



City of
Newcastle



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 27 April 2021

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

21 April 2021

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**ORDINARY COUNCIL MEETING
27 April 2021**

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

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 16 MARCH 2021

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 210316 Public Voice Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 16 March 2021 at 6.00pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, K Elliott (*arrived 6.07pm*), B Luke, J Mackenzie, A Robinson, A Rufo, E White (*arrived 6.08pm*) and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), L Duffy (Manager Parks and Recreation), A Abbott (Manager Community Strategy and Innovation), M Murray (Chief of Staff), J Vescio (Executive Officer), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

The Lord Mayor noted that she had received an apology from Councillor Jason Dunn and that Councillor White would be a late arrival at the meeting.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a less than significant non-pecuniary interest in Item 1 - Nomination to list Newcastle Recreation Reserve (King Edward Park) on the State Heritage Register stating that he lived a few blocks away from King Edward Park and as such enjoyed the park every day. He stated that he would remain in the Chamber for discussion of the item.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a non-significant, non-pecuniary interest in Item 1 - Nomination to list Newcastle Recreation Reserve (King Edward Park) on the State Heritage Register stating that she was a member of City of Newcastle's Guraki Committee and along with Rob Russell, Chief Executive Officer, of the Awabakal Land Aboriginal Land Council and would manage the interest by remaining in the Chamber.

Councillor Rufo

Councillor Rufo declared a non-significant, non-pecuniary interest in Item 1 - Nomination to list Newcastle Recreation Reserve (King Edward Park) on the State Heritage Register stating that he was a member of Council's Guraki Committee and along with Rob Russell, Chief Executive Officer, of the Awabakal Land Aboriginal Land Council and would manage the interest by remaining in the Chamber.

PUBLIC VOICE SESSIONS

ITEM-1 PV 16/03/21 - NOMINATION TO LIST NEWCASTLE RECREATION RESERVE (KING EDWARD PARK) ON THE STATE HERITAGE REGISTER

The State Heritage Register nomination excludes the King Edward Headland Reserve (former Newcastle Bowling Club) which is owned by the Awabakal Local Aboriginal Land Council (LALC).

Mr Rob Russell, Chief Executive Officer, Awabakal LALC addressed Council in support of the former Bowling Club site being excised from curtilage of the headland site. He invited City of Newcastle to support the LALC's request that the NSW Heritage Council excise 1.6% of 38 hectares of the site from the heritage listing.

Dr Louisa Connors and Mrs Gael Davies, OAM, addressed Council on behalf of the Friends of King Edward Park Inc and highlighted the significance of both Awabakal and Worimi heritage as well as colonial and convict heritage. They spoke in support of including the headland reserve in the curtilage for heritage listing with the view to maintaining the land for public recreation.

The meeting concluded at 6.33pm.

MINUTES - BRIEFING COMMITTEE 16 MARCH 2021

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 210316 Briefing Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Briefing Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 16 March 2021 at 6.33pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), A Abbott (Manager Community Strategy and Innovation), M Murray (Chief of Staff), J Vescio (Executive Officer), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

APOLOGIES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Clausen

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

BRIEFING COMMITTEE REPORTS

ITEM-2 BR 16/03/21 - COMMUNITY AND ECONOMIC RESILIENCE PACKAGE EVALUATION

On 24 March 2020, City of Newcastle (CN) adopted the \$5.5m Community and Economic Resilience Package (CERP) in response to the COVID-19 pandemic crisis; one of the first government responses across Australia.

The package comprised 10 programs over three tranches between April 2020 and June 2021 with a suite of financial relief, business and community supports – including interest free rate payment plans, rent reductions on CN owned buildings, free online training, and community grants to support vulnerable and at-risk community members.

The CERP aimed to mitigate the impacts of the COVID-19 pandemic for Newcastle through:

- i) Direct action to support community wellbeing;
- ii) Timely responses to address cash-flow for small business;
- iii) Innovative programs to provide long-term strategic legacy benefits for the city;
- iv) Collaboration with partners and support for existing initiatives; and
- v) Financial responsibility for the long-term sustainability of the organisation.

Dr Anthea Bill, Hunter Research Foundation Centre, briefed Council on the independent evaluation of CN's COVID-19 CERP.

The meeting concluded at 7.20pm.

MINUTES - ORDINARY COUNCIL MEETING 23 MARCH 2021

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 210323 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

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

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn (*arrived 6.08pm*), K Elliott (*retired 8.38pm*), B Luke, J Mackenzie, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Director City Wide Services), S Moore (Acting Chief Financial Officer), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), M Murray (Chief of Staff), E Dowswell (Media Officer), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Winney-Baartz

Councillor Winney-Baartz declared a non-significant, non-pecuniary interest in Item 23 - Nomination to list Newcastle Recreation Reserve (King Edward Park) on the State Heritage Register stating that she was a member of CN's Guraki Committee along with Rob Russell, Chief Executive Officer of the Awabakal Land Aboriginal Land Council and would manage the interest by remaining in the Chamber.

Councillor Winney-Baartz stated that failing to declare the interest would not be appropriate in her opinion.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 16 FEBRUARY 2021

MINUTES - BRIEFING COMMITTEE MEETING 16 FEBRUARY 2021

MINUTES - ORDINARY COUNCIL MEETING 23 FEBRUARY 2021

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried
unanimously**

LORD MAYORAL MINUTE

ITEM-6

**LMM 23/03/21 - SUPPORT FOR A ROYAL COMMISSION INTO
VETERAN SUICIDE**

MOTION

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

That City of Newcastle:

- 1 Notes with sadness that Australian Defence Force personnel have a suicide rate nearly twice that of the wider Australian community and that more veterans have died by suicide than in war over the past 20 years;
- 2 Notes that a motion to establish a Royal Commission into Veteran Suicide passed the House of Representatives on Monday, 22 March 2021, with the Federal Parliamentary Labor Party calling for a Royal Commission since December 2019;
- 3 Supports the Leader of the Opposition, the Hon. Anthony Albanese MP, and the Federal Parliamentary Labor Party's calls for the Prime Minister, the Hon. Scott Morrison MP, to listen to veterans and advocates, the will of the Australian Parliament, and establish a Royal Commission into Veteran Suicide immediately;
- 4 Writes to the Leader of the Opposition, the Hon. Anthony Albanese MP, thanking the Federal Opposition for their ongoing advocacy to establish a Royal Commission in Veteran Suicide; and
- 5 Writes to the Prime Minister, the Hon. Scott Morrison MP, calling on the Australian Government to immediately establish a Royal Commission into Veteran Suicide.

Carried

ITEM-7 LMM 23/03/21 - NEW ANNUAL FACTS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that misinformation, incorrect figures and ill-informed commentary regarding our inaugural New Annual Arts Festival, as published in the Newcastle Herald, by Cr John Church;
- 2 Sets the record straight, noting that attendance to New Annual was well over 30,000, and that independent economic analysis indicates that the festival generated a \$14 million economic impact for the local Newcastle economy, a strong boost for local businesses, including a 12 per cent lift in accommodation bookings;
- 3 Notes that the \$1 million invested into New Annual was a lifeline for the recovery of the city's arts sector who were heavily impact by the COVID-19 global pandemic, with the City's investment supporting the employment of more than 500 artists and 250 event staff; and
- 4 Calls on Cr Church to retract his factually incorrect letter in the Newcastle Herald, noting that Cr Church cannot both support the arts industry in this city and congratulate the artists and organisers of New Annual, while misrepresenting festival attendance figures and opposing funding for our amazing creative and performing arts industries in Newcastle.

For the Motion:

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

Against the Motion:

Councillors Elliott and Church.

Carried

ITEM-8 LMM 23/03/21 - TRANSFORM NEWY

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that Newcastle has a reputation as a welcoming and inclusive city, including the highest 'Yes' vote for marriage equality outside a capital city. City of Newcastle has been part of ACON's Welcome Here project since 2015.;
- 2 Notes that Hunter New England Health recently established a multi-disciplinary health clinic to better support trans and gender diverse people. This clinic, located in Hamilton, will support young people from across Northern NSW;

- 3 Notes that Hunter Gender Alliance were successful in receiving a Boost Your Place Grant as a part of our placemaking initiative aimed at maintaining connections amongst our community and within our public spaces, with a round of funding aimed at innovative and ways of maintaining social cohesion during the COVID-19 global pandemic;
- 4 Congratulates Hunter Gender Alliance, who were successful in receiving a Boost Your Place Grant for their TRANSform Newy initiative, aimed at improving the rights, health and live of trans and gender diverse (TGD) people, with a resource booklet (attachment A) with personal experiences and practical tips to help organisations TRANSform their places into a welcoming and safe environment for all;
- 5 Notes that Hunter Gender Alliance have asked that we take the TRANSform Newy Pledge, which reads: *"Transgender, gender diverse and non binary people are, and have always been, part of our communities. We pledge to recognise the equality of all genders. We pledge to improve our places so that they are equal. We pledge to use correct pronouns, have gender neutral forms, and consider gender neutral bathrooms. If we don't have lived experience, we pledge to speak not for, but with, those who do. We pledge to make our places better, and safer, for people of all genders."*;
- 6 Takes the TRANSform Newy Pledge, and commits to work with the Hunter Gender Alliance to implement positive changes for TGD people in Newcastle; and
- 7 Publishes the pledge on our website, with a copy of the TRANSform Newy resource booklet.

For the Motion:

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

Against the Motion:

Councillors Church and Luke.

Carried

ITEM-9

LMM 23/03/21 - RACISM NOT WELCOME CAMPAIGN

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Proudly reiterates our long and proud history as a progressive, welcoming city, including our official status as a Refugee Welcome Zone, and consistent advocacy as a local government leader when it comes to providing support for refugees and migrants settling in Newcastle;
- 2 Notes that our official Citizenship Ceremonies often see people from as many as 50 different nations welcomed as new Australian Citizens and Novocastrians, signifying the incredible cultural diversity of our city;

- 3 Endorses the 'Racism Not Welcome' campaign, as recently endorsed by the City of Sydney and Inner West Council, and headed up by former Socceroos Captain, SBS commentator and human rights campaigner, Craig Foster;
- 4 Explores partnership opportunities with local multicultural organisations and peak bodies as well as grant funding opportunities to support the delivery of the campaign; and
- 5 Promotes the 'Racism Not Welcome' campaign on our website, social media channels and in our communication material.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-19 CCL 23/03/21 - ADMINISTRATION OF 2021 COUNCIL ELECTIONS

MOTION

Moved by Cr Rufo, seconded by Cr Mackenzie

That Council:

- 1 Resolves, pursuant to section 296(2) and (3) of the *Local Government Act 1993 (NSW)* (the Act), that City of Newcastle enter into a contract with the NSW Electoral Commission to administer the 2021 election; and
- 2 Resolves, pursuant to section 296(2) and (3) of the Act, as applied and modified by section 18, that any Council poll arrangement and any constitutional referendum to be conducted during the 2021 election be entered into by contract for the Electoral Commission to administer for the Council.

**Carried
unanimously**

ITEM-25 CCL 23/03/21 - SCHOLEY STREET, MAYFIELD - PROPOSED PEDESTRIAN / CYCLE REFUGE, ROAD CUSHIONS AND INTERSECTION REALIGNMENT

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Approve the pedestrian / cycle refuge and road cushions on Scholey Street, Mayfield near Nelson Street and realignment of the intersection, as shown at **Attachment A.**

**Carried
unanimously**

**ITEM-26 CCL 23/03/21 - WALLARAH ROAD AT YOUNG ROAD,
LAMBTON - PEDESTRIAN REFUGE**

MOTION

Moved by Cr Luke, seconded by Cr Rufo

That Council:

- 1 Approve the pedestrian refuge on Wallarah Road at Young Road, Lambton, as shown in the plan at **Attachment A**.

**Carried
unanimously**

**ITEM-27 CCL 23/03/21 - BERESFORD LANE AND COOPER STREET,
NEWCASTLE WEST - CHANGES TO TRAFFIC FLOW
DIRECTION**

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Rufo

That Council:

- 1 Approve the traffic flow changes of Beresford Lane, Newcastle West from eastbound to westbound between Stewart Avenue and Cooper Street and Cooper Street Newcastle West from two-way traffic flow to one-way southbound between Beresford Lane and Hunter Street as shown in **Attachment A**.

**Carried
unanimously**

**ITEM-20 CCL 23/03/21 - APPOINTMENT OF VOTING DELEGATE TO
THE 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL
GOVERNMENT AND ENDORSEMENT OF MOTIONS**

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Appoint the Lord Mayor to exercise Council's voting rights at the 2021 Australian Local Government Association's National General Assembly or to appoint a voting delegate from among the Councillor attendees; and
- 2 Endorse the motions for submission to the 2021 Australian Local Government Association's National General Assembly as set out at **Attachment B** and include the matter of the Racism Not Welcome Campaign (as per Lord Mayoral Minute Item 9 - Racism Not Welcome Campaign of 23/03/21) as an additional motion.

