risk, integrated into our core business and embedded within planning and decision-making processes. CN has a strong risk culture to enable us to deliver our vision and purpose, with all staff being responsible for the proactive identification, escalation and management of risk.

Risk owners and managers are CN's first line of defence, as they own and manage the risks and are responsible for internal controls. CN's internal GREC functions as CN's second line, providing a governance and risk compliance and oversight function on behalf of the CEO and ELT. Internal audit is CN's third line, providing an independent risk assurance function, reporting to the Committee on a quarterly basis.

# 10. Governance

Corporate governance is one of the cornerstones of any good business. At CN, we are proud of our strong corporate governance framework, which has existed in a formal way for over 10 years. We are focused on continuous improvement and maturing our framework to meet current requirements and community expectations.

## **Our Corporate Governance Framework:**

Encourages robust and effective decision-making through processes, practices and policies

Ensures clear lines of accountability

Gives the community assurance that we are held to account in terms of the expenditure of public money

Includes a robust risk management system.

CN's Corporate Governance Framework comprises our Code of Conduct, Public Interest Disclosures Policy, Corruption Prevention Framework, Delegations Management System and Policy Framework, ensuring that CN is well governed. The Committee receives updates from on the Governance Framework on an annual basis.



## 12. External audit

The Committee receives an annual report from the external auditor (Audit Office of New South Wales) on the status of CN's financial statements. Representatives from the Audit Office attend Committee meetings as advisors.

In October 2022, the Committee received a report from the Audit Office and the external auditor, RSM, and discussed the audited financial statements for the 2021/2022 financial year. The Audit Office issued an Unqualified Opinion for the 2021/22 financial year. The Committee also received and endorsed actions on control matters identified during the annual financial audit.

# 13. Self-assessment

In accordance with the Committee's Charter, the Committee completed a self-assessment for 2021/22 which was designed to assess the Committee's performance for 2021/22 in the following areas:

## Audit and Risk Committee, Skills and Understanding

The Committee understands the CN's business sufficiently to enable the Committee to fulfil its responsibilities under the Charter

The mix of skills on the Committee allows it to effectively perform its responsibilities

The Committee's overall financial literacy is adequate in light of the Committee's responsibilities

The Committee has responded appropriately and taken the required action where significant risks and/or control breakdowns have been brought to its attention

## Audit and Risk Committee Members (External and Councillors) and Meetings

Committee members have attended meetings on a regular basis

Meetings have been conducted in accordance with the agenda issued and allow sufficient time to discuss complex and critical issues

Meeting agendas and supporting papers are of sufficient clarity and quality to make informed decisions

Meetings have been conducted to allow Committee members to raise any issue they believe relevant and allow for open, frank and robust discussion of all matters raised

Committee minutes are appropriately maintained and are of good quality

The Committee annual report to CN is of an appropriate quality and has been provided to us on a timely basis

The Committee has received all information, presentations, or explanations it considers necessary to fulfil its responsibilities

The Committee has reviewed and approved the annual business calendar

## External Audit - Audit and Risk Committee

The Committee is satisfied that CN's annual financial reports comply with applicable legislation and Australian accounting standards and are supported by appropriate management sign-off on our financial statements

The Committee has reviewed the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments

The Committee has considered contentious financial reporting matters in conjunction with CN's management and external auditors

The Committee reviewed the processes in place to ensure financial information included in the annual report is consistent with the signed financial statements

## Internal Audit Assessment

The Committee has reviewed and approved the forward internal audit plan, ensuring it was developed in consultation with ELT and the Committee

The Committee considers the internal audit resources were adequate for the completion of the internal audit program

The Committee has monitored the implementation of internal audit recommendations and obtained all information and or explanations it considers relevant to the progress of implementation of audit recommendations

The Committee considers the audit reports provided as appropriate for the business needs of CN; and

(i) The reports were structured, concise and constructive

(ii) The recommendations provided were realistic and resulted in improvements to current procedures

(iii) The conclusions reached were adequately supported by relevant evidence and reflected a realistic understanding of the area under review

## The Committee responsibilities are in the areas of: Risk Management; Fraud Control; Internal Control; Financial Management; Strategic Planning and Performance Reporting

The Committee adequately understands and reviews CN's financial reporting requirements

The Committee reviews the effectiveness of the system for monitoring CN's compliance with relevant laws and regulations

The Committee adequately understands and reviews the entity's risk management framework and whether an effective approach is being followed in managing CN's major risks

The Committee understands and reviews management's systems and arrangements for maintaining effective internal controls

The Committee effectively addresses its responsibilities in respect of its review and consideration of audit plans, audit reports and identified issues

The Committee understands and reviews the effectiveness of CN's Fraud Control framework including the Fraud and Corruption Control Plan

The Committee understands and reviews the effectiveness of CN's strategic plan and delivery program

## Self-assessment Performance



### Aggregate Results:

- 0.0 Strongly Disagree – Below standard
- 1.0 Disagree – Poor
- 2.0 Neutral
- 3.0 Agree – Good
- 4.0 Strongly Agree – Exceptional

Overall the Committee has achieved significant improvement from prior years with an overall good performance in achieving its objectives under the Committee Charter.

The self-assessment further identified the following areas to be included in the internal audit program and/or agenda for the Committee meetings over the next two years:

- Cyber security
- Corporate service planning
- Asset management
- Understanding the varying business services of Council
- People matters
- Financial sustainability
- ESG

This feedback is being reviewed to be incorporated into future Committee agendas and the forward internal audit program as required.

# 14. Forward internal audit plan

CN takes a risk-based approach to formulate an annual internal audit program. The audit planning process requires management to periodically consider risk levels, strategic objectives, audit history and other factors to determine audit priorities.

In 2021/22 CN finalised the assurance mapping project on CN's control processes to assess the level of risk associated with each process and define CN's 'Audit Universe'. The overall audit universe was assessed to produce an overall risk and priority rating for each potential audit taking into consideration the following factors:

1. Overall risk rating linked back to the assurance map and CAMMs risk assessments
2. Whether or not it has been audited in the past
3. Whether there has been a history of audit issues
4. Service Unit Managers priority rating to place the audit on the Internal Audit program
5. Executive Director priority rating to place the audit on the Internal Audit program
6. Impact of the auditable area on CN's Strategic Objectives (CSP)
7. Susceptibility to Fraud and Corruption

This process defined CN's Audit Area List of Priority which was endorsed by the Executive Leadership Team and Audit and Risk Committee. The Audit Area List of Priority is utilised to determine the annual internal audit program and reassessed on an annual basis.

The Forward Internal Audit Plan for 2022/2023 is included at **Appendix A**.

# Appendix A

## Forward Internal Audit Plan 2022/2023

#	Topic	Resource	Timing	Scope	Reason for inclusion
1	RMS DRIVES (Corporate Services) <i>Completed</i>	Audit Coordinator	Q1	Compulsory Compliance Audit of the security, access and usage compliance of DRIVES data to provide an annual Compliance Audit Certificate to Roads and Maritime Services.	Required by contract
2	Project Management (City Infrastructure) <i>Completed</i>	Co-Sourced	Q4 2022 / Q1 2023	Assess whether the practices, management principles, and processes across CN for managing capital and operational projects are consistent, transparent and enables optimal use of resources in delivering Council's strategic plans.	Deferred from 2018/19 FIAP
3	Debtor Management Summerhill (Waste Services) <i>*In Progress</i>	Audit Coordinator	Q2	Evaluate the effectiveness of internal controls and debtor management of Summerhill.	Deferred from 2021/2022
4	Summerhill Environmental Compliance and Waste Levy (Waste Services) <i>*In Progress</i>	Co-Sourced	Q2	The objective of this internal audit is to assess: <ul style="list-style-type: none"> <li>Council's compliance with: <ul style="list-style-type: none"> <li>Applicable Environmental Protection Licences (EPL)</li> <li>Trade Waste Permits</li> <li>Development Consent</li> <li>Environmental Management Plan(s)</li> </ul> </li> <li>Council's compliance with Work Health and Safety (WHS) Act/Regulations and applicable CoPs</li> <li>Council's compliance with EPA Waste Levy Guidelines (December 2018) and the calculation of the applicable waste levy as payable.</li> </ul>	Audit Area Priority Listing
5	National Heavy Vehicle Accreditation Scheme (City Infrastructure) <i>Completed</i>	Audit Coordinator	Q2	An annual internal audit and bi-annual external audit are required to maintain heavy vehicle accreditation. The audit is limited to the Maintenance Management System. Compliance Audit.	Required to maintain accreditation
6	Procurement and Tendering (Corporate Services)	Audit Coordinator	Q4	CN is undertaking six monthly contract compliance audits in accordance with the revised Procurement Policy, Contract Management Procedure and Purchasing Procedure.	High risk area included annually
7	Summerhill Facility Management and Site Operations (Waste Services)	Audit Coordinator	Q3	Scope to be defined in consultation with Manager Waste Services	Audit Area Priority Listing
8	Employee Performance and Recruitment (Corporate Services)	Co-Sourced	Q4	The objective of this review is to assess the effectiveness of Council controls and processes to manage and oversee recruitment and performance. Review arrangements relevant to the approval, capture and tracking of EFT numbers to provide assurance about the design, effectiveness and implementation of these policies, processes and other controls.	Requested by CEO Carried forward from 2021/2022
9	Credit Card Management (Corporate Services)	Audit Coordinator	Q3	Review the use of Corporate Cards in accordance with the requirements of the OLG's Guideline on the Use and Management of Corporate Credit Cards	Required by OLG to be completed once each Council Term

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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/2023 – ENDORSEMENT OF PLANNING AGREEMENT  
30 AND 31 VISTA PARADE, KOTARA**

- |      |                      |   |
|------|----------------------|---|
| 8.13 | <b>Attachment A:</b> | Planning Agreement – 30 and 31 Vista Parade, Kotara                       |
|      | <b>Attachment B:</b> | Submissions table – Planning Agreement for 30 and 31 Vista Parade, Kotara |

**DISTRIBUTED UNDER SEPARATE COVER**

# Voluntary Planning Agreement

**3 February 2023**

Trustees of the Roman Catholic Church for the Diocese of  
Maitland-Newcastle

*ABN 62 089 182 027*

City of Newcastle

*ABN 25 242 068 129*

**Newcastle**

Level 7, Sparke Helmore Building, 28 Honeysuckle Drive, Newcastle NSW 2300

PO Box 812, Newcastle NSW 2300

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# Agreement

## Date

## Parties

### First party

<b>Name</b>	Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle ( <b>Developer</b> )
<b>ABN</b>	62 089 182 027
<b>Contact</b>	Ray Bowen
<b>Email</b>	<a href="mailto:Ray.Bowen@mm.catholic.org.au">Ray.Bowen@mm.catholic.org.au</a>
<b>Telephone</b>	4979 1122

### Second party

<b>Name</b>	City of Newcastle ( <b>Council</b> )
<b>ABN</b>	25 242 068 129
<b>Contact</b>	Michelle Bisson
<b>Email</b>	<a href="mailto:mbisson@ncc.nsw.gov.au">mbisson@ncc.nsw.gov.au</a>
<b>Telephone</b>	4974 2793

## Background

- A. On 30 August 2019, the Developer made a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B. The Development Application for the Development is accompanied by an offer by the Developer to enter into this agreement to make contributions for public purposes if Development Consent is granted

## Operative part

### 1 Definitions

In this agreement, unless the context indicates a contrary intention:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW);

**Address** means a party's address set out in the Notices clause of this agreement;

**Approval** means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this agreement;

**Authority** means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person, agency or entity and includes a certifier accredited under the *Building and Development Certifiers Act 2018* (NSW);

**Business Day** means a day on which banks are open for general banking business in Newcastle, excluding Saturdays and Sundays;

**Certificate of Practical Completion** means the written certificate confirming the Works, or part of the Works, have been completed to the Council's satisfaction issued under clause 8.1(d) of Schedule 2;

**Claim** means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this agreement;

**Construction Certificate** means a construction certificate as defined under section 6.4 of the Act;

**Construction Terms** means the terms set out in Schedule 2;

**Contributions Plan** has the same meaning as under the Act;

**Damages** means all liabilities, losses, damages, costs and expenses, including legal fees and disbursements and costs of investigation, litigation, settlement, judgment, interest and penalties;

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land;

**Dedication Land** means that part of the Land to be dedicated to Council in accordance with this agreement, as shown on the plan at Annexure B;

**Development** means the alterations and additions to an existing education establishment, a new childcare centre, community title subdivision and road works as proposed in the Development Application DA2019/00966 submitted by the Developer on 30 August 2019 and any Modification Applications;

**Development Application** has the same meaning as in the Act;

**Development Consent** has the same meaning as in the Act;

**GST** has the same meaning as in the GST Law;

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST;

**Land** means Lots 12 and 131, DP 560852 and 262057, known as 30 and 31 Vista Parade, Kotara;

**Landowner** means Trustees for the Roman Catholic Church of the Diocese of Maitland-Newcastle;

**Law** means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

**Modification Application** means any application to modify the Development Consent under section 4.55 of the Act;

**Occupation Certificate** means an occupation certificate as defined under section 6.4 of the Act.

**Road Works Approval** means any approval issued under section 138 of the Roads Act 1993 by an appropriate road authority.

**Register** means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*;

**Works** means the work set out in Schedule 1.

## 2 Interpretation

In this agreement, unless the context indicates a contrary intention:

- (a) **(documents)** a reference to this agreement or another document includes any document which varies, supplements, replaces, assigns or novates this agreement or that other document;
- (b) **(references)** a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this agreement;
- (c) **(headings)** clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this agreement;
- (d) **(person)** a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;
- (e) **(party)** a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (f) **(president, CEO or managing director)** the president, CEO or managing director of a body or Authority means any person acting in that capacity;
- (g) **(requirements)** a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (h) **(including)** including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;
- (i) **(corresponding meanings)** a word that is derived from a defined word has a corresponding meaning;
- (j) **(singular)** the singular includes the plural and vice-versa;
- (k) **(gender)** words importing one gender include all other genders;
- (l) **(parts)** a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;

- (m) **(rules of construction)** neither this agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (n) **(legislation)** a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;
- (o) **(time and date)** a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in New South Wales, Australia, even if the obligation is to be performed elsewhere;
- (p) **(joint and several)** an agreement, representation, covenant, right or obligation:
  - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
  - (ii) on the part of two or more persons binds them jointly and severally;
- (q) **(writing)** a reference to a notice, consent, request, approval or other communication under this agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;
- (r) **(replacement bodies)** a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;
- (s) **(Australian currency)** a reference to dollars or \$ is to Australian currency;
- (t) **(month)** a reference to a month is a reference to a calendar month; and
- (u) **(year)** a reference to a year is a reference to twelve consecutive calendar months.

