

# Ordinary Council Meeting



City of  
Newcastle

**DATE:** Tuesday 25 June 2024

**TIME:** 6.00pm

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

20 June 2024

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**City of Newcastle**  
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*For documents marked 'Distributed under Separate Cover' refer to Council's website at <http://www.newcastle.nsw.gov.au/>*

*Note: Items may not necessarily be dealt with in numerical order*

## **6. CONFIRMATION OF MINUTES**

### **6.1. MINUTES - ORDINARY COUNCIL MEETING 28 MAY 2024**

#### **RECOMMENDATION**

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

#### **ATTACHMENTS**

**Attachment A:** Public Minutes Ordinary Council Meeting 28 May 2024

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

## Minutes

### Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 28 May 2024 at 6.03pm.

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#### 1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, D Clausen, C Duncan, J Mackenzie, C McCabe, D Richardson, P Winney-Baartz (*retired 8.34pm*) and M Wood.

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), R Dudgeon (Executive Manager Project Management Office), P Emmett (Interim Executive Manager Planning and Development), A Ryan (City Significant & Strategic Planning Manager), N Kaiser (Executive Manager Media Engagement Economy and Corporate Affairs), R Tranter (Interim Executive Manager Transport and Regulation), D Manderson (Executive Manager Civil Construction and Maintenance), M Meehan (Media Adviser), K Sullivan (Councillor Services/Minutes/Meetings Support), L Barnao (Councillor Services/Meeting Support), A Paule-Font (AV Support), A Clarke (AV Support) and A Ingle (Information Technology Support).

#### 2. ACKNOWLEDGEMENT OF COUNTRY

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

#### 3. PRAYER

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

#### 4. APOLOGIES / LEAVE OF ABSENCE / ATTENDANCE BY AUDIO VISUAL LINK MOTION

Moved by Cr Wood, seconded by Cr McCabe

The apologies submitted on behalf of Councillor Church, Councillor Pull and Councillor Wark be received and leave of absence granted.

**Carried**

## **MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

The requests submitted by Councillor Barrie, Councillor Duncan and Councillor Winney-Baartz to attend by audio visual link be received and granted.

**Carried**

## **5. DISCLOSURES OF INTEREST**

### **Councillor Clausen**

Councillor Clausen declared a non-significant conflict of interest in Item 8.3 - Endorsement of Draft Broadmeadow Place Strategy for Public Exhibition stating that although he had not been directly involved in discussions, his employer Hunter Water had been involved in the development of the Strategy. Councillor Clausen stated that he would manage the interest by remaining in the Chamber for discussion on the item.

### **Councillor Clausen**

Councillor Clausen declared a non-significant conflict of interest in Item 8.3 - Endorsement of Draft Broadmeadow Place Strategy for Public Exhibition stating that mapping in the Strategy identified a further urban renewal area extending into Waratah covering a property where he lived. As this area was not part of the discussion on the agenda, Councillor Clausen stated that he would manage the interest by remaining in the Chamber for discussion on the item.

### **The Lord Mayor, Cr Nelmes**

The Lord Mayor declared a non-significant, non-pecuniary interest in Item 8.6 - Tender Report - Asphaltic Concrete and Pavement Services - Contract No. 2024/086T stating that one of the tenderers was an associated company of a company that her husband worked for. She indicated that her husband was not involved with this company but would manage the interest by leaving the Chamber and ask the Deputy Lord Mayor to take the Chair for discussion on the item.

### **Councillor Winney-Baartz**

Councillor Winney-Baartz declared a non-significant non-pecuniary interest in Item 8.3 - Endorsement of Draft Broadmeadow Place Strategy for Public Exhibition stating that she was invited to participate as a member of the Hunter Committee with Venues NSW around the proposal for Hunter Park and would manage the interest by remaining in the Chamber for discussion on the item.

## **6. CONFIRMATION OF MINUTES**

### **6.1. MINUTES - BRIEFING COMMITTEE MEETING 16 APRIL 2024**

### **6.2. MINUTES - ORDINARY COUNCIL MEETING 23 APRIL 2024**

## **MOTION**

Moved by Cr Mackenzie, seconded by Cr McCabe

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

**Carried unanimously**

## **7. LORD MAYORAL MINUTE**

### **7.1 CONDOLENCE MOTION - PROFESSOR LYNDALL RYAN AM**

## **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Acknowledges with profound sadness the passing of Emeritus Professor Lyndall Ryan AM, aged 81 on Tuesday, 30 April 2024.
- 2 Recognises that Professor Ryan was a renowned University of Newcastle Academic, internationally known as a leader for her scholarly focus on colonial frontier massacres in Australia.
- 3 Acknowledges that in 2019, Professor Ryan was appointed a member of the Order of Australia (AM) in recognition of her significant contribution to higher education particularly in Indigenous history and women's studies.
- 4 Recognises the internationally accessed, Colonial Frontier Massacres Project which Professor Ryan and her University of Newcastle team released in 2017 as an online map showing more than 150 massacre sites in Eastern Australia. Within six months the site was accessed more than sixty thousand times.
- 5 Acknowledges Professor Ryan's enduring commitment to social justice, Australian feminism and Indigenous rights, as well as her lifelong campaigning for the improvement of living conditions for marginalised people.
- 6 Recognises the significant impact Professor Ryan made throughout her remarkable career, as an activist, scholar and educator.
- 7 Send our sincere condolences to Professor Ryan's family, friends and colleagues.

**Carried unanimously**

### **7.2 CITY OF NEWCASTLE SUBMISSION - NSW GOVERNMENT INQUIRY - ABILITY OF LOCAL GOVERNMENTS TO FUND INFRASTRUCTURE SERVICES**

## MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes the longstanding and complex financial sustainability challenges faced by the local government sector.
- 2 Acknowledges that the NSW Government is currently undertaking an inquiry into the ability of local governments to fund infrastructure and services.
- 3 Notes that City of Newcastle has made a detailed submission (**Attachment A**) to the NSW Government Inquiry, which will consider:
  - i) the level of income councils require to adequately meet the needs of their communities;
  - ii) examining if past rate pegs have matched increases in costs borne by local governments;
  - iii) current levels of service delivery and financial sustainability in local government, including the impact of cost shifting on service delivery and financial sustainability, and whether this has changed over time;
  - iv) assessing the social and economic impacts of the rate peg in New South Wales for ratepayers, councils, and council staff over the last 20 years and comparing with other jurisdictions;
  - v) comparing the rate peg as it currently exists to alternative approaches with regards to the outcomes for ratepayers, councils, and council staff;
  - vi) reviewing the operation of the special rate variation process and its effectiveness in providing the level of income Councils require to adequately meet the needs of their communities; and
  - vii) other related matters.
- 4 Notes that the United Services Union submission to the inquiry highlighted that over recent decades critical local government services have been put at risk due to unsustainable funding models imposed on NSW Councils, such as the economically damaging policy of rate capping and annual increase in the section 88 waste levy.
- 5 Continues to raise concerns that while it makes the largest contribution to the waste levy of any council in NSW, estimated to be \$43 million in 2024/25, only an average 2% is returned to the Newcastle Local Government Area in the form of grants to fund resource recovery, waste management and waste and recycling education projects.



- 6 Notes that an analysis in 2023 found that the percentage of the waste levy returned to Hunter councils for resource recovery initiatives had fallen from 10% in 2012 to just 3% in 2022.
- 7 Reiterates its position that 100% of income from the waste levy should be returned to Councils in NSW and continues to advocate strongly for greater financial independence within the Local Government Sector.

**Carried unanimously**

### **7.3 CITY OF NEWCASTLE GRANTS AND SPONSORSHIP PROGRAM**

#### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that City of Newcastle's 2024/25 annual Grants and Sponsorship and Special Business Rate program will soon open for applications, funding approximately \$900,000 across the following streams:
  - i) Community Infrastructure Grants:
    - a. Recreation Facilities,
    - b. Sustainability,
    - c. Façade Improvement
  - ii) Community Support Grants:
    - a. Arts Culture and History
    - b. Social Inclusion
    - c. Environment,
    - d. Youth Climate Action
  - iii) Event Sponsorship:
    - a. General Sponsorship
    - b. Major Sponsorship
    - c. Incubator Sponsorship,
    - d. Business Events
  - iv) Tourism and Economic Development Sponsorship,
  - v) Special Business Rate Program:
    - a. Hamilton
    - b. Wallsend
- 2 Notes that City of Newcastle is one of only three cities in Australia to successfully secure \$75,000 in funding through Bloomberg Philanthropies' new Youth Climate Action Fund for youth-led climate projects.
- 3 Acknowledges the significant role City of Newcastle's grants and sponsorship program plays in supporting not-for-profit organisations and our community as a whole, particularly when faced with periods of economic uncertainty and cost of living pressures.

- 4 Notes that the critical Social Inclusion stream within the Community Support grant program which provide community services such as outreach programs, assisted community living and pop-up food services, are regularly oversubscribed, leading to many important eligible projects being left without crucial funding support.
- 5 Asks that in light of the current cost of living crisis, up to \$100,000 in additional funding be considered for eligible Social Inclusion grant applications should the program be oversubscribed.
- 6 Notes that any additional grants expenditure will be offset by an equivalent reduction elsewhere in the 2025 budget and communicated via the September quarterly review.

**Carried unanimously**

## **8. REPORTS**

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

#### **MOTION**

Moved by Cr McCabe, seconded by Cr Mackenzie

That Council:

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

**Carried unanimously**

### **8.5. EXECUTIVE MONTHLY PERFORMANCE REPORT**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

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

**Carried unanimously**

## **PROCEEDINGS IN BRIEF**

At this stage of the meeting Councillor Adamczyk gave notice of a late item of business.

### **8.2. MARCH QUARTERLY PERFORMANCE REPORT**

#### **MOTION**

Moved by Cr Wood, seconded by Cr Richardson

That Council:

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

**Carried unanimously**

### **8.3. ENDORSEMENT OF DRAFT BROADMEADOW PLACE STRATEGY FOR PUBLIC EXHIBITION**

In moving the motion, the Lord Mayor stated that she was moving a Part B to the Officer's recommendation outlined in the business papers.

#### **MOTION**

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

That Council:

- A
  - 1 Endorses the draft Broadmeadow Place Strategy (the place strategy) (Attachment A) to exhibit for 42 days and notes the supporting documents for the exhibition including the Local Infrastructure Discussion Paper: Broadmeadow Place Strategy (Attachment B), and the Interim Aboriginal Engagement Outcomes Report: Broadmeadow Place Strategy (Attachment C).
  - 2 Receives a post-exhibition report on the outcomes of the exhibition of the place strategy and supporting documentation.
- B
  - 1 Notes that NSW Department of Planning are leading the community engagement to ensure that all our current users and future residents are included in the plans. Ensure that future planning changes incorporate the continued operation of the PCYC, Newcastle Basketball, Newcastle Tennis, Broadmeadow Magic and Newcastle Show in the precinct together with significantly enhanced public community open space, indoor sports, leisure and aquatic facilities.
  - 2 Support the advocacy from the Hunter Community Alliance that a minimum of 30 per cent of new homes, or 780 - whichever is greater, to be set aside as social and affordable homes in perpetuity as part of any residential development that goes ahead.
  - 3 Notes that Infrastructure Australia have listed Broadmeadow as nationally significant, in essence this strategy supports the opportunity to create 20,000 new homes and 15,000 jobs, all close to world class and community sports and entertainment facilities. Delivery will take significant collaboration and investment from all levels of government and the private sector.
  - 4 Support the integration of transport planning principles in the place strategy via the inclusion of the extension of the light rail corridor to Broadmeadow, this important transport needs to be delivered within the first 10 years.

Increases in population must come with commensurate investment into public transport infrastructure across the city.

- 5 Support the location of the fast rail stop for Newcastle at Broadmeadow and reinforce our commitment to ensure 15% of these new developments include affordable housing that will be vital to easing the demand for social and affordable housing in the heart of the city.

### **PROCEDURAL MOTION**

Moved by Cr McCabe, seconded by Cr Mackenzie

That Part B point 4 be dealt with seriatim from the remainder of the motion.

**Carried**

Councillor Clausen then proposed an additional point 6 for inclusion in Part B.

- 6 Supports the Department of Planning, Housing and Infrastructure exploring a state special infrastructure contribution as a mechanism to fund the delivery of critical public and social infrastructure needed for the Broadmeadow precinct, and requests that the 9.1 Ministerial direction for the place strategy ensures that state consent authorities are required to apply the full rate of future 7.11 and 7.12 levies, so that all required community and social infrastructure can be delivered.

The mover and seconder of the motion agreed to include point 6 to Part B of the motion.

The Lord Mayor put the motion to the meeting in seriatim as resolved.

### **MOTION**

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

That Council:

- A
  - 1 Endorses the draft Broadmeadow Place Strategy (the place strategy) (Attachment A) to exhibit for 42 days and notes the supporting documents for the exhibition including the Local Infrastructure Discussion Paper: Broadmeadow Place Strategy (Attachment B), and the Interim Aboriginal Engagement Outcomes Report: Broadmeadow Place Strategy (Attachment C).
  - 2 Receives a post-exhibition report on the outcomes of the exhibition of the place strategy and supporting documentation.
- B
  - 1 Notes that NSW Department of Planning are leading the community engagement to ensure that all our current users and future residents are included in the plans. Ensure that future planning changes incorporate the continued operation of the PCYC, Newcastle Basketball, Newcastle Tennis, Broadmeadow Magic and Newcastle Show in the precinct together with

significantly enhanced public community open space, indoor sports, leisure and aquatic facilities.

- 2 Support the advocacy from the Hunter Community Alliance that a minimum of 30 per cent of new homes, or 780 - whichever is greater, to be set aside as social and affordable homes in perpetuity as part of any residential development that goes ahead.
- 3 Notes that Infrastructure Australia have listed Broadmeadow as nationally significant, in essence this strategy supports the opportunity to create 20,000 new homes and 15,000 jobs, all close to world class and community sports and entertainment facilities. Delivery will take significant collaboration and investment from all levels of government and the private sector.
- 5 Support the location of the fast rail stop for Newcastle at Broadmeadow and reinforce our commitment to ensure 15% of these new developments include affordable housing that will be vital to easing the demand for social and affordable housing in the heart of the city.
- 6 Supports the Department of Planning, Housing and Infrastructure exploring a state special infrastructure contribution as a mechanism to fund the delivery of critical public and social infrastructure needed for the Broadmeadow precinct, and requests that the 9.1 Ministerial direction for the place strategy ensures that state consent authorities are required to apply the full rate of future 7.11 and 7.12 levies, so that all required community and social infrastructure can be delivered.

**Carried unanimously**

## **MOTION**

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

- B 4 Support the integration of transport planning principles in the place strategy via the inclusion of the extension of the light rail corridor to Broadmeadow, this important transport needs to be delivered within the first 10 years. Increases in population must come with commensurate investment into public transport infrastructure across the city.

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

**Against the Motion:** Councillor McCabe.

**Carried**

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

##### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

- 1 Approves the transport infrastructure amendments in Vista Parade and Princeton Avenue Kotara, as shown in Attachment A and updated as outlined in Councillor Memo, dated 28 May 2024.
- 2 Notes that the proposed transport infrastructure amendments are consistent with the Planning Agreement endorsed by the Council in February 2023.

**Carried unanimously**

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

The Lord Mayor left the Chamber for discussion on the item and the Deputy Lord Mayor, Councillor Clausen, assumed the Chair.

##### **MOTION**

Moved by Cr Mackenzie, seconded by Cr McCabe

- 1 Council accept the following five tenders in line with the rates and charges offered by each tenderer for Asphaltic Concrete and Pavement Services for Contract No. 2024/086T:
  - ANA Industries Pty Ltd
  - Bitupave Limited t/as Boral Asphalt
  - Downer EDI Works Pty Ltd
  - Fenworx Pty Ltd t/as Newpave Asphalt
  - Ian Rich Asphalt

Acceptance of the above five tenderers is subject to agreement in tender departures between CN and the supplier.

- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried unanimously**

The Lord Mayor returned to the Chamber at the conclusion of the item and resumed the Chair.