PROCEDURAL MOTION

Moved by Cr Rufo, seconded by Cr Luke

That the motion be dealt with in seriatim.

Carried

PART 1

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Appoint the Lord Mayor to exercise Council's voting rights at the 2021 Australian Local Government Association's National General Assembly or to appoint a voting delegate from among the Councillor attendees; and

**Carried
unanimously**

PART 2

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 Superannuation Guarantee for Councillors and Mayors

That the National General Assembly calls on the Minister to:

- i Note that in New South Wales, Councillors, Mayors and Lord Mayors are not entitled to the Superannuation Guarantee Contribution, despite Councillors being paid the appropriate superannuation entitlements in jurisdictions such as Victoria and Queensland;
- ii Note that this sets a poor community standard and sends the wrong message to the community, given that superannuation should be a universal system to support all workers in Australia.
- iii Rationalise the Superannuation system for elected representatives from the local government level and ensure that all Councillors across Australia receive the Superannuation Guarantee Contribution.

For the Motion:

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

Against the Motion:

Councillor Church, Elliott, Luke and Rufo.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

2 Local Government representation at the National Cabinet

That the National General Assembly:

- i Notes with disappointment that Local Government remains unrepresented on the National Cabinet and requests that First Ministers review the decision to exclude Local Government from the national decision making table.
- ii Recognise the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.
- iii Includes a representative from the Australian Local Government Association on the National Cabinet, to ensure local government's interests are strongly represented at the national level.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

3 Permanently Raise the Rate Higher

That the National General Assembly calls on the Federal Government to:

- i Note that the severe economic impacts of the COVID-19 pandemic have been cushioned by Commonwealth, State and Local policy interventions, including the JobSeeker and JobKeeper payments;
- ii Notes that prior to the \$550 per fortnight increase in the JobSeeker payment in April 2020, the JobSeeker/NewStart rate had not been increased in real terms in 26 years. Recipients were living well below the poverty line, unable to cover basic living costs such as rent, fresh food and medication;
- iii Notes that in February 2021, the Commonwealth increased the JobSeeker rate by just \$50 a fortnight, to \$307 per week for a single adult, still well below the poverty line in Australia, and also coinciding with the end of the \$75 per week coronavirus supplement, which will leave recipients \$50 a week worse off than they currently are;
- iv Calls on the Prime Minister, Treasurer and Commonwealth Parliament to permanently raise the rate of JobSeeker by between \$185 per week and \$275 per week.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

4 Ban Nuclear Weapons Treaty ratification

That the National General Assembly:

- i Notes that the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons is the first treaty to comprehensively outlaw nuclear weapons and provide a pathway for their elimination. This Treaty entered into force on 22 January 2021 and all national governments have been invited to sign and ratify the treaty;
- ii Notes that the Treaty entering into force is an important milestone on the path to a nuclear weapon-free world. It makes concrete the standard that nuclear weapons are illegal and illegitimate for all states, and a permanent part of international law.
- iii Welcomes the entry into force of the UN Treaty on the Prohibition of Nuclear Weapons on 22 January 2021, and calls on the Commonwealth Government to sign and ratify the treaty.

**Carried
unanimously**

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

5 'Racism Not Welcome' campaign

The National General Assembly calls on the Commonwealth Government to:

- i Endorse the 'Racism Not Welcome' campaign, headed up by former Socceroos Captain, SBS commentator and human rights campaigner, Craig Foster, at the national level, as a symbol of Australia's commitment to multiculturalism, inclusivity, and the International Day for the Elimination of Racial Discrimination.
- ii Partner with peak national bodies, including the Federation of Ethnic Communities' Councils of Australia, the Refugee Council of Australia, and the Inner West Multicultural Network, to implement the 'Racism Not Welcome' campaign on a national level.

**Carried
unanimously**

**ITEM-21 CCL 23/03/21 - COUNCILLOR REPRESENTATION ON
EXTERNAL COMMITTEE - HUNTER AND CENTRAL COAST
REGIONAL PLANNING COMMITTEE**

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Notes Councillor Dunn's resignation from the Hunter and Central Coast Regional Planning Panel received on 16 March 2021; and
- 2 Nominates and appoints Councillor Winney-Baartz as City of Newcastle's representative on the Hunter and Central Coast Regional Planning Panel until the day before the next local government election.

Councillor Church foreshadowed a substantive motion to nominate Councillor Luke as City of Newcastle's representative.

Councillors Mackenzie and Rufo moved an additional substantive motion to nominate and appoint Councillor Luke as City of Newcastle's alternate representative.

The motion moved by Councillor Clausen, seconded by Councillor Duncan was put to the meeting.

Carried

The foreshadowed motion from Councillor Church lapsed.

MOTION

Moved by Cr Mackenzie, seconded by Cr Luke

That Council:

- 1 Nominates and appoints Councillor Luke as City of Newcastle's alternate representative on the Hunter and Central Coast Regional Planning Panel until the day before the next local government election.

Carried

**ITEM-22 CCL 23/03/21 - STAIRWAY TO HEAVEN FEASIBILITY
ANALYSIS**

MOTION

Moved by Cr Duncan, seconded by Cr Luke

That Council:

- 1 Authorises the Chief Executive Officer (CEO) to enter into a Heads of Agreement (HoA) with Iris Capital to reach in-principle agreement on the terms and conditions under which the parties might progress the Stairway to Heaven

concept to create a landmark public space to enhance the visual and physical connections to Christ Church Cathedral (Cathedral), through an integrated approach incorporating City of Newcastle (CN) owned land and Iris Capital owned land as outlined at **Attachment A**.

- 2 Endorses entering into exclusive discussions with Iris Capital to develop the HoA in accordance with the Independent Commission Against Corruption (ICAC) Guidelines as outlined at **Attachment D**, and considers this report as providing public notice of CN's intention to enter into exclusive discussions with Iris Capital.

AMENDMENT

Moved by Cr Elliott, seconded by Cr Church

That the Heads of Agreement be brought back to Council before being ratified.

Defeated

The motion moved by Councillor Duncan, seconded by Councillor Luke was put to the meeting.

For the Motion:

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

Against the Motion:

Councillor Elliott.

Carried

ITEM-23

CCL 23/03/21 - SUPPLEMENTARY REPORT NOMINATION TO LIST NEWCASTLE RECREATION RESERVE (KING EDWARD PARK) ON THE STATE HERITAGE REGISTER

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

Part A

- 1 Endorses the nomination at **Attachment A** to list Newcastle Recreation Reserve on the NSW State Heritage Register (SHR).

Part B

- 1 Notes the nomination to list the Newcastle Recreation Reserve on the State Heritage Register is consistent with Council's adopted Heritage Strategy 2020-2030.
- 2 Notes that Council had previously resolved to nominate the Newcastle Recreation Reserve, including the Newcastle Headland Reserve, for listing on the State Heritage Register (28 June 2016).

- 3 Notes that this request was rejected in September 2020 when the Minister responsible for heritage determined not to list the Newcastle Recreation Reserve on the State Heritage Register.
- 4 Recognises that the inclusion of items on the State Heritage Register is a matter for the NSW Government and the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts (The Hon Don Harwin MLC).
- 5 Notes that regardless of its inclusion on the SHR, any future development of the Headland Reserve will need to be consistent with the City's zoning and planning controls. Any future development application will need to address and respond to both onsite heritage and the heritage values of adjoining parcels.
- 6 Refers the Public Voice presentations, and all submissions received on this matter, to the NSW Heritage Council for their consideration, noting that ultimately this matter will be resolved from (changed by to from) recommendation of the Heritage Council to the Minister for determination.

AMENDMENT

Moved by Cr Mackenzie, seconded by Cr Elliott

That Council:

Endorses the nomination at Attachment A to list Newcastle Recreation Reserve on the NSW State Heritage Register (SHR), with the inclusion of the King Edward Headland Reserve (former Newcastle Bowling Club – Lot 3109 DP755247).

Defeated

The motion moved by Councillor Clausen, seconded by Councillor Duncan was put to the meeting.

For the Motion:

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

Against the Motion:

Cr Church.

Carried

ITEM-24

CCL 23/03/21 - ADOPTION OF 2021-2025 DESTINATION MANAGEMENT PLAN

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Adopts the 2021-2025 Destination Management Plan at **Attachment A** subject to removing the first sentence under the heading '*Continuing the Night -Time Economy Recovery*' at Attachment A, "*The lockout conditions in Newcastle are considered by some to have had an adverse impact on the night-time economy, and reinforce a negative perception of the city.*"

**Carried
unanimously**

ITEM-28 CCL 23/03/21 - PUBLIC EXHIBITION OF THE 2021/22 DRAFT OUR BUDGET (DELIVERY PROGRAM 2018-2022 AND OPERATIONAL PLAN 2021/22)

MOTION

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

That Council:

- 1 Resolves to publicly exhibit the draft 2021/22 Our Budget (2018-2022 Delivery Program and 2021/22 Operational Plan) as at **Attachment A** and draft 2021/22 Fees and Charges Register as at **Attachment B** for 28 days prior to final consideration by Council.

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

Against the Motion: Nil.

Carried

ITEM-29 CCL 23/03/21 - UPDATE TO SPECIAL BUSINESS RATE GUIDELINES

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Adopt the updated Assessment Panel membership for the Special Business Rate Expression of Interest Guidelines at **Attachment A** subject to amending Clause 7.7 to read "Each CN officer and assessment panel member involved in the assessment and approval of applications under this section must comply with CN's Code of Conduct, in particular, the provisions covering Conflicts of Interest".
- 2 Appoints Councillors Church (Ward 1), Duncan (Ward 2), Winney-Baartz (Ward 3) and Byrne (Ward 4) as Council's ward representatives on the Assessment Panel.

Councillors Duncan, Winney-Baartz and Byrne accepted their nominations as ward representatives to the Assessment Panel. Councillor Church declined his nomination as the Ward 1 representative.

Councillor Mackenzie then accepted a nomination as the Ward 1 representative.

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

Carried

ITEM-30 CCL 23/03/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

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

For the Motion:

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

Against the Motion:

Councillors Church and Elliott.

Carried

NOTICES OF MOTION

ITEM-5 NOM 23/03/21 - CITY OF NEWCASTLE WEBCAM NETWORK

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That Council:

- Notes Newcastle's visitor economy supports 5,000 local jobs with an economic output of \$945m.
- Notes the NSW Government's 'Smart Places' Program will co-invest up to \$45M over the next three years to accelerate the development of 'smart places' across NSW.
- Notes that research shows a significant increase in webcam-travel due to COVID-19 travel restrictions.
- Notes that this research suggests that webcam-travel leads to an increased likelihood to physically visit destinations in the future.

- Notes that recent information presented at the Council Strategic Planning Workshop to Councillors and ELT by CSIRO's Data61 strongly recommended AI be integrated into City of Newcastle (CN) strategies and projects. This is not including any form of identity of individuals.
- Seek NSW Government 'Smart Places' funding to support the establishment of a high-resolution live-stream webcam network in strategic Newcastle LGA locations to:
 - support opportunities for the visitor economy both domestically and from international visitors once covid restrictions are lifted.
 - explore how visual data from such a network could be used to inform future policy and strategy on issues surround parking and traffic congestion/patterns, pedestrian movements, citizen safety, weather events and other incidents.
 - explore how AI may be used to provide augmented experiences or information.

Carried

ITEM-6 NOM 23/03/21 - MAINTENANCE OF STREET TREES UNDER AERIAL POWERLINES

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That City of Newcastle

- 1 Notes the contribution of Newcastle's street tree population to the city's urban forest, an intergenerational resource that provides multiple community benefits, and the need to improve practices and capacity to ensure these benefits.
- 2 Notes the responsibility of Council for the holistic management of urban forest assets owned or controlled by the City of Newcastle, as outlined in the Newcastle Urban Forest Policy.
- 3 Acknowledges the need for line clearance to ensure consistent and uncompromised electricity supply for our communities
- 4 Notes that numerous complaints have been received from the Newcastle community, including photos showing a significant loss in visual amenity, tree canopy benefits, and in some instances, increased risk of tree failure following Ausgrid's pruning activities, due to recent heavy pruning of a large portion of public trees under Ausgrid's powerline network (see attachments). Photos have been submitted showing the recent impact of Ausgrid pruning on street trees in Maryville, Wickham, Stockton, New Lambton, Waratah, Georgetown, Wallsend, Hamilton, Hamilton North and North Lambton.
- 5 Notes that this is not unique to Newcastle, including contact from Councils elsewhere in Ausgrid's network area who are experiencing similar issues with Ausgrid tree pruning practices.