### 3 Planning Agreement under the Act

- (a) The parties agree that this agreement is a planning agreement within the meaning of section 7.4 of the Act.
- (b) Schedule 3 of this agreement summarises the requirements for planning agreements under section 7.4 of the Act and the way this agreement addresses those requirements.

### 4 Application of this agreement

This agreement applies to:

- (a) the Development, and
- (b) the Land.

### 5 Operation of this agreement

This agreement commences on and from the date it is executed by all parties.

## 6 Contributions to be made under this agreement

### 6.1 Works

- (a) The Developer will carry out the Works in accordance with this agreement, including the Construction Terms and any Development Consent granted for the Works.
- (b) The Works or any part of the Works required under this agreement will be taken to have been completed for the purposes of this agreement when a Certificate of Practical Completion has been issued for those Works.
- (c) A Certificate of Practical Completion for the Works must be obtained prior to the issue of an Occupation Certificate for the Development or any part of the Development.
- (d) The parties agree and acknowledge that the Works serve the following public purpose:
  - (i) the widening of Vista Parade and the construction of a roundabout on Vista Parade and Princeton Avenue to improve the function and amenity of the local public road network.

### 6.2 Dedication of Land

- (a) The Developer must dedicate or cause to be transferred to the Council, at no cost to the Council, the Dedication Land freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land, including but not limited to, municipal rates and charges, water rates and land tax.
- (b) The obligation to dedicate the Dedication Land will be taken to have been satisfied when the Dedication Land is dedicated to Council as a public road by operation of the registration of a plan of subdivision in accordance with section 9 of the *Roads Act 1993* (NSW).
- (c) The Dedication Land must be dedicated or transferred to Council prior to the issue of any Road Works Approval.
- (d) The parties agree and acknowledge that the embellishment and dedication of the Dedication Land serve the public purpose of improving the function and amenity of the local public road network.

### 6.3 Access to Council owned land

- (a) The Council agrees to permit the Developer, upon receiving at least 10 Business Days' prior notice, to enter, pass through or occupy any Council owned or controlled land in order to enable the Developer to properly perform their obligations under this agreement. Nothing in this clause creates or gives the Developer any estate or interest in any part of the Council owned or controlled land.
- (b) The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the entry or access by the Developer to, or any presence of the Developer on, Council owned or controlled land for the purposes of performing its obligations under this agreement, except to the extent such Claim arises either directly or indirectly as a

result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

## 7 Application of s 7.11, s 7.12 and s 7.24 of the Act to the Development

- (a) This agreement excludes the application of section 7.11 of the Act to the Development.
- (b) This agreement excludes the application of section 7.12 of the Act to the Development.
- (c) This agreement excludes the application of section 7.24 of the Act to the Development.

## 8 Review of this agreement

- (a) This agreement may be reviewed or modified. Any review or modification of this agreement will be conducted in the circumstances and in the manner determined by the parties.
- (b) No modification or review of this agreement will be of any force or effect unless it is in writing and signed by the parties to this agreement.
- (c) A party is not in breach of this agreement if it does not agree to an amendment to this agreement requested by a party in, or as a consequence of, a review.

## 9 Dispute Resolution

### 9.1 *Reference to Dispute*

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

### 9.2 *Notice of Dispute*

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other party of:

- (a) The nature of the dispute,
- (b) The alleged basis of the dispute, and
- (c) The position which the party issuing the Notice of Dispute believes is correct.

### 9.3 *Representatives of Parties to Meet*

- (a) The representatives of the parties must promptly (and in any event within seven Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.
- (b) The parties may, without limitation:
  - (i) resolve the dispute during the course of that meeting,
  - (ii) agree that further material or expert determination in accordance with clause 9.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or

- (iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

#### 9.4 *Further Notice if Not Settled*

If the dispute is not resolved within seven Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (Determination Notice) by mediation under clause 9.5 or by expert determination under clause 9.6.

#### 9.5 *Mediation*

If a party gives a Determination Notice calling for the dispute to be mediated:

- (a) The parties must agree to the terms of reference of the mediation within five Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply;
- (b) The mediator will be agreed between the parties, or failing agreement within three Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) The mediator appointed pursuant to this clause 9.5 must:
  - (i) Have reasonable qualifications and practical experience in the area of the dispute; and
  - (ii) Have no interest or duty which conflicts or may conflict with his or her function as a mediator he or she being required to fully disclose any such interest or duty before his or her appointment;
- (d) The mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;
- (e) The parties must within five Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within fourteen Business Days of the resolution);
- (f) The parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (g) In relation to costs and expenses:
  - (i) Each party will bear its own professional and expert costs incurred in connection with the mediation; and
  - (ii) The costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

## 9.6 *Expert determination*

If the dispute is not resolved under clause 9.3 or clause 9.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:
  - (i) Agreed upon and appointed jointly by the parties; and
  - (ii) In the event that no agreement is reached or no appointment is made within five days Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
- (b) The expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
- (c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
- (e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
- (f) Any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:
  - (i) Within ten Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
  - (ii) The determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

## 9.7 *Litigation*

If the dispute is not *finally* resolved in accordance with this clause 9, then either party is at liberty to litigate the dispute.

## 9.8 *No suspension of contractual obligations*

Subject to any interlocutory order obtained under clause 9.1, the referral to or undertaking of a dispute resolution process under this clause 9 does not suspend the parties' obligations under this agreement.

# 10 Enforcement

## 10.1 *Default*

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this agreement, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.

- (b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.
- (c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 9 of this agreement.

## 10.2 *General Enforcement*

- (a) Without limiting any other remedies available to the parties, this agreement may be enforced by any party in any Court of competent jurisdiction.
- (b) Nothing in this agreement prevents:
  - (i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this agreement or any matter to which this agreement relates; and
  - (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this agreement or any matter to which this agreement relates.

## 11 Assignment and Dealings

### 11.1 *Assignment*

- (a) A party must not assign or deal with any right under this agreement without the prior written consent of the other party.
- (b) Any purported dealing in breach of this clause is of no effect.

### 11.2 *Transfer of Land*

- (a) The Developer may not transfer, assign or dispose of the whole or any part of its right, title or interest in the Land (present or future) or in the Development to another person (**Transferee**) unless before it sells, transfers or disposes of that right, title or interest:
  - (i) The Developer satisfies the Council that the proposed Transferee is financially capable of complying with the Developer obligations under this agreement;
  - (ii) The Developer satisfies the Council that the rights of the Council will not be diminished or fettered in any way;
  - (iii) The Transferee delivers to the Council a novation deed signed by the Transferee in a form and of such substance as is acceptable to the Council containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the Developer under this agreement;
  - (iv) Any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine, and
  - (v) The Developer and the Transferee pay the Council's reasonable costs in relation to the assignment.

## 12 Approvals and consents

Except as otherwise set out in this agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

## 13 No fetter

### 13.1 Discretion

This agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this agreement as a "**Discretion**").

### 13.2 No fetter

No provision of this agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

- (a) They will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,
- (b) In the event that (a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this agreement has full force and effect, and
- (c) To endeavour to satisfy the common objectives of the parties in relation to the provision of this agreement which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

## 14 Notices

### 14.1 Notices

Any notice given under or in connection with this agreement (**Notice**):

- (a) must be in writing and signed by a person duly authorised by the sender;
- (b) must be addressed as follows and delivered to the intended recipient by hand, by prepaid post or by email at the address, or at the address last notified by the intended recipient to the sender after the date of this agreement:
  - (i) to Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle : PO Box 756 Newcastle NSW 2300  
Email: Ray.Bowen@mn.catholic.org.au  
Attention: Ray Bowen
  - (ii) to City of Newcastle: Po Box 489  
Email: mbisson@ncc.nsw.gov.au  
Attention: Michelle Bisson

- (c) is taken to be given or made:
  - (i) in the case of hand delivery, when delivered; and
  - (ii) in the case of delivery by post, three Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country).
- (d) if under clause (c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

#### 14.2 *Notices sent by email:*

- (a) A party may serve a Notice by email if the Notice:
  - (i) includes a signature block specifying:
    - (A) the name of the person sending the Notice; and
    - (B) the sender's position within the relevant party;
  - (ii) states in the body of the message or the subject field that it is sent as a Notice under this agreement;
  - (iii) contains an express statement that the person sending the Notice has the authority to serve a Notice under this agreement;
  - (iv) is sent to the email address below or the email address last notified by the intended recipient to the sender:
    - (A) to Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle : Attention: Ray Bowen  
Ray.Bowen@mn.catholic.org.au
    - (B) to City of Newcastle: Attention: Michelle Bisson  
mbisson@ncc.nsw.gov.au
- (b) The recipient of a Notice served under this clause 14.2 must:
  - (i) promptly acknowledge receipt of the Notice; and
  - (ii) keep an electronic copy of the Notice,
- (c) Failure to comply with clause 14.2 does not invalidate service of a Notice under this clause.

#### 14.3 *Receipt of Notices sent by email*

- (a) A Notice sent under clause 14.2 is taken to be given or made:
  - (i) when the sender receives an email acknowledgement from the recipient's information system showing the Notice has been delivered to the email address stated above;
  - (ii) when the Notice enters an information system controlled by the recipient;  
or

- (iii) when the Notice is first opened or read by the recipient, whichever occurs first.
- (b) If under clause 14.3 a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it will be taken to have been given or made at the start of business on the next Business Day in that place.

## 15 General

### 15.1 *Relationship between parties*

- (a) Nothing in this agreement:
  - (i) constitutes a partnership between the parties; or
  - (ii) except as expressly provided, makes a party an agent of another party for any purpose.
- (b) A party cannot in any way or for any purpose:
  - (i) bind another party; or
  - (ii) contract in the name of another party.
- (c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

### 15.2 *Time for doing acts*

- (a) If the time for doing any act or thing required to be done or a notice period specified in this agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

### 15.3 *Further assurances*

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this agreement.

### 15.4 *Variation*

A provision of this agreement can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

### 15.5 *No assignment*

A party cannot assign or otherwise transfer its rights under this agreement without the prior written consent of the other party.

### 15.6 *Counterparts*

This agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

### 15.7 *Legal expenses and stamp duty*

The Developer must pay the Council's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution, carrying into effect and release and discharge of this agreement.

### 15.8 *Entire agreement*

The contents of this agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this agreement, whether orally or in writing.

### 15.9 *Representations and warranties*

The parties represent and warrant that they have the power and authority to enter into this agreement and comply with their obligations under the agreement and that entry into this agreement will not result in the breach of any law.

### 15.10 *Severability*

If a clause or part of a clause of this agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this agreement, but the rest of this agreement is not affected.

### 15.11 *Invalidity*

- (a) A word or provision must be read down if:
  - (i) this agreement is void, voidable, or unenforceable if it is not read down;
  - (ii) this agreement will not be void, voidable or unenforceable if it is read down; and
  - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:
  - (i) despite the operation of clause (a), the provision is void, voidable or unenforceable if it is not severed; and
  - (ii) this agreement will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this agreement has full effect even if clause 15.11(b) applies.

### 15.12 *Waiver*

- (a) A right or remedy created by this agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.
- (b) The fact that a party fails to do, or delays in doing, something the Party is entitled to do under this agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an

implied wavier of any other obligation or breach or as an implied wavier of that obligation or breach in relation to any other occasion.

#### **15.13 GST**

- (a) Words and expressions which are not defined in this agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this agreement are exclusive of GST.
- (c) If GST is imposed on any supply made under or in accordance with this agreement, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

#### **15.14 Governing law and jurisdiction**

- (a) The laws applicable in New South Wales govern this agreement.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

## Schedule 1            Scope of works

### 1        **Scope of Works**

- (a)    The Works are:
- (i)    The road widening of Vista Parade and the associated road works as shown on the Road Widening and Right Turn Bay on Vista PDE, General Arrangement Plan, Option 1, Figure SKE-0101, Revision 08-02.02.2023, prepared by BTE Consulting;
  - (ii)   The roundabout and intersection upgrade work as shown on the Intersection of Princeton AVE and Vista PDE, General Arrangement Plan, Sheets 1 and 2, Figures SKE-0001 and SKE-0002, Revisions 03 -23.09.22 (Sheet 1) and 07-02.02.2023 (Sheet 2), prepared by BTE Consulting; and
  - (iii)   Relocation of existing bus stops as determined by Council in consultation with the local bus company/operator.
- being the plans forming Annexure C of this agreement.
- (b)    The Works under clause 1(a) of Schedule 1 are subject to the approved detailed design under Schedule 2, 5.2 of this agreement.

## Schedule 2 Construction terms

### 1 Interpretation

For the purposes of this Schedule 2, the defined terms in clause 1 of this agreement and the Interpretation principles in clause 2 of this agreement will apply and, unless context indicates a contrary intention:

**Builder** means any entity contracted under the Construction Contract to carry out the Works.

**Construction Contract** means the contract to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development).

**Defects Liability Period** means in respect of each item of building works which together comprise the Works the period of 12 months from the date on which the Certificate of Practical Completion is issued for the Works.

**Detailed Design** means the final specifications and finishes for the Works prepared in accordance with clause 5.2 of this Schedule 2 and will include the design of the Works, the location for the Works, installation specifications and estimated costs of construction and/or installation.

**Services** means all water, gas, electricity, television, drainage, sewerage, cable TV, data communications, telecommunications and other services which are required under a development consent within the meaning of the Act or an Approval and which are necessary or desirable for the construction or operation of the Development.

**Standard Requirement** means a requirement in order to comply with the Building Code of Australia, any applicable Australian Standard, any requirement, standard or specification applied by an Authority, any applicable public domain manual or guidelines issued by Council, applicable planning controls and any other engineering requirement to ensure a work is functional and suitable for its intended purpose.

**Superintendent** means the Superintendent appointed under any Construction Contract.

### 2 Requirements of Authorities and Approvals

2.1 These Construction Terms must be read and construed subject to:

- (a) any requirements or conditions of any Development Consent;
- (b) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Development and the construction of the Development.