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

### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

- 1 Accept the tender of Neverstop Water Group Ltd in the amount of \$1,549,293.45 (excluding GST), to deliver Smith Park Sports Field Upgrade, Contract No. 2024/089T.
- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried unanimously**

## **9. NOTICES OF MOTION**

### **9.1. PUBLIC ART REFERENCE GROUP ITEMS**

#### **MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That City of Newcastle:

- 1 Notes the success of CN's Public Art Reference Group since its establishment in the previous term of council and that the Public Art Reference Group is now a Standing Committee of CN.
- 2 Notes that the Public Art Reference Group has identified key actions that are needed to achieve coherence of CN public art policy and subsequent art outcomes.
- 3 Notes that the draft Public Art, Monuments and Memorials Service Asset Plan 72022 - 2032 needs final review, approval and implementation.
- 4 Request that City of Newcastle's draft 2024/25 budget currently on public exhibition, consider funding of a resource to undertake:
  - Preparation of a suite of information to provide PARG applicants, whether commercial or private development, which assists in clarifying and progressing public art applications and processes. This information should be co-designed to seek inclusion of local Aboriginal knowledge with recognised Elders and ensure appropriate remuneration.
  - The investigation of a process for public art design integrity through the UDRP to ensure consistency and high-quality outcomes in line with the original PARG approval, including a final report with photographic evidence provided to PARG on completion.

- The updating of the Public Art Service Asset Plan to include all public art including artworks approved by PARG on private property and to develop a framework for regular reporting on condition and ongoing compliance with CN approvals.
- 5 Request that the Director of the Newcastle Art Gallery, in consultation with the Executive Director of City Infrastructure, implement an appropriate process for the curation, conservation and maintenance of public art owned by City of Newcastle, including the potential application of relevant policies and practices associated with the NAG collection.
- 6 Request that City of Newcastle's draft 2024/25 budget currently on public exhibition, consider whether additional funding is required to enable the repair of the Michio Ihara 'Wind' sculpture on Newcastle Foreshore, and consults initially with local renowned sculptors to advise on this project.

**Carried**

Councillor Winney-Baartz retired from the meeting at 8.34pm due to ill health.

## **10. CONFIDENTIAL REPORTS**

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

#### **PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr Richardson

Council resolve into confidential session for the reasons outlined in the business papers.

**Carried unanimously**

Council moved into confidential session at 8.37pm.

#### **PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

Council resolve into open session.

**Carried**

Council resolved into open session at 9.14pm and the Chief Executive Officer read the resolutions of the partial confidential reports (*see resolutions at 8.6 and 8.7*) and Confidential Item 10.1 below.



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

### **MOTION**

Moved by Cr Clausen, seconded by Cr Adamczyk

#### **Part A**

That Council:

- 1 Not invite tenders to enter into an agreement with Pure Hydrogen. A satisfactory result would not be achieved through the calling of tenders as no other tenders could offer the same trial.
- 2 Instead accepts a 12-month lease with options for a hydrogen fuel cell electric rear loading collection vehicle at a total cost of no more than \$510,000 (excluding GST).
- 3 This confidential report relating to the matters specified in section 10A(2)(c) and section 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

#### **Part B**

- 1 Notes Newcastle's significance as the only jointly designated hydrogen hub by both the NSW and Australian Governments, and the significant work done to inform the Hunter's hydrogen transition roadmap.
- 2 Engage with the New H2 industry cluster, the Port of Newcastle, Orica and Origin, and the Hunter Hydrogen Taskforce (including UON and TAFE), regarding City of Newcastle's proposed H2 garbage truck trial, including the availability of locally generated hydrogen fuel to support the trial and future hydrogen truck purchases.

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

**Against the Motion:** Councillor Barrie.

**Carried**

## **LATE ITEM OF BUSINESS**

### **9 NOTICES OF MOTION**

#### **9.2 WINTEN DEVELOPMENTS IN NEWCASTLE**

The Lord Mayor advised that she had been informed of a late item of business from Councillor Adamczyk and asked Councillor Adamczyk to state the reasons for urgency.

Councillor Adamczyk stated that she sought the matter of Winten Developments in Newcastle be heard as a matter of urgency due to roadworks that were occurring at Minmi and currently under assessment by City of Newcastle.

### **PROCEDURAL MOTION**

Moved by Cr Adamczyk, seconded by Cr Richardson

The matter of Winten Developments in Newcastle be heard as a late item of business.

**Carried**

The Lord Mayor ruled the matter of Winten Developments be heard as a late item of business in accordance with the Code of Meeting Practice and the reasons outlined above.

### **MOTION**

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

- 1 Reiterates the previous concerns of this elected Council over the many inadequacies of Winten's current and future proposed work in the city between Fletcher and Minmi, that suggest a disregard for the potential significant impacts on the local community,
- 2 Notes the Lord Mayoral Minute of 13 December 2022, regarding the HCCRPP 5 December 2022 refusal for the Winten Development Application DA2018/01351 for 858 lots at Woodford Street, Minmi, for reasons including:
  - a. The failure to address strong concerns regarding traffic safety and public transport along and proximate to Minmi Road and Woodford Street, insufficient information to demonstrate the impacts of the development on the natural or built environment, lack of compliance with flood planning regulations, insufficient information regarding the elimination or mitigation of mine subsidence, insufficient noise mitigation measures and insufficient information for an assessment of the biodiversity impacts of proposed development,
- 3 Notes the Lord Mayoral Minute of 26 March 2024 regarding the HCCRPP determination of the Development Application DA2018/01351 that City of Newcastle:
  - a. Reiterates that we do not support the outdated 2013 Concept Plan approved by the Department of Planning for Development Application - DA2018/01351 for 858 lots at Woodford Street, Minmi;

- b. Reiterates that the outdated 2013 Concept Plan approval for this site does not meet community expectations and contemporary planning instruments available in 2024, and therefore;
  - c. Calls on the NSW Department of Planning to heed community and Council concerns, immediately halt the development assessment process, and revise the proposal in accordance with contemporary planning expectations and instruments.
- 4 Recognises the incredible volume of community concerns raised over this term of Council including regarding the insufficient groundworks and roadworks to facilitate integrated planning for active, public and private transport, and for safe and adequate traffic accessibility during current Winten Stage 1A DA2015/10393,
  - 5 Notes existing deficits of active, public and private transport infrastructure that impact on liveability, connectivity, public safety and accessibility in and around the area,
  - 6 Notes the commitments of this Council in our City's Western Suburbs Contribution Plan, forthcoming Walking Mobility Plan, and Cycling Plan to seek to address some of these issues, and our current funding and works to improve the trafficability of Minmi Road between Longworth Avenue and Summerhill Road, and
  - 7 Recognising the heavy volume of traffic that moves around and through the area and community concerns regarding adequate transport planning,
  - 8 Resolves that an urgent traffic investigation is undertaken by Council staff on the operation and capacity of Minmi Road including potential funding mechanisms, to service current and future populations across a range of transport modes and seek a workshop as soon as can be accommodated.

**Carried**

**The meeting concluded at 9.29pm.**

## 7. LORD MAYORAL MINUTE

*To be tabled at the meeting.*

## 8. REPORTS

### 8.1. PUBLIC EXHIBITION OF THE DRAFT WALKING AND MOBILITY PLAN

*To be distributed under separate cover.*

### 8.2. SPECIAL BUSINESS RATE AUDIT OUTCOME

**REPORT BY: CREATIVE & COMMUNITY SERVICES**  
**CONTACT: EXECUTIVE DIRECTOR CREATIVE & COMMUNITY SERVICES / EXECUTIVE MANAGER MEDIA ENGAGEMENT ECONOMY & CORPORATE AFFAIRS**

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#### PURPOSE

To note positive audit findings relating to Special Benefit Rate (SBR) funded projects delivered via Expressions of Interests (EOI).

#### RECOMMENDATION

That Council:

- 1 Notes the transparent and effective framework of City of Newcastle's (CN) SBR expenditure policy as confirmed by a recent independent audit by Prosperity Audit Services of 2022/23 expenditure as at **Attachment A**.
- 2 Notes the independent audit found that the SBR expenditure processes and controls are functioning as intended with few minor additional actions necessary at this time.

#### KEY ISSUES

- 3 Special (Business) Rates (SBR) are levied from select businesses in Newcastle City Centre / Darby Street, Hamilton, Mayfield, New Lambton and Wallsend, and are reserved exclusively for the promotion, beautification and development of the business precincts from which the funds are derived.
- 4 A 2019 SBR program review resulted in the establishment of a BIA Support Service to oversee and manage BIA governance and interface with CN as well as the support for key initiatives including Newcastle Food Month, the Big Picture Fest, Wallsend Op-Shop Trail, and Newcastle Fringe Festival - Hamilton.

- 5 Ongoing improvements have been made to the framework of the SBR program since 2019, including providing board governance training via the Australian Institute of Company Directors to BIA board members, the use of industry standard SmartyGrants for end-to-end SBR grant administration, and establishing a satisfactory acquittal requirement for final SBR grant payments.
- 6 Building upon this continuous improvement, an independent audit of CN's framework for collection and use of SBR funding has been undertaken as part of CN's internal audit program, which is overseen by the Audit & Risk Committee. An external provider, Prosperity, was engaged to conduct the independent audit.
- 7 The independent audit provided an overall rating as "Substantially Effective". Positive findings identified in the audit included:
  - i) Policies and procedures are clearly defined. They align with regulatory requirements of Local Government Act 1993.
  - ii) Acquittal Report thoroughly evaluates the benefits derived from the project(s). Deliverable Plans and Acquittal Reports are subsequently reviewed and approved by Executive Manager of Media Engagement, Economy, and Corporate Affairs.
  - iii) Approved Service Agreement templates were used for all BIA arrangements and agreements with successful applicants for EOI. It requires the Service Provider to abide by CN's Statement of Business Ethics when expending the Service Fee, including that all committee members declare any conflict of interest at committee meetings.
  - iv) SmartyGrants system provides a reliable platform for implementing the workflow and control requirements for the competitive EOI process.
  - v) A robust and efficient process is in place for evaluating applications from competitive EOIs.
  - vi) BIA support service is responsible to ensure compliance to BIA service agreement.
- 8 A number of actions were recommended (all medium or low risk) to continue to improve the framework including:
  - i) Improvements to record keeping, monitoring of special conditions and "profit and loss" information.
  - ii) Improvements to timelines for acquittals.
  - iii) Decision to be made on how to effectively use Collaboration Forums going forward.
  - iv) Opportunity to review eligibility criteria to ensure it can be effectively applied.
- 9 The recent audit outcomes are a significant improvement to a 2015 audit of SBR funding where risks were rated as unacceptable or tolerable only, including:
  - i) Compliance with legislation (unacceptable).
  - ii) Maintenance of adequate insurances (unacceptable).

- iii) Management of special rates and monies (tolerable).
- iv) Protection of Intellectual Property (tolerable).
- v) Lodgment of financial returns to the Department of Fair Trading (tolerable).
- vi) Coordination and communication between BIA (tolerable).

## **FINANCIAL IMPACT**

- 10 The SBR program is provided for in CN's budget each year, with the SBR adopted through Council's Making of the Rates process. The independent audit results show the effectiveness of the framework ensuring SBR funds are expended and acquitted in line with their exclusive permitted use.

## **NEWCASTLE 2040 ALIGNMENT**

- 11 The SBR Framework is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan. This includes:

### **Liveable**

#### 1.1 Enriched neighbourhoods and places

##### 1.1.1 Great spaces

#### 1.4 Innovative and connected city

##### 1.4.1 Emerging technologies

### **Sustainable**

#### 2.3 Circular economy

##### 2.3.1 Design out waste

##### 2.3.2 Localised supply chain and sustainable procurement

### **Creative**

#### 3.1 Vibrant and creative city

##### 3.1.1 Vibrant events

##### 3.1.3 Tourism and visitor economy

##### 3.1.4 Vibrant night-time economy

##### 3.2.1 Inclusive opportunities

##### 3.2.2 Skilled people and businesses

##### 3.2.3 Innovative people and businesses

#### 3.3 Celebrating culture

##### 3.3.1 Nurture cultural and creative practitioners

##### 3.3.2 Promote Newcastle as a major arts and cultural destination

##### 3.3.3 Culture in everyday life

### **Achieving Together**

#### 4.2 Trust and transparency

##### 4.2.1 Genuine engagement

#### 4.3 Collaborative and innovative approach

##### 4.3.1 Collaborative organisation

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 12 Audit actions have been agreed by CN along with timelines and will be tracked and reported to CN's Governance and Risk Executive Committee and Audit and Risk Committee.

## **RISK ASSESSMENT AND MITIGATION**

- 13 The SBR program risks are mitigated through the adoption and implementation of the SBR Expenditure Policy, the annually reviewed SBR Guidelines, and ongoing independent audits of the program.

## **RELATED PREVIOUS DECISIONS**

- 14 At the Ordinary Council Meeting of 28 March 2023, Council adopted the Special Business Rate Expenditure Policy. The Policy was initially presented to Council in October 2022 and subsequently placed on public exhibition for one month. The majority (76%) of feedback received during the public exhibition period was positive of both the SBR program and the Policy, with 16% unsupportive, and 8% neutral.

## **CONSULTATION**

- 15 The Special Business Rates Expenditure audit report was received by the Audit and Risk Committee on 13 June 2024.

## **BACKGROUND**

### **Special (Business) Rate overview**

- 16 In accordance with section 495 of the Local Government Act 1993 (the Act), SBRs are levied by City of Newcastle (CN) on rateable land that in CN's opinion:
- i) benefits or will benefit from the works, services, facilities or activities, or
  - ii) contributes or will contribute to the need for the works, services, facilities or activities, or
  - iii) has or will have access to the works, services, facilities or activities.
- 17 Section 409 of the Act safeguards rates collected for a specific purpose by requiring that they be spent on the purpose for which they were raised. Money that has been received as a result of the levying of a "special rate or charge" may not be used otherwise than for the purpose for which the rate or charge was levied as provided by section 409(3)(a) of the Act.
- 18 The purpose of CN's SBR is for: promotion, beautification and development of SBR Precincts, being: City Centre/Darby Street, Hamilton, Mayfield, Wallsend and New Lambton.
- 19 Expenditure of SBR monies will be in accordance with the following principles:

- i) Provide accountability and transparency - merit-based provision of support and a system of accountability that complies with the Local Government Act 1993.
  - ii) Provide alignment with CN strategies and CN priorities outlined in the Newcastle 2040 Community Strategic Plan.
  - iii) Facilitating active participation by community stakeholders in the use and development of Public Places.
  - iv) Creating safe, vibrant and welcoming public places and neighbourhoods where people feel a strong sense of ownership in their community and a commitment to improving experiences.
  - v) Provide value for money - considers the value for money received in return for CN's investment.
  - vi) Creating Public Places that feel safe for all.
- 20 The SBR program was reviewed in 2019 to improve governance and community outcomes after an independent review in 2018 found former Business Improvement Association (BIA) Newcastle Now had committed multiple breaches of the conditions of its 2011 funding deed. Under the revised process, SBR funds are used to support volunteer BIAs and for projects delivered via an EOI process.

### **Independent Audit**

- 21 The following approach was undertaken for the audit:
- Obtain and review relevant policies, procedures and agreements
  - Conduct interviews and perform walkthroughs with relevant staff to gain an understanding of controls and processes
  - Perform sample testing on key control activities to confirm the control environment is operating as intended
  - Benchmark CN project management processes to other best practice and other Council's practices
  - Discuss possible enhancements and improvement opportunities with management.

### **Out of scope of the audit**

- 22 In October 2022 CN was made aware of an allegation that residual SBR funding held by a former BIA had been provided to four candidates contesting the 2021 local government election within the Newcastle local government area.
- 23 CN provided requested information to the NSW Electoral Commission in May 2023. It is understood that the NSW Electoral Commission is not authorised by legislation to disclose details or the outcomes of any of its investigations.



## **OPTIONS**

### **Option 1**

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

### **Option 2**

25 Council resolves not to endorse the audit findings of SBR expenditure for the period June 2022 to August 2023, undertaken as part of CN's 2023/24 Internal Audit Plan and endorsed by CN's Audit and Risk Committee on 13 June 2024. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Internal Audit Report - Special Business Rates Expenditure

**Attachment A distributed under separate cover**

### 8.3. ADOPTION OF DELIVERING NEWCASTLE 2040 AND MAKING OF THE RATES AND CHARGES

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

#### PURPOSE

To adopt the 2024/2025 *Delivering Newcastle 2040* and the 2024/2025 Fees and Charges, following public exhibition and make the Rates and Charges for the period 1 July 2024 to 30 June 2025 in accordance with sections 532 – 535 of the *Local Government Act 1993* (Act).