- 6 Notes continued advocacy from the City of Newcastle, including motions submitted to and adopted by the LGNSW Annual Conference, and City of Newcastle's joint advocacy and participation on the Ausgrid Vegetation Management Working Group along with LGNSW, Sutherland Shire Council, Parramatta City Council, Willoughby Council, City of Sydney Council, Ku-Ring-Gai Council, Inner West Council, Strathfield Council, Burwood Council, Lake Macquarie City Council, Canterbury-Bankstown City Council, Woollahra Council, Mosman Council, Randwick City Council, North Sydney Council and Northern Beaches Council.
- 7 Writes to Ausgrid's CEO Richard Goss requesting that he provide Councillors with a briefing on current practice for street tree maintenance and management under aerial powerlines, including the use of alternative transmission line technologies that reduce the extent of and need for tree pruning such as insulated bundled wires and underground transmission lines. Council request the briefing explain the advantages, the limitations, and the cost of these technologies, and the criteria on which Ausgrid decides where and when these technologies will be rolled out.
- 8 Formally requests that Ausgrid:
 - a. Review current Ausgrid pruning practices,
 - b. Implement measures to prevent the current practices from continuing,
 - c. Compensate for street tree removal and replacement where current practices have been excessive, based on agreed public tree asset arboricultural assessments,
 - d. Understand and acknowledge the public value of our urban forest and requirement for ongoing collaboration with CN in developing long-term solutions, and
 - e. Create effective communication and notification for customers that confirms what they can expect and why, and where to direct their concerns if this expectation is not met.
- 9 Offers genuine collaboration to resolve this issue, including by making available staff and data sharing to achieve the above requests, and seeks Ausgrid's immediate attention to resolve the negative impacts on the management of the public urban forest.

**Carried
unanimously**

ITEM-7

NOM 23/03/21 - GIPA POLICY REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle:

- Notes the comments by University of Newcastle Professor Roberta Ryan in the Newcastle Herald that governments have “increasingly moved to using commercial in confidence as a way of making the rationale for their decision-making a bit more opaque” (University of Newcastle professor urges financial transparency to build trust in government, Newcastle Herald, 10 March 2021).
- Endorses recent changes to the presentation of confidential items in the Council agenda and business papers to provide greater transparency to the community.
- Provide to Councillors a leading practice review of policies and measures in other LGAs to provide transparency and information disclosure under the Government Information (Public Access) Act 2009, specifically with regard to:
 - the use of open data platforms;
 - avoiding specific confidentiality clauses from commercial contracts;
 - establishing provisions in standard contracts with third parties allowing for the disclosure of data and information; and
 - minimising and waiving fees and charges associated with formal application and internal review requests, processing and administrative fees and legal work arising from information disclosure requests.

**Carried
unanimously**

ITEM-8 NOM 23/03/21 - CONSISTENT PROCEDURES FOR SENSITIVE DEVELOPMENT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Amends relevant procedures so that the elected Council is notified via memo when:
 - a) A development application is received that involves the demolition or destruction of a Heritage Item
 - b) A planning proposal is received
- 2 This notification process is to be consistent with the current practice of councillor notification for development involving the sale of alcohol, or the removal of significant trees (Notifiable Tree Process).
- 3 Nothing in these procedures is to prevent councillors from calling a development application in for determination by the Development Applications Committee (DAC), in accordance with the adopted DAC Delegations.

**Carried
unanimously**

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

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

Carried

Council moved into confidential session at 9.02pm.

During confidential session for Item 2 – Confidential Supplementary Report – Code of Conduct Matter:

- All staff other than the Chief Executive Officer, Director Governance, Manager Legal, Councillor Services and IT Support left the Chamber.
- Councillor Clausen (as the complainant) left the Chamber at 9.02pm and returned to the meeting at 9.08pm.
- Councillor Elliott (the respondent) to the complaint retired from the meeting at 8.38pm and it was noted that she was unable to make an oral or written submission when she may ordinarily have had that choice.

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

Council move back into open Council.

Carried

Council moved back into open session at 9.08pm and the Chief Executive Officer reported the outcomes of Item 2 - Confidential Supplementary Report – Code of Conduct Matter.

**ITEM-2 CON 23/03/21 - CONFIDENTIAL SUPPLEMENTARY REPORT -
CODE OF CONDUCT MATTER**

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Rufo

That Council lays on the table recommendations 1 – 6.

- 1 notes that an investigation was undertaken into a Code of Conduct complaint against Councillor Kath Elliott. The investigation was undertaken by a Conduct Reviewer independent of City of Newcastle (CN), in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures);

- 2 receives the Final Investigation Report of the Conduct Reviewer in relation to the complaint at **Attachment A**;
- 3 notes that Councillor Elliott was consulted by the Conduct Reviewer throughout the investigation and that prior to imposing a sanction, Councillor Elliott was provided with a formal opportunity to make a written or oral submission to Council;
- 4 accepts the finding of the Conduct Reviewer in relation to the complaint that at the Extraordinary Council meeting held on 11 February 2020, Councillor Elliott breached clause 20.5 of the Code of Meeting Practice and clause 3.1(b) of the Code of Conduct for Councillors, by removing confidential papers from the confidential session of the meeting and refused to return the confidential papers when requested;
- 5 in accordance with section 440G of the Local Government Act 1993 (Act) and based on the findings and recommendation of the Conduct Reviewer:
 - (i) formally censures Councillor Elliott for breaching clause 20.5 of the Code of Meeting Practice and clause 3.1(b) of the Code of Conduct for Councillors, on the grounds that Councillor Elliott engaged in the following forms of conduct:
 - (a) did not return the confidential Business Papers at the conclusion of the Meeting as directed under the Code of Meeting Practice; and
 - (b) conducted herself in a manner that is contrary to statutory requirements, or CN's administrative requirements or policies; and
 - (ii) due to the repeated and serious nature of this matter, refers the matter to the Office of Local Government for further action under the misconduct provisions of the Act;
- 6 treats this confidential report and attachment relating to the matters specified in section 10A(2)(i) of the Act as confidential to ensure procedural fairness for Councillor Elliott given her current absence from the Ordinary Meeting and provide her an opportunity to respond at the next available Council meeting.

Carried

The meeting concluded at 9.11pm.

REPORTS BY COUNCIL OFFICERS

**ITEM-31 CCL 27/04/21 - CODE OF MEETING PRACTICE -
PROCEDURES FOR COUNCILLORS ATTENDING COUNCIL
AND COMMITTEE OF COUNCIL MEETINGS REMOTELY**

**REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL**

PURPOSE

To note legislative temporary amendments to allow for Councillors to attend meetings remotely in certain circumstances until 31 December 2021 and to adopt procedures to manage the practical application of the amendments.

RECOMMENDATION

That Council:

- 1 Adopt the Procedures for Councillors Attending Council and Committee of Council Meetings Remotely (Procedures) at **Attachment A**; and
- 2 Terminate the Practice Note: Code of Meeting Practice (April 2020).

KEY ISSUES

- 3 A temporary amendment made to section 747A of the *Local Government Act 1993* (Act) in response to the COVID-19 pandemic, which permitted Councillors to attend Council meetings by audio-visual link, expired on 25 March 2021. A Practice Note was adopted by Council to support the amendment which can now be terminated.
- 4 On 1 April 2021, the Local Government (General) Regulation 2005 (Regulation) was temporarily amended to exempt councils from complying with Clause 8.1 of the Code of Meeting Practice (COMP) and to allow for Council to permit Councillors to attend Council and Committee of Council Meetings (Meetings) remotely by audio-visual link in the following limited circumstances until 31 December 2021 (Regulation amendment):
 - i) Illness;
 - ii) Disability;
 - iii) Caring responsibilities; or
 - iv) Such other reason that is acceptable to Council or the Committee of Council.

- 5 The Office of Local Government (OLG) has provided advice to councils on how to implement the Regulation amendment, as set out in the OLG circular 21-02 Temporary exemption from the requirement for councillors to attend meetings in person (OLG circular 21-02).
- 6 City of Newcastle (CN) is not required to amend its COMP to allow Councillors to attend meetings remotely by audio-visual link. The OLG recommends councils adopt a procedure to govern attendance by councillors at meetings by audio-visual link to supplement their codes of meeting practice. A suggested Procedure is at **Attachment A** and is consistent with the OLG's recommendation and CN's COMP.

FINANCIAL IMPACT

- 7 CN's adopted Our Budget 2020/21 provides for arrangements for Council Meetings. There is no budget implication in adopting the Procedures.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The adoption of the Procedures is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

Open and Transparent Governance Strategy

- 8a Clear line of communications between members of the public and Councillors.
- 8b Established system for the efficient, effective and orderly conduct of meetings.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 CN is experienced in operating Meetings in hybrid mode (with attendance both in person and remotely by audio-visual link) and has the technical capacity to implement these provisions.

RISK ASSESSMENT AND MITIGATION

- 10 CN's adopted COMP ensures Council complies with the Act, Regulation and the OLG Model Code of Meeting Practice for Councils in NSW. The Procedure is a further control in ensuing hybrid meetings are consistent with the legislation and OLG guidance.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 28 April 2020, Council received the Practice Note: Code of Meeting Practice.
- 12 At the Ordinary Council Meeting held on 24 September 2019, Council adopted the Code of Meeting Practice.

CONSULTATION

- 13 The OLG is currently undertaking consultation on a more permanent change to permissibility of remote attendance by councillors at council meetings.

BACKGROUND

- 14 Nil.

OPTIONS

Option 1

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

Option 2

- 16 Council does not adopt the Procedures. This means that there is no guidance on meeting practice for permitting Councillors to attend Meetings remotely as required by the Regulation amendment.

REFERENCES

CN Code of Meeting Practice

<https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Strategies,%20Plans%20and%20Policies/Policies/Documentation-Code-of-Meeting-Practice-Policy-V6-b-amended-8-December-2020.pdf>

CN Practice Note: Code of Meeting Practice (28 April 2020)

[https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Council/COMP-Practice-Note-\(April-2020\).pdf](https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Council/COMP-Practice-Note-(April-2020).pdf)

Office of Local Government Council Circular 21-02 | 1 April 2021 | A765862
<https://www.olg.nsw.gov.au/council-circulars/21-02-temporary-exemption-from-the-requirement-for-councillors-to-attend-meetings-in-person/>

Local Government (General) Amendment (Exemption) Regulation 2021
<https://www.legislation.nsw.gov.au/view/pdf/asmade/sl-2021-150>

Office of Local Government Consultation on remote attendance by Councillors at Council meetings
<https://www.olg.nsw.gov.au/councils/governance/model-code-of-meeting-practice/consultation-on-remote-attendance-by-councillors-at-council-meetings/>

ATTACHMENTS

Item 31 Attachment A: Procedures for Councillors Attending Council and Committee of Council Meetings Remotely

Item 31 Attachment A distributed under separate cover

ITEM-32 CCL 27/04/21 - DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN AND CHILDREN

REPORT BY: PEOPLE AND CULTURE
CONTACT: DIRECTOR PEOPLE AND CULTURE

PURPOSE

To provide an update of the actions undertaken by the City of Newcastle (CN) in response to Domestic Violence and Coercive Control.

RECOMMENDATION

That Council:

- 1 Receives and acknowledges City of Newcastle's actions outlined at **Attachment A** in response to domestic violence, coercive control and violence against women and children.
- 2 Continues to support domestic violence support groups Got Your Back Sista and Nova for Women and Children as City of Newcastle's nominated corporate charities for a further 3 years until 2024.

KEY ISSUES

- 3 Violence against women and their children is a significant issue in Australia.
- 4 At least 50 women have been murdered in Australia this year due to gender-based violence (as at 3 December 2020).
- 5 Coercive control (CC) is a silent and dangerous problem for people in our city, particularly women and the elderly.
- 6 Domestic violence (DV) is a continuing problem in our City, particularly for women and children.
- 7 People in unhealthy relationships and/or suffering CC are often unaware of the behaviors or support services available.

FINANCIAL IMPACT

- 8 CN has provided a grant of \$6,000 to the Newcastle Domestic Violence Committee to partner and support the production of a multilingual DV and CC information / resource kit. All other support and activities are administered through existing resources and operational budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 **Vibrant, Safe and Active Public Places**

- 3.3a Collaborate with local groups and services to address crime and safety issues.

Inclusive Community

- 4.1b Support initiatives and facilities that encourage social inclusion and community connections.
- 4.1c Improve, promote and facilitate equitable access to services and facilities.

Open and Collaborative Leadership

- 7.2b Provide timely and effective advocacy and leadership on key community issues.
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 CN will continue to work with charity partners and the Newcastle Domestic Violence Committee to support and advocate for the prevention of domestic family violence.

RISK ASSESSMENT AND MITIGATION

- 11 This report is for information. No risk has been identified.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting on 24 July 2018 a Notice of Motion (NOM) regarding Reducing Violence Against Women and Children – A City Position, was adopted.
- 13 At the Ordinary Council Meeting on 8 December 2020 a NOM regarding Domestic Violence and Violence against Women and Children was also adopted.