2.2 If the Developer requires any Approvals in order to carry out the obligations under this agreement, then the Developer will acquire all Approvals necessary to carry out the Works at its own cost.

2.3 The Developer must ensure that the Works carried out under this agreement are carried out:

- (a) in accordance with the relevant Development Consent for the Works and all Approvals and the requirements of all Laws, including without limitation, work health and safety legislation; and
- (b) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this agreement and any Approval the terms of the Approval shall take precedence.

### **3 Costs of Works**

All costs of the Works must be borne by the Developer.

### **4 Project Management and Contractor Engagement**

4.1 The Developer will be responsible for managing the Works.

4.2 The Developer will ensure that any contractor it engages to carry out the Works agrees to carry out the Developer's obligations in these Construction Terms as part of any Construction Contract.

### **5 Design Development and Approvals**

#### *5.1 Concept Design*

Council and the Developer have worked in consultation with each other to prepare and agree the concept plans for the Works at Annexure C.

#### *5.2 Detailed Design*

- (a) Prior to obtaining a Road Works Approval for the Works, or commencement of the Works, the Developer must provide construction drawings for the relevant item of Works to Council.
- (b) Council must provide a response to the Developer within 30 Business Days of the Developer providing the construction drawings, and
  - (i) Council may, by notice in writing and acting reasonably, approve, vary or direct a variation to the construction drawings to reflect a Standard Requirement; and
  - (ii) the Developer must comply with any direction given by Council under clause 5.2(b)(i) of this Schedule.
- (c) The Developer acknowledges and agrees that:
  - (i) Council may, but is not obliged to critically analyse the plans and specifications for the Works;
  - (ii) Council is not responsible for any errors, omissions or non-compliance with any Law or the requirement of any Authority by reason of agreeing to the plans and specifications for the Works;
  - (iii) Council is not liable for any Claim or Damage incurred by the Developer because of any defect in the design or construction of any part of the Works, other than a defect caused by Council; and
  - (iv) no comment, review or information supplied to the Developer by Council alters or alleviates the Developer's obligation to construct and complete the Works in accordance with this agreement.
- (d) For the avoidance of doubt:
  - (i) any approval of the construction drawings provided by Council under this agreement does not constitute the grant of any Construction Certificate or other building certification under the EPA Act; and

- (ii) Council is not responsible for the costs of any variation in accordance with this clause.

### 5.3 **Good faith**

The parties must act promptly and in good faith to consult in relation to the Detailed Design.

## 6 **Carrying out of Works**

### 6.1 *Standard of Works*

- (a) Unless otherwise provided, the Developer shall, and must cause the Builder to, use suitable new materials and proper and tradesmanlike workmanship when carrying out the Works.
- (b) The qualitative standard of the design and finishes for the Works must be no less than those described in the following documents:
  - (i) Any relevant Australian Standard;
  - (ii) Any relevant design standards or guidelines and any other requirements or policies applied by the Council from time to time in assessing the adequacy of any works or improvements proposed for the public domain or to be accessible to the public in accordance with this agreement.
- (c) The Developer will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements or policies referred to in clause 6.1(b)(ii) of this Schedule 2 from Council if the Council fails to deliver them to the Developer.
- (d) The Developer may but is not obliged to reinstate any Works where damage or destruction is as a result of:
  - (i) Any act or omission of the Council or its employees, consultants or agents relating to any part of the Works under this agreement; or
  - (ii) The use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.

## 7 **Inspection**

- (a) The Council may enter the Land or any part of the Land on which the Works are located to inspect the progress of the Works, subject to:
  - (i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the Land);
  - (ii) giving reasonable notice to the Developer;
  - (iii) complying with all reasonable directions of the Developer; and
  - (iv) being accompanied by the Developer or a nominee, or as otherwise agreed.
- (b) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection under clause 7(a) of this Schedule 2, notify the Developer of any defect or non-compliance in the Works and direct the Developer to carry out work

to rectify that defect or non-compliance within a reasonable period of time. Such work may include, but is not limited to:

- (i) removal of defective or non-complying material;
  - (ii) demolishing defective or non-complying work;
  - (iii) reconstructing, replacing or correcting any defective or non-complying work; and
  - (iv) not delivering any defective or non-complying material to the site of the Works.
- (c) If the Developer is issued a direction to carry out further work under clause 7(b) of this Schedule 2, the Developer must, at their cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.
- (d) If the Developer fails to comply with a direction to carry out work given under clause 7(b) of this Schedule 2, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meet the Council's standards and specifications and may refuse to issue a Certificate of Practical Completion, until the required Works have been completed to the Council's satisfaction, acting reasonably.
- (e) For the avoidance of doubt, any acceptance by the Council that the Developer has rectified a defect or non-compliance identified in a notice issued under 7(b) of this Schedule 2 does not constitute:
- (i) acceptance by the Council that the Works comply with all Approvals and Laws; or
  - (ii) an Approval by the Council in respect of the Works; or
  - (iii) an agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this agreement.

## **8 Completion**

### *8.1 Practical Completion*

- (a) When the Developer considers that the Works, or any part of the Works, are complete, the Developer must send a Notice to the Council accompanied by complete works as executed plans, any relevant certificates or consents of any public utility authority and a request for written certification from the Council that the Works are complete.
- (b) Within 10 Business Days of receipt of the notice under clause 8.1(a) of this Schedule 2, the Council will carry out an inspection of the Works and will, acting reasonably, either:
- (i) provide written certification to the Developer that the Works have been completed; or
  - (ii) notify the Developer of any additional information required or matters which must be addressed by the Developer prior to the certification being issued.

- (c) If the Developer is required to provide additional information or address any matters under clause 8.1(b)(ii) of this Schedule 2, the Developer will provide that information to Council or address those matters within 10 Business Days of receiving the notice or within a reasonable period of time and make a further request under clause 8.1(a) of this Schedule 2 for written certification that the Works have been completed.
- (d) Practical completion will be achieved in relation to the Works or any part of the Works when a Certificate of Practical Completion has been issued for those Works.

#### 8.2 *Delivery of documents*

- (a) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works deliver to the Council, complete and legible copies of:
  - (i) all "as built" full-sized drawings, specifications and relevant operation and service manuals;
  - (ii) all necessary certificates including the certificates of any consultants of the Developer that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and
  - (iii) copies of all Approvals required for use of the land subject to the Works.
- (b) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

#### 8.3 *Assignment of Warranties and Causes of Action*

- (a) The Developer must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Developer and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.
- (b) To the extent that any such warranties or guarantees cannot be assigned, the Developer must at the request of Council do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

#### 8.4 *Defects Liability Period*

- (a) During the Defects Liability Period, the Council (acting reasonably) may give to the Developer a notice (**Rectification Notice**) in writing that identifies a defect in the Works and specifies:
  - (i) action required to be undertaken by the Developer to rectify that defect (Rectification Works); and
  - (ii) the date on which the defect must be rectified (**Rectification Date**).
- (b) The Developer must comply with the Rectification Notice by:
  - (i) procuring the performance of the Rectification Works by the Rectification Date, or such other date as agreed between the parties;

- (ii) keeping the Council reasonably informed of the action to be taken to rectify the defect; and
  - (iii) carrying out the Rectification Works.
- (c) The Council must give the Developer and its contractors any access required to carry out the Rectification Works.
- (d) When the Developer considers that the Rectification Works are complete, either the Developer must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.
- (e) The Council may inspect the Rectification Works within 15 Business Days of receiving a Notice from either the Developer under clause 8.1(d) of this Schedule 2 and, acting reasonably:
- (i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or
  - (ii) notify the Developer in writing that it is satisfied the Rectification Works are complete.
- (f) The Developer must meet all costs of and incidental to rectification of defects under this clause 8.4.
- (g) If the Developer fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Developer, and may recover as a debt due to the Council by the Developer in a court of competent jurisdiction, any costs incurred by the Council in carrying out Rectification Works.
- (h) The Developer must request that Council inspect the Works 28 days prior to the end of the Defects Liability Period. The Council must inspect the Works at any time after receiving the request from the Developer and before to the end of the Defects Liability Period.
- (i) If, prior to the end of the Defects Liability Period:
- (i) the Developer fails to request the inspection, or
  - (ii) the Council does not carry out the inspection,
- the Council may extend the Defects Liability Period so that the inspection may be carried out.

## **9 Risk**

The Developer undertakes the Works entirely at its own risk.

## **10 Insurance**

- (a) Prior to the commencement of the construction of any of the Works, the Developer must ensure the Builder effects and the Developer must produce evidence to the Council of the following insurances issued by an insurer approved by the Council (acting reasonably) in a form approved by the Council (acting reasonably):
- (i) construction works insurance for the value of the Works;

- (ii) public risk insurance for at least \$20 million;
  - (iii) workers compensation insurance as required by Law.
- (b) The Developer must provide evidence of currency of insurance required by clause 10(a) of this Schedule 2 upon request by the Council, acting reasonably, throughout the term of this agreement.

#### **11 Indemnities**

The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Developer of the Works except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

#### **12 Intellectual Property Rights**

The Council acknowledges that the Developer or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Developer have or receive intellectual property rights for the Works, the Developer shall assign those intellectual property rights to Council or permit use thereof.

#### **13 Risk of contamination**

The Developer acknowledges and agrees:

- (a) that it is responsible for the management and remediation of any contamination present upon or under the land on which the Works are to be carried out;
- (b) it will attend to any necessary remediation at their own costs; and
- (c) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any contamination with respect to the land on which the Works are to be carried out.

#### **14 Plans**

The parties acknowledge and agree that further detail and refinement of plans and documents in connection with this agreement may be necessary having regard to the following matters:

- (a) matters affecting Works not capable of identification on or before the date of this agreement; or
- (b) by agreement between the parties.

### Schedule 3 Summary of requirements (section 7.4)

Subject and subsection of the Act	Planning Agreement
<p><b>Planning instrument and/or Development Application – Section 7.4(1)</b></p> <p>The Landowners have:</p> <p>(a) Sought a change to an environmental planning instrument</p> <p>(b) Made, or propose to make a Development Application</p> <p>(c) Entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p><b>Description of the land to which the planning Agreement applies – Section 7.4(3)(a)</b></p>	<p>Refer to Clause 1 and Annexure A</p>
<p><b>The scope, timing and manner of delivery of contribution required by the Planning Agreement – Section 7.4(3)(b)</b></p>	<p>Refer to Clause 6</p>
<p><b>Applicability of section 7.11 of the Act – Section 7.4(3)(d)</b></p>	<p>Refer to Clause 7</p>
<p><b>Applicability of section 7.12 of the Act – Section 7.4(3)(d)</b></p>	<p>Refer to Clause 7</p>
<p><b>Applicability of section 7.24 of the Act – Section 7.4(3)(d)</b></p>	<p>Refer to Clause 7</p>
<p><b>Mechanism for dispute resolution – Section 7.4(3)(f)</b></p>	<p>Refer to Clause 9</p>
<p><b>Enforcement of the Planning Agreement – Section 7.4(3)(g)</b></p>	<p>Refer to Clause 10</p>
<p><b>Registration of the Planning Agreement – Section 7.4(3)(g)</b></p>	<p>Not required due to ownership structure of the Trustee</p>
<p><b>No obligation to grant consent or exercise functions – Section 7.4(9)</b></p>	<p>See clause 13 (no fetter)</p>

### Executed as an agreement

**Signed by Sean Scanlon** as authorised representative for **Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle** ABN 62 089 182 027 who warrants that they are duly authorised to execute this document on behalf of **Trustees for the Roman Catholic Church for the Diocese of Maitland-Newcastle** in the presence of:

.....

Signature of Witness

.....

Signature of Authorised Representative

.....

Print name of Witness

.....

.....

Address of Witness

**Signed** by **Michelle Bisson** as authorised representative for **City of Newcastle** ABN 25 242 068 129 who warrants that they are duly authorised to execute this document on behalf of **City of Newcastle** in the presence of:

.....

Signature of Witness

.....

Signature of Authorised Representative

.....

Print name of Witness

.....

.....