#### RECOMMENDATION

That Council:

- 1 Adopts the 2024/2025 *Delivering Newcastle 2040* as at **Attachment A**.
- 2 Adopts the 2024/2025 Fees and Charges Register as at **Attachment B**.
- 3 Makes the following Rates and Charges for the 2024/2025 financial year:

RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
<b>Ordinary Rates</b>					
Residential	Nil	0.172788	894.94	50	121,970,225
Farmland	\$1,237.90	0.211583	Nil	Nil	22,282
Business	\$1,237.90	1.064651	Nil	Nil	49,382,235
<b>Business Sub-Categories</b>					
Major Commercial Shopping Centre - Kotara	\$1,237.90	4.526120	Nil	Nil	1,810,448
Major Commercial Shopping Centre – Jesmond	\$1,237.90	3.642754	Nil	Nil	710,337

Major Commercial Shopping Centre – Waratah	\$1,237.90	4.030043	Nil	Nil	499,725
Major Commercial Shopping Centre – Wallsend	\$1,237.90	4.534514	Nil	Nil	503,331
Major Commercial Shopping Centre – The Junction	\$1,237.90	3.101979	Nil	Nil	267,080
Major Commercial Shopping Centre – Inner City	\$1,237.90	0.989268	Nil	Nil	267,102
Major Commercial Shopping Centre (Inner City-East)	\$1,237.90	1.335500	Nil	Nil	101,097
Suburban Shopping Centre – Hamilton	\$1,237.90	1.434463	Nil	Nil	69,428
Suburban Shopping Centre – Inner City	\$1,237.90	1.624369	Nil	Nil	134,823
Suburban Shopping Centre	\$1,237.90	2.584176	Nil	Nil	238,519
Suburban Shopping Centre – Mayfield	\$1,237.90	1.729171	Nil	Nil	212,688
Kotara – Homemaker’s Centre	\$1,237.90	0.995701	Nil	Nil	341,469
Kotara – Homemaker’s Centre - South Zone	\$1,237.90	1.634112	Nil	Nil	370,943
Kooragang Industrial Coal Zone	\$1,237.90	1.416176	Nil	Nil	775,368
Kooragang North Industrial Coal Zone	\$1,237.90	2.111704	Nil	Nil	1,740,361
Kooragang Industrial Centre - Walsh Point	\$1,237.90	1.522371	Nil	Nil	2,597,287
Kooragang Industrial Centre	\$1,237.90	1.328304	Nil	Nil	1,211,522
Mayfield West Storage Units	\$ 618.95	1.386488	Nil	Nil	54,126
Mayfield West Industrial Centre	\$1,237.90	0.739750	Nil	Nil	29,590
Mayfield North Heavy Industrial Centre	\$1,237.90	0.826159	Nil	Nil	706,944
Mayfield North Industrial Centre	\$1,237.90	1.090115	Nil	Nil	567,901
Mayfield North Industrial Centre - Future Development	\$1,237.90	1.310925	Nil	Nil	432,605
Carrington Industrial Port and Coal Zone	\$1,237.90	2.686627	Nil	Nil	1,088,084
Carrington Industrial Centre	\$1,237.90	1.522707	Nil	Nil	1,652,644
Carrington Industrial Port Operations Use	\$1,237.90	1.977286	Nil	Nil	978,954
Broadmeadow Industrial Centre	\$1,237.90	2.217177	Nil	Nil	190,012

Hexham Industrial Centre	\$1,237.90	1.066725	Nil	Nil	1,173,068
<b>Special Rates</b>					
Hunter Mall	Nil	0.141103	Nil	Nil	88,079
Mayfield Business District	Nil	0.072242	Nil	Nil	89,904
Hamilton Business District - Zone A	Nil	0.129088	Nil	Nil	104,932
Hamilton Business District - Zone B	Nil	0.064544	Nil	Nil	38,620
Hamilton Business District - Zone C	Nil	0.032272	Nil	Nil	15,399
Wallsend Business District - Zone A	Nil	0.293290	Nil	Nil	129,503
Wallsend Business District - Zone B	Nil	0.146645	Nil	Nil	16,737
Wallsend Business District - Zone C	Nil	0.219967	Nil	Nil	24,416
New Lambton Business District	Nil	0.076162	Nil	Nil	17,193
City Centre - City East	Nil	0.182974	Nil	Nil	201,600
City Centre - Darby Street	Nil	0.041891	Nil	Nil	37,688
City Centre - City West (Close Zone)	Nil	0.064232	Nil	Nil	281,869
City Centre - City West (Distant Zone)	Nil	0.032116	Nil	Nil	17,485
City Centre – Tower	Nil	0.182974	Nil	Nil	194,502
City Centre – Mall	Nil	0.182974	Nil	Nil	120,383
City Centre – Civic (Close Zone)	Nil	0.095090	Nil	Nil	117,242
City Centre – Civic (Distant Zone)	Nil	0.047545	Nil	Nil	7,087
<b>TOTAL</b>					<b>191,602,837</b>

- 4 An Ordinary Rate of zero point one seven two seven eight eight (0.172788c) in the dollar with a 50% base amount of eight hundred and ninety four dollars and ninety four cents (\$894.94) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.
- 5 An Ordinary Rate of zero point two one one five eight three cents (0.211583c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.

- 6 An Ordinary Rate of one point zero six four six five one cents (1.064651c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre – Hamilton, Major Commercial Shopping Centre (Inner City-East), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Mayfield West Storage Units, Mayfield West Industrial Centre, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.
- 7 An Ordinary Rate of four point five two six one two zero cents (4.526120c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m<sup>2</sup>), providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.
- 8 An Ordinary Rate of three point six four two seven five four cents (3.642754c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
- 9 An Ordinary Rate of four point zero three zero zero four three cents (4.030043c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all

rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.

- 10 An Ordinary Rate of four point five three four five one four cents (4.534514c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.
- 11 An Ordinary Rate of three point one zero one nine seven nine cents (3.101979c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES – THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.
- 12 An Ordinary Rate of zero point nine eight nine two six eight cents (0.989268c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, National Park, King and Steel Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
- 13 An Ordinary Rate of one point three three five five zero zero cents (1.335500c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY-EAST)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by the land bounded by Parry, Steel, King and Ravenshaw Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City-East).

- 14 An Ordinary Rate of two point five eight four one seven six cents (2.584176c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m<sup>2</sup> which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Major Commercial Centres (Inner City-East), Suburban Shopping Centre – Mayfield or Suburban Shopping Centre - Hamilton. This land is categorised as Sub-category Business - Suburban Shopping Centres.
- 15 An Ordinary Rate of one point six two four three six nine cents (1.624369c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West situated on a site of greater than four thousand and nine hundred square metres (4,900m<sup>2</sup>) which operates as a Supermarket excepting the land categorised as Major Commercial Centres (Inner City) or Major Commercial Centres (Inner City-East). This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.
- 16 An Ordinary Rate of one point four three four four six three cents (1.434463c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – SUBURBAN SHOPPING CENTRES – HAMILTON**. This sub-category applies to all rateable land within the centre of commercial activity defined by the land bounded by Hudson, Swan Donald and Bennett Streets, Hamilton which operates as a Supermarket. This land is categorised as Sub-category Business - Suburban Shopping Centres – Hamilton.
- 17 An Ordinary Rate of one point seven two nine one seven one cents (1.729171c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – SUBURBAN SHOPPING CENTRE – MAYFIELD** apply to all rateable land within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m<sup>2</sup>) with a minimum 4,000m<sup>2</sup> of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 18 An Ordinary Rate of zero point nine nine five seven zero one cents (0.995701c) in the dollar with a minimum rate of one thousand two hundred and thirty seven

dollars and ninety cents (\$1,237.90) named **BUSINESS – KOTARA HOMEMAKER’S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker’s Centre.

- 19 An Ordinary Rate of one point six three four one one two cents (1.634112c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOTARA HOMEMAKER’S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker’s Centre - South Zone.
- 20 An Ordinary Rate of one point four one six one seven six cents (1.416176c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.
- 21 An Ordinary Rate of two point one one one seven zero four cents (2.111704c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 2 DP 1207051, Lots 2, 3, 6, 16 DP 1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lot 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 DP 1207051, and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.
- 22 An Ordinary Rate of one point five two two three seven one cents (1.522371c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 3 DP 234288, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 DP 271222, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6 and 7 DP 262783, Lot 1 DP 775771, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 1, 3, 4, 8 DP 775774, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lots 3 DP 858206, Lots 2, 4, 5 DP 1015754, Lots 201, 202, 203,



204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lot 1 DP 575674, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lots 12, 13 DP 1144748, Lots 1, 2, 3, 4 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 1, 2, 3 DP 1281073, Lots 91 and 92 DP 1202475 and Lot 123 1223462. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.

- 23 An Ordinary Rate of one point three two eight three zero four cents (1.328304c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land not used primarily as a service station and categorised as Business in terms of Section 518 of the Act which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.
- 24 An Ordinary Rate of zero point eight two six one five nine cents (0.826159c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lots 224, 225 DP 1013964, Lot 2 DP 1204573 and Lot 2 DP 1184257. This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.
- 25 An Ordinary Rate of one point zero nine zero one one five cents (1.090115c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723, Lots 5, 6, 7 DP 1204575, Lot 4 DP 1095751 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 26 An Ordinary Rate of one point three one zero nine two five cents (1.310925c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE - FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982, Lots 51, 52, 53 and 54 DP 1229869 and Lot 332 DP 1176879. This

land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.

- 27 An Ordinary Rate of one point three eight six four eight eight cents (1.386488c) in the dollar with a minimum rate of six hundred and eighteen dollars and ninety five cents (\$618.95) named **BUSINESS – MAYFIELD WEST STORAGE UNITS** apply to all rateable land in CN LGA within the centre of activity defined by all lots contained within Strata Plan 99055. This land is categorised as sub-category Business - Mayfield West Storage Units.
- 28 An Ordinary Rate of zero point seven three nine seven five zero cents (0.739750c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – MAYFIELD WEST INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 1 DP 874109. This land is categorised as sub-category Business - Mayfield West Industrial Centre.
- 29 An Ordinary Rate of two point six eight six six two seven cents (2.686627c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199 and the land contained within Railway Land Lease reference number 115/75/2261. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.
- 30 An Ordinary Rate of one point nine seven seven two eight six cents (1.977286c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910, Lot 1 DP 834572, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP 1187068, Lot 30 DP 1190075, Lots 7, 8, 11 DP 1190231, Lots 12-16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91-93 DP 1193181, Lots 1-3 DP 1195231, Lots 219, 220 DP 1195310, Lots 1-3 DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.
- 31 An Ordinary Rate of one point five two two seven zero seven cents (1.522707c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m<sup>2</sup>) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and including the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as

Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.

- 32 An Ordinary Rate of two point two one seven one seven seven cents (2.217177c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 33 An Ordinary Rate of one point zero six six seven two five cents (1.066725c) in the dollar with a minimum rate of one thousand two hundred and thirty seven dollars and ninety cents (\$1,237.90) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham or Tarro. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 34 A Special Rate of zero point one four one one zero three cents (0.141103c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District. This rate applies to all properties within the defined area categorised as Business.
- 35 A Special Rate of zero point zero seven two two four two cents (0.072242c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “Mayfield Business District” as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District. This rate applies to all properties within the defined area categorised as Business.
- 36 A Special Rate of zero point one two nine zero eight eight cents (0.129088c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the “Hamilton Business District” as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.

- 37 A Special Rate of zero point zero six four five four four cents (0.064544c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 38 A Special Rate of zero point zero three two two seven two cents (0.032272c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District. This rate applies to all properties within the defined area categorised as Business.
- 39 A Special Rate of zero point two nine three two nine zero cents (0.293290c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 40 A Special Rate of zero point one four six six four five cents (0.146645c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 41 A Special Rate of zero point two one nine nine six seven cents (0.219967c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District. This rate applies to all properties within the defined area categorised as Business.
- 42 A Special Rate of zero point zero seven six one six two cents (0.076162c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "New Lambton Business District" as defined in **Attachment I** for the purpose of defraying the

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

- 43 A Special Rate of zero point one eight two nine seven four cents (0.182974c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City East" as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East. This rate applies to all properties within the defined area categorised as Business.
- 44 A Special Rate of zero point zero four one eight nine one cents (0.041891c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area -Darby Street" as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street. This rate applies to all properties within the defined area categorised as Business.
- 45 A Special Rate of zero point zero six four two three two cents (0.064232c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City West" as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 46 A Special Rate of zero point zero three two one one six cents (0.032116c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area -City West" as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 47 A Special Rate of zero point one eight two nine seven four cents (0.182974c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - Tower" as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area

- Tower. This rate applies to all properties within the defined area categorised as Business.
- 48 A Special Rate of zero point one eight two nine seven four cents (0.182974c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall. This rate applies to all properties within the defined area categorised as Business.
- 49 A Special Rate of zero point zero nine five zero nine zero cents (0.095090c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone). This rate applies to all properties within the defined area categorised as Business.
- 50 A Special Rate of zero point zero four seven five four five cents (0.047545c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone). This rate applies to all properties within the defined area categorised as Business.
- 51 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 52 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$5,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 52.
- 53 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m<sup>2</sup> or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$5,000, divided between each unit based on the unit entitlement of each business lot

divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.

- 54 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$2,500 for each non-strata property. This charge shall only apply where a business property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 55 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of five hundred and fifty three dollars and zero cents (\$553.00) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.
- 56 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of three hundred and twenty five dollars and zero cents (\$325.00) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

## KEY ISSUES

- 57 Section 404 of the *Local Government Act 1993* (Act) requires City of Newcastle (CN) to have a Delivery Program (DP) detailing how it will achieve the objectives in its Council adopted Community Strategic Plan (*Newcastle 2040*). Section 405 of the Act requires CN to have an Operational Plan that is adopted each financial year outlining the planned activities and services to be delivered.
- 58 The Delivery Program and Operational Plan are combined into *Delivering Newcastle 2040* as at **Attachment A**.
- 59 Section 608 of the Act enables CN to apply fees for services provided. CN's 2024/2025 Fees and Charges Register is at **Attachment B**.
- 60 *Delivering Newcastle 2040* and the Fees and Charges were publicly exhibited for 28 days from 26 April 2024 to 24 May 2024. CN received 55 submissions during the public exhibition period, of which 85% were considered as positive or constructive. Key submissions related to improvements to parks, playgrounds, sports grounds, road and traffic networks, cycleways, and

pedestrian networks. In response to these submissions, CN's 2024/2025 works program has proposed to deliver:

- 21 projects relating to recreation and sport;
- 34 projects relating to cycleways and pedestrian networks;
- 16 projects relating to road and traffic networks; and
- 41 environment, sustainability, and climate-related projects.

CN has acknowledged and reviewed every submission and will distribute constructive submissions to relevant subject matter experts within council for incorporating into future plans and actions. Details of the submissions received are outlined in the Public Exhibition Report at **Attachment C**.

- 61 *Delivering Newcastle 2040* turns CN's shared vision of a liveable, sustainable, inclusive global city as set out in CN's Community Strategic Plan, *Newcastle 2040*, into action.
- 62 CN has continued its commitment to financial sustainability in *Delivering Newcastle 2040* by maintaining a net operating surplus, renewing and maintaining assets in a sustainable range, and utilising evidence-based decision-making to underpin its financial sustainability.
- 63 *Delivering Newcastle 2040* proposes a budget for 2024/2025 that will deliver an operating surplus before capital grants and contributions of \$4.1m, providing the financial capacity to maintain services and meet community commitments, as well as retain a small buffer to respond to unexpected circumstances (eg natural disasters) during the year.
- 64 *Delivering Newcastle 2040* will see the investment of over \$415 million into our city, delivering key services and infrastructure that will bring our community's vision to life. Over 60 services are provided to our community and it is planned that over 282 projects and 170 actions will be delivered across the city.
- 65 In 2024/2025 we will continue to deliver initiatives from our informing and supporting strategies such as the Environment Strategy, Cycling and Parking Plan, Climate Action Plan, Social Strategy, and Sustainable Waste Strategy.

Highlights include:

- \$21m on the completion and reopening of the expanded Newcastle Art Gallery;
- \$14.6m on Summerhill Waste Management Centre environmental protection, landfill and site management improvements;
- \$6.5m allocated towards the East End Public Domain Plan and Hunter Street Mall;
- \$7.7m for stormwater and flood planning including Mayfield East and Darby Street;
- \$17.9m on roads, footpaths and cycleways across the city;
- \$4.7m on Cottage Creek Bridge replacement;



- \$4.1m on Memorial Drive Road embankment;
- \$4.7m on recreation and sports improvements, including Gregson Park Playground;
- \$2.4m on Local Centre upgrades such as the completion of Orchardtown Road at New Lambton and Georgetown;
- \$1.1m on renewable energy projects including climate action and EV charging stations;
- \$4m on coastal management including Stockton coastline protection work;
- \$2.8m on improving bushland and watercourses; and
- \$1.55m on resources and improvements for Libraries, Civic Theatre and City Hall.