BACKGROUND

- 14 In 2020, CN launched a Health and Wellbeing Strategy with programs that promote, enable and support our people to “act well”, “be well” and “connect well” through focused actions across the following three pillars:
- **Physical** – biomedical and behavioural factors contributing to physical wellbeing. Covers exercise, nutrition, lifestyle (including drug and alcohol) and early intervention programs.
 - **Mental** – psychological factors that support a healthy mind. Covers resilience, stress, mental health, stigma and suicide prevention.

- **Social and Financial** – covers social connection and safe relationships, as well as programs that promote smart money management to assist meeting individual needs.
- 15 Nova for Women and Children (NFWC) is based at Newcastle West and is the amalgamation of local not for profits Eva's Project, Lower Hunter Women's Housing and Eastlake's Women's and Children's Refuge. The amalgamated service works with women who have been homeless or at risk of homelessness and/or escaping family and domestic violence.
- 16 Got Your Back Sista (GYBS) is based at Tighes Hill and offers benevolent relief and support to women and children escaping domestic violence and are at risk of living below the poverty line.
- 17 The pillars provide employees with access to support services to help overcome hardships and/or mental health challenges.
- 18 CN has the following additional initiatives:
- EA Provisions - Domestic Violence Leave - up to 10 days of additional paid leave per year for reasons relating to employees or if employees are supporting someone who is experiencing DV and the option to access flexible work arrangements.
 - Workplace policies on EEO, Code of Conduct, Social Media, Equity Diversity and Respect, and Grievance procedures.
 - Domestic Violence Contact Officers – six trained contact officers able to support employees in a DV or CC situation.
 - An Employee Assistance Program – access to services that support a range of circumstances including a dedicated domestic violence counselling service.
 - Participation in events and education programs on cultural awareness, LGBTIQ, diversity, inclusion, mental health first aid and respectful behaviours. Current programs include: Speaking in Colour, LGBTIQ Pride Awareness, EEO, Sexual Harassment, Bullying and Harassment, Mental Health First Aid, Courageous Conversations, Women in Leadership Programs and events from the Spark Speaker Series.
 - Additional resources to manage Diversity and Inclusion Strategy and Aboriginal Engagement Strategy have been created.
 - Councillor Services administers the Councillor Professional Development program. As part of the training offering under review for September/October 2021, Councillor Services will consider a gender-based discrimination training program.
 - Councillors have access to courses in Bullying, Harassment, and Prevention and Prevent Sexual, Domestic and Family Violence. Raising funds annually to support CN's corporate charities at the Supercars VIP event. CN has raised more than \$60,000 for GYBS and NFWC at the Lord Mayor's Charity event held annually as part of the Newcastle 500 in 2017, 2018 and 2019.
 - Raising funds on behalf of GYBS as part of the Lord Mayor's International Women's Day 2021 event.

- 19 CN is represented on the Newcastle Domestic Violence Committee which includes NSW Police, Health providers and NSW Department of Family and Community Services. The Committee meets monthly for collaboration on strategy, advocacy and awareness raising projects to reduce DV across the Newcastle area.
- 20 CN's progress on implementation of workplace standards, entitlements and workplace rights under the National Plan (2010-2022) is outlined at **Attachment A**.
- 21 On 22 March 2021, CN requested the Office of Local Government provide explanation of the measures in place to ensure the respect and protection of elected officials, particularly women, in the workplace and in the conduct of duties.

OPTIONS

Option 1

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

Option 2

- 23 Council resolves not to receive and acknowledge the report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 32 Attachment A: CN Domestic Violence Actions Report 2021

Item 32 Attachment A

City of Newcastle (CN) initiatives aligned with the 'National Plan to Reduce Violence Against Women and their Children (2010-2022).

Strategies	Key Actions	Local (CN) Initiatives
National Outcome 1 – Communities are safe and free from violence		
<p>Strategy 1.1: Promoting community involvement</p>	<p>Encourage schools, community, sporting and business groups to prevent, respond to, and speak out against violence</p>	<p>CN representation on the Newcastle Domestic Violence Committee (that links into the Hunter Domestic Violence Committee). The committee is comprised of a range of specialist domestic and family abuse and violence service providers, and other stakeholders including the NSW Government, Department Family and Community Services, NSW Police, and local Health providers. The group meets monthly for collaboration on strategy, advocacy and awareness raising projects to reduce DV across the Newcastle area. The latest research, referrals information and other information is shared, as well as the ability to network with all stakeholders</p> <p>Worked collaboratively with DV committee to develop and deliver awareness campaigns and events, including the Reclaim the Night March in 2018 and 2019, the Hunter Region DV Forum 2020 and the 16 Days of Activism held November annually.</p> <p>Participation in other community events speaking out against</p>

		<p>violence e.g. White Ribbon Day, R U OK Day</p> <p>Ongoing relationship with charity partner Got Your Back Sista</p>
<p>Strategy 1.2: Focus on primary prevention</p>	<p>Build primary prevention into the work of schools, community and sporting groups, local government agencies, and business groups</p>	<p>Further provision for trained domestic violence contact officers.</p> <p>Employee Assistance Program – access to services that support a range of circumstances including dedicated domestic violence counselling service</p> <p>CN assisted Newcastle DV service providers to plan and submit applications for DV-related grants and sponsorship programs to various funding bodies, including the Love Bites program delivered to two Newcastle high schools (put on hold in 2020 due to COVID, now to be delivered in 2021).</p> <p>Prepared COVID-19 Emergency Relief Information booklet of national and local services, including details for domestic and family abuse and violence services.</p> <p>CN facilitated funding of two rounds of DV Resource Card collateral (design and printing) for the Newcastle area - \$5,000 in 2018 and 2019. Newcastle DV Committee took carriage of distribution of the cards.</p> <p>In light of the NSW Government Premier’s 14</p>

		<p>social priorities for the state, one of which is Reducing domestic violence reoffending, CN will be investigating new ways of working with the sector as part of the emerging CSP and Community Development frameworks due in the new term of Council.</p> <p>CN provided funding support for the production of DV resources & guides in 2018,2019 and 2021</p>
<p>Strategy 1.3: Advance gender equality</p>	<p>Improve the participation of women in leadership positions.</p> <p>Develop workplace measures to support women experiencing and escaping from domestic violence,</p>	<p>Continue to support Women in Leadership Programs.</p> <p>CN support women in leadership to participate in the UoN WiMBA Program</p> <p>52% women hold leadership positions in levels 1-3 at CN – 50% women in level 2 and 60% women in level 3.</p> <p>CN Health & Wellbeing Strategy 2020 – 2025 - which covers physical, mental, social and financial wellbeing.</p> <p>CN Enterprise Agreement (EA 2019) Provisions - Domestic Violence Leave - up to 10 days’ additional paid leave per year for reasons relating to you or you are supporting someone who is experiencing DV.</p> <p>Flexible work options within CN Enterprise Agreement 2019.</p> <p>Workplace policies on EEO, Code of Conduct, Social Media, Equity Diversity and</p>

		Respect, and Grievance procedures.
National Outcome 2 – Relationships are respectful		
<p>Strategy 2.2: Support adults to model respectful relationships</p>	<p>Encourage broader societal and cultural change that promotes respectful relationships.</p> <p>Increase support for parents to learn positive parenting skills and promote positive fathering.</p> <p>Increase awareness of, and education on, cyber safety issues</p>	<p>Participation in White Ribbon Day and other community awareness days (e.g. RUOK Day, Multi-cultural days.)</p> <p>Participation in events and education programs on cultural awareness, LGBTIQ, diversity, inclusion, mental health first aid and respectful behaviours.</p> <p>Program delivery includes: Speaking in Colour, LGBTIQ Pride Awareness, EEO, Sexual Harassment, Bullying & Harassment, Mental Health First Aid, Courageous Conversations, Women in Leadership Programs and events from the Spark Speaker Series.</p> <p>Councillors have access to courses in Bullying, Harassment and Prevention as well as Prevent Sexual, Domestic and Family Violence which can be viewed in the course offerings using the Hub-BigTinCan</p> <p>Additional resource engaged to manage and facilitate CN's Diversity and Inclusion Strategy</p>
<p>Strategy 2.3: Promote positive male attitudes and behaviours</p>	<p>Actively engage men to promote gender equality.</p> <p>Encourage men to speak out against violence and promote non-violence.</p> <p>Expand men's knowledge and skills in sustaining respectful relationships</p>	<p>Invitation for all staff to Men and Women's health weeks.</p> <p>Participation in events including GYBS 'Say No to Violence' event.</p> <p>Development of a Yarning Men's Circle (Oct - Men's</p>

		Health Week).
National Outcome 3 – Indigenous communities are strengthened		
<p>Strategy 3.1: Foster the leadership of Indigenous women within communities and broader Australian society</p>	<p>Promote the leadership of senior women in governance and decision making for communities and organisations.</p> <p>Create new opportunities to improve economic outcomes for Indigenous women.</p> <p>Improve employment and retention strategies for Indigenous women at senior levels.</p> <p>Foster Indigenous women’s participation in policy and program development design to reduce violence against women.</p>	<p>Development and delivery of a mentoring and leadership program for Aboriginal women (Feb 2019).</p> <p>Dedicated professional learning and development funding for Aboriginal Women at CN.</p> <p>Aboriginal Employment Strategy 2018-2021.</p> <p>Reconciliation Action Plan 2019-2021.</p> <p>Enterprise Agreement 2019</p> <p>EEO Management Plan (2018)</p> <p>CN Workplace Contact Officer Network</p> <p>Equal Opportunity Policy (2013)</p>

<p>Strategy 3.2: Build community capacity at the local level</p>	<p>Foster national healing and locally developed healing places, programs or activities.</p> <p>Work with communities to deliver integrated local contingency planning and responses.</p> <p>Develop effective Community Safety Plans including in remote service delivery locations which include primary prevention.</p> <p>Support culturally appropriate Indigenous male role models and community leadership</p>	<p>The Newcastle DV Committee is co-Chaired by Samaritans (Brighter Futures) and NSW Health's Birra Li Aboriginal Maternal and Child Health Services</p> <p>Male participation and leadership via Guraki Committee</p>
<p>Strategy 3.3: Improve access to appropriate services</p>	<p>Improve the cultural competence of mainstream and specialist services.</p> <p>Improve community responses to perpetrators.</p> <p>Improve services for Indigenous women and their children.</p>	<p>Distribution of grant opportunities for local initiatives.</p> <p>Flexible working arrangements EA 2019.</p>
<p>National Outcome 4 – Services meet the needs of women and their children experiencing violence</p>		
<p>Strategy 4.1 Enhance the first point of contact to identify and respond to needs:</p>	<p>Reduce the need for victims to retell their story through improved information sharing and integrated case management.</p> <p>Extend the use of best practice risk assessment and management frameworks to identify and respond to violence against women</p>	<p>CN representative on the Newcastle DV Committee which allows CN to understand and support local DV needs</p> <p>Domestic Violence Contact Officer Network.</p> <p>Provision of 10 days DV leave within Enterprise Agreement 2019.</p>
<p>Strategy 4.2: Support specialist domestic violence and sexual assault services to deliver responses that meet needs</p>	<p>Build the capacity of domestic violence services to respond to the needs of children who are exposed to domestic violence.</p>	<p>CN has a staff representative on the Newcastle DV Committee which allows CN to understand and support local DV needs</p> <p>Provision of a community directory. DV Contact Officer referrals to local community centers.</p> <p>Customer Contact Service referral framework</p>

ITEM-33 CCL 27/04/21 - PUBLIC EXHIBITION OF DRAFT COMMUNITY INFRASTRUCTURE INCENTIVE POLICY

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

To publicly exhibit the draft Community Infrastructure Incentives Policy.

RECOMMENDATION

That Council:

- 1 Places the draft Community Infrastructure Incentives Policy (**Attachment A**) on public exhibition for 28 days.
- 2 Receive a report on submissions following the public exhibition.

KEY ISSUES

- 3 The adopted Newcastle Local Strategic Planning Statement 2019 (LSPS), identifies that the Newcastle Local Government Area (LGA) will primarily rely on growth to meet demands for housing and jobs by increased densities through infill redevelopment.
- 4 In areas planned for growth and change, the need for City of Newcastle (CN) to resource and deliver community infrastructure is challenged by:
 - i) The amount able to be charged in contributions in comparison to the full cost of providing the infrastructure and services required by the community.
 - ii) The type of items funded by contributions in comparison to the expanded range of facilities and services Local Government is responsible for providing.
 - iii) The timeframe to collect or recoup adequate contributions necessary for delivering community infrastructure.
- 5 The draft Community Infrastructure Incentives Policy (Policy) introduces a new approach to enhance the delivery of community infrastructure not otherwise funded or delivered within CN's current infrastructure contribution plans, through the provision of appropriate development incentives to support urban renewal.