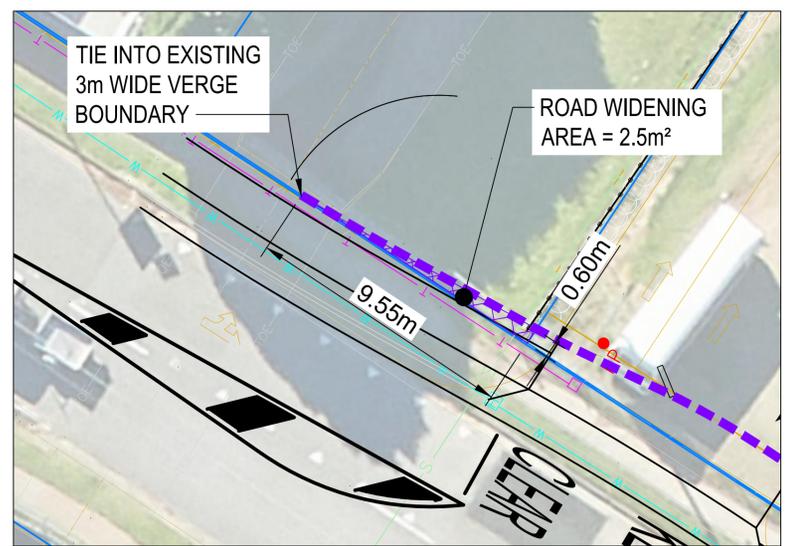
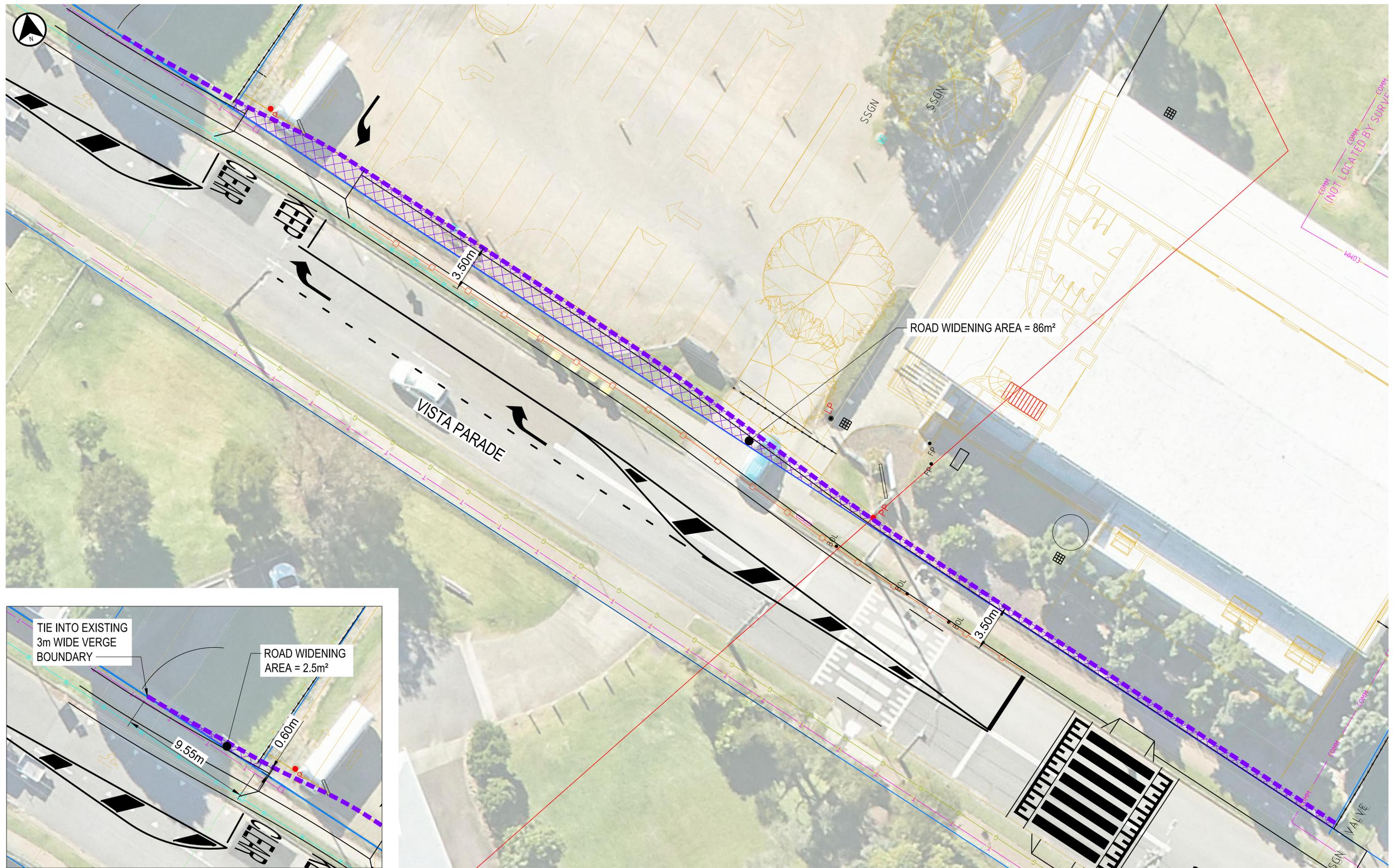
Address of Witness

Annexure A      Plan showing Land



Annexure B

Plan showing Dedication Land



FOR INFORMATION ONLY

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KOTARA SOUTH  
ST JAMES' PRIMARY SCHOOL  
STAGE 1 - CBGA 2019

CLIENT



**Catholic Schools Office**  
DIOCESE OF MAITLAND-NEWCASTLE

CONSULTANT



**BTE CONSULTING**  
BTE CONSULTING PTY LTD  
ABN 48 641 009 681 ACN 641 009 681

SCALES

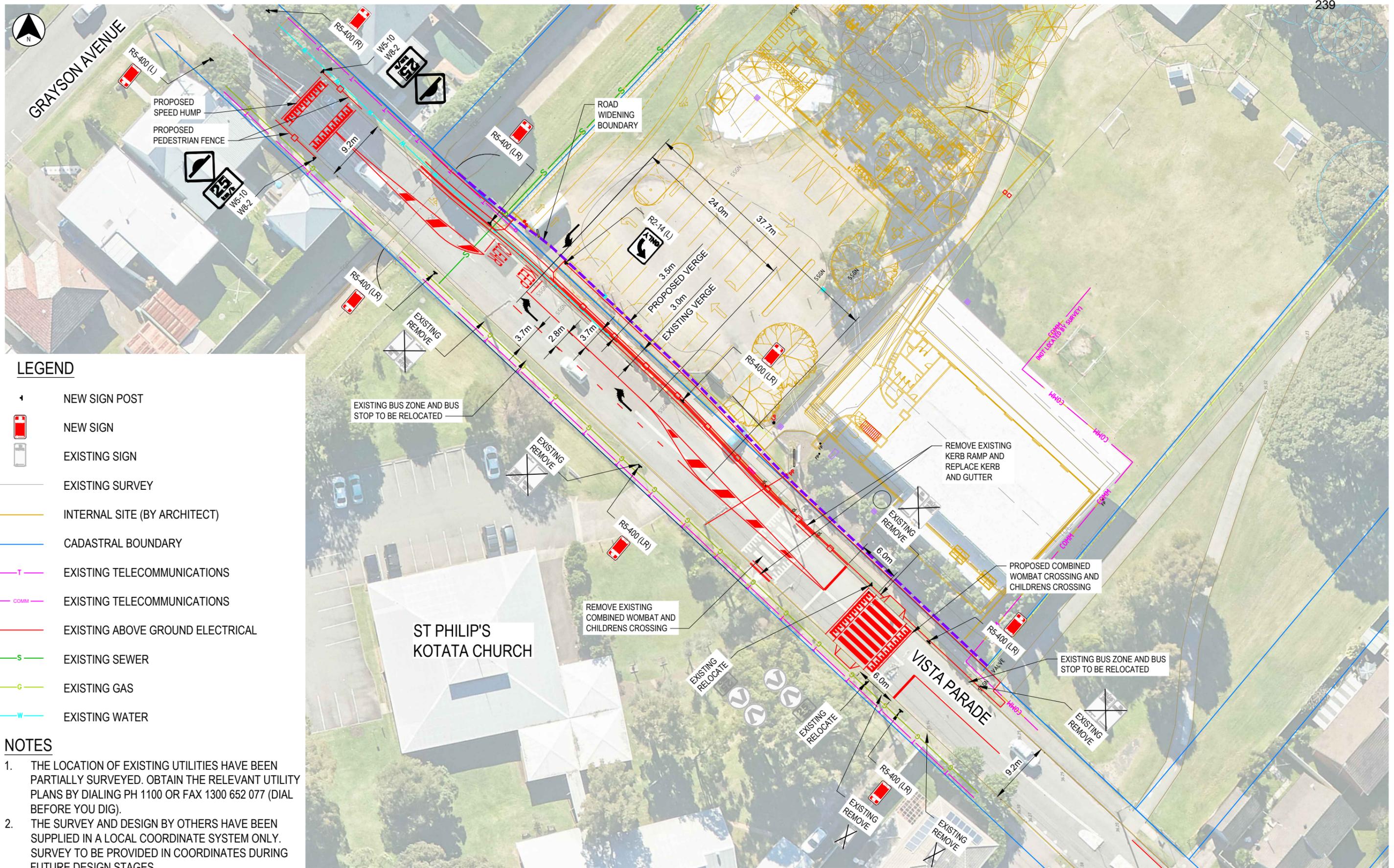


1: 500 FULL SIZE A3

PROJECT NO	BTE-210080
REVISION	07 - 13.10.2022
STATUS	STRATEGIC DESIGN
SCALE	1:500
DESIGNED	TB
DRAWN	TB

ST JAMES PRIMARY SCHOOL	
ROAD WIDENING AND RIGHT TURN BAY ON VISTA PDE	
ROAD WIDENING PLAN	
OPTION 1	
FIGURE NO	SKE-0111

Annexure C      Plans showing Works



### LEGEND

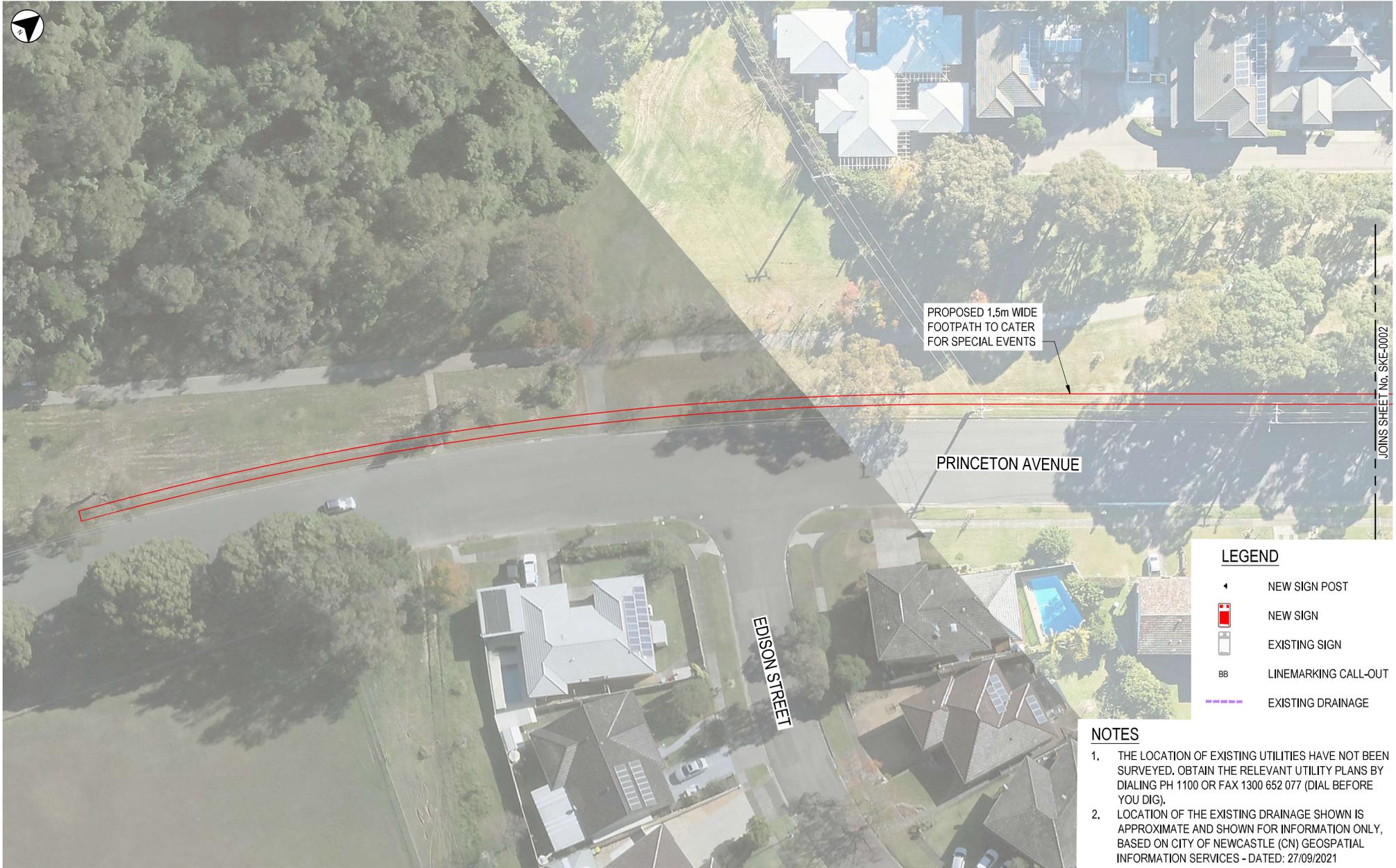
-  NEW SIGN POST
-  NEW SIGN
-  EXISTING SIGN
-  EXISTING SURVEY
-  INTERNAL SITE (BY ARCHITECT)
-  CADASTRAL BOUNDARY
-  EXISTING TELECOMMUNICATIONS
-  EXISTING TELECOMMUNICATIONS
-  EXISTING ABOVE GROUND ELECTRICAL
-  EXISTING SEWER
-  EXISTING GAS
-  EXISTING WATER

### NOTES

1. THE LOCATION OF EXISTING UTILITIES HAVE BEEN PARTIALLY SURVEYED. OBTAIN THE RELEVANT UTILITY PLANS BY DIALING PH 1100 OR FAX 1300 652 077 (DIAL BEFORE YOU DIG).
2. THE SURVEY AND DESIGN BY OTHERS HAVE BEEN SUPPLIED IN A LOCAL COORDINATE SYSTEM ONLY. SURVEY TO BE PROVIDED IN COORDINATES DURING FUTURE DESIGN STAGES.