66 CN regularly benchmarks its performance against neighbouring councils. CN's net operating result exceeds most neighbouring councils noting that Maitland and Cessnock have exhibited deficit budget positions, whilst Port Stephens Council was approved a Special Rate Variation by IPART of 9.5% from July 2023 for 3 years.

67 CN's works program value is the highest within the Hunter region, whilst the Domestic Waste Management Service Charge is consistent with the lowest across the region despite CN's significant investment in environmental and service improvements to the Summerhill Waste Management Centre over recent years.

2024/25 Exhibited budget values

	City of Newcastle	Lake Macquarie	Maitland	Port Stephens	Cessnock
Net operating result before capital grants (\$'000)	4,063	550	(5,670)	6,748	(13,969)
Capital grants (\$'000)	43,782	59,579	41,711	26,299	30,000
Works Program Value	\$139.5m	\$119.6m	\$56m	\$23.3m	\$75.3m

68 This report formalises the specific rates in the dollar amounts to apply to CN's Ordinary and Special Rates for the period 1 July 2024 to 30 June 2025. Additionally, specific charge amounts for waste and stormwater management purposes are recommended.

69 CN provides a range of measures for ratepayers experiencing financial hardship including the waiving of interest on any overdue rates, flexible payment plans and the deferral of rates against their estate. Additionally, CN funds a rates voucher scheme which is administered by three appointed community welfare agencies and which are redeemed as payment of a

ratepayer's rates and charges. These agencies also provide free financial planning and counselling advice for those experiencing hardship.

## FINANCIAL IMPACT

- 70 The 2024/2025 budget has been developed in accordance with CN's Long Term Financial Plan (LTFP) and our objective of delivering regular net operating surpluses without adversely impacting upon services for the community.
- 71 The operating result before capital grants and contributions is forecast to be \$4.1m in 2024/2025 with a works program of \$139.5 million, compared to a surplus before capital grants and contributions of \$6.9m in 2023/2024 as per the adopted budget and a works program of \$137.3m.
- 72 CN has budgeted to receive \$43.8m in grants and contributions for capital purposes in 2024/2025, compared to \$38.6m this year. The sources of capital grants include \$14.5m for the Newcastle Airport expansion, \$7.6m to facilitate the expansion of the Art Gallery, \$9.5m from Developer Contributions, \$5.3m in infrastructure dedications, \$3.2m in transport upgrades and \$3.1m is expected to be received for recreation and culture projects.
- 73 The 2024/2025 works program is \$139.5m. This includes \$32.9m to be invested in two City Shaping projects: the Newcastle Art Gallery expansion and the remediation of the former landfill site at Sandgate. CN is also investing in new and renewal projects across its ongoing programs of work. \$38.1m is budgeted for roads, bridges, footpaths and community buildings. \$18.1m will be spent on Libraries, Parks, inland swimming pools and Civic sites. \$14.7m will be spent on Waste Management and \$6.7m on improving our information technology and commercial properties. \$9.9m will be invested revitalising our coast, city and urban Centres. \$12.9m will be invested to support environment sustainability. \$6m will be invested in cycleways and transport options. Key projects from these programs are outlined under the four Newcastle 2040 themes and a comprehensive list can be found within the Newcastle 2040 Appendix.
- 74 CN is one of the most financially sustainable councils in NSW, with a decade long record of prudent financial decisions and setting aside funds for future capital works. In a submission to the NSW Standing Committee on State Development's inquiry into the ability of local governments to fund infrastructure and services it was demonstrated that over the past three financial years, 2020/2021 to 2022/2023, the CPI has increased by 17.5% and the Cordell Construction Cost Index by 22% while the IPART rate peg has only increased by 8.3%. CN is focused on balancing the needs and expectations of our growing community with our commitment to making sure we are financially sustainable.
- 75 Making of the Rates and Charges is a statutory requirement to enable rates revenue to be raised and levied as detailed in the 2024/2025 *Delivering*

*Newcastle 2040* document. The estimated amount of the levy to be raised is as per the totals shown in the table within paragraph 3 of this report.

## **NEWCASTLE 2040 ALIGNMENT**

- 76 The Adoption of *Delivering Newcastle 2040* and Making of the Rates and Charges is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### **Achieving Together**

#### 4.1 Inclusive and integrated planning and reporting

##### 4.1.1 Financial sustainability

##### 4.1.2 Integrated planning and reporting

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 77 *Delivering Newcastle 2040* and the 2024/2025 Fees and Charges Register are required to be adopted by Council by 30 June 2024, following a minimum 28-day public exhibition period.
- 78 *Delivering Newcastle 2040* includes actions that require implementation by CN as well as by partner agencies.
- 79 In accordance with Section 405 of the Act, Council must adopt the 2024/2025 Operational Plan incorporating CN's Revenue Policy and Rating Structure by 30 June 2024. This Operational Plan must be adopted by Council prior to the making of the Rates and Charges.
- 80 Sections 532 and 535 of the Act, require Council to make the Rates and Charges by resolution for the period 1 July 2024 to 30 June 2025. These Rates and Charges must be made by 1 August 2024.
- 81 CN will continue the making, levying and collecting the Hunter Catchment Contribution on behalf of Hunter Local Land Services (LLS), at the rate set by Hunter LLS of 0.00629 of a cent in the dollar for the 2024/2025 rating year on all relevant properties within the Newcastle LGA with a land value in excess of \$300 as per requirements of the *Local Land Services Act 2013* and the *Local Land Services Regulation 2014* (Regulation). The legislation permits Hunter LLS to enter into an annual Service Agreement with CN to levy the Hunter Catchment Contribution on its Rates and Charges Notices, and for Hunter LLS to pay a commission of five percent to CN for acting on their behalf in the levying and collecting of the Hunter Catchment Contribution.

## **RISK ASSESSMENT AND MITIGATION**

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

- iii) External contributions (ie local infrastructure contributions);
- iv) State Government cost shifting;
- v) Monetary and fiscal policy (ie interest rates, taxation);
- vi) Legislative changes; and
- vii) Crisis events or disasters (storms, floods, pandemics).

- 83 *Delivering Newcastle 2040* will be monitored against financial performance indicators with monthly financial briefings to councillors and adjustments implemented through the quarterly budget review process.
- 84 Failure to make the 2024/2025 Rates and Charges will prevent the service of the Rates and Charges Notices. Should these Notices not be served by 1 August 2024 the due date for payment of the Notices will be delayed until 30 November 2024.

### RELATED PREVIOUS DECISIONS

- 85 At the Ordinary Council Meeting held on 23 April 2024, Council resolved to place the draft 2024/2025 *Delivering Newcastle 2040* and the 2024/2025 Fees and Charges Register on public exhibition for a minimum of 28 days.
- 86 At the Ordinary Council Meeting held on 23 May 2023, Council adopted *Delivering Newcastle 2040 (2023/2024)*.
- 87 At the Ordinary Council Meeting held on 26 April 2022, Council adopted *Newcastle 2040*.
- 88 At the Ordinary Council Meeting held on 27 June 2023 Council adopted the 2023/2024 rates and charges

### CONSULTATION

- 89 The draft 2024/2025 *Delivering Newcastle 2040* and 2024/2025 Fees & Charges were placed on public exhibition from 26 April 2024 to 24 May 2024, and supported by the following promotion:
- i) Have your Say page on CN's website;
  - ii) Social media;
  - iii) Print advertising;
  - iv) Media releases; and
  - v) Physical copies at CN libraries.
- 90 Details of the submissions received are outlined in the Public Exhibition Report at **Attachment C**. CN received 55 submissions during the public exhibition period, of which 85% were considered to be positive or constructive. There were more than 7,400 views of CN's Have Your Say Page and more than 300 downloads of key documents, along with a social media reach to more than 42,000 residents.

- 91 A Councillor workshop was held on 11 June 2024 to outline community feedback received during the public exhibition period.
- 92 It is a requirement of the Act that CN must not make a rate or charge until it has given public notice of the draft 2024/2025 Operational Plan and has considered any submission made concerning that plan.
- 93 *Delivering Newcastle 2040* (incorporating the 2024/2025 draft Operational Plan) was placed on public exhibition from 26 April 2024 to 24 May 2024. This document incorporated details of the proposed rating structure for 2024/2025.
- 94 During the public exhibition period an engagement webpage was provided to receive submissions. Social Media, print advertising, and media releases also promoted the proposed rating structure for 2024/2025.
- 95 A Councillor workshop was held on 11 June 2024 to outline community feedback received during the public exhibition period.

## **BACKGROUND**

- 96 The Delivery Program is required to be prepared every four years following a local government general election. The Operational Plan is required to be reviewed annually and adopted by 30 June of the relevant year.
- 97 Under Section 608 of the Act, Council may charge and recover an approved fee for services it provides.
- 98 The adoption of the rate structure contained within *Delivering Newcastle 2040*, satisfies the provisions of Section 532 of the Act and allows the making of the Rates and Charges for the period 1 July 2024 to 30 June 2025.

## **OPTIONS**

### **Option 1**

- 99 The recommendations as at Paragraphs 1 - 56. This is the recommended option.

### **Option 2**

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

## REFERENCES

## ATTACHMENTS

<b>Attachment A:</b>	2024/2025 <i>Delivering Newcastle 2040</i>
<b>Attachment B:</b>	2024/2025 Fees and Charges Register
<b>Attachment C:</b>	Public Exhibition Report
<b>Attachment D:</b>	Schedules A – Q

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

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

## 8.4. INTEREST ON OVERDUE RATES AND CHARGES FOR 2024/25

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

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### PURPOSE

To establish the rate of interest to be charged by City of Newcastle (CN) in respect of overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive).

### RECOMMENDATION

That Council:

- 1 Notes that all interest is waived for ratepayers who, on the basis of financial hardship, enter into an agreement to pay outstanding rates over a period of time.
- 2 Notes that CN funds a rates voucher scheme which is administered by three appointed community welfare agencies and are redeemed as payment for a ratepayer's rates and charges.
- 3 Notes that interest charges are waived where these charges cause hardship to the ratepayer, or where circumstances exist that the late payment of the outstanding rates and charges was caused by reasons beyond the control of the ratepayer.
- 4 Notes a campaign will run 24 June through to 6 September promoting CN's hardship options, through paid messaging on social media along with messaging on the CN website, as well as via a rates insert and the July edition of City News.
- 5 Adopts the rate of 10.5% per annum on interest on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive).

### KEY ISSUES

- 6 The *Local Government Act 1993* (Act) provides for interest charges to accrue on unpaid rates and charges at the interest rate resolved by Council.
- 7 Each year, CN is required to set the rate of interest in respect of overdue rates and charges. The rate set by CN must not exceed the limit specified by the Minister for Local Government (Minister). On 19 April 2024, the Minister advised that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 is 10.5% per annum.

- 8 In order to maintain a sufficient deterrent to the late payment of rates and charges, it is proposed to apply the maximum rate of interest allowable by the Minister to CN's overdue rates and charges. This rate is 10.5% per annum for the period 1 July 2024 to 30 June 2025. By comparison, the maximum rate set by the Minister for the 2023/2024 year was 9.0% per annum with this rate resolved for use by Council at the Ordinary Council Meeting held on 27 June 2023.
- 9 CN provides a range of measures for ratepayers experiencing financial hardship including the waiving of interest on any overdue rates, flexible payment plans and the deferral of rates against their estate. In addition to this, CN funds a rates voucher scheme which is administered by three appointed community welfare agencies and are redeemed as payment for a ratepayer's rates and charges. These agencies also provide free financial planning and counselling advice for those experiencing hardship.

### **FINANCIAL IMPACT**

- 10 Imposition of interest on overdue rates and charges for the 2024/2025 rating year will ensure cash flow is maintained and deter the deliberate late payment of debts. Estimated income from interest charges for the period 1 July 2024 to 30 June 2025 is \$492,000 based on existing and anticipated take-up of hardship assistance arrangements under the proposed rate.

### **NEWCASTLE 2040 ALIGNMENT**

- 11 Interest on Overdue Rates and Charges is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

#### **Achieving Together**

##### 4.1 Inclusive and integrated planning

##### 4.1.1 Financial sustainability

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 12 CN will collect overdue rates and charges in accordance with relevant legislation, guidelines and approvals.

### **RISK ASSESSMENT AND MITIGATION**

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



by the Minister mitigates this risk. There are specific relief provisions available to pensioners and any ratepayers experiencing genuine financial hardship.

## **RELATED PREVIOUS DECISIONS**

- 15 At the Ordinary Council Meeting held on 27 June 2023, Council adopted the rate of interest on overdue rates and charges for 2023/2024.

## **CONSULTATION**

- 16 The Minister annually establishes the maximum interest rate on overdue rates and charges in accordance with section 566 of the Act. All ratepayers are advised of the applicable rate of interest on their annual Rates and Charges and quarterly Instalment Notices.
- 17 CN's *Delivering Newcastle 2040* was placed on public exhibition and included information regarding interest free payment periods and waiving interest charges for ratepayers suffering financial hardship. No comments regarding this were received.

## **BACKGROUND**

### **Interest Charges**

- 18 In respect of eligible pensioners, the current practice provides that interest on overdue rates and charges will:
- i) Not be applied where the net rates and charges are paid in full in the current year or suitable payment arrangements are entered into; and
  - ii) Be waived where arrears of net rates and charges are paid in accordance with an arrangement in a subsequent year, except as provided for postponement of rates and charges under section 585 of the Act.

### **Writing-off Accrued Interest**

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

### **Defer Rates and Charges Against Estate**

- 20 Ratepayers may, subject to annual written applications and assessment, be eligible to defer their payment of rates and charges, allowing them to accrue against their estates. Interest charges continue to accrue in this instance.

## **OPTIONS**

### **Option 1**

21 The recommendation as at Paragraph 1 – 5. This is the recommended option.

### **Option 2**

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

## **REFERENCES**

## **ATTACHMENTS**

Nil

## **8.5. HERITAGE ITEM - 14 SUNDERLAND STREET, MAYFIELD - PLANNING PROPOSAL AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

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

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### **PURPOSE**

To endorse the commencement of the statutory process for a planning proposal to amend the Newcastle Local Environmental Plan 2012 (LEP 2012) for a new heritage item at 14 Sunderland Street Mayfield.

### **RECOMMENDATION**

That Council:

- 1 Endorses the attached planning proposal (Attachment A), prepared under Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend LEP 2012 to create a new heritage item at 14 Sunderland Street Mayfield.
- 2 Forwards the planning proposal to the Department of Planning, Housing and Infrastructure (the department) for gateway determination under Section 3.34 of the EP&A Act, requesting the role of planning proposal authority.
- 3 Consults with the community and relevant government agencies as the gateway determination requires.
- 4 Receives a report on the exhibition outcomes, considers any amendments, and makes a final determination on the planning proposal following the close of the exhibition period.

### **KEY ISSUES**

- 5 At the Council meeting on 27 February 2024, Council resolved to place an interim heritage order (IHO) over 14 Sunderland Street Mayfield.
- 6 An IHO is a temporary protection measure to safeguard a place of potential heritage significance for up to 12 months. This temporarily prevents the demolition of, or harm to, a building. It enables a heritage assessment to determine if a place should be listed as a heritage item on the LEP 2012. An IHO prohibits demolition and requires development approval for the item for the duration of the order.

- 7 IHO No. 2024/01 for the subject property, was published in the Government Gazette No. 73—Planning and Heritage on 1 March 2024. As required under Section 25 of the *Heritage Act 1977* City of Newcastle (CN) was required to complete an in-depth assessment to determine if it was warranted to list 14 Sunderland Street Mayfield as an item of local heritage.
- 8 Under Section 29 of the *Heritage Act 1977* CN has 12 months from the gazettal of the IHO to prepare a planning proposal to amend LEP 2023 for a new heritage item, obtain gateway determination, and exhibit the planning proposal, before the IHO expires.
- 9 An independent consultant, engaged to assess 14 Sunderland Street Mayfield determined that it warrants listing as an item of local heritage (**Attachment B**). The heritage assessment found:

*The dwelling at 14 Sunderland Street Mayfield is a late Victorian dwelling representing the residential development of the suburb of Mayfield and is one of few comparable places in the local area dating from the earliest phase of the Houghton Le Spring Subdivision. The dwelling is visually prominent, retaining its form, scale, detailing and integrity. The dwelling possesses aesthetic and historical qualities acknowledged by the local community.*

*The dwelling was purchased, occupied and likely constructed by the Braye family during Thomas Braye's first tenure as Mayor of Waratah. Thomas Braye was a well-known Waratah resident, from an early local family, known for being one of the youngest aldermen to be elected to council.*

*The dwelling at 14 Sunderland Street Mayfield reaches the local significance threshold under Criteria (a), (b), (d), (f) and (g).*

## **FINANCIAL IMPACT**

- 10 Costs for this project will be met within existing allocated work program and budget.