- 6 The development incentives proposed by the Policy include varying development standards on suitable land to enable an increase in the potential Gross Floor Area (GFA) for development. The level of incentive available to development is proposed to be determined based on the following:
- i) A need for increased density, justified on planning grounds.
 - ii) The capacity of the land to support an increase in density.
 - iii) The envisaged character and scale of the local area.
 - iv) An identified need for delivery of community infrastructure that supports the urban renewal objectives of the local area.
 - v) The feasibility of development delivering community infrastructure.
 - vi) The net public benefit to the local community.
- 7 The Policy outlines the processes and mechanisms CN will apply, including:
- i) New clauses in the Newcastle Local Environmental Plan 2012 (NLEP 2012), to identify the development incentive available, by way of variation to development standards, on certain land. These clauses will be supported by amendments to the relevant maps to identify the applicable land.
 - ii) New place-based development controls in the Newcastle Development Control Plan 2012 (NDCP 2012), identifying how development incentives can be sought by proposed development and the community infrastructure projects that CN seeks to deliver.
 - iii) An 'Incentive GFA Rate', expressed as \$/sqm, applying to a particular urban renewal area, based on the proportion of the total value of the proposed community infrastructure to be provided, and the potential additional GFA available to development.

FINANCIAL IMPACT

- 8 The Policy envisages the value of the incentive accessed by development will be provided to CN in the form of land, works, a monetary contribution, or a combination of these.
- 9 Monetary contributions collected via the Policy will be pooled. Where there is a shortfall of pooled funds available at the time a project is proposed to be implemented, CN may draw upon other funding sources. Alternatively, CN may rescope the identified project or adjust implementation timeframes.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The Policy is consistent with the strategic directions of the Newcastle Community Strategic Plan 2030.

Vibrant, Safe and Active Public Places

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.

Liveable Built Environment

- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Smart and Innovative

- 6.3d Foster a collaborative approach to continue city centre renewal.

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The Policy will enable CN to introduce measures within the strategic growth areas identified within the Greater Newcastle Metropolitan Plan, where these are anticipated to facilitate urban renewal.
- 12 Provisions are proposed within the NLEP 2012 and the NDCP 2012 to enable implementation of the Policy. These provisions will be reported to Council for consideration at the time the Policy is reported to Council for adoption, following public exhibition.
- 13 The 'Incentive GFA rate' will be published in CN's annual Fees and Charges for the land to which the incentive applies in the NLEP 2012.

RISK ASSESSMENT AND MITIGATION

- 14 The approach taken to enable incentives is based on the combined value of community infrastructure projects to be delivered by the outcomes of urban renewal within a specific area rather than based on land values.
- 15 The Policy does not provide a means of varying development standards for individual proposals outside the parameters identified within the Policy.
- 16 The Policy complements the existing Local Infrastructure Contributions framework. However, any outcomes of the Policy are independent of those delivered by a plan of CN under the *Environmental Planning and Assessment Act 1979*. Nothing in this Policy affects the development contributions imposed as a condition of consent under Section 7.11 or 7.12 of the Act.
- 17 To ensure transparency, separate accounting records will be maintained by CN, where the proposed community infrastructure is provided by applicants in the form of monetary payments.

RELATED PREVIOUS DECISIONS

- 18 Nil.

CONSULTATION

- 19 CN will engage with the community, Liveable Cities Advisory Committee, DPIE, Property Council, Urban Development Institute of Australia and other stakeholders as part of the recommended public exhibition process.

BACKGROUND

- 20 Planning decisions have the potential to promote urban renewal and an intensification of land uses, which in the right location and circumstance provide benefit to:
 - i) The broader community, through provision of additional housing;
 - ii) Employment, to meet existing and future demands consistent with population;
 - iii) Projections and emerging trends; and
 - iv) Landowners, through increase in land value, which provides greater returns on investment at time of sale, as well as an increase in financial equity.
- 21 Planning decisions promoting urban renewal also have the potential to impact existing local communities due to:

- i) Change in local character and amenity.
- ii) Inconveniences and impacts of increased construction activity.
- iii) Increased local traffic and demand for parking.
- iv) Increased demand on and for community infrastructure.

22 The timely delivery of community infrastructure is essential to support the urban renewal and development process.

OPTIONS

Option 1

23 The recommendation as at Paragraphs 1 and 2. These are the recommended options.

Option 2

24 Council does not support the recommendations. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 33 Attachment A: Draft Community Infrastructure Incentives Policy

Item 33 Attachment A distributed under separate cover

ITEM-34 CCL 27/04/21 - ADOPTION OF THE COMMUNITY GRANTS AND SPONSORSHIP POLICY

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

PURPOSE

To adopt the Community Grants and Sponsorship Policies.

RECOMMENDATION

That Council:

- 1 Adopt the Community Grants Policy at **Attachment A** and Sponsorship Policy at **Attachment B**.

KEY ISSUES

- 2 At the Ordinary Council Meeting on 23 February 2021, Council resolved to exhibit the draft Community Grant Policy and draft Sponsorship Policy ("Policies").
- 3 The Policies have been developed with reference to section 356 of the Local Government Act, which prescribes requirements for councils when providing financial assistance to community organisations.
- 4 The Policies respond to a 2019 Grants and Sponsorship Review involving community and staff engagement, review of City of Newcastle (CN) documentation and research of contemporary practice.
- 5 Public exhibition closed on 24 March 2021 with four external submissions on the Community Grants Policy and two on the Sponsorship Policy. **Attachment C** reports feedback received.
- 6 The Policies have been amended with marked changes as outlined at **Attachment A** and **Attachment B**. Based on engagement feedback, the following measures will also be implemented to assist applicants:
 - i) Public workshops outlining funding opportunities and explaining the application process.
 - ii) Frequently Asked Questions (FAQs) with information specific to each funding stream and step-by-step description of application process including information requirements.
- 7 The Policies are complimented by Guidelines reviewed and published annually detailing investment objectives, assessment process and funding distribution. The Guidelines have been included at **Attachment D** and **Attachment E**.

- 8 Applications will be reviewed by an Assessment Panel as defined in the relevant Grant and Sponsorship Policies and Guidelines.
- 9 The Director Strategy and Engagement executes the funding agreement(s) in line with the recommendations of the Assessment Panel.

FINANCIAL IMPACT

- 10 There is no financial impact from adoption of the Policies. Grant and Sponsorship budget allocations will be determined annually as part of CN's Delivery Program and Operational Plans, allowing for assessment of risk, costs and benefits.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The Policies align with the following Newcastle 2030 Community Strategic Plan directions:

Vibrant, Safe and Active Public Places

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs
- 3.1b Enhance our beaches and coastal areas through upgraded facilities
- 3.1c Support and deliver cultural and community programs, events and live music
- 3.2a Celebrate Newcastle's cultural heritage and diversity
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

Inclusive Community

- 4.1b Support initiatives and facilities that encourage social inclusion and community connections
- 4.1c Improve, promote and facilitate equitable access to services and facilities
- 4.2a Ensure people of all abilities can enjoy our public places and spaces
- 4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services
- 4.2c Promote recreation, health and wellbeing programs.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting
- 7.2a Conduct Council business in an open, transparent and accountable manner
- 7.3b Provide clear, consistent, accessible and relevant information to the community

- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 The Community Grants Policy consolidates and replaces the following policies:
- a) Recreation Facilities Grant Program Policy;
 - b) Youth Week Grant Policy;
 - c) Community Place Making Grant Policy;
 - d) Council Support for Arts and Cultural Organisations in Newcastle.
- 13 The Sponsorship Policy consolidates and replaces the following policies:
- a) Event Sponsorship Policy;
 - b) Economic Development Sponsorship Policy.

RISK ASSESSMENT AND MITIGATION

- 14 The Policies provide a governance framework to mitigate risk and ensure compliance with Local Government Act requirements.

RELATED PREVIOUS DECISIONS

- 15 At the Ordinary Council Meeting on 23 February 2021, Council resolved to exhibit the draft Community Grant Policy and the draft Sponsorship Policy.

CONSULTATION

- 16 The Policies were publicly exhibited for 28 days and promoted through CN's social media channels and email subscriber lists.

BACKGROUND

- 17 The 2019 Grants and Sponsorship Review surveyed approximately 240 community members and identified opportunities for better community outcomes and administrative efficiencies.
- 18 A recommendation of the report was the simplification of administrative processes and consolidation of the Policies.
- 19 The draft Policies have been formulated with consideration of the core principles recommended in the Grants and Sponsorship Review; namely to be Transparent, Equitable, Effective, Efficient, Collaborative and promote Sustainable outcomes.
- 20 The requirement for applicants to use CN venues has been removed to facilitate collaboration and partnerships between community groups to deliver effective, efficient and innovative proposals.

21 The Policies provide additional community benefits and opportunities including:

- i) opportunity for multiple applications within a given financial year;
- ii) simplified and streamlined application process;
- iii) wider venue opportunity.

OPTIONS

Option 1

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

Option 2

23 Council does not adopt the Community Grants Policy and Sponsorship Policy.
This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 34 Attachment A:** Community Grants Policy
- Item 34 Attachment B:** Sponsorship Policy
- Item 34 Attachment C:** Engagement Report
- Item 34 Attachment D:** Community Grant Programs – Guidelines
- Item 34 Attachment E:** Sponsorship Programs – Guidelines

Item 34 Attachments A-E distributed under separate cover

ITEM-35 CCL 27/04/21 - PROPOSED ROAD CLOSURE - CROWN STREET LANEWAY, STOCKTON

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

PURPOSE

To seek approval to close a section of road reserve at Crown Street laneway, Stockton, and sell the land to the adjoining property owner.

RECOMMENDATION

That Council:

- 1 Endorse the closure of the section of Crown Street laneway road reserve, Stockton, adjacent to Lot 5 Section B DP 6865.
- 2 Approve the sale of the 30.17m² parcel of land (**Attachment A**) to the adjoining owner of Lot 5 Section B DP 6865 for \$38,400 (plus GST).
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transactions.
- 4 Endorse the sale revenue be transferred to City of Newcastle's (CN) 'Works Program: Specific Projects' internally restricted reserves.

KEY ISSUES

- 5 Once closed and transferred, the applicants have agreed to consolidate the road closure lot within 34 Crown Street, Stockton. The applicant has agreed to pay all costs associated with the closure.
- 6 Any development of the land sold to the adjoining owner, or any future successor in title, would be subject to separate development consent.
- 7 The proposed road closure will be advertised for public comment with any submissions received forwarded with the application to the NSW Land Registry Services (LRS) for consideration.

FINANCIAL IMPACT

- 8 CN will receive \$38,400 (plus GST) from the closure and sale, with all costs including legal, survey, and service relocation borne by the applicant.
- 9 The revenue from the sale of the land will be transferred to CN's 'Works Program: Specific Projects' internally restricted reserves.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The proposed road closure is consistent with the following Newcastle 2030 Community Strategic Plan Direction:

Liveable Built Environment

5.4b Plan, provide and manage infrastructure that continues to meet community needs.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The road closure process involves public notification of the proposal for 28 days and CN entering into a deed of agreement with the adjoining owner. The applicant is then required to arrange and provide a survey plan, lodge a Development Application and Subdivision Application for endorsement of the road closure plan, thereby creating a separate lot for sale.
- 12 The land will only be sold to the applicant once title amendments have been accepted by the LRS.

RISK ASSESSMENT AND MITIGATION

- 13 There is a risk of the road closure not proceeding due to objections from the relevant authorities or persons. The applicant will pay all outgoings associated with the application and therefore CN is not financially exposed.

RELATED PREVIOUS DECISIONS

- 14 Nil.

CONSULTATION

- 15 The road closure proposal will be publicly exhibited for 28 days, with the adjoining property owners and relevant authorities notified directly.

BACKGROUND

- 16 In September 2020, the applicant submitted a proposal to close a section of road adjoining 34 Crown Street, for the purpose of constructing a two-storey garage.
- 17 An independent valuation of the section of road to be closed and sold was undertaken in January 2021, providing a purchase price of \$38,400 (plus GST).
- 18 In February 2021, a formal application to close and purchase the road was submitted by the applicant.

OPTIONS

Option 1

19 The recommendation as at Paragraph 1 to 4. This is the recommended option.

Option 2

20 Council resolves not to consent to the proposed closure and subsequent sale of part of the road reserve adjoining 34 Crown Street, Stockton. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 35 Attachment A: Aerial site diagram showing the proposed road closure area adjoining 34 Crown Street, Stockton.

Item 35 Attachment A: Aerial site diagram showing the proposed road closure area adjoining 34 Crown Street, Stockton.



ITEM-36 CCL 27/04/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / ACTING MANAGER FINANCE

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2020/21 Operational Plan as at the end of March 2021.
- 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 March 2021.