FOR INFORMATION ONLY

KOTARA SOUTH ST JAMES' PRIMARY SCHOOL STAGE 1 - CBGA 2019	 Catholic Schools Office DIOCESE OF MAITLAND-NEWCASTLE	CONSULTANT  BTE CONSULTING BTE CONSULTING PTY LTD ABN 48 641 009 681 ACN 641 009 681	SCALES  1: 500 FULL SIZE A3	PROJECT NO: BTE-210080 REVISION: 08 - 02.02.2023 STATUS: STRATEGIC DESIGN SCALE: 1:500 DESIGNED: TB DRAWN: TB	ST JAMES PRIMARY SCHOOL ROAD WIDENING AND RIGHT TURN BAY ON VISTA PDE GENERAL ARRANGEMENT PLAN OPTION 1 FIGURE NO: SKE-0101
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PROPOSED 1.5m WIDE FOOTPATH TO CATER FOR SPECIAL EVENTS

PRINCETON AVENUE

EDISON STREET

JOINS SHEET NO. SKE-0002

**LEGEND**

-  NEW SIGN POST
-  NEW SIGN
-  EXISTING SIGN
-  LINEMARKING CALL-OUT
-  EXISTING DRAINAGE

**NOTES**

1. THE LOCATION OF EXISTING UTILITIES HAVE NOT BEEN SURVEYED. OBTAIN THE RELEVANT UTILITY PLANS BY DIALING PH 1100 OR FAX 1300 652 077 (DIAL BEFORE YOU DIG).
2. LOCATION OF THE EXISTING DRAINAGE SHOWN IS APPROXIMATE AND SHOWN FOR INFORMATION ONLY, BASED ON CITY OF NEWCASTLE (CN) GEOSPATIAL INFORMATION SERVICES - DATED: 27/09/2021

**FOR INFORMATION ONLY**

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KOTARA SOUTH  
ST JAMES' PRIMARY SCHOOL  
STAGE 1 - CBGA 2019

CLIENT



CONSULTANT

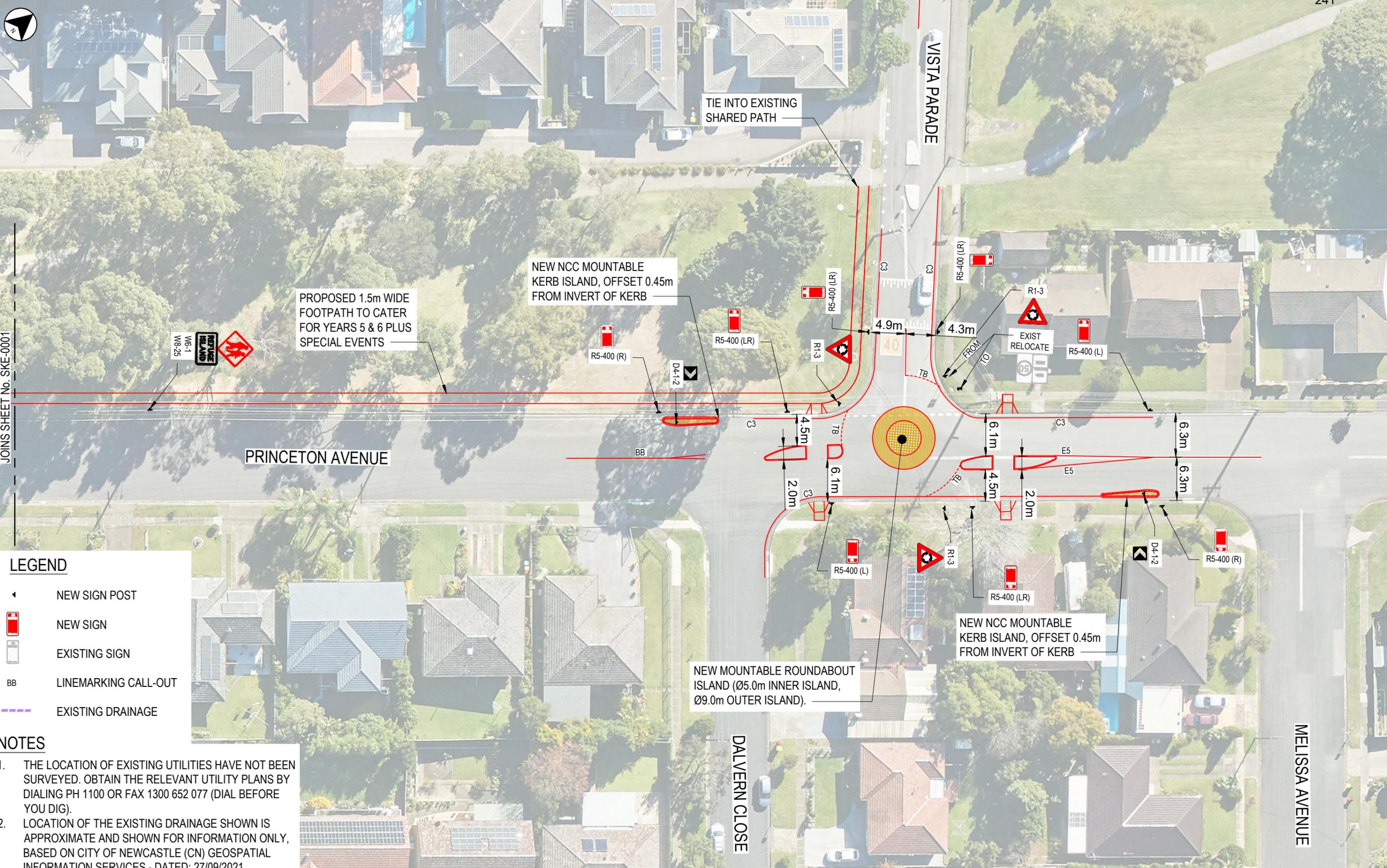


SCALES



PROJECT NO	BTE-210080
REVISION	03 - 23.09.2022
STATUS	STRATEGIC DESIGN
SCALE	1:500
DESIGNED	TB
DRAWN	TB

ST JAMES PRIMARY SCHOOL - STAGE 1	
INTERSECTION OF PRINCETON AVE AND VISTA PDE	
GENERAL ARRANGEMENT PLAN	
SHEET 1 OF 2	
FIGURE NO	SKE-0001



JOINS SHEET No. SKE-0001

**LEGEND**

- NEW SIGN POST
- NEW SIGN
- EXISTING SIGN
- LINEMARKING CALL-OUT
- EXISTING DRAINAGE

- NOTES**
1. THE LOCATION OF EXISTING UTILITIES HAVE NOT BEEN SURVEYED. OBTAIN THE RELEVANT UTILITY PLANS BY DIALING PH 1100 OR FAX 1300 652 077 (DIAL BEFORE YOU DIG).
  2. LOCATION OF THE EXISTING DRAINAGE SHOWN IS APPROXIMATE AND SHOWN FOR INFORMATION ONLY, BASED ON CITY OF NEWCASTLE (CN) GEOSPATIAL INFORMATION SERVICES - DATED: 27/09/2021

FOR INFORMATION ONLY

KOTARA SOUTH ST JAMES' PRIMARY SCHOOL STAGE 1 - CBGA 2019	CLIENT Catholic Schools Office DIOCESE OF MAITLAND-NEWCASTLE	CONSULTANT BTE CONSULTING BTE CONSULTING PTY LTD ABN 48 641 009 681 ACN 641 009 681	SCALES 1: 500 FULL SIZE A3	PROJECT NO: BTE-210080 REVISION: 07 - 02.02.2023 STATUS: STRATEGIC DESIGN SCALE: 1:500 DESIGNED: TB DRAWN: TB	ST JAMES PRIMARY SCHOOL - STAGE 1 INTERSECTION OF PRINCETON AVE AND VISTA PDE GENERAL ARRANGEMENT PLAN SHEET 2 OF 2 FIGURE NO: SKE-0002
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CAD REFP: BTE-210080-1 - DRAWINGS/SKETCH/HEAT-1:1080-SKE-0002.DWG

LAST MODIFIED: 9/23/2022 1:44 PM

## Annexure D            Draft Explanatory Note

### Explanatory Note

#### Exhibition of draft Voluntary Planning Agreement

#### Lot 12 and 131, DP 560852 and 262057, known as 30 and 31 Vista Parade, Kotara

*Environmental Planning & Assessment Regulation 2021 (clause 205)*

#### Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**the Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

The Planning Agreement will require the provision of road works and the dedication of land in relation to proposed development of land at Lot 12 and 131, DP 560852 and 262057, known as 30 and 31 Vista Parade, Kotara.

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000 (the Regulations)*.

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

#### Parties

Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle (**the Developer**) made an offer to Newcastle City Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Development Application relating to the subject land.

#### Description of subject land

The land to which the Planning Agreement applies is described as Lot 12 and 131, DP 560852 and 262057, known as 30 and 31 Vista Parade, Kotara (**the Land**).

#### Description of the Development Application to which the Planning Agreement applies

The Development Application seeks development consent for the redevelopment and expansion of St James' Primary School, Kotara and the construction of a new early education centre

#### Summary of Objectives, Nature and Effect of the Planning Agreement

##### Monetary Contribution

The Planning Agreement does not require a monetary contribution as the Developer is exempt from monetary contributions under Council's Section 7.12 Development Contributions Plan as it is a registered charity.

##### Works

The Planning Agreement requires the following works in kind:

- the road widening of Vista Parade and associated road works including the relocation and reinstatement of existing bus stops; and

- construction of a roundabout and intersection upgrade work on the Intersection of Princeton Avenue and Vista Parade.

## Land

The Planning Agreement requires the dedication of approximately 88.5m<sup>2</sup> of land to the Council to widen Vista Parade

## Assessment of the Merits of the Planning Agreement

### How the Planning Agreement Promotes the Objects of the Act and the public interest

The draft Planning Agreement promotes the following objective of the *Environmental Planning and Assessment Act 1979*:

- promotes the orderly and economic use and development of land; and
- promotes good design and amenity of the built environment.

The draft Planning Agreement promotes the public interest by ensuring the amenity and function of the local road network will be improved and the community will benefit from an upgraded public asset.

### The Planning Purposes served by the Planning Agreement

The works will be carried out for the purposes of widening Vista Parade and increasing the function of the local public road network.

That land will be dedicated for the purposes of widening Vista Parade and increasing the function of the local public road network.

### Whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Planning Agreement is required to be complied with prior to any occupation certificate being issued.

## ATTACHMENT B – SUBMISSIONS TABLE – PLANNING AGREEMENT FOR 30 AND 31 VISTA PARADE, KOTARA SOUTH (ST JAMES PRIMARY SCHOOL)

The table below captures key matters raised during the public exhibition of the Planning Agreement for 30 and 31 Vista Parade, Kotara South (St James Primary School) from 1 December 2022 to 19 January 2023. City of Newcastle (CN) received 24 submissions during the exhibition period that are summarised below with CN response.

Theme/issue	Key matters raised in submissions	CN response
<b>Pedestrian safety (raised in 11 submissions)</b>	Concerns relating to the need for safe crossing access to reduce unsafe and risky crossing behaviours.	Pedestrian fence to be erected on Vista Parade along frontage of school to control pedestrian activity.
	The Planning Agreement focuses on Vista Parade and neglects the crossing of Princeton and Grayson Avenues during peak periods. Safety concerns raised regarding this intersection, particularly poor visibility of oncoming traffic due to parked cars during peak hours. This intersection would benefit by the addition of a roundabout.	Insufficient nexus with the development application (DA).
	The proposed increase in student numbers will increase vehicle movement and an increased risk to pedestrian safety.	The proposed road improvements in conjunction with the majority of parent pick-up and set-down activity moving to the school grounds should reduce on-street congestion and associated conflicts (vehicular and pedestrian), significantly improving local road network performance.
	Request for a pedestrian refuge on the corner of Princeton Avenue and Melissa Avenue.	Insufficient nexus with the development application.
<b>Bus stop relocation (raised in 6 submissions)</b>	Approximately 30 students catch the afternoon bus, with this number likely to increase with an increase in students.	Comment noted.
	Community concerns and opposition regarding proposed bus stop relocation.	The proposed bus stop locations have been removed from the Planning Agreement. CN will review this matter in the subsequent Section 138 approval under the <i>Roads Act 1993</i> . Further consultation is required with the relevant bus operator with approval by Newcastle City Traffic Committee (NCTC).
	Submissions suggesting the relocation of bus stops to the vacant area further south on Princeton Avenue where there are no homes and the students can be assembled safely and with minimum impact on the community.	See above. The proposed bus stop locations have been removed from the Planning Agreement.
	Proposed bus stop locations will cause congestion due to proximity to the corner of Melissa Avenue.	See above. The proposed bus stop locations have been removed from the Planning Agreement.
	How will students safely access the bus stop at 113 Princeton Avenue (south side of Princeton Avenue)?	See above. The proposed bus stop locations have been removed from the Planning Agreement.

	Bus stop relocation to 124 Princeton Avenue will affect bus routes that currently turn right down Melissa Avenue (e.g. 14 bus)	See above. The proposed bus stop locations have been removed from the Planning Agreement.
<b>Immediate and surrounding movement network. (raised in 10 submissions)</b>	Concerns regarding the impact that the proposed DA will have on the surrounding road network and its ability to cope with this increase.	Traffic modelling confirms that the road network should cater for the increase in student numbers proposed under the DA with the proposed road improvements under the Planning Agreement and school operating procedures for parent pick-up and set-down activity on-site.
	Why is a roundabout proposed at the Vista Parade-Princeton Avenue intersection and not also at the Vista Parade-Grayson Avenue intersection?	Vehicles exiting the school are restricted to left only access. This necessitates the provision of a roundabout at the Vista Parade and Princeton Avenue intersection to enable vehicles to make a safe U-turn to travel west. There is an insufficient nexus between the DA and the Planning Agreement for a roundabout at the intersection of Vista Parade and Grayson Avenue. Furthermore, land acquisition would be required to accommodate the provision of a roundabout at this location.
	Issues on Grayson Street due to narrow roadway and cars parked on both sides of the street.	Parent pick-up and set-down activity associated with the school is proposed to occur on school grounds under the development application, thereby reducing on-street congestion.
	Proposed roundabout is a great idea as it will slow traffic from travelling at great speeds around students and allow for school traffic to turn safely around to travel in the opposite direction.	Support for a roundabout is noted.
	Concerns that the right turning bay into the school may not be wide enough and the road will be blocked in that direction.	The works will ensure the proposed right turning bay will be wide enough to allow traffic to pass at Vista Parade, alleviating traffic issues during peak times.
	Suggestions that the wider network needs to be reviewed including Grayson Avenue, Park Avenue, Princeton Avenue and Lexington Parade.	A review of the operation of the broader road network is beyond the scope of this Planning Agreement. Insufficient nexus exists under the DA to address matters beyond the site.
	Design and development of Vista Parade as proposed to consider the access arrangements for the 10 properties at 33 Vista Pde, Kotara as the safety island on Vista Parade for the active transport link currently limits some movements (such as right out), for larger vehicles including removalist trucks and caravans etc	Comment noted. The proposed changes will not impact these properties any more than the current level.
<b>School expansion (raised in 9 submissions)</b>	Objections to the proposal to expand St James Primary School Kotara South from the current 385 students to a projected 630 students.	Objections noted. DA2019/00966 is subject to a Class 1 Appeal in the Land and Environment Court.
	The Planning Agreement does not address the significant issues raised in the submissions to DA2019/00966 and/or Council Determination (29 March 2021).	Comment noted. The Planning Agreement seeks to address the concerns regarding traffic, safety, access amenity issues raised by

		CN and the Hunter Central Coast Regional Planning Panel (HCCRPP) in its assessment of DA2019/00966.
	The school does not currently have the enrolment demand to explain such an expansion (demand has been rapidly decreasing since 2019).	Comment noted. This is not a matter for CN consideration.
	No issue with the school expansion as it has personal benefit for our young family.	Comment noted.
<b>Traffic and parking (raised in 19 submissions)</b>	Objections to the Planning Agreement based on the impacts the expansion of the school (per DA2019/00966) will have on local traffic conditions.	Objections noted. DA2019/00996 is subject to a Class 1 Appeal in the Land and Environment Court. The Planning Agreement seeks to address the concerns regarding traffic, safety, access and amenity issues raised by CN and the HCCRPP in its assessment of DA2019/00966.
	Concerns regarding the safety and volume of traffic in the area, particularly in surrounding residential streets	Traffic modelling confirms the road network should cater for the increase in traffic generated by this DA with the recommended road improvements. CN reviewed subsequent information the applicant's traffic consultant provided and found it satisfactory. An independent traffic consultant also reviewed the report and found it to be acceptable.
	The proposed widening of Vista Parade and roundabout at corner of Vista Parade and Princeton Avenue will not alleviate the traffic concerns in the surrounding area. It is a major thoroughfare connecting to the Pacific Highway.	As above.
	Issues raised regarding unlawful driving and poor traffic behaviour in the area.	Concerns noted.
	Bus route 14 causes higher traffic flow due to the need to stop.	The operational arrangements and performance of the route 14 bus service is outside the scope of the Planning Agreement. The proposed bus stop locations have been removed from the Planning Agreement and will be reviewed by CN in the subsequent Section 138 approval under the <i>Roads Act 1993</i> . Further consultation is required with the relevant bus operator with approval by Newcastle City Traffic Committee (NCTC).
	Concerns regarding lack of off-street parking proposed as part of DA2019/00966.	Concerns noted. Parking complies with CN's Development Control Plan 2012.
	Concerns regarding the current impacts of the school on local parking and that the proposed development will make this worse.	Concerns noted. Parking complies with CN's Development Control Plan 2012.
	Request for resident only parking permits to be introduced in surrounding streets such as Grayson Avenue.	Parking permits are outside the scope of this Planning Agreement. This request will be passed onto CN's Traffic and Transport team for consideration.