## **NEWCASTLE 2040 ALIGNMENT**

- 11 The planning proposal is consistent with Newcastle 2040 Community Strategic Plan's strategic directions including:

### **Liveable**

- 1.1 Enriched neighbourhoods and places
- 1.1.3 Protected heritage places

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 12 Should Council endorse the planning proposal; it will be forwarded to the department for gateway determination. This will enable CN to exhibit the planning proposal and progress the amendment to the LEP 2012.

- 13 CN recognises the importance and diversity of heritage and is committed to the principles of heritage conservation under the Heritage Strategy 2020-2030 and the Newcastle Heritage Policy 2022.
- 14 Listing 14 Sunderland Street, Mayfield on the LEP 2012 recognises the heritage significance of the dwelling. This is consistent with Newcastle Heritage Strategy 2020–2030 objectives.
- 15 The planning proposal is consistent with CN's Local Strategic Planning Statement planning priority to protect and celebrate our heritage.

### **RISK ASSESSMENT AND MITIGATION**

- 16 The planning proposal has been prepared following the requirements of Part 3 of the EP&A Act, and the department's Local Environmental Plan Making Guideline (2023) for amending an LEP 2012.
- 17 The gateway determination will identify any further technical studies and the consultation requirements before the exhibition. This will ensure all relevant parties can consider and comment on the planning proposal before it is reported to Council for final consideration.
- 18 Following gateway determination, CN may vary the planning proposal after consideration of any submission received during public exhibition under Section 3.35 of the EP&A Act. The owner has the opportunity to make a submission during the public exhibition of the planning proposal.
- 19 Adherence to the legislative framework under the EP&A Act reduces risk by ensuring a planning proposal considers relevant strategic planning documents and is determined in an appropriate timeframe.

### **RELATED PREVIOUS DECISIONS**

- 20 At the Council meeting on 28 November 2023, Council endorsed Notice of Motion 9.4 Protecting and Valuing Newcastle's Heritage. It noted the CN values the unique heritage and character of its buildings, streetscapes and landscapes, and requested that the heritage significance of 14 Sunderland Street Mayfield be explored as a priority.
- 21 At the Council meeting on 27 February 2024, Council resolved to place an IHO over 14 Sunderland Street Mayfield, enabling further investigation into its potential heritage significance.

### **CONSULTATION**

- 22 CN will consult with stakeholders (including the community) under the EP&A Act and any gateway determination requirements.
- 23 The gateway determination will confirm consultation requirements. This will include, at a minimum, formal written notification to property owners,

publication on CN's web page, and letters to owners of adjoining and nearby properties.

- 24 CN will exhibit the planning proposal as outlined in the department's Guide to Preparing Local Environmental Plans, unless otherwise advised by the gateway determination.

## **BACKGROUND**

- 25 A development application (DA2023/00965) was lodged on 13 October 2023 to demolish a dwelling for a two-storey, co-living housing development of 30 individual rooms at 14 Sunderland Street Mayfield. It was identified through the assessment of DA2023/00965, including the submissions received from the public, that the existing dwelling may have significant heritage value.
- 26 On 4 December 2023, Class 1 proceedings in the Land and Environment Court of NSW commenced. The appeal is in response to the deemed refusal of DA2023/00965.
- 27 Following gazettal of the IHO, CN engaged an independent heritage consultant to prepare a heritage assessment of the site (**Attachment B**). The assessment found the dwelling at 14 Sunderland Street Mayfield reaches local significance thresholds under five criteria.

## **OPTIONS**

### **Option 1**

- 28 The recommendation as at paragraph 1 to 4. This is the recommended option.

### **Option 2**

- 29 Council resolves not to proceed with the planning proposal. This is not the recommended option as it would not acknowledge the findings of the heritage significance of the subject site or enable necessary amendments to the LEP 2012 to reflect those findings.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Planning Proposal – Heritage item at 14 Sunderland Street Mayfield

**Attachment B:** Heritage Assessment - 14 Sunderland Street Mayfield, prepared by Artefact

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

## 8.6. HERITAGE ITEM - 22 VICTORIA STREET, MAYFIELD - PLANNING PROPOSAL AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

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### PURPOSE

To endorse commencement of the statutory process for a planning proposal to amend the Newcastle Local Environmental Plan 2012 (LEP 2012) for a new heritage item at 22 Victoria Street, Mayfield.

### RECOMMENDATION

That Council:

- 1 Endorses the attached planning proposal (**Attachment A**), prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend LEP 2012 to create a new heritage item at 22 Victoria Street Mayfield.
- 2 Forward the planning proposal to the Department of Planning, Housing and Infrastructure (the department) for gateway determination under Section 3.34 of the EP&A Act, requesting the role of planning proposal authority.
- 3 Consults with the community and relevant government agencies as the gateway determination requires.
- 4 Receives a report on the exhibition outcomes, considers any amendments, and makes a final determination on the planning proposal following the close of the exhibition period.

### KEY ISSUES

- 5 On 15 March 2024, an interim heritage order (IHO) over 22 Victoria Street Mayfield was issued under the delegation of City of Newcastle's (CN) Chief Executive Officer (CEO).
- 6 An IHO is a temporary protection measure to safeguard a place of potential heritage significance for up to 12 months. This temporarily prevents the demolition of, or harm to, a building. It enables a heritage assessment to determine if a place should be listed as a heritage item on the LEP 2012. An IHO prohibits demolition and requires development approval for the item for the duration of the order.

- 7 IHO No. 2024/02 for the subject property, was published in the Government Gazette No. 90 on 15 March 2024. As required under Section 25 of the *Heritage Act 1977* CN was required to complete an in-depth assessment to determine if it was warranted to list 22 Victoria Street Mayfield as an item of local heritage.
- 8 Under Section 29 of the *Heritage Act 1977* CN has 12 months from the gazettal of the IHO to prepare a planning proposal, obtain gateway determination, and exhibit the planning proposal, before the IHO expires.
- 9 Following the gazettal of the IHO, CN engaged an independent consultant to complete an in-depth heritage assessment. It determined that 22 Victoria Street Mayfield warranted listing as an item of local heritage (**Attachment B**). The assessment found:

*No. 22 Victoria Street Mayfield has historical significance as one of the only houses constructed on the Scholey subdivision designed by the prominent architect F.G Castleden.*

*The house represents an early example of one of the core architectural phases of Newcastle and the development of the suburbs of Mayfield. It represents an example of the growth and development of Mayfield as an attractive residential area in the early 20th century and is a good example of the work executed by the architect F.G Castleden which is not well represented in this area.*

*No. 22 Victoria Street represents a rare intact residential dwelling which has generally retained the integrity of its built form, making a positive contribution to the streetscape.*

*The integrity of the structure, form and setting of the house and its curtilage have generally been retained and it contributes to the visual connections between houses along Victoria Street and Regent Street, as well as the heritage item in the immediate vicinity "Burrandulla" at 2 Pitt Street, Mayfield.*

*The physical fabric of the property at 22 Victoria Street and its significant features are generally in original condition. Some dilapidation has occurred through neglect as well as minor modifications being made, however the changes may be reversible.*

*The retention of the original roof form and chimneys of the dwelling house at 22 Victoria Street will contribute to and complement the wider character of the area.*

## **FINANCIAL IMPACT**

- 10 Costs for this project will be met within existing allocated work program and budget.



## **NEWCASTLE 2040 ALIGNMENT**

- 11 The planning proposal is consistent with Newcastle 2040 Community Strategic Plan's strategic directions including:

### **Liveable**

- 1.1 Enriched neighbourhoods and places
- 1.1.3 Protected heritage places

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 12 Should Council endorse the planning proposal; it will be forwarded to the department for gateway determination. This will enable CN to exhibit the planning proposal and progress the amendment to the LEP 2012.
- 13 CN recognises the importance and diversity of heritage and is committed to the principles of heritage conservation under the Heritage Strategy 2020-2030 and the Newcastle Heritage Policy 2022.
- 14 Listing 22 Victoria Street, Mayfield on the LEP 2012 recognises the heritage significance of the dwelling. This is consistent with Newcastle Heritage Strategy 2020–2030 objectives.
- 15 The planning proposal is consistent with CN's Local Strategic Planning Statement planning priority to protect and celebrate our heritage.

## **RISK ASSESSMENT AND MITIGATION**

- 16 The planning proposal has been prepared following the requirements of Part 3 of the EP&A Act, and the department's Local Environmental Plan Making Guideline (2023) for amending an LEP 2012.
- 17 The gateway determination will identify any further technical studies and the consultation requirements before the exhibition. This will ensure all relevant parties can consider and comment on the planning proposal before it is reported to Council for final consideration.
- 18 Following gateway determination, CN may vary the planning proposal after consideration of any submission received during public exhibition under Section 3.35 of the EP&A Act. The owner has the opportunity to make a submission during the public exhibition of the planning proposal.
- 19 Adherence to the legislative framework reduces risk by ensuring a planning proposal considers relevant strategic planning documents and is determined in an appropriate timeframe.

## RELATED PREVIOUS DECISIONS

- 20 At the Council meeting on 28 November 2023, Council endorsed Notice of Motion 9.4 Protecting and Valuing Newcastle's Heritage. It noted CN values the unique heritage and character of its buildings, streetscapes and landscapes. Listing 22 Victoria Street Mayfield is consistent with Council's commitment to protecting significant heritage buildings and streetscapes.

## CONSULTATION

- 21 CN will consult with stakeholders (including the community) under the EP&A Act and any gateway determination requirements.
- 22 The gateway determination will confirm consultation requirements. This will include, at a minimum, formal written notification to property owners, publication on CN's web page, and letters to owners of adjoining and nearby properties.
- 23 CN will exhibit the planning proposal for a minimum of 28 days, as outlined in the department's Guide to Preparing Local Environmental Plans, unless otherwise advised by the gateway determination.

## BACKGROUND

- 24 A development application (DA2024/00028) was lodged on 22 January 2024 for multi dwelling housing (six dwellings), ancillary development (pool) and four into six lot subdivision including demolition of all existing structures at 22 Victoria Street Mayfield.
- 25 The development assessment found the *Newcastle City Wide Heritage Study 1997* identified the site as a potential heritage item for investigation. The development application was withdrawn on 13 February 2024.
- 26 On 6 March 2024, a Complying Development Certificate (CDC) (CD2024/00071) was issued for demolition of the existing dwelling and outbuildings.
- 27 A preliminary heritage assessment found the site likely to have heritage significance, and the approval of the CDC constituted an immediate threat of harm to the property.

## OPTIONS

### Option 1

- 28 The recommendation as at paragraph 1 to 4. This is the recommended option.

**Option 2**

- 29 Council resolves not to proceed with the planning proposal. This is not the recommended option as it would not acknowledge the findings of the heritage significance of the subject site or enable necessary amendments to the LEP 2012 to reflect those findings.

**ATTACHMENTS**

**Attachment A:** Planning Proposal – Heritage item at 22 Victoria Street Mayfield

**Attachment B:** 22 Victoria Street Mayfield—Heritage Significance Assessment, prepared by Artefact (May 2024)

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

## 8.7. CAMERON'S HILL HERITAGE CONSERVATION AREA - PLANNING PROPOSAL AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

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### PURPOSE

To endorse commencement of the statutory process for the Cameron's Hill Heritage Conservation Area (HCA) shown in (**Attachment A**). This proposes changes to Newcastle Local Environmental Plan 2012 (LEP 2012) and related changes to Development Control Plan 2023 (DCP 2023).

### RECOMMENDATION

- 1 That Council:
  - a) Endorses the planning proposal (**Attachment B**), prepared under Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend the LEP 2012 to create the Cameron's Hill HCA.
  - b) Forwards the planning proposal to the Department of Planning, Housing and Infrastructure (the department) for gateway determination under Section 3.34 of the EP&A Act, requesting the role of planning proposal authority.
  - c) Consults with the community and relevant government agencies as the gateway determination requires.
  - d) Exhibits the amendments to Section E2 - Heritage conservation areas (**Attachment C**) and Section E8 - Renewal corridors (**Attachment D**) of DCP 2023 for a minimum of 28 days, with the planning proposal.
  - e) Receives a report on the exhibition outcomes, considers any changes, and makes a final determination on the planning proposal and amended DCP 2023 Sections E2 and E8, following the close of the exhibition period.

### KEY ISSUES

- 2 Council received a community nomination in December 2018 to investigate the subject area, known as Cameron's Hill (the investigation area), for its potential as an HCA.
- 3 The investigation area (**Attachment A**) is predominantly zoned R2 low-density residential with some R3 medium-density residential.

- 4 The Cameron's Hill HCA nomination attracted further support during the November to December 2022 exhibition of Draft Section 6.04 of DCP 2012. Community submissions indicated strong interest in investigating the area for heritage significance. Council subsequently committed to investigating the area's heritage values, adjusting the Broadmeadow renewal corridor boundary, and adding an objective for development to be sympathetic to the built form of Cameron's Hill.
- 5 Cameron's Hill was assessed against the threshold for an HCA. The study was completed in May 2024 (**Appendix 2 of Attachment B**). It provides an overview of the historical development of the area, analyses its characteristic built form and significant architectural typology, and assesses its heritage significance. It classifies buildings in the study area as 'contributory', 'neutral', or 'non-contributory' based on their contribution to the streetscape character and heritage significance of the area. The heritage study recommendations include the preparation of the attached planning proposal and associated amendments to Sections E2 and E8 of DCP 2023.
- 6 The planning proposal seeks to designate the investigation area as an HCA. The planning proposal (**Attachment B**) aims to protect the heritage significance and the existing and desired future character of the area.
- 7 It is proposed to remove the investigation area from the floor space ratio and maximum building height mapping to ensure consistency with other HCAs within the LGA and best practice in heritage planning. This allows a more nuanced approach as such planning controls do not necessarily result in a built form that respects the character and significance of the existing building stock.
- 8 The proposed changes to Section E2 - Heritage Conservation areas (**Attachment C**) would amend DCP 2023 by inserting a Section 6.0 Cameron's Hill. The changes include a Statement of Heritage Significance and a Desired Future Character Statement to guide development in the proposed Cameron's Hill HCA, shown in red text in Draft Section E2.
- 9 Other minor amendments are proposed for Sections 7.0 to 14.0 of DCP 2023 Section E2. These provide clarity and consistency across our HCAs and the proposed Cameron's Hill HCA and are shown in red text.
- 10 Part of the proposed Cameron's Hill HCA, bounded by Belford/Tudor Streets, Steel Street and Dixon Street overlaps with the Broadmeadow Renewal Corridor area. Proposed changes to Section E8 - Renewal Corridors Section 2.0 (**Attachment D**) amends the DCP 2023 to guide development in this part of the HCA. The proposed amendments require consideration be given to conserving and maintaining the heritage significance of the HCA.
- 11 The Hunter Regional Plan 2041 identifies the Broadmeadow Regionally Significant Growth Area as needing a place strategy to coordinate growth before considering planning proposals for the precinct. The draft Broadmeadow Place Strategy recognises that "*the area known as Cameron's*

*Hill is partly located within the precinct and is being investigated by City of Newcastle (CN) as a potential HCA". The planning proposal is consistent with the draft Broadmeadow Place Strategy and its strategic direction to 'celebrate Country and heritage' and the action to "ensure unique heritage and character areas such as Cameron's Hill are appropriately reflected in planning controls".*

## **FINANCIAL IMPACT**

- 12 Costs for this project will be met within the existing allocated work program and budget.

## **NEWCASTLE 2040 ALIGNMENT**

- 13 The planning proposal is consistent with Newcastle 2030 Community Strategic Plan's strategic directions including:

### Liveable

- 1.1 Enriched neighbourhoods and places
- 1.1.3 Protected heritage places

### Achieving Together

- 4.2 Trust and transparency
- 4.2.1 Genuine engagement

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 14 Should Council endorse the planning proposal, it will be forwarded to the Department of Planning, Housing and Infrastructure (the department) for gateway determination. This will enable CN to exhibit the planning proposal and progress the amendment to the LEP 2012.
- 15 CN recognises the importance and diversity of heritage and is committed to the principles of heritage conservation under the Heritage Strategy 2020-2030 and the Newcastle Heritage Policy 2022.
- 16 The planning proposal and proposed amendments to Section E2 and E8 of DCP 2023 are consistent with CN's Heritage Strategy priority to protect and conserve the heritage places for the benefit of everyone.
- 17 The planning proposal and proposed amendments to Section E2 and E8 are consistent with CN's Local Strategic Planning Statement planning priority to protect and celebrate our heritage.
- 18 The planning proposal and proposed amendments to Section E2 and E8 are consistent with the draft Broadmeadow Place Strategy, its strategic direction to celebrate Country and heritage, and the action to 'ensure unique heritage

and character areas such as Cameron's Hill are appropriately reflected in planning controls'.