KEY ISSUES

- 2 At the end of March 2021, the consolidated YTD actual operating position is a deficit of \$0.1m which represents a positive variance of \$13.2m against the budgeted YTD deficit of \$13.3m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year budget for 2020/21 is a deficit of \$22.3m.
- 3 The net funds generated as at the end of March 2021 is a surplus of \$17.5m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$27.6m to the YTD budgeted deficit position of \$10.0m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of March 2021 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 This report aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Open and collaborative Leadership

- 7.4b Ensure the management of Council's budget allocations and funding alternatives are compliant with Council policy and relevant legislation to ensure the long-term financial sustainability of the organisation.

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 the 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

Item 36 Attachment A: Executive Monthly Performance Report –
March 2021

Item 36 Attachment A distributed under separate cover

ITEM-37 CCL 27/04/21 - TENDER REPORT - STAGE 3A WALLSEND LOCAL CENTRE - INTERSECTION OF KOKERA AND COWPER STREETS - CONTRACT 2021/362T

**REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY /
MANAGER ASSETS AND PROJECTS**

PURPOSE

To accept a tender for the construction of Stage 3A Wallsend Local Centre, consisting of the widening and realignment of Ironbark Creek and the installation of a culvert bypass at Cowper Street, in accordance with Contract No. 2021/362T.

REASON FOR CONFIDENTIALITY

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for Stage 3A Wallsend Local Centre for Contract No. 2021/362T.

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

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 To construct Stage 3A Wallsend Local Centre. Stage 3A includes the widening and realignment of Ironbark Creek and the installation of a culvert bypass at Cowper Street.

Contract Term

- 3 The contract period is from 30 May 2021 to 29 November 2021 and construction duration is 23 weeks.

Advertising of Tenders

- 4 The tender was advertised in the Newcastle Herald on 6 March 2021, Sydney Morning Herald on 9 March 2021, and nationally on the Tenderlink website.

Tenders Received

- 5 Tenders closed at 2pm on Wednesday 31 March 2021. Tender submissions were received from:
- i) Civil Mining Construction,
 - ii) Daracon Group, and
 - iii) Statewide Civil.

Evaluation Process

- 6 The tenders were assessed against the following criteria:
- i) Supplier Diversity 5%
 - ii) WHS 10%
 - iii) Tender Price 30%

- iv) Construction Program 25%
 - v) Construction Methodology 20%
 - vi) Previous Experience 10%
- 7 The tender was assessed by a Tender Assessment Panel consisting of City of Newcastle (CN) officers including the Project Manager, Construction Manager, Contracts Specialist, and Program Delivery Manager.
- 8 The Contracts Management team provided probity for the tender evaluation in accordance with CN's Procurement Policy.

Recommended Tenderer

- 9 The recommended tender submission achieved a high qualitative assessment and satisfied the overall value for money assessment in accordance with the assessment criteria and weightings.

FINANCIAL IMPACT

- 10 The total estimated cost of this project including the proposed contract amount, allowances for project management, contingency and other associated project costs is \$5.1 million. This estimated cost is within the multi-year budgeted amount allocated for the Wallsend Public Domain Plan (PDP).
- 11 Design commenced on this project during the 2020/21 financial year and construction of the project will be completed during the 2021/22 financial year.

IMPLICATIONS

Policy Implications

- 12 This project aligns with the following Newcastle 2030 Community Strategic Plan directions:
- i) Integrated and Accessible Transport,
 - ii) Protected Environment, and
 - iii) Liveable Built Environment.

Environmental Implications

- 13 The recommended tenderer has an environmental management system that is AS/NZS ISO14001 certified and has demonstrated an ability to construct the works in a manner utilising best environmental management practices.
- 14 The recommended tenderer will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for management of traffic control, noise and waste management.

Ecological Sustainability

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

IMPLEMENTATION

- 16 Delivery of the project will be managed by internal resources.

CONSULTATION/COMMUNICATION

- 17 The Wallsend PDP was prepared as part of CN's Local Centres Public Domain Renewal Program.
- 18 Community consultation was undertaken in 2016 following exhibition of the Wallsend PDP. The findings from this report were compiled in the Wallsend Public Domain Plan Consultation Workshop Outcomes Report November 2016.
- 19 On 22 May 2018 Council adopted the Wallsend PDP and associated Traffic Management Plan.

BACKGROUND

- 20 The purpose of this tender is to engage an external contractor to construct the next phase of the Wallsend PDP, Stage 3A Wallsend Local Centre.
- 21 The Wallsend PDP involves several stages:
- i) Stage 1 – Bunn Street upgrade – complete,
 - ii) Stage 2 – Renewal of the Tyrrell Street Bridge – complete, and
 - iii) Stage 3 – Upgrade of the intersection of Cowper and Kokera Street, including:
 - a) Stage 3A – Widening and realignment of Ironbark Creek, and
 - b) Stage 3B – Installation of traffic signals.
- 22 Stage 3A is also a critical component of works identified in the Wallsend Flood Risk Mitigation Plan (FRMP) and detailed in the Wallsend Floodplain Risk Management Plan - Implementation Works report.
- 23 The FRMP focuses exclusively on developing strategies to manage the risk to life in the Wallsend Commercial Centre should significant flood events occur.

- 24 The community consultation process, conducted in 2016, identified the need for construction of Stage 3 to mitigate the flood risks which forms part of the Wallsend PDP. This contract will enable these works to occur.
- 25 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

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

Option 2

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

Option 3

- 28 Council resolves not to accept any tender and invite fresh tenders. This will incur a delay to the commencement of construction by minimum 12 weeks. This is not the recommended option.

Option 4

- 29 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

- 30 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

Item 37 Attachment A: Confidential Recommendation

Item 37 Attachment B: Confidential Tender Evaluation Matrix - Summary

Refer Confidential Ordinary Council Meeting Agenda 27 April 2021 for Attachments A and B

**ITEM-38 CCL 27/04/21 - TENDER REPORT - SUMMERHILL WASTE
MANAGEMENT CENTRE - PROVISION OF ENVIRONMENTAL
SERVICES - CONTRACT 2021/293T**

**REPORT BY: CITY WIDE SERVICES
CONTACT: DIRECTOR CITY WIDE SERVICES / MANAGER WASTE
SERVICES**

PURPOSE

To accept a tender for the provision of environmental monitoring, reporting and other services related to environmental compliance at the Summerhill Waste Management Centre (SWMC) in accordance with Contract No. 2021/293T.

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

REASON FOR CONFIDENTIALITY

The confidential attachment has been classified confidential in accordance with the provisions of the Local Government Act 1993 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) 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 or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to the tender for Provision of Environmental Services at SWMC for Contract No. 2021/293T.

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

RECOMMENDATION

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

KEY ISSUES

The Tender

- 3 The tender is to provide a comprehensive range of environmental services for the Summerhill Waste Management Centre to allow Council to meet its mandatory monitoring, reporting and pollution response obligations. The service includes:
 - i) collecting required field samples and conducting field testing for 15 monitoring programs including surface water, groundwater, dust, noise etc;
 - ii) laboratory analysis of collected samples;
 - iii) data management, analysis, interrogation and ongoing reporting to SWMC management and the community;
 - iv) compiling the mandatory Annual Environmental Report and Annual Return for submission to the EPA;
 - v) incident or complaint investigation and impact assessment; and
 - vi) coordinating the mandatory testing of the Centre's Pollution Incident Response Management Plan (PIRMP) by scenario drills.

- 4 The service will also develop an updated electronic database to:
 - i) house environmental monitoring data;
 - ii) allow automated field data capture, upload and storage, and
 - iii) allow for automation of a range of regulatory, operational and community-facing reports.

- 5 The tender is a schedule of rates tender as the service is inherently variable. The monitoring and reporting programs are subject to ongoing variation by the NSW EPA which regulates Summerhill via an Environment Protection Licence (EPL). The program can also be varied in response to changes in operations at the SWMC or changes in risk profiles. Cost estimates provided in this report are based on the current monitoring and reporting programs as well as historical records regarding incident numbers.

Contract Term

- 6 The contract term is three years, with the option of extension for a further two periods of 12 months each at CN's discretion.

Advertising of Tenders

- 7 The tender was released to four select tenderers on 11 January 2021. Those tenderers were identified by an Expression of Interest released to the market in August 2020.

Tenders Received

- 8 Tenders closed at 2pm on Tuesday 9 February 2021. Four tender submissions were received from:
 - i) AECOM Australia Pty Ltd;
 - ii) GHD Pty Ltd;
 - iii) Golder Associates Pty Ltd; and
 - iv) Robert Carr and Associates.

Evaluation Process

- 9 The tenders were assessed against the following criteria:
 - i) Tender price
 - ii) Methodology and safety
 - iii) Capability
 - iv) Innovation

The relative weightings of these criteria are detailed at **Attachment B**.

- 10 The tenders were assessed by a tender assessment panel comprising CN officers from Waste Services including the Environmental Compliance Manager, Environmental Specialist and Management Systems Lead.

- 11 The Contracts Management team provided probity for the tender evaluation in accordance with CN's Procurement Policy.

Recommended Tenderer

- 12 The recommended tenderer achieved the highest ranking via the assessment process and has been assessed as providing the best value for money tender considering all price and non-price factors relevant to the proposed contract.
- 13 The recommended tenderer is a large multi-disciplinary company with experienced senior staff. It has demonstrated an ability to provide similar services across a range of industries. It also has a management team and staff based in Newcastle and will perform the service from its Newcastle office.

FINANCIAL IMPACT

- 14 All service costs and expenditure under the proposed contract will be funded from within existing operational budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 15 The Provision of Environmental Services at SWMC is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan.

Protected Environment

- 2.2a Provide and advocate for protection and rehabilitation of natural areas.

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

IMPLEMENTATION PLAN/IMPLICATIONS

- 16 The service to be provided by the recommended tenderer is currently conducted by an alternative service provider.
- 17 Implementation of the service will ensure Council's compliance with requirements related to the mandatory Pollution Incident Response Management Plan (PIRMP) for Summerhill.

RISK ASSESSMENT AND MITIGATION

- 18 A risk assessment undertaken by CN staff assessed WHS, procurement, and business risk of the environmental service tender and implementation of the recommended controls indicate a low risk level.

RELATED PREVIOUS DECISIONS

19 Nil.

CONSULTATION

20 No external consultation was required during preparation of this tender.

BACKGROUND

21 The SWMC is a scheduled waste facility under the Protection of the Environment Operations Act 1997 which means Council must hold an Environment Protection Licence (EPL) administered by the NSW EPA. The EPL includes a range of conditions governing operations, environmental monitoring, reporting and pollution incident response.

22 Operations at the SWMC are also governed by the facility's development consent (10/1319) and a Trade Waste Agreement (2007-472 2.017) with Hunter Water Corporation for the disposal of leachate.

23 The above approvals require extensive environmental monitoring programs to be conducted at the SWMC to measure and report any potential environmental impacts from site activities. Monitoring programs also reflect the minimum standards set out in the NSW EPA Environmental Guidelines for Solid Waste Landfills (2016).

24 The majority of the environmental services specified in this tender are currently provided under contract with the contract due for renewal. Other aspects of the service are conducted by CN staff.

25 The tender sought to identify suitably qualified and experienced consultants to conduct the complete range of environmental services required. The specification identified the components of the service as:

i) 15 compliance based environmental monitoring programs, comprising:

- M1: Monthly Surface Gas, Landfill Surface Integrity & Accumulated Gas
- M2: Quarterly Migration Gas Monitoring
- M3: Quarterly Sub-Surface Gas Monitoring
- M4: Monthly Asbestos Monitoring
- M5: Quarterly Personal Asbestos
- M6: Discharge Surface Water Monitoring
- M7: Quarterly Surface Water Monitoring
- M8: Quarterly Groundwater Monitoring
- M9: Monthly Leachate Volume Monitoring
- M10: Quarterly Leachate Quality Monitoring
- M11: Monthly Dust Monitoring
- M12: Monthly Water Use Monitoring
- M13: Noise Compliance Monitoring
- M14: Event Based Odour Monitoring
- M15: Incident Monitoring & Impact Assessment

- ii) Laboratory analysis
 - iii) Data management including migration to a database solution
 - iv) Environmental performance interrogation and reporting
 - v) Environmental advice and specialised investigations
 - vi) Pollution incident support including scenario testing and documentation
 - vii) Statutory reporting and compliance review processes
 - viii) Planning advice
- 26 A tender assessment process has been undertaken to ensure CN is provided with a qualified, experienced and cost-effective contractors capable of meeting the requirements of the above environmental monitoring programs.
- 27 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).
- 28 The recommended tenderer was the lowest cost of the three conforming tenders received and was also considered the best Value for Money. (One additional tender was received, but that tenderer did not demonstrate the breadth of expertise required and did not include a DMS solution as required by the Request for Tender.

OPTIONS

Option 1

- 29 The recommendation is at **Confidential Attachment A**. This is the recommended option.