<b>Traffic assessment (raised in 9 submissions)</b>	Concerns regarding the traffic assessment prepared by SECA Solutions for the applicant in 2019, including maximum number of vehicles, classification of streets and vehicle counts.	CN reviewed the traffic impact assessment report and additional information supplied by the applicant's traffic consultant and found it satisfactory. The report was also reviewed by an independent traffic consultant and found to be acceptable.
	The traffic assessment excludes the impact on the surrounding road network, including accident data.	As above.
	The traffic assessment does not consider the number of vehicle movements in the area that do not use the school or church carparks.	As above.
	The Planning Agreement is not accompanied by an updated traffic assessment which demonstrates that the works will alleviate traffic concerns.	A traffic impact assessment report submitted in association with a development application typically does not form part of a Planning Agreement.
<b>Planning Agreement (raised in 9 submissions)</b>	The Planning Agreement does not address the amenity issues raised by City of Newcastle and the Hunter Central Coast Regional Planning Panel (HCCRPP) as part of DA2019/00966.	The Planning Agreement seeks to address the concerns regarding traffic, safety, access amenity issues raised by CN and the HCCRPP in its assessment of DA2019/00966. DA2019/00966 is subject to a Class 1 appeal in the Land and Environment Court. Parent pickup activity associated with the school is proposed to occur on school grounds under the development application
	Objections to the Planning Agreement in its current form. The Planning Agreement will not adequately address the traffic congestion and safety concerns for residents and students.	The proposed road improvements required under the Planning Agreement in conjunction with the majority of parent set-down and pick-up activity occurring on the school grounds, should reduce on-street congestion and associated conflicts (vehicular & pedestrian), significantly improving local road network performance.
	Footpath on Princeton Avenue will result in loss of habitat to Raspberry Gully Reserve.	The proposed footpath in Princeton Avenue is confined to the road reserve and does not encroach into Raspberry Gully Reserve.
	Support of the proposed works as part of the Planning Agreement, including widening of Vista Parade.	Comment noted.
	Questions regarding how long these works will take, and how the school will be accessed while work is underway.	The timing and duration of works are a school matter. Access to the school during the construction period would typically be addressed by the school under a Construction Management Plan.
<b>Hunter Water land (submission from Hunter Water)</b>	Proposed road widening will require works on approximately 2.5m <sup>2</sup> of Lot 11, DP 560852 which is owned by Hunter Water. Hunter Water confirms that it has no objection to the lodgement of the DA impacting part Lot 11, DP 560852 as the owner of that land for the purposes of clause 49 of the <i>Environmental Planning and Assessment Regulation 2000</i> . Consent is subject to the following limitations:	Submission noted.

	<ul style="list-style-type: none"> <li>○ consenting to the DA including works on land owned by Hunter Water is for the purposes of satisfying the requirements of clause 49 only. It does not provide any property law right to access or carry out any development on that land;</li> <li>○ adjustment of the existing gate and a layback will also be required to enable safe entry and exit through the gate; and</li> <li>○ if approved the dedicated land must not be built on and must be clearly identified as not to be used for parking which could restrict Hunter Water's access, which is required 24/7, for operational purposes. Any site adjustments will be at a cost to the development.</li> <li>○ Noted this response is subject to detailed survey plans, evidence of development approval and valuation for compensation being provided, to enable Hunter Water's further review. In the event that development consent is granted, the developer will need to make suitable arrangements to carry out the works with Hunter Water.</li> </ul> <p>Comments do not constitute approval by Hunter Water as statutory authority under the <i>Hunter Water Act 1991</i>.</p>	
<b>Other (raised in 9 submissions)</b>	School did not advertise this exhibition of this proposal and the majority of the school community was unaware there is a new proposal or that they were able to provide feedback.	Comment noted. The applicant is the Catholic Diocese of Maitland-Newcastle.
	The land has been entirely attributed to St James Primary School. Correct labelling would be All Saints' Parish Blackbutt South (St James Primary School (No.30) and St Philip's Church (No.31)).	Comment noted.
	Use of Nesbitt Park as pick up location, as recommended by traffic study to address parking (as part of DA2019/00966), was ceased in September 2022 by St James Kotara South Primary School due to health and safety concerns of students and teachers. Negative impacts of parking deemed to persist with no proposal to address existing safety concerns.	Comment noted.
	Any development on parish property requires consultation with parishioners and the consent of the parish priest, which has not occurred at any stage of the process.	Comment noted. This is not a matter for CN consideration.
	Understanding that this proposal was rejected in 2021, why is this being re-submitted again?	The original DA (DA2019/00966) is subject to a Class 1 appeal in the Land and Environment Court.

	Approval of the agreement will lead to the resubmission of a development application for the site	The original DA (DA2019/00966) is subject to a Class 1 appeal in the Land and Environment Court.
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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/02/23 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**8.15**                      **Attachment A:**      Executive Monthly Performance Report -  
January 2023

**DISTRIBUTED UNDER SEPARATE COVER**

# Monthly Performance Report

January 2023



# Income Statement

Result for the financial period ending 31 January 2023

Full Year Revised Budget		YTD Budget	YTD Actual Result	Variance (\$)	Variance (%)
\$'000		\$'000	\$'000	\$'000	\$'000
<b>Income from continuing operations</b>					
208,307	Rates & annual charges	121,876	121,876	-	0%
106,816	User charges & fees	62,298	62,187	(111)	0%
7,964	Other revenues	4,086	8,117	4,031	99%
19,602	Grants & contributions - operating	7,008	6,415	(593)	-8%
31,354	Grants & contributions - capital	3,945	3,945	-	0%
3,359	Interest & investment revenue	1,902	5,061	3,159	166%
6,043	Other income	3,632	5,655	2,023	56%
<b>383,445</b>	<b>Total income from continuing operations</b>	<b>204,747</b>	<b>213,255</b>	<b>8,508</b>	<b>4%</b>
<b>Expenses from continuing operations</b>					
125,271	Employee benefits & on-costs	72,900	71,263	(1,637)	-2%
106,304	Materials & services	56,644	51,865	(4,779)	-8%
3,849	Borrowing costs	2,210	2,425	216	10%
63,358	Depreciation & amortisation	36,914	37,088	174	0%
47,206	Other expenses	27,409	26,028	(1,381)	-5%
4,149	Net loss from the disposal of assets	2,168	1,917	(250)	-12%
<b>350,137</b>	<b>Total expenses from continuing operations</b>	<b>198,245</b>	<b>190,587</b>	<b>(7,657)</b>	<b>-4%</b>
<b>33,308</b>	<b>Operating result from continuing operations</b>	<b>6,502</b>	<b>22,668</b>	<b>16,165</b>	<b>249%</b>
<b>1,954</b>	<b>Net operating result before grants &amp; contributions - capital</b>	<b>2,557</b>	<b>18,723</b>	<b>16,165</b>	<b>632%</b>

## Operating Analysis as at 31 January 2023

Over budget by more than 5%



Over budget by 5% or less



Result within budget



Financial Statement Line Item	Indicator	Var (\$'000)	Var(%)	Issue	Explanation
<b>Operating Revenue</b>					
Rates & annual charges		-	0%		
User charges & fees		(111)	0%		\$0.5m reduction in DA and animal registration fees partially offset by \$0.4m increase in revenue from Ticketing Fees and Facility Hire related to Civic Theatre
Other revenues		4,031	99%		\$2.2m receipt of proceeds from Wickham fire response \$1.2m Investment recoup from final distribution of Lehman Brothers Australia Liquidation \$0.2m increase in revenue from Food and Bev sales related to Civic \$0.4m increase in legal cost recoveries and misc. reimbursements
Grants & contributions - operating		(593)	-8%		Timing difference in receipt of Grants
Grants & contributions - capital		-	0%		
Interest & investment revenue		3,159	166%		Increased return from investments
Other income		2,023	56%		\$1.8m Fair Value adjustment in Tcorp Long Term Growth Fund due to market volatility \$0.2m increase in rental income
<b>Operating Expenses</b>					
Employee benefits & on-costs		(1,637)	-2%		Savings due to vacant positions
Materials & services		(4,779)	-8%		\$4.3m related to timing of delivery within the Works Program \$0.3m reduction in Street Lighting costs
Borrowing costs		216	10%		Increased cost of interest on loans
Depreciation & Amortisation		174	0%		
Other expenses		(1,381)	-5%		\$1.2m reduction in State Waste Levy predominantly due to lower receipt of internally generated tonnes
Net loss from the disposal of assets		(250)	-12%		Due to timing of budgeted disposals

# Capital Statement

Result for the financial period ending 31 January 2023

Full Year Revised Budget \$'000		YTD Actual		Variance (\$) \$'000	Variance (%) \$'000
		YTD Budget \$'000	Result \$'000		
<b>Capital funding</b>					
64,255	General fund contribution to capital	34,503	50,419	15,916	46%
2,360	Stormwater Management Service Charge	1,377	1,377	-	0%
18,506	Capital Grants & Contributions	3,945	3,945	-	0%
617	Proceeds from the sale of assets	617	630	13	2%
17,673	Net Loans Borrowings / (Repayments)	10,309	10,309	-	0%
<b>Funding available for capital</b>					
<b>103,411</b>	<b>expenditure</b>	<b>50,751</b>	<b>66,680</b>	<b>15,929</b>	<b>31%</b>
<b>Capital Expenditure</b>					
28,354	Asset Renewal	16,446	15,012	(1,434)	-9%
49,482	New / Upgrade	22,847	10,146	(12,701)	-56%
<b>77,836</b>	<b>Total capital expenditure</b>	<b>39,293</b>	<b>25,158</b>	<b>(14,135)</b>	<b>-36%</b>
<b>25,575 Transfer to or (Draw down on) reserves</b>					
		<b>11,458</b>	<b>41,521</b>	<b>30,064</b>	<b>262%</b>

# Debtors Report as at 31 January 2023

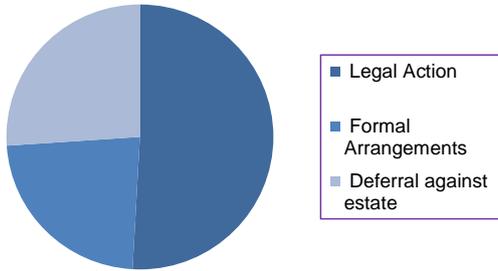
### Outstanding Rates

Debt Recovery Action	Dec-22	\$ Amount
Legal Action	159	1,013,837
Formal Arrangements	148	459,399
Deferral against estate	20	519,212
<b>Total</b>	<b>327</b>	<b>1,992,448</b>

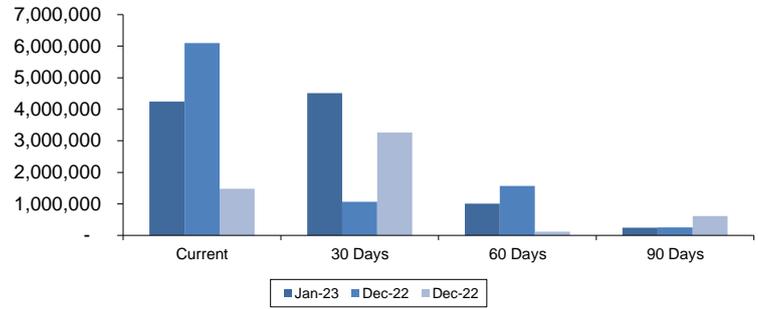
### Aged Debtors Report (Major Debtors Report)

Period	Jan-23 \$	Dec-22 \$	Dec-22 \$
Current	4,242,460	6,099,425	1,478,276
30 Days	4,507,335	1,064,582	3,257,446
60 Days	1,009,562	1,569,695	120,192
90 Days	244,515	251,581	613,816
<b>Total</b>	<b>10,003,872</b>	<b>8,985,283</b>	<b>5,469,730</b>

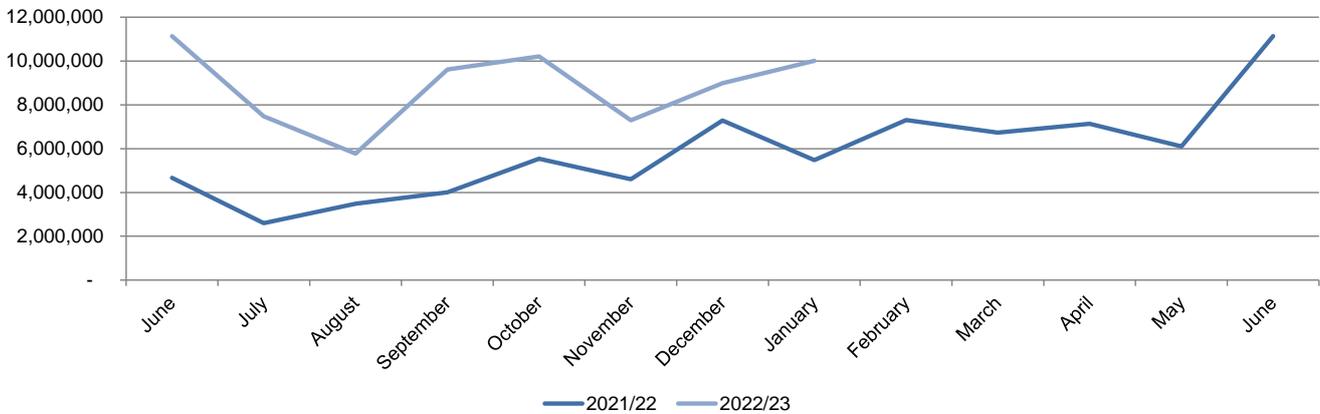
### Outstanding Rates (\$)