## **RISK ASSESSMENT AND MITIGATION**

- 19 The planning proposal and DCP amendments have been prepared following the requirements of Part 3 of the EP&A Act, and the department's Local Environmental Plan Making Guideline (2023) for amending an LEP.
- 20 The gateway determination will identify any further technical studies and the consultation requirements before the exhibition. This will ensure all relevant parties can consider and comment on the planning proposal before it is reported Council for final consideration.
- 21 Following gateway determination, CN may vary the planning proposal after considering any submissions received during public exhibition under Section 3.35 of the EP&A Act. Owners in the investigation area have the opportunity to make a submission during the public exhibition of the planning proposal.
- 22 Adherence to the legislative framework under the EP&A Act reduces risk by ensuring the process gives due regard to relevant strategic planning documents and is determined in an appropriate timeframe.

## **RELATED PREVIOUS DECISIONS**

- 23 At the Ordinary Council Meeting on 26 April 2023 Council adopted Section 6.04 Renewal Corridors of Newcastle Development Control Plan 2012. As part of this amendment, the Broadmeadow renewal corridor boundary was adjusted to remove the Cameron's Hill area, responding to its heritage characteristics.
- 24 The amendment changes included controls to ensure that development in the Broadmeadow renewal corridor is sympathetic to the built form of Cameron's Hill. The Council report noted the heritage values of the Cameron's Hill area would be further investigated for conservation.
- 25 At the Ordinary Council Meeting on 28 November 2023, Council endorsed Notice of Motion 9.4 Protecting and Valuing Newcastle's Heritage on 28 November 2023. It noted CN values the unique heritage and character of its buildings, streetscapes, and landscapes, and Council's commitment to exploring Cameron's Hill.

## **CONSULTATION**

- 26 Draft Section 6.04 Renewal Corridors of the DCP was exhibited between November and December 2022. During the exhibition, community submissions indicated a strong interest in investigating the area for heritage significance. In response, it was also acknowledged that the area's heritage values would be investigated for conservation.

- 27 The proposed amendments to Section E2 and E8 DCP 2023 (**Attachment C and D**) support the planning proposal. The intent is to exhibit the proposed DCP amendments with the planning proposal to the LEP 2012.
- 28 CN will consult with stakeholders (including the community) under the EP&A Act and any gateway determination requirements.
- 29 Statutory exhibition of the planning proposal and DCP amendments are required, and generally includes, at a minimum, formal written notification to property owners, publication on CN's web page, and letters to adjoining and nearby property owners.
- 30 CN will exhibit the planning proposal for a minimum of 28 days, as outlined in the department's Guide to Preparing Local Environmental Plans, unless otherwise advised by the gateway determination.

## **BACKGROUND**

- 31 Nil.

## **OPTIONS**

### **Option 1**

- 32 The recommendation as at Paragraphs 1 to 5. This is the recommended option.

### **Option 2**

- 33 Council resolves not to proceed with the planning proposal and associated amendments to Sections E2 and E8 of DCP 2023. This is not the recommended option and is inconsistent with CN's commitment to celebrate and conserve heritage places for the benefit of everyone, as identified in several adopted strategies.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Investigation Area - Cameron's Hill Heritage Conservation Area
- Attachment B:** Planning Proposal - Cameron's Hill Heritage Conservation Area
- Attachment C:** Amendments to DCP 2023 Section E2 Heritage Conservation Areas
- Attachment D:** Amendments to DCP 2023 Section E8 Section 2.0 Broadmeadow renewal corridor - Renewal corridors

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



## 8.8. AUDIT RISK AND IMPROVEMENT COMMITTEE CHARTER AND INTERNAL AUDIT CHARTER

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

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### PURPOSE

To adopt City of Newcastle's (CN) Audit Risk and Improvement Committee (ARIC) and Internal Audit Charters (the Charters).

### RECOMMENDATION

That Council:

- 1 Adopts the Audit, Risk and Improvement Committee Charter at **Attachment A**.
- 2 Adopts the Internal Audit Charter at **Attachment B**.

### KEY ISSUES

- 3 The *Local Government (General) Amendment (Audit Risk and Improvement Committees) Regulation 2023* (Regulation) was published on 1 December 2023 and commences on 1 July 2024.
- 4 The Office of Local Government (OLG) issued Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines) under Section 23A of *Local Government Act 1993* that also commence on 1 July 2024.
- 5 The Guidelines require the Council to adopt the Charters by 1 July 2024. The Council has historically adopted the Audit and Risk Committee Charter, however, it is a new requirement under the Regulation and the Guidelines that the Council also adopt the Internal Audit Charter.
- 6 The proposed ARIC Charter at **Attachment A** and Internal Audit Charter at **Attachment B** align with the model charters developed by OLG. Key deviations from the model ARIC Charter are shown in track changes at **Attachment C** and in summary include:
  - i) An additional Councillor observer (non-voting);
  - ii) Annual attestation by the Chief Executive Officer. The attestation will become part of CN's Annual Report as required by the Guidelines; and
  - iii) Agenda of normal Committee meeting and special Committee meeting (meeting in which CN's financials are discussed) may be merged.

- 7 The model Internal Audit Charter has been amended to align with the Global Internal Audit Standards, with all deviations from the model shown in track changes at **Attachment D** and in summary include:
- i) Assigning position of Chief Audit Executive to Internal Audit Coordinator and direct access to the CEO;
  - ii) CEO delegates the administrative responsibility of Internal Audit function to Executive Manager Legal and Governance;
  - iii) Recognition of professional standards to undertake Internal Audit activities;
  - iv) Alignment of roles and responsibilities of Internal Audit function;
  - v) Recognise management's responsibilities specifically towards management of risks and implementation of audit actions; and
  - vi) Review arrangements of the Internal Audit Charter.

### **FINANCIAL IMPACT**

- 8 The budget to support the Audit Risk and Improvement Committee are provided for in the annual budget.

### **NEWCASTLE 2040 ALIGNMENT**

- 9 The adoption of the ARIC Charter and the Internal Audit Charter are consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

#### **Achieving Together**

##### 4.3 Collaborative and innovative approach

##### 4.3.1 Collaborative organisation

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 10 Once adopted, the Charters will guide the activities of the ARIC and Internal Audit function going forward.
- 11 The key changes to be implemented by CN following the commencement of the Regulation include:
- i) A reduction from two voting Councillor members of the Committee to one non-voting member and one non-voting observer. The new Councillor member and observer will be appointed by the Council at the first meeting of the new Council in October 2024.
  - ii) Requirement for the Council to adopt and/or be consulted on a 4 year strategic workplan at the commencement of each Council term. This will include the forward internal audit plan for the Council term.
  - iii) Requirement for the Council to be consulted on an annual workplan.
  - iv) Increased remit of the ARIC particularly a new requirement around oversight of improvement.
  - v) The Council will also be required to undertake annual assurance (once a year) and strategic assurance (once a Council term) of ARIC.

## **RISK ASSESSMENT AND MITIGATION**

- 12 Adoption of the Charters ensures compliance with the Regulation.

## **RELATED PREVIOUS DECISIONS**

- 13 At the Ordinary Council meeting held on 27 February 2018, Council adopted the Audit and Risk Committee Charter.
- 14 At the Ordinary Council meeting held on 27 February 2024, Council received the Audit and Risk Committee Annual Report for 2022/2023 and noted the 2023/2024 Forward Internal Audit Plan.

## **CONSULTATION**

- 15 Consultation was undertaken with CN's Audit and Risk Committee and Governance and Risk Executive Committee.
- 16 A workshop was held with the Council on 11 June 2024 regarding the changes brought about by the new Regulation and Guidelines.

## **BACKGROUND**

- 17 CN has an existing robust and mature internal audit function, supported by an effective Audit and Risk Committee.

## **OPTIONS**

### **Option 1**

- 18 The recommendation as at Paragraph 1 – 2. This is the recommended option.

### **Option 2**

- 19 The Council does not approve the recommendation as at Paragraph 1 and Paragraph 2. This is not the recommended option.

## **REFERENCES**

[Local Government \(General\) Amendment \(Audit, Risk and Improvement Committees\) Regulation 2023.](#)

[Guidelines for Risk Management and Internal Audit \(updated November 2023\).](#)

## **ATTACHMENTS**

- Attachment A:** Audit Risk and Improvement Committee Charter  
**Attachment B:** Internal Audit Charter  
**Attachment C:** Tracked changes - Audit Risk and Improvement Committee Charter  
**Attachment D:** Tracked changes - Internal Audit Charter

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

## 8.9. SOCIAL INFRASTRUCTURE STRATEGY

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

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### PURPOSE

This report relates to how City of Newcastle's Draft Social Infrastructure Strategy has been impacted by the NSW Government's recent planning reforms and increased housing targets.

### RECOMMENDATION

That Council:

- 1 Notes that at the time of the Draft Social Infrastructure Strategy being placed on public exhibition in 2022 the forecast population for the Newcastle local government area (LGA) by 2041 was 201,668.
- 2 Notes that under the NSW Government's revised housing target for the Newcastle LGA announced in May 2024, the 2041 population is forecast to reach 256,000, which is almost 55,000 people more than previously identified by the Department of Planning and used in the Draft Social Infrastructure Strategy.
- 3 Notes the need for population estimates used in current City of Newcastle strategies and key planning documents to be reviewed against reforecast population and housing targets.
- 4 Reviews the draft Social Infrastructure Strategy and guiding principles to inform a policy position on Social Infrastructure within the Newcastle LGA

### KEY ISSUES

- 5 Infrastructure Australia defines Social Infrastructure as: 'the facilities, spaces, services and networks that support the quality of life and wellbeing of our communities. It helps the community to be happy, safe and healthy, to learn, and to enjoy life. The network of social infrastructure contributes to social identity, inclusion and cohesion and is used by all Australians at some point in their lives, often on a daily basis.'
- 6 Successful social infrastructure relies on the availability of facilities and spaces for services, programs and activities. It includes
  - i) **Hard infrastructure:** streets, footpaths and urban public places where social connection and exchange happens including parks, sporting fields, beaches, swimming pools, outdoor exercise areas and dog exercise areas. Facilities or physical structures such as halls, libraries, museums, art galleries and buildings where social, cultural and recreational services,

programs and activities are delivered or operate. And hospitals, courthouses, schools and tertiary education.

- ii) **Soft infrastructure:** Services and programs that are delivered via hard social infrastructure.
- 7 CN's draft Social Infrastructure Strategy identifies CN's social infrastructure priorities as:
    - i) Equitable distribution for growth and resilience
    - ii) Quality and adaptive places and spaces
    - iii) Community capacity-building and inclusion
    - iv) Governance, partnerships, and advocacy.
  - 8 Local infrastructure contributions, also known as developer contributions, are charged by councils when new development occurs. They help fund infrastructure like parks, community facilities, local roads, footpaths, stormwater drainage and traffic management. Since 2019 CN has funded \$30million worth of works towards provision of social infrastructure through contributions alone.
  - 9 The draft Social Infrastructure Strategy was placed on public exhibition between 28 September and 25 November 2022.
  - 10 On 5 December 2022 the NSW Government announced Broadmeadow as one of 10 precincts to significantly contribute to housing supply across NSW. It included a commitment to fund a place strategy for Broadmeadow, a planning proposal to rezone land for housing, and a strategic infrastructure and services assessment. Prior to this announcement, it was anticipated that the population of Broadmeadow would increase by 3,220 people by 2041 (**Attachment A**).
  - 11 Population forecasts for the Broadmeadow Place Strategy increased regularly throughout its 18 month development, culminating in May 2024 at an additional 40,000 people over the next 30 years.
  - 12 In December 2023, the NSW Government announced significant planning reform for the Newcastle LGA to encourage transport-oriented development (TOD) of higher-density homes around selected rail stations.
  - 13 The NSW Government's SEPP rules include four train stations within the Newcastle LGA; Adamstown, Newcastle Interchange, Hamilton and Kotara. The likely impact on the forecast populations of the four areas is estimated to be an additional 6,800 people.
  - 14 Under a new housing target for the Newcastle LGA announced by the NSW Government in May 2024, the population will increase by more than 86,000 people by 2041. This would bring the LGA's population to approximately 256,000 - larger than the Northern Territory. If the city continues to meet this housing target out to 2041, the LGA's population forecast will be more than 55,000 people above the NSW Government's previous forecast of 201,668.

- 15 The technical evidence which underpinned CN's draft Social Infrastructure Strategy now requires an informed city wide policy position as a result of revised housing targets set by the NSW Government.

### **Transit Oriented Development (TOD) State Environmental Planning Policy (SEPP)**

- 16 The NSW Government's mandated TOD SEPP commenced on 13 May 2024 and provides new planning controls within 400m of well located railway stations to allow for the development of well-designed mid-rise housing and affordable housing to address the current NSW housing crisis.
- 17 The reforms allow a maximum height of 22m for residential flat building and 24m for shop top housing, the equivalent of six storey apartment buildings.
- 18 For the Newcastle LGA the TOD SEPP will apply to the rail precincts of Adamstown, Hamilton, Kotara and Newcastle Interchange.

### **NSW Government Housing Targets**

- 19 In May 2024 the NSW Government increased housing targets across NSW as prescribed under the Environmental Planning and Assessment Act.
- 20 The target for Newcastle is 11,100 house completions by 2029, more than double the 5,316 dwellings completed in the LGA in the five years between 2017 and 2022.
- 21 The new housing targets could deliver up to 26,600 people into the Newcastle LGA over the coming five years (2029). Cumulatively, this translates to an annual population growth rate of approximately 3 per cent a year, triple Newcastle's 10-year average.

### **Draft Broadmeadow Place Strategy**

- 22 CN and the NSW Government have developed a draft Broadmeadow Place Strategy and rezoning plan which will guide future development in the area, and provide the opportunity for additional housing, jobs and population growth, as well as a world-class sports and entertainment precinct.
- 23 The draft Strategy is on public exhibition until 24 July 2024 and will have significant impacts in the Broadmeadow precinct and neighbouring suburbs with a proposal for an additional 40,000 people and 20,000 dwellings over the next 30 years.

### **FINANCIAL IMPACT**

- 24 A review of the draft Social Infrastructure Strategy and guiding principles to inform a city wide policy position on Social Infrastructure are contained within CN's annual operational budget.

- 25 All future costs of social infrastructure to support population growth in the planning catchments and across the City will be considered as part of CN's long term financial plan, delivery program and operational plan.

## **NEWCASTLE 2040 ALIGNMENT**

- 26 The information provided is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan.

### 1. Liveable Newcastle

#### 1.1 **Enriched neighbourhoods and places**

1.1.1 Great spaces

1.1.2 Well-designed places

#### 1.2 **Connected and fair communities**

1.2.1 Connected communities

1.2.4 Healthy communities

#### 1.4 **Innovative and connected city**

1.4.1 Emerging technologies

### 4. Achieving Together

#### 4.1 **Inclusive and integrated planning**

4.1.1 Financial sustainability

#### 4.3 **Collaborative and innovative approach**

4.3.1 Collaborative organisation

4.3.2 Innovation and continuous improvement

4.3.3. Data-driven decision-making and insights

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 27 Social infrastructure considerations will continue to reflect and respond to existing planning frameworks and reforms put forward by the NSW Government.

- 28 CN's existing strategies and key planning documents will continue to be reviewed against reforecast population and housing targets to reflect community need for social infrastructure that contributes to Newcastle as a liveable, sustainable, inclusive global city.

## **RISK ASSESSMENT AND MITIGATION**

- 29 Nil

## **RELATED PREVIOUS DECISIONS**

- 30 At the Ordinary Council Meeting of 25 June 2019 Council endorsed a Lord Mayoral Minute to resource and develop a Social Infrastructure Strategy that provides for the funding, planning and delivery of social infrastructure in a strategic and coordinated way, particularly in the context of a growing and increasingly diverse population.
- 31 At the Ordinary Council Meeting of 27 September 2022 Council resolved to exhibit the draft Social Infrastructure Strategy.



## **CONSULTATION**

- 32 The Draft Social Infrastructure Strategy was developed and placed on public exhibition between 28 September and 25 November 2022. In total there were 22 submissions through a CN online form and email, and approximately 300 community members and stakeholders engaged at 15 exhibition events and workshops.