Option 2

- 30 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 as it will result in non-compliance with regulatory requirements.

ATTACHMENTS

- Item 38 Attachment A:** Confidential Recommendation
Item 38 Attachment B: Confidential Tender Evaluation Matrix - Summary

Refer Confidential Ordinary Council Meeting Agenda 27 April 2021 for Attachments A and B

NOTICES OF MOTION

ITEM-9 NOM 27/04/21 - WASTE REDUCTION AND GREEN CAFFEEN PROGRAM

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Friday 16 April 2021 from the abovenamed Councillor.

MOTION

That City of Newcastle

- Notes the commitment of the City of Newcastle to ensuring that all Council-managed enterprises, activities and events on Council land eliminate the use of disposable and single-use plastic items;
- Notes the City of Newcastle's diverse portfolio of waste reduction programs and campaigns, including partnerships with a range of stakeholders to raise community awareness of this issue; and
- Join the Hunter Joint Organisation's partnership with Green Caffein to reduce the litter and waste stream associated with disposable coffee cups.

BACKGROUND

City of Newcastle undertakes waste reduction programs and campaigns, as part the actions to improve waste minimisation and recycling practices in homes, work places and public places as detailed in the 2030 Community Strategic Plan. These programs include membership of the Plastic Police® Partnerships program, delivery of waste education programs targeting marine debris and single-use plastics, supporting the High Schools Marine Debris Video Challenge, and supporting Clean Up Australia Day.

The Green Caffein initiative is a 'swap-and-go coffee cup scheme' designed to eliminate the landfill burden associated with the more than 1 billion disposable coffee cups that are thrown away in Australia each year. Instead of each of us having our own reusable coffee cup that we may leave behind or forget to wash, Green Caffein is like a library for cups, that can be hygienically between participating cafes and community. The Green Caffein system is an Australian-made, sustainable, cup reuse scheme free of charge for cafes and coffee drinkers. Current membership of the program has over 18,600 users in over 580 cafés Australia-wide, arguably one of the most subscribed reusable systems anywhere in the country.

Green Caffein launched a partnership with Hunter Joint Organisation in February this year, with eight councils in the region participating. Green Caffein is now available at cafes across the following Hunter region councils: Cessnock, Lake Macquarie, Port Stephens, Singleton, Maitland, Muswellbrook and Upper Hunter.

Participation in this program would reflect the City of Newcastle's commitment to the circular economy and waste reduction. This motion is consistent with previous decisions of Council on marine waste and plastic pollution. In September 2017, the City of Newcastle committed to formalise a policy to ensure that all Council-managed enterprises, Council activities and events on Council land seek to eliminate the use of disposable plastic items. Council also agreed to:

- Continue to assist and educate local businesses and the community to reduce the use of disposable plastic items.

ATTACHMENTS

NOM Item 9 Attachment A:

Hunter region takes coffee Circular with Green Caffein, Feb. 10 2021,
<https://greencaffein.com.au/blog/hunter-region-takes-coffee-circular-with-green-cafein/>

NOM Item 9 Attachment B:

'Library for coffee cups': Port Stephens one of seven Hunter councils to opt into Green Caffein scheme, Feb. 11, 2021, Port Stephens Examiner,
<https://www.portstephensexaminer.com.au/story/7119775/library-for-coffee-cups-port-opts-into-green-cafein-scheme/>

NOM Item 9 Attachment C:

Seven local councils onboard to Australia's leading reusable cup scheme, Hunter Business Review, <http://www.hbrmag.com.au/article/read/seven-local-councils-onboard-to-australias-leading-reusable-cup-scheme-3106>

REPORT ON NOTICE OF MOTION - 27/04/21 - WASTE REDUCTION AND GREEN CAFFEEN PROGRAM

REPORT BY: STRATEGY AND ENGAGEMENT

CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT

DIRECTOR COMMENT

City of Newcastle (CN) is committed to reducing waste to landfill and supporting opportunities for developing the circular economy. Strategies for managing waste and the environment are being developed to provide an investment framework for actions and initiatives to reduce the City's environmental footprint as part of CN's commitment to the United Nations' Sustainable Development Goals.

CN has supported sustainability initiatives designed to eliminate the landfill burden associated with single-use coffee cups.

In 2019, CN distributed 8,000 free re-usable 'keep cups' to 60 high-turnover cafes across Newcastle at a cost of \$33,000. The program was designed to encourage a change to reusable cups and divert single-use cups from landfill.

Since CN's keep cup promotion two years ago, the Hunter Joint Organisation (HJO) has partnered with Green Caffein to deliver a similar scheme designed to reduce the use of disposable cups. The primary difference being that customers are restricted to using Green Caffein's keep cups rather than have the option of using their own keep cup.

There is no upfront cost to cafés or customers to participate in the scheme for the first 12 months. Participating cafés are provided with approximately 50 reusable cups. There is no ongoing obligation for customers to purchase coffee from a café however a \$12.99 penalty fee is incurred if the Swap-and-Go Coffee Cup is not returned within 30 days, to any participating café. There is currently one eligible venue in the Newcastle local government area where cups can be returned to.

HJO's Environmental Projects Coordinator Siobhan Isherwood has advised CN that the HJO will fund 60% of the upfront cost with CN contributing \$180 per café for the first year. Further it is at the discretion of CN how it would select cafes.

Under the 12-month arrangement (March 2021 – March 2022) between Green Caffein and the HJO, Green Caffein is responsible for liaising directly with council supported cafés; providing up to 5,000 cups; digital and hard copy advertising material, promotion in media and online, and the provision of usage data.

At the conclusion of the 12 months, any participating cafes would be required to enter into a paid subscription with Green Caffein in order to continue to participate in the program.

**ITEM-10 NOM 27/04/21 - MODERNISING SHARK BITE RISK
MITIGATION**

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Friday 16 April 2021 from the abovenamed Councillor.

MOTION

That City of Newcastle

- 1 Supports a modernisation of shark bite risk mitigation including the removal of shark nets in favour of increased drone surveillance, SMART drumlines, and trials of additional non-lethal measures.

- 2 Endorses the response to the NSW Shark Management Strategy attached to this report.

BACKGROUND

In October 2015, the NSW Department of Primary Industries commenced a \$16 million Shark Management Strategy (SMS) which has now concluded and are now consulting on a new strategy. As part of the SMS, a range of options have been trialled and researched to effectively reduce the risk of shark bite while minimising impacts on marine wildlife. These include:

- Drone surveillance
- SMART (Shark Management Alert in Real Time) drumlines
- VR4G Shark listening stations
- Shark meshing/nets
- Helicopter surveillance
- Personal shark deterrents
- Clever Buoys
- Barriers

Since 1937, shark nets have been placed at the State's most popular beaches under the NSW Shark Meshing (Bather Protection) Program. Shark nets are installed at 51 beaches from 1 September to 30 April annually between Newcastle and Wollongong , and complemented by helicopters on weekends during school holidays and public holidays. Shark nets are 150m long by 4-6m deep with a mesh size of 60cm. They are set in about 10-12m of water, roughly 500m from shore. Shark nets are fitted with 'whale alarms' and 'dolphin pingers' to warn marine mammals of the presence of nets.

These nets are not comprehensive in their coverage, as they are much shorter than the lengths of each beach area. They are not a barrier to the open sea and do not exclude sharks from coming near the beach.

The research, trials and surveys conducted as part of the NSW Shark Management Strategy (SMS) have provided significantly more understanding of shark behaviour and movement, operational feasibility of risk mitigation methods and community attitudes.

The use of drones has been found to be highly successful at spotting potentially dangerous animals and highly popular with the public and Surf Lifesavers. Drone surveillance scored highest in public preference in a representative survey conducted by DPI. Additionally, drones can survey for other risks to human safety and be equipped to sound alarms and drop personal floatation devices making them an invaluable new addition to the beach safety toolkit.

The most significant development of the SMS is the introduction of SMART Drumlines, which have provided the NSW DPI with valuable data on the range and movement patterns of sharks in NSW and beyond. In addition, SMART drumlines are far more effective (10x) than nets at catching target sharks (tiger, great white and bull), catch far fewer non-target animals, and kill less than 1% of animals caught, whereas nets have a mortality rate of 55% of animals caught. Lastly, preliminary results have shown that target sharks caught on SMART drumlines, tagged and relocated offshore spend 2 to 3 months in open sea post-capture.

The most contentious aspect of the SMS remains the use of shark nets - the most unpopular of 7 strategies in both of DPI's representative and opt-in surveys. The current Shark Meshing Program is ineffective at minimising shark attacks. Thirty-four unprovoked shark interactions have occurred on netted beaches in NSW, and a 2012 study found that 40% of sharks were caught on the inside or the beach side of the nets. They provide nothing more than a false sense of security. Not only are the shark nets unable to provide public safety, they take a significant toll on marine wildlife.

This motion recommends that Council endorses a survey response for shark mitigation strategies that utilises modern methods and technologies replacing shark nets in order to increase the benefit to public safety and minimise the harm on the marine environment. This survey is being conducted by the University of Wollongong and Charles Sturt University on behalf of DPI. The proposed survey response is attached to the motion below, and would be submitted by the City of Newcastle via the online survey.

ATTACHMENTS

NOM Item 10 Attachment A: Link to Preferred Shark Mitigation Measures in NSW Survey: https://uow.au1.qualtrics.com/jfe/form/SV_9X3L73NGN3nCc2W

Survey response: see below.



UNIVERSITY
OF WOLLONGONG
AUSTRALIA



Charles Sturt
University

When do you think shark mitigation measures should be deployed?

Please select all that are relevant

All year

September-April when people swim in the ocean

Winter

Summer

Spring

Autumn

Never

The list below includes different **community education and shark-alert measures**. Which, if any, do you support in your local government area (or NSW in general)?

	Yes, supported	No, do not support
Digital communications (through social media or special interest websites)	<input checked="" type="radio"/>	<input type="radio"/>
Community education forums (e.g. information nights at surf clubs, community meetings)	<input checked="" type="radio"/>	<input type="radio"/>
SharkSmart Education 'packages' for different beach user groups (videos or FAQs relevant to surfers, divers, surf life savers)	<input checked="" type="radio"/>	<input type="radio"/>
Pop-up Mobile SharkSmart Education (e.g. DPI SharkSmart education trailer attends beaches, schools and surfing events)	<input checked="" type="radio"/>	<input type="radio"/>
SharkSmart App (using alerts from shark listening stations)	<input checked="" type="radio"/>	<input type="radio"/>
Beach signage informing beachgoers about how to avoid the chance of a shark encounter	<input checked="" type="radio"/>	<input type="radio"/>

*We are now going to ask you about **shark mitigation measures**, many of which DPI has trialled over the last five years under the NSW Shark Management Strategy. This includes public and personal protection measures to increase the safety of beachgoers to reduce the chance of a shark-human interaction occurring.*

The list below includes different **aerial surveillance measures** like helicopters and drones. Which, if any, do you support in your local government area (or NSW in general)?

	Yes, supported	No, do not support
Drones drone surveillance fact sheet	<input checked="" type="radio"/>	<input type="radio"/>
Helicopters helicopter surveillance fact sheet	<input checked="" type="radio"/>	<input type="radio"/>

The list below includes different **in-water measures**. Which, if any, do you support in your local government area (or NSW in general)?