### Debtors balances



### Trend of Debtors Balance (\$)



## Works Program Summary

Result for the financial period ending 31 January 2023

Full Year Revised Budget \$'000	Portfolio/Program	YTD Budget \$'000	YTD Actual Result \$'000	Variance to YTD budget (%) \$'000	% of FY Budget Spent \$'000
<b>29,147</b>	<b>City Infrastructure - Assets &amp; Facilities</b>	<b>13,351</b>	<b>11,991</b>	<b>-10%</b>	<b>41%</b>
925	Buildings - Council Support Services	438	166	-62%	18%
240	Public Toilets	114	18	-84%	7%
441	Retaining walls	175	63	-64%	14%
3,877	Bridges	1,732	1,340	-23%	35%
1,351	Footpaths	640	608	-5%	45%
1,263	Roadside Furniture	390	502	28%	40%
3,196	Road Rehabilitation	2,222	1,547	-30%	48%
5,862	Road Resurfacing	2,877	2,371	-18%	40%
1,095	Parking Infrastructure	519	621	20%	57%
7,071	Stormwater System	2,762	3,680	33%	52%
3,825	Fleet Replacement	1,482	1,076	-27%	28%
<b>2,782</b>	<b>Planning &amp; Environment - Transport</b>	<b>1,360</b>	<b>1,171</b>	<b>-14%</b>	<b>42%</b>
1,073	Cycleways	575	186	-68%	17%
574	Pedestrian Access and Mobility Plan (PAMP)	242	383	58%	67%
1,135	Local Area Traffic Management (LATM)	543	603	11%	53%
<b>12,566</b>	<b>Planning &amp; Environment - Environment &amp; Sustainability</b>	<b>5,506</b>	<b>4,577</b>	<b>-17%</b>	<b>36%</b>
290	Blackbutt Reserve	137	67	-51%	23%
248	Flood Planning	117	39	-67%	16%
4,253	Coast, Estuary and Wetlands	2,344	1,700	-27%	40%
3,660	Bushland and Watercourses	1,439	1,587	10%	43%
1,810	Street and Park Trees	723	668	-8%	37%
2,305	Sustainability & Climate	745	516	-31%	22%
<b>7,772</b>	<b>Corporate Services</b>	<b>3,308</b>	<b>2,922</b>	<b>-12%</b>	<b>38%</b>
-	Commercial Properties	-	-	0%	0%
1,023	Digital Enablement	556	491	-12%	48%
265	Integrated Data & Systems	51	36	-31%	13%
5,692	Core Systems Development & Maintenance	2,228	2,018	-9%	35%
792	CX Strategy	472	377	-20%	48%
<b>51,667</b>	<b>City Shaping</b>	<b>26,850</b>	<b>6,857</b>	<b>-74%</b>	<b>13%</b>
36,000	Citywide	18,341	5,402	-71%	15%
15,667	Summerhill	8,509	1,454	-83%	9%
<b>17,208</b>	<b>Creative &amp; Community Services</b>	<b>10,197</b>	<b>6,771</b>	<b>-34%</b>	<b>39%</b>
6,903	Aquatics	5,990	4,424	-26%	64%
-	Cemeteries	-	-	0%	0%
300	Community Buildings	142	31	-78%	10%
1,328	Civic Venues / Civic Services	629	138	-78%	10%
6,632	Recreation & Sport	2,536	1,646	-35%	25%
850	Economic Development	335	301	-10%	35%
225	Art Gallery	107	5	-95%	2%
970	Museum / Libraries / Historic Fort Scratchley	459	227	-51%	23%
<b>3,869</b>	<b>Waste Services</b>	<b>2,102</b>	<b>1,695</b>	<b>-19%</b>	<b>44%</b>
3,869	Waste Management	2,102	1,695	-19%	44%
<b>7,269</b>	<b>City Infrastructure - Revitalisation</b>	<b>3,817</b>	<b>4,088</b>	<b>7%</b>	<b>56%</b>
1,565	City Centre	793	364	-54%	23%
835	Coastal	377	1,162	208%	139%
4,869	Urban Centres	2,647	2,562	-3%	53%
<b>132,281</b>	<b>Total Works Program</b>	<b>66,490</b>	<b>40,073</b>	<b>-40%</b>	<b>30%</b>

Note: The Budget above is inclusive of operational and capital works

Councillors' Expense Register 2022/2023

	Annual Budget Allotments									Council Term Budget Allotments		
	OFFICIAL BUSINESS	ACCOMPANYING PERSON (Official Business)	OVERSEAS TRAVEL	PROFESSIONAL DEVELOPMENT	LGNSW / NGA ANNUAL CONFERENCE	COMMUNICATION EXPENSES	SPECIAL REQUIREMENTS & CARER EXPENSES	HOME OFFICE EXPENSES	TOTAL ANNUAL EXPENDITURE	AICD COURSE FEES	COMMUNICATION DEVICES	TOTAL TERM EXPENDITURE
<b>LORD MAYOR</b>												
Policy Provision	\$4,000	\$1,000	Paid in accordance with a specific resolution of Council	\$5,000	\$20,000 (shared among elected representatives inclusive of both events)	\$3,000	\$6,000	\$2,000		\$4,000 (may be combined with Professional Development expenses in the year undertaken)	\$4,000	
NELMES Nuatali	-	-	-	659.09	1,313.47	612.81	-	10.91	2,596.28	-	2,537.85	2,537.85
<b>ALL COUNCILLORS</b>												
Policy Provision	\$2,000	\$500	See Above	\$5,000	See Above	\$3,000	\$6,000	\$500		\$4,000	\$4,000	
CLAUSEN, Declan	644.41	-	-	659.09	1,543.47	488.36	-	162.02	3,497.35	-	2,537.85	2,537.85
CHURCH, John	-	-	-	-	-	132.81	-	10.91	143.72	-	2,428.59	2,428.59
MACKENZIE, John	-	-	-	659.09	1,458.02	488.36	-	10.91	2,616.38	-	3,219.67	3,219.67
DUNCAN, Carol	116.93	-	-	659.09	1,006.20	488.36	-	10.91	2,281.49	-	3,392.58	3,392.58
BARRIE, Jenny	-	-	-	659.09	1,851.65	488.36	-	10.91	3,010.01	-	3,219.67	3,219.67
McCABE, Charlotte	-	-	-	1,079.09	1,538.02	488.36	-	10.91	3,116.38	-	3,047.73	3,047.73
WINNEY-BAARTZ, Peta	116.94	-	-	659.09	1,006.20	488.36	-	10.91	2,281.50	-	3,219.67	3,219.67
WOOD, Margaret	-	-	-	659.09	1,006.20	488.36	-	10.91	2,164.56	-	3,219.67	3,219.67
WARK, Katrina	354.54	-	-	1,059.09	2,083.95	488.36	-	10.91	3,996.85	-	3,219.67	3,219.67
RICHARDSON, Deahna	177.27	-	-	659.09	1,406.72	488.36	669.20	10.91	3,411.55	-	3,646.94	3,646.94
ADAMCZYK, Elizabeth	-	-	-	659.09	1,765.29	488.36	-	10.91	2,923.65	-	3,646.03	3,646.03
PULL, Callum	-	-	-	-	1,768.55	488.36	-	10.91	2,267.82	-	3,219.67	3,219.67
<b>TOTAL (exc LM)</b>	<b>1,410.09</b>	<b>-</b>	<b>-</b>	<b>7,410.90</b>	<b>16,434.27</b>	<b>5,504.77</b>	<b>669.20</b>	<b>282.03</b>	<b>31,711.26</b>	<b>-</b>	<b>38,017.74</b>	<b>38,017.74</b>
<b>TOTAL (inc LM)</b>	<b>1,410.09</b>	<b>-</b>	<b>-</b>	<b>8,069.99</b>	<b>17,747.74</b>	<b>6,117.58</b>	<b>669.20</b>	<b>292.94</b>	<b>34,307.54</b>	<b>-</b>	<b>40,555.59</b>	<b>40,555.59</b>

CEO and Lord Mayor Offices Expenses

	YTD Budget \$'000	YTD Actual \$'000
Employee costs	644	648
Materials & contracts	173	144
Other operating expenses	2	-
<b>Total Operating Expenses</b>	<b>819</b>	<b>793</b>



# Ward 4 Capital Works Update

## As at 31 January 2023



### Wallsend

Item	Status of works
Wallsend Local Centre Public Domain Plan	<ul style="list-style-type: none"> <li>Phase 1 survey engagement explored the community's views on urban design themes, safety and order of priority for future revitalisation stages. The final report is available on our website at <a href="https://newcastle.nsw.gov.au/have-your-say/projects/wallsend-engagement-hub">https://newcastle.nsw.gov.au/have-your-say/projects/wallsend-engagement-hub</a>.</li> <li>Phase 2 of this engagement will include ongoing targeted community consultation and Placemaking engagement activities for individual project stages as they progress.</li> </ul>
<p>Stage 3: Detail design and construction of the intersection of Cowper and Kokera Streets, including:</p> <p>Stage 3A: Ironbark creek widening and realignment, Cowper Street culvert bypass</p> <p>Stage 3B: Installation of traffic signals at the intersection of Cowper and Kokera Streets</p>	<p>Stage 3A:</p> <ul style="list-style-type: none"> <li>Computational Fluid Dynamics modelling has been completed to determine the preferred concept design to progress to detailed design.</li> <li>Detailed design tender scheduled for release early 2023 with detailed design continuing through 2023/24.</li> <li>Flood mitigation works will improve channel flow at the inlet to maximise the benefits of future flood mitigation works.</li> </ul> <p>Stage 3B:</p> <ul style="list-style-type: none"> <li>Detailed design has been updated following Transport for NSW (TfNSW) first round of review. Drawings resubmitted back to TfNSW for review and acceptance.</li> </ul>
<p>Stage 4: Detailed design of Boscawen Street and Nelson Street Bridge replacement works</p>	<p>Boscawen Street Bridge:</p> <ul style="list-style-type: none"> <li>Construction tender closed on 22 November 2022.</li> <li>Award of contract scheduled for March 2023.</li> </ul> <p>Nelson Street Bridge:</p> <ul style="list-style-type: none"> <li>50% detail design has been submitted for design review.</li> <li>100% detail design due for submission early 2023.</li> <li>Construction tender scheduled for 2023/24.</li> </ul>
<p>Stage 5: Detailed designed of: Traffic lights and shared path at Nelson Street and Cowper Street intersection, Proposed roundabout at the intersection of Cowper Street and Newcastle Road</p>	<ul style="list-style-type: none"> <li>Detailed design and construction of Stage 5 will follow the construction of Stages 3A and 3B.</li> </ul>
Wallsend Active Hub - Stage 2	<ul style="list-style-type: none"> <li>Planning phase has commenced and is due for completion early February 2023.</li> <li>Procurement of the planning consultant and for the amenities block fabrication is in progress.</li> <li>Construction is scheduled to commence late April 2023 with completion due in June 2023.</li> </ul>

# Investment Policy compliance report

January 2023

## Executive summary:

### 1 **Socially Responsible Investment:**

Application of the investment function has remained consistent with requirements outlined within Part E of CN's Investment Policy, "*Environmentally and Socially Responsible Investments (SRI)*".

### 2 **Portfolio holdings:**

As at the end of January 2023 CN's overall investment portfolio holdings are \$370.4million. These holdings are split between Income producing/defensive and Capital Growth asset classes.

### 3 **Performance commentary – Income producing/Defensive funds:**

As at the end of January 2023 CN's allocation to the income producing/defensive assets sat at 87%.

The 1 month annualised yield was 3.24% as at 31 January 2023. The monthly yield generated by CN's Defensive portfolio has steadily increased since a low in February 2022 of 1.03%. The continued increase is in response to upward movements in the Official Cash Rate set by the RBA, along with financial markets pricing in further expected short-term movements. This upward movement will continue as the recent and projected rate rises are priced into the yield on existing floating rate investments, which are subject to benchmark reset on a 3-monthly basis.

In the short term the steep upward movement in interest rates financial year to date will challenge CNs ability to continue to match the performance of the benchmark.

### 4 **Performance commentary – Capital growth funds:**

For the month of January 2023, the TCorp Fund posted an above budget fair value increment, being a positive return of 3.33%. The financial year to date position is now a positive 6.89% return.

Heightened market volatility, higher inflation and rising interest rates may persist for some time. TCorp continues to build resilience and risk mitigants into the Funds that they manage, which includes the Long-Term Growth Fund CN is invested in. Despite the volatile and challenging investment environment TCorp continues to believe that the Long-Term Growth Fund is well-positioned to meet its investment objective over the long term (being CPI + 3.5% p.a. over rolling 10-year periods).

CN remains confident in the long-term strategic rationale that supports this investment, and therefore our strategy as a long-term holder remains unchanged.

### 5 **Risk management compliance:**

CN's temporary surplus funds are invested consistent with its adopted Investment and Borrowing Policy and The Local Government Act and Regulations.

Actual performance against CN's Policy limits is disclosed later in this report.

### 6 **New and matured investments:**

New investments placed during January 2023 continued to focus on meeting the objectives outlined in CN's Investment and Borrowing Policy.

Further disclosure of investment portfolio composition and details of any investment placements or maturities during the reporting period are detailed later in this report.

# Investment Policy compliance report

January 2023

## 7 **Income producing/Defensive funds – Actual v Budget:**

Cumulative Net returns to January 2023 from the Income producing/Defensive funds totalled \$4.91m against a budget of \$1.76m (excluding Newcastle Airport and non-investment portfolio sources of interest). This resulted in Interest and Investment income outperforming budget by \$3.15m for the financial year to date.