## **BACKGROUND**

- 33 On 5 December 2022, the NSW Government announced the Rezoning Pathways Program which identified Broadmeadow as one of 10 precincts to significantly contribute to housing supply across NSW. At that time, it was anticipated that the population of Broadmeadow would increase by 3,220 people to 2041.
- 34 The draft Broadmeadow Place Strategy currently on public exhibition forecasts the population of Broadmeadow to increase by 40,000 people over the next 30 years.
- 35 In December 2023, the NSW Government announced significant planning reform for the Newcastle LGA to encourage transport-oriented development (TOD) of higher-density homes around selected rail stations, which will generate. These changes are forecast to increase the population in these areas by more than 6,800 people.
- 36 Since 2019 CN has continued to provide social infrastructure across the city aligned to relevant adopted plans and strategies. The improvements have been supported through annual works programming and developer contributions.

## **OPTIONS**

### **Option 1**

- 37 Council resolves to adopt the recommendation as at Paragraph 1 – 4. This is the recommended option.

### **Option 2**

- 38 Council resolves not to adopt the recommendation. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Draft Social Infrastructure Strategy Planning Catchments

**Attachment A distributed under separate cover**

## 8.10. CITY OF COFFS HARBOUR - MEMORANDUM OF UNDERSTANDING

**REPORT BY: EXECUTIVE OFFICER TO CHIEF EXECUTIVE OFFICER**  
**CONTACT: CHIEF EXECUTIVE OFFICER**

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### PURPOSE

To endorse a Memorandum of Understanding (MoU) with City of Coffs Harbour (CCH).

### RECOMMENDATION

That Council:

- 1 Endorses the Memorandum of Understanding with City of Coffs Harbour as shown at **Attachment A**
- 2 Delegates authority to the Lord Mayor and Chief Executive Officer to sign the document on its behalf.

### KEY ISSUES

- 3 Sustained population growth, continued economic inter-dependencies and the complex issues of service delivery have given rise to a new set of relationship drivers between City of Newcastle (CN) as the Hunter region's capital and CCH as a fellow New South Wales council. Ensuring appropriate service delivery, sustainable regional growth and future economic prospects are important priorities for both Councils.
- 4 The MoU is a non-binding statement of intent by each party to work together on strategic and operational issues impacting Local Government.
- 5 The MoU sets out the arrangements for liaison between CN and CCH in relation to possible:
  - i) sharing of information to enhance learning and understanding, as well as the community experience,
  - ii) exploring opportunities for joint advocacy,
  - iii) submissions or funding applications, tendering, and
  - iv) sharing staff resources to enhance the skills of Local Government employees.

- 6 The MoU acknowledges the preparedness of CN and CCH, in the public interest, to share with each other as far as is legal and practicable, information in each agency's possession relevant to matters within the jurisdiction of the other.
- 7 Project specifics will be determined by a committee comprising senior employees of both organisations.
- 8 The shared principles that underpin the MoU include:
  - i) the economic and social prosperity of Newcastle and Coffs Harbour are stronger and more resilient through innovation and collaboration between regional Local Government partnerships,
  - ii) our communities will benefit from cooperation that helps build capacity and capability of our staff and systems,
  - iii) our financial strength and competitive advantage increase when working together, and
  - iv) knowledge sharing provides efficiencies that enables better value and more strategic outcomes for our communities.

## **FINANCIAL IMPACT**

- 9 There is no financial cost associated with CN's execution of this MoU.

## **NEWCASTLE 2040 ALIGNMENT**

- 10 The MoU is consistent with the strategic directions of the Newcastle 2040 Community Strategic Plan:

### **Creative City**

#### 3.4 City-shaping partnerships

##### 3.4.1 Optimise city opportunities

##### 3.4.2 Advocacy and Partnerships

### **Achieving Together**

#### 4.3 Collaborative and innovative approach

##### 4.3.1 Collaborative organisation

##### 4.3.2 Innovation and continuous improvement

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 11 Strategic priorities will be geared towards shared goals within each Council's Community Strategic Plan, Delivery Program and Operational Plan, as well as priorities where a united approach will help create progress and remove barriers.

## **RISK ASSESSMENT AND MITIGATION**

- 12 Nothing in this MoU will influence the execution of statutory functions and processes – including those of the Council.
- 13 The MoU is non-binding, unless and until such time that the Parties execute a legally binding agreement.
- 14 Parties remain bound by existing legal conditions such as the Intellectual Property rights of each Council.

## **RELATED PREVIOUS DECISIONS**

- 15 At the Ordinary Council Meeting held on 23 April 2024 Council endorsed a Memorandum of Understanding with Upper Hunter Shire Council.
- 16 At the Ordinary Council Meeting held on 23 April 2024 Council endorsed a Memorandum of Understanding with Muswellbrook Shire Council.

## **CONSULTATION**

- 17 The MoU has been prepared in consultation with CCH.
- 18 Community engagement undertaken as part of the 2040 Community Strategic Plan in 2021 identified city-shaping partnerships as a priority. Collaboration with other councils strengthens CN's capability to deliver strategic outcomes for Newcastle and the region.

## **BACKGROUND**

- 19 In early 2023 CN and CCH commenced discussions regarding the benefits of an agreement between both councils to formalise collaboration. Since then the councils have shared information regarding submissions on proposed government policies as well as information relating to emerging challenges in the local government industry. The concept of a MoU between CN and CCH was raised earlier this year, once discussions between CN and Muswellbrook and Upper Hunter councils gained momentum, ultimately leading to Council endorsed agreements at the April Ordinary Council Meeting.

## **OPTIONS**

### **Option 1**

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

## **Option 2**

- 21 Council resolves not to endorse the MoU between CN and CCH. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Memorandum of Understanding between City of Newcastle and City of Coffs Harbour

**Attachment A distributed under separate cover**

## 8.11. EXECUTIVE MONTHLY PERFORMANCE REVIEW

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

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### PURPOSE

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

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

### RECOMMENDATION

That Council:

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

### KEY ISSUES

- 2 At the end of May 2024 the consolidated YTD actual operating position is a surplus of \$14.0m which represents a positive variance of \$10.1m against the budgeted YTD surplus of \$3.9m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full revised budget for 2023/24 is a surplus of \$7.6m.
- 3 The net funds generated as at the end of May 2024 is a surplus of \$35.4m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$28.5m. This is primarily driven by the positive operating result.
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

### FINANCIAL IMPACT

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

## **NEWCASTLE 2040 ALIGNMENT**

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

### **Achieving Together**

#### 4.1 Inclusive and integrated planning

##### 4.1.1 Financial sustainability

## **IMPLEMENTATION PLAN/IMPLICATIONS**

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

## **RISK ASSESSMENT AND MITIGATION**

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

## **RELATED PREVIOUS DECISIONS**

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

## **CONSULTATION**

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

## **BACKGROUND**

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

## **OPTIONS**

### **Option 1**

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

### **Option 2**

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

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Executive Monthly Performance Report - May  
2024

**Attachment A distributed under separate cover**



**8.12. TENDER REPORT - BIENNIAL ROAD HEAVY PATCHING SERVICES - CONTRACT NO. 2024/102T**

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

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**PURPOSE**

To accept tenders for the provision of Road Heavy Patching Services to deliver road pavement repairs as required across the Newcastle LGA.

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

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**REASON FOR CONFIDENTIALITY**

The discussion of a confidential attachment takes place in a closed session, with the media and public excluded. It is contrary to the public interest to discuss tenders in an open meeting because the information provided to CN by tenderers is provided on the basis that it will be treated as commercial-in-confidence. In accordance with 10D(2) of the Act, the grounds for closure of part of the meeting must be recorded in the minutes of the meeting.

The confidential attachments have been classified confidential in accordance with the provisions of the *Local Government Act 1993* (the Act) as follows:

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.
  - Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
    - (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
    - (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 

**RECOMMENDATION**

- 1 At **Attachment A**.

**KEY ISSUES**

- 2 **TENDER**  
2024/102T: Biennial Road Heavy Patching Services

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

The tender provides the following heavy patching options:

- i) Deep lift asphalt patching
- ii) Stabilized granular patching,
- iii) Unbound granular patching, and
- iv) Provisional pavement materials

The contract scope includes the removal of existing failed pavement, excavation, foundation treatment, and the placement of heavy patching materials to matched surrounding road surface levels. Further, the provision of traffic control operations, and conformance testing is also included.

### 3 **CONTRACT TERM**

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

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

### 4 **ADVERTISING OF TENDERS**

- i) Sydney Morning Herald 12 March 2024
- ii) Newcastle Herald 9 March 2024
- iii) Nationally via TenderLink 12 March 2024

### 5 **TENDERS RECEIVED**

Tenders closed at 2pm on the Tuesday 9 April 2024. Submissions were received from 11 tenderers as follows:

- i) Accurate Asphalt & Road Repairs Pty Ltd,
- ii) ANA Industries Pty Ltd, t/as ANA Asphalts
- iii) Consolidated Civil & Construction
- iv) Downer EDI Works Pty Ltd
- v) Durack Civil Pty Ltd
- vi) Fenworx Pty Ltd, t/as Newpave Asphalt
- vii) Jet Black Pavements Pty Ltd
- viii) Knight Civil Pty Ltd
- ix) Mr Diggitt Pty Ltd
- x) State Civil Pty Ltd
- xi) Whitleah Co Pty Ltd

**6 EVALUATION PROCESS**

The tenders were assessed against the following criteria:

i)	Cost Estimate	40%
ii)	Previous Experience	15%
iii)	Management and Physical resources	15%
iv)	WHS	10%
v)	Quality Assurance	10%
vi)	Environment	5%
vii)	Supplier Diversity	5%

Total: 100%

The tenders were assessed by a Tender Assessment Panel consisting of relevant CN officers.

Contracts Management staff provided probity for the tender evaluation in accordance with CN's Policy.

**7 RECOMMENDED TENDERERS**

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

All submissions have been assessed against nominated criteria.

**8 FINANCIAL IMPACT**

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

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

The current estimated total expenditure under this contract for the two-year period is \$6M, which would be adjusted as required to fall within adopted budgets. A further \$3M per annum is anticipated for each of the 12-month optional extension periods. Project costs will be closely monitored to ensure budgets are not exceeded.

**IMPLICATIONS**

**9 POLICY IMPLICATIONS**

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

**Liveable**

- 1.3 Safe, active, and linked movement across the City of Newcastle
  - 1.3.1 Connected cycleways and pedestrian networks
  - 1.3.2 Road networks

**10 ENVIRONMENTAL IMPLICATIONS**

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

**11 ECOLOGICAL SUSTAINABILITY DEVELOPMENT (ESD)**

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

**IMPLEMENTATION**

- 12 The implementation of the recommendation allows CN to undertake pavement patching and reconstruction works as required, throughout the LGA. While CN maintains the capability to deliver a proportion of these works, it would not be prudent for CN to deliver the full scope in-house. The contract includes supply of materials, and high capital specialist plant and equipment with associated labour.

**CONSULTATION/COMMUNICATION**

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

**BACKGROUND**

- 14 The tendered contract was for road pavement patching and reconstruction. Supplementing CN capability is required in delivery of the CN road heavy patching and civil construction programs.

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

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

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

## **OPTIONS**

### **Option 1**

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

### **Option 2**

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

### **Option 3**

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

### **Option 4**

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

### **Option 5**

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

## **ATTACHMENTS**

**Attachment A:** Confidential Recommendation

**Attachment B:** Tender Evaluation Matrix - Summary (CONFIDENTIAL)

***Refer Confidential Council Meeting Agenda 25 June 2024 for Attachments A - B***

### 8.13. WRITE-OFF OF SUNDRY DEBT

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

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#### PURPOSE

To write off a Sundry Debt.

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#### REASON FOR CONFIDENTIALITY

The discussion of a confidential attachment takes place in a closed session, with the media and public excluded. The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. In accordance with 10D(2) of the Act, the grounds for closure of part of the meeting must be recorded in the minutes of the meeting.

The confidential attachment has been classified confidential in accordance with the provisions of the Local Government Act 1993 as follows:

Section 10A(2)(e) information that would, if disclosed, prejudice the maintenance of law

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#### RECOMMENDATION

That Council:

- 1 At **Attachment A**.
- 2 This confidential attachment relating to the matters specified in s10A(2)(e) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

#### KEY ISSUES

- 3 On-going action by City of Newcastle's (CN) and its contracted Mercantile Agent has been unable to recoup an outstanding debt. This debt relates to the supply of various work zone permits by CN.
- 4 The debt was incurred between December 2022 and July 2023. Details of the debt are as identified at **Attachment A**.

- 5 The subject debtor is now in liquidation. The appointed liquidator, O'Brien Palmer, advises that a distribution to unsecured creditors is unlikely. Authority is now requested to have the debt written-off. Sufficient funds are available in the Provision for Doubtful Debts account to enable this action to occur.
- 6 This report recommends the write-off of this sundry debt amount. In accordance with the provisions of Clause 213 of the *Local Government (General) Regulation 2005*, this amount may be written-off only by resolution of the Council.

### **FINANCIAL IMPACT**

- 7 The amount outstanding of \$35,793.15 has been provided for in the Provision for Doubtful Debts. Writing-off this debt will decrease the value of CN's sundry debtors as well as reduce the Provision for Doubtful Debts on CN's Balance Sheet.
- 8 Writing-off this sundry debt will have negligible impact on CN's 2023/2024 operating result.

### **NEWCASTLE 2040 ALIGNMENT**

- 9 The write-off of the sundry debt is consistent with the following strategic directions of the Newcastle 2040 Community Strategic Plan.

#### **Achieving Together**

- 4.1 Inclusive and integrated planning
  - 4.1.1 Financial sustainability

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 10 Implementation of this report is consistent with Council's Debt Management Guidelines and Clause 213 *Local Government (General) Regulation 2005*.

### **RISK ASSESSMENT AND MITIGATION**

- 11 Debt Recovery action has been implemented in accordance with the processes within Council's Debt Management Guidelines.

### **RELATED PREVIOUS DECISIONS**

- 12 Nil

### **CONSULTATION**

- 13 Nil

## **BACKGROUND**

- 14 Between December 2022 and July 2023, the debtor incurred a debt through the purchase of work zone permits from CN. Despite attempted negotiation with the debtor by CN, the invoices remain unpaid.
- 15 CN instigated subsequent legal action against the debtor through its Mercantile Agent in August 2023. To date recovery action has been unsuccessful.
- 16 Investigation of the debtor's affairs indicates the debtor was placed into external administration in August 2023. The appointed liquidator, O'Brien Palmer, advises that a distribution to unsecured creditors is unlikely. Authority is now requested to have the debt written-off. Sufficient funds are available in the Provision for Doubtful Debts account to enable this action to occur.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 18 Council does not resolve to write-off the sundry debt. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Confidential Detail of sundry debt account

***Refer Confidential Council Meeting Agenda 25 June 2024 for Attachment A***



## 9. NOTICES OF MOTION

### 9.1. PUBLIC AND ENVIRONMENTAL HEALTH: MINE SUBSIDENCE AND CONTAMINATION DA2018/03151

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

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#### PURPOSE

*The following Notice of Motion was received on Thursday 13 June 2024 from the abovementioned Councillors.*

#### MOTION

That City of Newcastle:

- 1 Reiterates the significant history of expressed concerns over the proposed public health and environmental health impacts of Development Application DA2018/01351 at Woodford Street Minmi for 858 dwellings;
- 2 Reiterates that local community members, particularly those living in areas of Minmi, Fletcher, and Maryland, as well as City of Newcastle planning staff and Councillors, have raised concerns over many years about the public and environmental health impacts of proposed DA2018/01351, to residents, environment, and animals; including:
  - Submissions to the Hunter Central Coast Regional Planning Panel (HCCRPP) at the December 2022 and March 2024 HCCRPP public determination meetings,
  - CN planning staff recommendation to the HCCRPP to reject the proposed development in December 2022, and subsequent HCCRPP refusal,
  - Council Resolution of December 2022 noting the refusal and the seeming neglect of the social, environmental, transport, and public health impacts on existing and future populations,
  - Council Resolution of March 2024 noting the overdevelopment and environmental degradation of DA2018/01351 allowed under historical approval of the 2013 Concept Plan for the Minmi Precinct Design Guidelines (under the now-repealed Part 3A planning instrument), as inconsistent with contemporary planning instruments, and therefore requesting the NSW Minister of Planning call in the Development Application;
- 3 Notes that in March 2024 that DA2018/01351 was approved by the Hunter Central Coast Regional Planning Panel as generally consistent with the historical 2013 Concept Plan approval;

- 4 Notes with concern that the January 2024 Statement of Environmental Effects for DA2018/01351 estimates 37,500 cubic metres of contaminated soils containing heavy metals (lead and copper), asbestos materials, heavy-traction hydrocarbons and other unknown toxic waste to be buried on the site, and estimates that up to 15,000 cubic metres (exceeding human health criteria of 1860 cubic metres max) of "likely new contamination finds" will be transported out of the area;
- 5 Notes with concern the significant undermining in the area from Coal and Allied former mine workings dating back to the mid-20th century, already experiencing subsidence, at risk of further subsidence, and containing significant contamination;
- 6 Notes the volume of concerns raised by the community with Winten, Daracon, City of Newcastle planning staff, and Councillors about the impacts on the public and environmental health of residents and animals in the area due to the pollution, noise, vibration, dust, slag, tailings, contamination, waste, etc, created by the disturbance and removal of bushland and contaminated soil and waste since Winten's groundworks for DA2015/10393 began in Minmi in 2021;
- 7 Notes that City of Newcastle planning staff recommended to the HCRRPP as a Condition of Consent for DA2018/01351 that Winten initiates and engages in ongoing dialogue with the input of Community Liaisons to guide any future works, due to the significant volume of public and environmental health concerns over DA2015/10393, and the need to ensure Winten and any private certifier as the consent authority for compliance of any works address all ongoing concerns; and therefore:
- 8 Resolves that any concerns over the significant risks to public health posed by future works of DA2018/01351, as outlined in planning approval, should be addressed with the Community Liaison group.