	Yes, supported	No, do not support
Shark Listening stations linked to the SharkSmart app (detection tracking notifications) Shark listening stations fact sheet	<input checked="" type="radio"/>	<input type="radio"/>
Personal shark deterrent devices Personal deterrent devices fact sheet	<input checked="" type="radio"/>	<input type="radio"/>
	Yes, supported	No, do not support
Shark mesh nets Shark mesh nets fact sheet	<input type="radio"/>	<input checked="" type="radio"/>
SMART drumlines SMART drumlines fact sheet	<input checked="" type="radio"/>	<input type="radio"/>

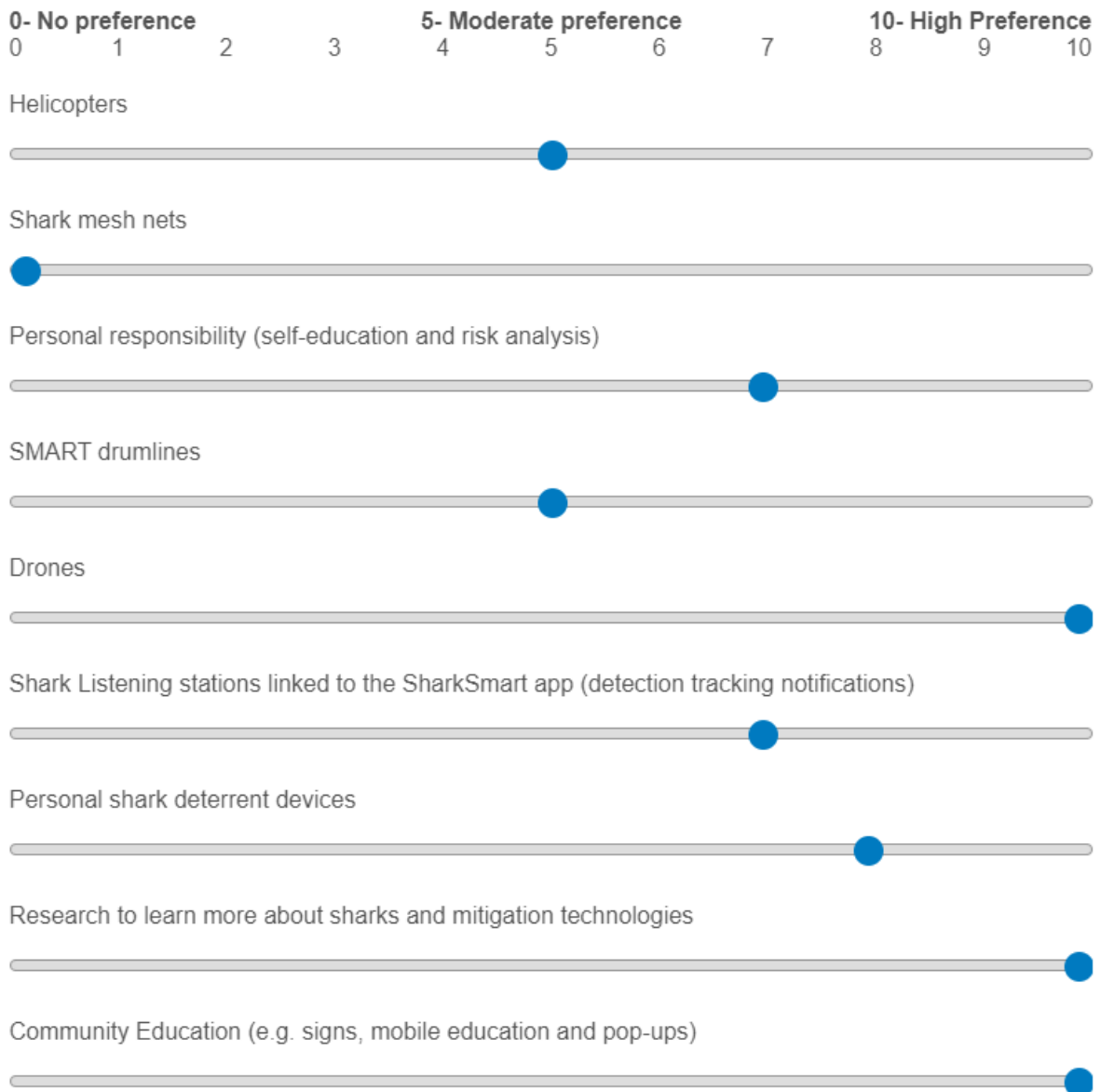
And, which of the following **research** topics, should the government focus on in your local government area (or in NSW in general) to increase protection of beachgoers?

	Yes, supported	No, do not support
Shark movement patterns and behaviour	<input checked="" type="radio"/>	<input type="radio"/>
Patterns in human-shark interactions	<input checked="" type="radio"/>	<input type="radio"/>
Monitoring of shark populations	<input checked="" type="radio"/>	<input type="radio"/>
Role of sharks in the marine ecosystem	<input checked="" type="radio"/>	<input type="radio"/>
Drone technology improvements	<input checked="" type="radio"/>	<input type="radio"/>

Please indicate which (if any) of the shark mitigation measures listed below you would prefer for your region (or NSW in general).

For each option, please use the slider bar to indicate your preference on a scale of 0 to 10 where 0=No preference and 10=High preference. **If you have no preference for a measure, please click on the slider and ensure it is at 0.**

NOTE. We have also included personal responsibility as a mitigation option. This refers to the responsibility of individuals for their own safety when deciding to enter the ocean and includes self-education and assessing possible risk factors (e.g. bait fish, diving birds).



In 2000 characters or less (approximately 300 words), can you tell us why you selected those options the way you did based on the needs in your local area (or NSW in general)?

Shark Nets are no longer suitable as shark bite risk mitigation measure due to their inability to protect ocean-users, the impact on marine wildlife and their resultant unpopularity. Alternative measures can actually reduce the risk via detection (drone surveillance) and deterrence (personal shark deterrents, SMART drumlines, etc.) without the cost to marine wildlife.

Do you have any further comments or suggestions for the NSW Government regarding shark mitigation in your region (or NSW in general), including any local factors that you feel should be considered?

Yes No

Thank you for participating in the survey. Before you submit your responses, we would like to know how satisfied you were overall with the information provided to you in this survey.

Extremely satisfied

Moderately satisfied

Neither satisfied nor dissatisfied

Somewhat dissatisfied

Extremely dissatisfied

REPORT ON NOTICE OF MOTION - 27/04/21 - MODERNISING SHARK BITE RISK MITIGATION

REPORT BY: CITY WIDE SERVICES

CONTACT: DIRECTOR CITY WIDE SERVICES

DIRECTOR COMMENT

The NSW Department of Primary Industries (DPIE) manages the NSW Shark Program which aims to increase protection for beachgoers whilst minimising harm to sharks and other marine life.

The 2020/21 Program includes the most effective and popular components of the Shark Management Strategy, including drones, SMART drumlines, and listening stations. The Program also includes the existing Shark Meshing Program using shark nets and helicopters between Newcastle and Wollongong.

In October 2015, DPIE commenced a \$16 million Shark Management Strategy which concluded on 30 June 2020. DPIE are now consulting on a new strategy including a range of options which have been trialed and researched to effectively reduce the risk of shark bite while minimising impacts on marine wildlife. These include:

- Drone surveillance
- SMART (Shark Management Alert in Real Time) drumlines
- VR4G Shark listening stations
- Shark meshing/nets
- Helicopter surveillance
- Personal shark deterrents
- Clever Buoys
- Barriers

City of Newcastle acknowledges the aim of the NSW State Government's Shark Management Strategy to increase protection for beachgoers from shark interactions while minimising harm to sharks and other marine animals and notes that shark mitigation is the responsibility of the NSW State Government.

RECOMMENDATION

That Council:

1. Supports a modernisation of shark bite risk mitigation including the removal of shark nets in favour of increased drone surveillance, SMART drumlines, and trials of additional non-lethal measures.

2. Endorses the response to the NSW Shark Management Strategy as outlined at Notice of Motion Item 10 - **Attachment A - Survey response** (page 76).
3. Notes that shark mitigation is the responsibility of the NSW State Government.

ATTACHMENTS

Director Comment Attachment A: NSW State Government Shark Program 2020/21

Director Comment Attachment A



ITEM-11 NOM 27/04/21 - CITY OF NEWCASTLE VACCINE HUBS

**COUNCILLORS: D CLAUSEN, M BYRNE, C DUNCAN, J DUNN, N NELMES,
 E WHITE AND P WINNEY-BAARTZ**

PURPOSE

The following Notice of Motion was received on Saturday 17 April 2021 from the abovenamed Councillors.

MOTION

That Council:

- 1 Notes Australia's slow progress in vaccinating the population against COVID-19;
- 2 Notes calls from public health experts for vaccine hubs to be established to expedite vaccination and deliver herd immunity;
- 3 Notes the negative public health and economic consequences of a prolonged vaccination rollout;
- 4 Notes the long history of Council supporting community vaccination programs, including at CN venues such as City Hall; and
- 5 Offers to make available CN venues to support the expedited delivery of community vaccination in Newcastle

BACKGROUND

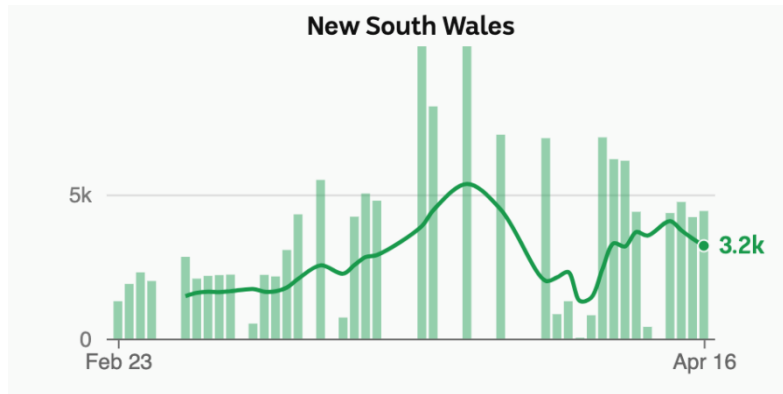
Statistics current as at 16 April 2021:

The pace of Australia's vaccination rollout lags more than 60 countries on a per capita basis, including far less wealthy nations such as Malta, Cambodia and Slovakia.

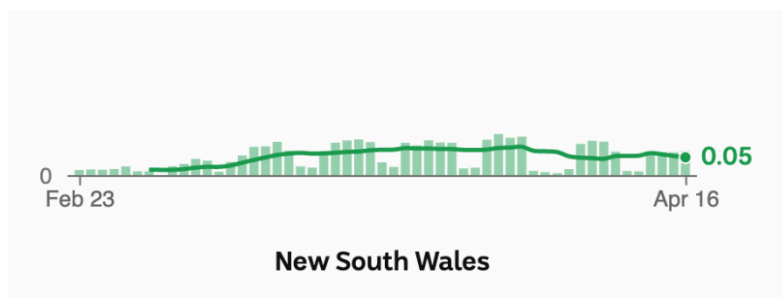
Nationwide, vaccinations are being delivered at a daily rate of roughly 0.2 doses per 100 people. This is 4.5 times slower than the US, three times slower than Canada and the UK, and half the pace of France and Italy.

At our current pace of roughly 343,000 doses a week, we can expect to reach the 40 million doses needed to fully vaccinate Australia's adult population in mid-June 2023. This creates significant ongoing economic risk to the Australian population, preventing borders from re-opening, and keeping an ever-present risk of further lockdowns.

So far, 1,421,000 doses of COVID-19 vaccine have been delivered across Australia.



Vaccines doses per 100 people in NSW as at 16/04/21 (rolling average of 0.05 doses per 100 people):



Hubs essential for herd immunity, AFR, 9 April 2021

Hubs 'essential' for herd immunity

Vaccination

Tom Burton

Mass vaccination sites will be essential if Australia is to reach herd immunity against COVID-19 by March next year, according to UNSW epidemiologist Mary-Louise McLaws.

Professor McLaws, an adviser to the World Health Organisation, said the nation needed to average 133,000 doses a day until the end of the year and 79,000 doses in the first quarter of 2022 to reach 85 per cent of the population and reach herd immunity by March.

Herd immunity happens when there are not enough people for the virus to transmit to and it fades away. Professor McLaws said without herd immunity "we shouldn't open up external borders, as our population wishing to be vaccinated for protection will be at risk".

"One way to achieve this would be to stop relying on small GP and respiratory clinics and urgently move towards using mass vaccination hubs," she said.

"The current plan presumes we're all middle class and have the ability to access a local GP during work hours or early evenings.

"Many people who are unemployed, disadvantaged, working multiple part-time jobs, disaffected or can't get away from work might not be able or willing to visit a GP clinic in their neighbourhood."

Professor McLaws acknowledged hubs would only work if there was a security of supply, which to date had been problematic. But Australia could not rely on small GP clinics alone and advised health authorities to consult demographers to best locate vaccination hubs so they were as effective as possible in attracting people.

"Relying on small GP and respiratory clinics means the rollout is progressing very slowly," she said.

"Local clinics might vaccinate around 50 people per day, depending on the size of their clinic. They also need to ensure physical distancing that allows space for people to wait for 15 minutes after their vaccination while they are monitored for any side-effects.

"GPs also need to continue to see patients with various health and well-being needs they should not ignore, even in a pandemic."

She said the announcement of a mass vaccination centre at Homebush in western Sydney with a weekly capacity of 30,000 was "a good start" but many more were needed to meet the target.

Victoria yesterday announced two mass vaccination centres, at the Melbourne Showgrounds and Mecure Ballarat, on top of five high-volume sites.

Promotional advertisement – 1943 immunisation campaign with vaccine hubs at City Hall Newcastle:



ATTACHMENTS

Nil.

CONFIDENTIAL REPORTS

ITEM-3 **CON 27/04/21 - TENDER REPORT - EAST END STAGE 1 -
HUNTER STREET MALL REFURBISHMENT - CONTRACT
2020/380T**

REPORT BY: **INFRASTRUCTURE AND PROPERTY**
CONTACT: **DIRECTOR INFRASTRUCTURE AND PROPERTY /
MANAGER ASSETS AND PROJECTS**

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the *Local Government Act 1993 (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.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for East End Stage 1 Hunter Street Mall Refurbishment for Contract No. 2020/380T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers.

This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-