Ongoing outperformance against the adopted budget is expected as a result of the significant inflationary environment, and subsequent interest rate environment, since the initial budget was constructed.

Accordingly, an upward revision to this budget is to be expected at a future quarterly review.

## 8 **Capital Growth Funds – Actual v Budget:**

Cumulative Net returns to January 2023 from the Capital Growth Fund totalled an increment of \$3.01m against a budgeted increment of \$1.019m. This resulted in net returns outperforming budget by \$1.82m for the financial year to date.

Ongoing performance will continue to be monitored and any possible future adjustments made to the budget will be carefully assessed, considered and recommended if deemed appropriate.

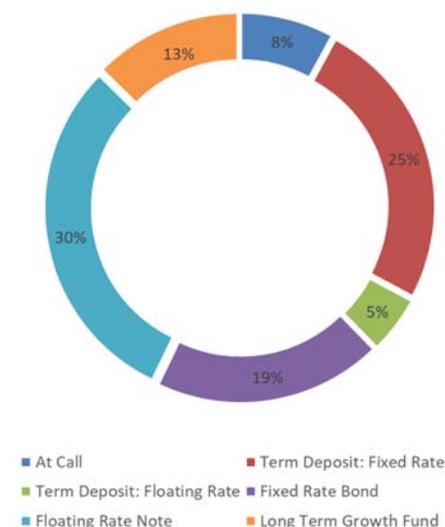
## 9 In accordance with Council's resolution of 30 May 1995, the schedules of investments (new placements and maturities) from the two previous meetings of Council are provided in detail at the conclusion of this report.

# Investment Policy compliance report

January 2023

## Portfolio holdings:

Asset Class allocation		
Investment Category	Investment type	CN exposure (\$'000)
Income producing / Defensive	Cash At Call	29,302
	Term Deposit: Fixed rate	92,279
	Term Deposit: Floating rate	18,000
	Floating Rate Note	112,100
	Fixed Rate Bond	71,992
Capital Growth	Long Term Growth Fund	46,727
<b>Total</b>		<b>370,400</b>



## Performance:

### Income producing/Defensive category\*:

	3 year (% p.a.)	1 year %	3 months %	FYTD %	1 month %	1 month annualised (% p.a.)
CN's return#	1.54%	2.00%	0.76%	1.51%	0.27%	3.24%
Performance objective^	0.61%	1.51%	0.77%	1.44%	0.27%	3.24%
<b>Excess return</b>	<b>0.93%</b>	<b>0.49%</b>	<b>(0.01%)</b>	<b>0.07%</b>	<b>0.00%</b>	<b>0.00%</b>

\* Exclusive of Capital Growth (disclosed separately below).

^ CN's Performance objective is set at the Ausbond Bank Bill Index.

# Cash at Call funds have been included in the calculation of CN's reported investment portfolio performance from January 2021. This change has not been applied retrospectively to historical months.

### Capital Growth category\*:

	3 year (% p.a.)	1 year %	3 months %	FYTD %	1 month %
CN's return	2.30%	(3.72%)	3.00%	6.89%	3.33%
Performance objective^	7.15%	10.58%	2.69%	6.38%	0.89%
<b>Excess return</b>	<b>(4.85%)</b>	<b>(14.30%)</b>	<b>0.31%</b>	<b>0.51%</b>	<b>2.44%</b>

	Return since Inception#
<b>CN's return</b>	<b>8.67%</b>

\* Capital Growth category consists solely of CN's exposure to TCorp Individually Managed Growth Funds.

^ CN's Performance objective is set at CPI + 3.5% p.a. (over a rolling 10yrs). Prior months benchmark used in place of current month (not available at the time of preparation).

# Return since inception considers the month end dollar value of the investment against CN's capital contributions since inception. Initial investment into the Capital Growth category occurred in February 2019 with incremental contributions thereafter.

# Investment Policy compliance report

January 2023

## Risk Management compliance:

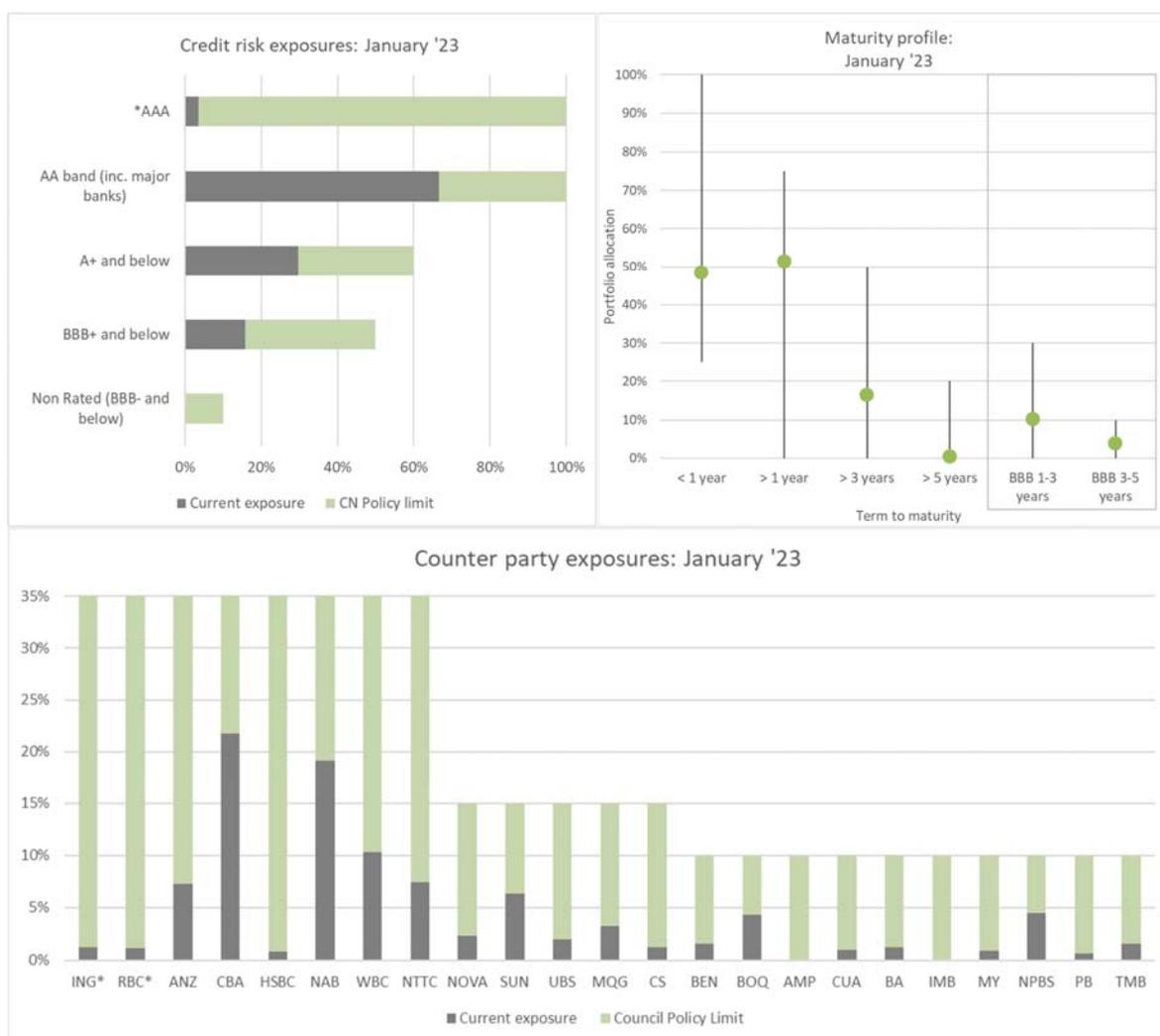
### Portfolio exposure:

Investment category	Minimum exposure	Maximum exposure	CN exposure
Income producing / Defensive	80%	100%	87%
Capital Growth <sup>^</sup>	0%	30%	13%

<sup>^</sup> Capital Growth category consists solely of CN's exposure to TCorp Individually Managed Growth Funds.

### Income producing/Defensive risk limits:

The below risk limits apply only to the Income producing/Defensive category of CN's investment portfolio.



\* ING = ING Bank (Australia) maintains a long-term credit rating with S&P of "A". However, CN's ING investments are assigned a "AAA" rating due to additional credit support of the investment class. Similarly, Royal Bank of Canada (RBC) maintains a long-term credit rating with S&P of "AA-". However, CN's sole RBC investment is assigned a "AAA" rating due to additional credit support of the investment class.

# Investment Policy compliance report

January 2023

## New and matured Investments:

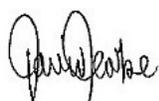
### New Investments:

Contract date	Settlement date	Institution	Long Term Credit rating (S&P)	Asset Class	Face value	Rate of Return	Term	Maturity date
9 Jan '23	13 Jan '23	CBA	AA-	Floating Rate Note	\$5,000,000	90d bbsw + 1.15%	5yrs	13 Jan '28
17 Jan '23	17 Jan '23	CBA	AA-	Term Deposit: Fixed Rate	\$5,000,000	4.07%	92days	19 Apr '23
17 Jan '23	17 Jan '23	CBA	AA-	Term Deposit: Fixed Rate	\$639,424	4.07%	92days	19 Apr '23
17 Jan '23	17 Jan '23	NAB	AA-	Term Deposit: Fixed Rate	\$25,000,000	4.07%	92days	19 Apr '23

### Matured Investments:

Date matured	Institution	Asset Class	Face value	Rate of Return	Original Term	Original date invested
9 Jan '23	NAB	Term Deposit: Fixed Rate	\$3,000,000	0.55%	2yrs	9 Mar '21
17 Jan '23	NAB	Term Deposit: Fixed Rate	\$25,000,000	3.50%	104days	5 Oct '22
17 Jan '23	CBA	Term Deposit: Fixed Rate	\$5,000,000	3.44%	104days	5 Oct '22
17 Jan '23	CBA	Term Deposit: Fixed Rate	\$639,424	3.49%	92days	17 Oct '22
18 Jan '23	ANZ	Floating Rate Note	\$2,000,000	90d bbsw + 0.77%	5yrs	18 Jan '18
19 Jan '23	AMP Bank	Term Deposit: Fixed Rate	\$3,000,000	3.75%	120days	21 Sep '22

I certify that the new investments detailed above have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005, and Council's adopted Investment Policy.



David Clarke  
Responsible Accounting Officer

# Investment Policy compliance report

December 2022

## New and matured Investments:

### New Investments:

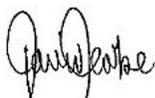
Contract date	Settlement date	Institution	Long Term Credit rating (S&P)	Asset Class	Face value	Rate of Return	Term	Maturity date
24 Nov '22	1 Dec '22	Credit Union Australia	BBB	Floating Rate Note	\$3,200,000	90d bbsw + 1.58%	3yrs	1 Dec '25
29 Nov '22	8 Dec '22	ING Bank Australia	AAA*	Fixed Rate Covered Bond	\$1,500,000	5.357%	6.5yrs	26 May '29
7 Dec '22	14 Dec '22	Suncorp Metway	A+	Floating Rate Note	\$3,300,000	90d bbsw + 1.25%	5yrs	14 Dec '27
19 Dec '22	19 Dec '22	CBA	AA-	Term Deposit: Fixed Rate	\$6,000,000	4.30%	176days	13 Jun '23
20 Dec '22	20 Dec '22	CBA	AA-	Term Deposit: Fixed Rate	\$11,000,000	3.76%	71days	1 Mar '23

\*= Long term credit rating of AAA is that of the investment rather than the institution

### Matured Investments:

Date matured	Institution	Asset Class	Face value	Rate of Return	Original Term	Original date invested
2 Dec '22	Bank Australia	Floating Rate Note	\$6,000,000	90d bbsw + 0.90%	3yrs	2 Dec '19
6 Dec '22	Bank of QLD	Term Deposit: Fixed Rate	\$5,000,000	1.75%	3yrs	6 Dec '19
8 Dec '22	NAB	Term Deposit: Fixed Rate	\$4,000,000	0.73%	1yr	9 Dec '21
19 Dec '22	NAB	Term Deposit: Fixed Rate	\$6,000,000	3.40%	94days	16 Sep '22
20 Dec '22	IMB Bank	Term Deposit: Fixed Rate	\$5,000,000	3.05%	120days	22 Aug '22

I certify that the new investments detailed above have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005, and Council's adopted Investment Policy.



David Clarke  
Responsible Accounting Officer

# Investment Policy compliance report

November 2022

## New and matured Investments:

### New Investments:

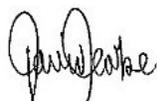
Contract date	Settlement date	Institution	Long Term Credit rating (S&P)	Asset Class	Face value	Rate of Return	Term	Maturity date
27 Oct '22	4 Nov '22	ANZ	AA-	Floating Rate Note	\$4,000,000	90d bbsw + 1.20%	5yrs	4 Nov '27
14 Nov '22	21 Nov '22	Police Bank	BBB	Floating Rate Note	\$2,000,000	90d bbsw + 1.50%	3yrs	21 Nov '25
17 Nov '22	24 Nov '22	Bank Australia	BBB	Floating Rate Note	\$4,000,000	90d bbsw + 1.60%	3yrs	24 Nov '25
24 Nov '22	1 Dec '22	Credit Union Australia	BBB	Floating Rate Note	\$3,200,000	90d bbsw + 1.58%	3yrs	1 Dec '25
29 Nov '22	8 Dec '22	ING Bank Australia	AAA*	Fixed Rate Covered Bond	\$1,500,000	5.357%	6.5yrs	26 May '29
30 Nov '22	30 Nov '22	NAB	AA-	Term Deposit: Fixed Rate	\$5,000,000	3.960%	134days	13 Apr '23

\*= Long term credit rating of AAA is that of the investment rather than the institution

### Matured Investments:

Date matured	Institution	Asset Class	Face value	Rate of Return	Original Term	Original date invested
23 Nov '22	NAB	Term Deposit: Fixed Rate	\$5,000,000	2.93%	93days	22 Aug '22
25 Nov '22	Westpac	Term Deposit: Floating Rate	\$3,000,000	90d bbsw + 0.95%	5yrs	28 Nov '17
29 Nov '22	Sumitomo Mitsui Bank	Floating Rate Note	\$3,500,000	90d bbsw + 0.73%	3yrs	29 Nov '19

I certify that the new investments detailed above have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005, and Council's adopted Investment Policy.



David Clarke  
Responsible Accounting Officer