## **BACKGROUND**

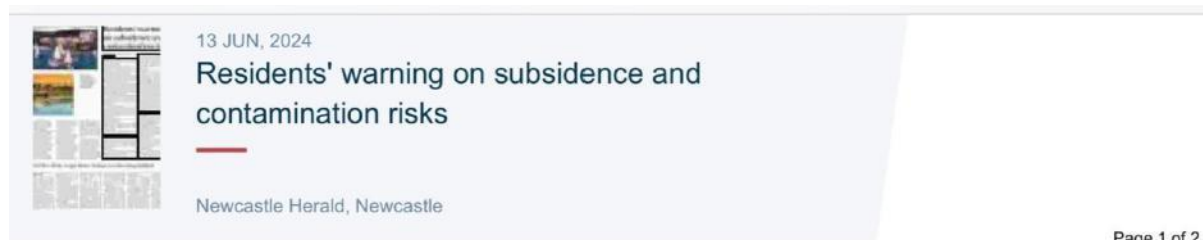
Nil.

## **ATTACHMENTS**

- |                      |  |
|----------------------|--|
| <b>Attachment A:</b> | Newcastle Herald, 13 June 2024                           |
| <b>Attachment B:</b> | Council resolution 28 May 2024, Fixing transport amenity |
| <b>Attachment C:</b> | Council resolution 26 March 2024, Historical approval    |

Attachment A

Newcastle Herald, 13 June 2024



**MINMI BATTLEGROUND**

# Residents' warning on subsidence and contamination risks

**Matthew Kelly**

LARGE sections of Minmi Estate are at a high risk of mine subsidence or contain significant contamination, say residents fighting to stop the development.

The Green Corridor Coalition has used maps showing former mine workings in the area that date back to the mid-20th century to identify areas of likely subsidence.

When overlaid over Winten Property's approved plans for the 858-lot lot development, they show dozens of homes will be built over the former coal mine workings.

"Green Corridor's submission to the Winten DA was all about areas in and around Minmi that were zoned residential in 2013 and are now shown as open public space in their subdivision plans," Green Corridor spokesman Brian Purdue said.

"We pointed out that this must be changed to a conservation or recreational zone straightaway to avoid any possibility of using this housing zone to develop these areas in the future.

"To our knowledge this has not been done but now that the developer has increased the number of houses by increasing the density in high-subsidence areas this opens up the opportunity to expand the open spaces further - fair's fair."

Winten Property did not comment about the group's concerns.

The Hunter Central Coast Regional Planning Panel approved Winten Property Group's residential subdivision at Woodford Street in March.

Panel chairman Paul Mitchell said the panel had unanimously approved the application on the basis that it was in the public interest.

lic interest.

The approval came despite the community and City of Newcastle planning staff and councillors raising concerns about the project's social, environmental and infrastructure impacts.

The issue is among a range of concerns that residents will discuss at a town meeting scheduled for Saturday, June 29.

Minmi resident Kathy White said she was particularly concerned about the disturbance and removal of contaminated land.

She cited the January 2024 Statement of Environmental Effects that estimates 37,500 cubic metres of contaminated soils containing heavy metals, (lead and copper), asbestos materials, heavy-traction hydrocarbons and other unknown toxic waste are buried on the site.

"How can this report correctly estimate that up to 15,000 cubic metres of "likely new contamination finds" exceeding human health criteria of which only 1860 cubic metres (max) will be transported out of the area. Locals know that contaminated fill is everywhere in Minmi," she said.

"The land directly behind Minmi Creek is all overburden and mine waste and this is very close to many homes where children in particular live, and is also close to the school.

"Lead is particularly dangerous to developing brains of young children.

"As well, there is contaminated soils in heavily timbered areas and likely, as the report suggests, in land yet to be discovered."

Ms White said organisers were calling for:

- More protection for the environment (forest, flora and fauna, especially the endangered);

#isentia

AUTHOR: Matthew Kelly SECTION: GENERAL NEWS ARTICLE TYPE: NEWS ITEM AUDIENCE : 42,000 PAGE: 13 PRINTED SIZE: 355.00cm' REGION: NSW MARKET: Australia ASR: AUD 983 WORDS: 596 ITEM ID: 2081010130



13 JUN. 2024

### Residents' warning on subsidence and contamination risks

Newcastle Herald, Newcastle

Page 2 of 2

I A revised transport plan as the present road system will not cope;  
I Public health- protection from the various dangerous contaminants that will be dug up and exposed to the air;  
The Planning Minister to reconsider the outdated plan; and,  
I Winten to come to the table to change their footprint on this land.

The Department of Planning, Housing and Infrastructure said recently that there were no plans to overturn or amend the planning approval

"The Regional Planning Panel confirmed the application is consistent with the terms of the concept approval and the approved set of Minmi Precinct Design Guidelines," a spokesman said

"The development application was assessed by Newcastle City Council staff and recommended for approval. The developer can now commence subdividing the land, within the conditions of approval."

**Attachment B Council resolution 28 May 2024, Fixing transport amenity****20240528 LATE ITEM: Winten developments in Newcastle**

That Council:

- 1 Reiterates the previous concerns of this elected Council over the many inadequacies of Winten's current and future proposed work in the city between Fletcher and Minmi, that suggest a disregard for the potential significant impacts on the local community,
- 2 Notes the Lord Mayoral Minute of December 13 2022, regarding the HCCRPP December 5 2022 refusal for the Winten Development Application DA2018/01351 for 858 lots at Woodford Street, Minmi, for reasons including:
  - a. The failure to address strong concerns regarding traffic safety and public transport along and proximate to Minmi Road and Woodford Street, insufficient information to demonstrate the impacts of the development on the natural or built environment, lack of compliance with flood planning regulations, insufficient information regarding the elimination or mitigation of mine subsidence, insufficient noise mitigation measures and insufficient information for an assessment of the biodiversity impacts of proposed development,
- 3 Notes the Lord Mayoral Minute of March 26 2024 regarding the HCCRPP determination of the Development Application DA2018/01351 that City of Newcastle:
  - a. Reiterates that we do not support the outdated 2013 Concept Plan approved by the Department of Planning for Development Application - DA2018/01351 for 858 lots at Woodford Street, Minmi;
  - b. Reiterates that the outdated 2013 Concept Plan approval for this site does not meet community expectations and contemporary planning instruments available in 2024, and therefore;
  - c. Calls on the NSW Department of Planning to heed community and Council concerns, immediately halt the development assessment process, and revise the proposal in accordance with contemporary planning expectations and instruments.
- 4 Recognises the incredible volume of community concerns raised over this term of Council including regarding the insufficient groundworks and roadworks to facilitate integrated planning for active, public and private transport, and for safe and adequate traffic accessibility during current Winten Stage 1A DA2015/10393,

- 5 Notes existing deficits of active, public and private transport infrastructure that impact on liveability, connectivity, public safety and accessibility in and around the area,
- 6 Notes the commitments of this Council in our City's Western Suburbs Contribution Plan, forthcoming Walking Mobility Plan, and Cycling Plan to seek to address some of these issues, and our current funding and works to improve the trafficability of Minmi Road between Longworth Avenue and Summerhill Road, and
- 7 Recognising the heavy volume of traffic that moves around and through the area and community concerns regarding adequate transport planning,
- 8 Resolves that an urgent traffic investigation is undertaken by Council staff on the operation and capacity of Minmi Road including potential funding mechanisms, to service current and future populations across a range of transport modes and seek a workshop as soon as can be accommodated.

**Attachment C Council resolution 26 March 2024, Historical approval**

**LMM 26/03/2024: Hunter & Central Coast Regional Planning Panel Winten Development Application in Minmi**

That City of Newcastle:

1. Reiterates that we do not support the outdated 2013 Concept Plan approved by the NSW Government for Development Application - DA2018/01351 for 858 lots at Woodford Street, Minmi;
2. Reiterates that the outdated 2013 Concept Plan approval for this site does not meet community expectations and contemporary planning instruments available in 2024, and therefore;
3. Calls on the NSW Government to heed community and Council concerns, immediately halt the development assessment process, and revise the proposal in accordance with contemporary planning expectations and instruments.

**BACKGROUND**

**Attachment A: Media Statement - Minmi development application, City of Newcastle 18/03/2024**

**Attachment B: Notice of Motion 13/12/2023: Winten VPA**

**Attachment C: LMM 13/12/2023 - Hunter & Central Coast Regional Planning Panel Refusal of Winten Development Application in Minmi**

## 9.2. ASTRA AEROLAB TENANTS

**COUNCILLORS: C MCCABE AND J MACKENZIE**

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### PURPOSE

*The following Notice of Motion was received on Wednesday 12 June 2024 from the abovementioned Councillors.*

### MOTION

That Council:

1. Notes that Newcastle Council's Investment and Borrowing Policy includes Environmental and Social Investment Guidelines (7.1.4) that specifically identify 'production or supply of armaments' as investment that should be avoided as it is considered a socially harmful activity.
2. Notes that Newcastle Council made a commitment to the Sustainable Development Goals in 2015 which are referenced in all key strategic policies and strategies including the 2040 Community Strategic Plan.
3. Notes that Goal 16 of the SDGs is to *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*
4. Notes that the Newcastle Airport Pty Ltd is jointly owned by City of Newcastle and Port Stephens Council and is governed by a board of directors which includes councillors and independent directors.
5. Notes that Newcastle Airport has established Astra Aerolab as a precinct which "brings together a convergence of defence, aerospace and advanced manufacturing (to) create a unique environment enabling globally significant research and innovation".
6. Notes that two DA approvals for lots 106 and 109 allow for a hybrid office and an industrial warehouse, both with multiple tenants and reportedly designed for defence companies. (Attachment I)
7. Notes that a DA lodged with Port Stephens Council in February this year included in the application "Industrial processes proposed within the workshop will include production, welding [and] assembly of equipment for defence activities". (Attachment H)
8. Notes that the Newcastle Airport 2022/23 Annual Report states that: "New tenants secured at the airport precinct in preparation for Astra Aerolab projects include Boeing, Daronmont Technologies and Plexsys." (Attachment G)



9. Notes that BAE is a pre-existing tenant which has been absorbed into the Astra Aerolab precinct and is now paying rent to the Greater Newcastle Aerotropolis Pty Ltd, which is jointly owned by City of Newcastle and Port Stephens Council.
  
10. Moves that Newcastle City Council advises the GNAPL board that it does not support leasing to companies that contradict its own Investment and Borrowing Policy, including but not limited to BAE, Lockheed Martin, Electro Optic Systems, Raytheon, Daronmont Technologies, and Plexsys.

## ATTACHMENTS

**Attachment A:** <https://eos-aus.com/defence/>

**Attachment B:** <https://www.raytheonaustralia.com.au/what-we-do>

**Attachment C:** <https://www.plexsys.com/>

**Attachment D:** <https://www.lockheedmartin.com/>

**Attachment E:** <https://www.baesystems.com/en-aus/home>

**Attachment F:** <https://daronmont.com.au/>

**Attachment G:** <https://www.newcastleairport.com.au/media/mgdkbqlh/annual-report-2022-2023.pdf>

**Attachment H:** <https://www.newcastleherald.com.au/story/8514364/high-tech-raaf-contractor-plans-new-williamtown-airport-workshop/>

**Attachment I:** <https://www.newcastleherald.com.au/story/7986748/airport-lodges-plans-for-40m-astra-aerolab-buildings/>

## **9.2.1. DIRECTORS REPORT ON NOTICE OF MOTION - NOM 25/06/24 - ASTRA AEROLAB TENANTS**

**REPORT BY: EXECUTIVE OFFICE**  
**CONTACT: ACTING CHIEF EXECUTIVE OFFICER**

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### **CHIEF EXECUTIVE DIRECTOR COMMENT**

City of Newcastle's (CN) Investment and Borrowing Policy (Policy) was last unanimously adopted by the elected Council in December 2023. The purpose of the Investments subsection of this Policy is to provide a framework for the investing of Council's funds at the most favourable rate of return available to Council at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

The Policy includes Environmental and Social Investment guidelines that specify the types of investment products and owners of the products that are permissible using CN funds. The Policy guidelines identify the 'production of supply of armaments' as an investment that should be avoided as it is considered a socially harmful activity.

However, the Policy is to provide a framework for the investment of Council's funds. It does not apply to the Newcastle Airport, which as outlined below is structured and governed separately.

Newcastle Airport consists of two companies, Newcastle Airport Pty Ltd (NAPL) and Greater Newcastle Aerotropolis Pty Ltd (GNAPL). Both companies are jointly owned by Newcastle City Council and Port Stephens Council. Further both companies are controlled by a majority independent board with management that operates independently of its shareholders.

NAPL is in the process of converting to a sustainability-based loan. This is being developed under NAPL's Sustainable Financing Framework which CN anticipates will be acceptable to a variety of potential lenders and has been verified by an independent third-party provider. In May 2023 the business received Level 4 Airport Carbon Accreditation, becoming just the second airport in Australia to receive the international rating. The Airport is currently building an expanded terminal to a 5 Star Green Star standard.

Astra Aerolab, is a property development brand and doesn't coincide with the NAPL and GNAPL corporate entities. GNAPL holds freehold land assets, including part of the Astra branded land and also land currently used for aviation purposes, plus significant land holdings that are unlikely to be branded as Astra. GNAPL's current land assets are making a return from an option fee from British Aerospace Systems Australia (BAESA) and through car parking. In the future the plan is to build facilities and/or lease land to businesses for a range of purposes. NAPL and GNAPL have no direct/indirect investment in BAESA.

GNAPL's objective is for direct investment in commercial real estate that can be leased to third parties. That is, there is no current intention to sell land or buildings to third parties or investment in third parties that may utilise facilities owned by NAPL or GNAPL. Neither NAPL or GNAPL have any current direct/indirect investments in the "production or supply of armaments".

There is no explosive ordnance manufacture / assembly on land owned by Newcastle Airport. Furthermore, there is no intention by the Airport to seek this type of tenant. The RAAF Base Williamtown has areas where explosive ordnance is stored, and none of this permitted land (the exclusion zone) overlaps with GNAPL's holdings.

Lastly, the Airport's landing holdings are entirely located within the Port Stephens local government area, and as such development application determinations and potential conditions of consent are a matter for Port Stephens Council.

## **RECOMMENDATION**

That Council:

- 1 Notes City of Newcastle's (CN) Investment and Borrowing Policy is to provide a framework for the investment of Council's funds. It does not apply to the Newcastle Airport, which is structured and governed separately.
- 2 Notes Newcastle Airport consists of two companies, Newcastle Airport Pty Ltd (NAPL) and Greater Newcastle Aerotropolis Pty Ltd (GNAPL). Both companies are jointly owned by Newcastle City Council and Port Stephens Council. Further, both companies are controlled by a majority independent board with management that operates independently of its shareholders.
- 3 Notes there is no explosive ordnance manufacture / assembly on land owned by Newcastle Airport. Furthermore, there is no intention by the Airport to seek this type of tenant.
- 4 Notes the Airport's landing holdings are entirely located within the Port Stephens local government area, and as such development application determinations and potential conditions of consent are a matter for Port Stephens Council.

## **10. CONFIDENTIAL REPORTS**

Nil.