



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 26 March 2019

**TIME:** 5.30pm

**VENUE:** Council Chambers  
2nd Floor  
City Hall  
290 King Street  
Newcastle NSW 2300

J Bath  
Chief Executive Officer

**City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300**

20 March 2019

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<b>ORDINARY COUNCIL MEETING</b> <b>26 March 2019</b>
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**FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)**

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 19 FEBRUARY 2019**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 190219 Public Voice Committee Meeting Minutes

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

**Attachment A**

**CITY OF NEWCASTLE**

**Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 19 February 2019 at 5.40pm.**

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**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), K Liddell (Director Infrastructure and Property and Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), A Murphy (Director City Wide Services), J Vescio (Executive Officer, Chief Executive Office), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), L Duffy (Manager Parks and Recreation), M Murray (Policy Officer, Lord Mayor's Office), A Knowles (Council Services/Minutes) and A Leach (Council Services/Webcast).

**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.

**MESSAGE OF ACKNOWLEDGEMENT**

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

**APOLOGIES**

**MOTION**

Moved by Cr Clausen, seconded by Cr Luke

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

**Carried**

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

Nil.

**PUBLIC VOICE SESSIONS**

**ITEM-1 PV 19/02/19 - DA2018/01097 - 2 & 4A ROSE STREET TIGHES HILL - THREE LOT INTO TWO LOT SUBDIVISION**

Mr Adam Piper, Piper Planning on behalf of the DA applicant addressed Council in support of the development application.

**The meeting concluded at 5.46pm**

**MINUTES - ORDINARY COUNCIL MEETING 26 FEBRUARY 2019**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 190226 Ordinary Council Meeting

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

**Attachment A**

**CITY OF NEWCASTLE**

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 26 February 2019 at 5.36pm.**

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**PRESENT**

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

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property and Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), A Murphy (Director City Wide Services), J Vescio (Executive Officer, Chief Executive Office), P McCarthy (Interim Manager Corporate and Community Planning), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), J Rigby (Manager Assets and Projects), M Bisson (Manager Regulatory, Planning and Assessment), A Jones (Chief Financial Officer), E Kolatchew (Manager Legal), L Duffy (Manager Parks and Recreation), B Johnson (Communications), D Mills (Media Officer), S Moore (Manager Business Partnering), I Challis (Contracts Management Specialist), W Carmichael (Manager Service Design and Customer Experience), A Mills (Manager Community Programs and Partnerships), A Hawke (Library Customer Support Officer), A Leach (Council Services/Minutes) and J Redriff (Council Services/Minutes).

**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**

**MOTION**

Moved by Cr Luke, seconded by Cr Winney-Baartz

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

**Carried**

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

**Councillor Luke**

Councillor Luke declared a less than significant non-pecuniary conflict of interest in Item 2 - Executive Monthly Performance Report as it included the re-investment of Surplus Funds Report which mentions multiple financial institutions that he had dealings with in his business. The declaration is less than significant as he noted he was not involved in determining where funds are invested and was just receiving a report.

**Councillor Clausen**

Councillor Clausen declared a less than significant non-pecuniary conflict of interest in Item 7 - Endorsement of Planning Agreement, 5 Hall Street, Maryville and said the Planning Agreement included works on lands owned by his employer and he would leave the Chamber for the item.

**Councillor Church**

Councillor Church declared significant and pecuniary interests in Item 6 - Endorsement of Planning Agreement - 464-470 King Street, Newcastle, Item 8 - Public Exhibition of West End Stage Two Streetscape Plan and Item 5 NOM - Adamstown Concept Plan and would leave the Chamber for the items.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 4 DECEMBER 2018  
MINUTES - ORDINARY COUNCIL MEETING 11 DECEMBER 2018**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried**

**LORD MAYORAL MINUTE**

**ITEM-1            LMM 26/02/19 - OVARIAN CANCER MONTH AND TEAL RIBBON DAY**

**MOTION**

Moved by Lord Mayor, Cr Nelmes,

That City of Newcastle:

1. Recognises February as Ovarian Cancer Month and tomorrow, Wednesday 27 February 2019 is Teal Ribbon Day;
2. Recognises City of Newcastle Citizen of the Year, Jill Emberson as Ovarian Cancer Australia's Ambassador who is raising awareness locally and nationally about this cancer that has the lowest survival rate of any women's cancer;

3. Invites City of Newcastle Councillors, staff and our community to an International Women's Day Morning Tea, to hear from Jill about her journey and to raise awareness and funds to assist with ovarian cancer research;
4. Recognises Teal Ribbon Day by turning City Hall clock teal.

**Carried  
unanimously**

**ITEM-2           LMM 26/02/19 - MEREWETHER SURFBOARD CLUB - 2018/19  
AUSTRALIAN BOARDRIDERS BATTLE WINNERS**

**MOTION**

Moved by Lord Mayor, Cr Nelmes,

That City of Newcastle:

1. Notes the success of the 2018/19 Australian Boardriders Battle, Australia's biggest grassroots boardriders event, particularly the National Final which was held at Newcastle Beach on Sunday, 17 February 2019;
2. Congratulates Merewether Surfboard Club, who beat 70 of Australia's best boardrider clubs to be declared the 2018/19 Australian Boardriders Battle Champions;
3. Recognises Merewether Surfboard Club's Jesse Adam, Mike Clayton-Brown, Philippa Anderson, Mitchell Ross and Morgan Cibilic, and injured team members Ryan Callinan and Jackson Baker, as well as the entire Merewether Surfboard Club, for their efforts to secure this significant National Surfing title.

**Carried  
Unanimously**

**ITEM-3           LMM 26/02/19 - NEWCASTLE EARTHQUAKE 30TH  
ANNIVERSARY COMMEMORATION SERVICE**

**MOTION**

Moved by Lord Mayor, Cr Nelmes,

That City of Newcastle:

1. Notes that on 28 December 1989, the City of Newcastle was struck by a devastating magnitude 5.6 earthquake, devastatingly killing 13 Novocastrians and injuring more than 160 people.
2. Recognises that the Newcastle Earthquake was one of Australia's worst natural disasters, and a defining moment in our City's history and character.
3. Holds a public Newcastle Earthquake 30<sup>th</sup> Anniversary Commemoration Service on Saturday, 28 December 2019 at City Hall, so that Novocastrians can remember those who were killed, injured and affected by the Newcastle Earthquake.

**Carried  
unanimously**



Councillor Church requested that former Lord Mayor, Councillor John McNaughton be recognised and involved in the planning for the Commemoration Service.

**ITEM-4 LMM 26/02/19 - NEWCASTLE STREET ART FESTIVAL**

**MOTION**

Moved by Lord Mayor, Cr Nelmes,

That City of Newcastle:

1. Notes that Street Art is an important component of the City of Newcastle's changing landscape;
2. Recognises the importance of Street Art in documenting our rich industrial, social and cultural history as a progressive and inclusive City, as well as it's significant role in fostering a dynamic and vibrant creative arts sector;
3. Consults with local artists and creatives to develop a Street Art Festival, guided by successful models which match local, national and international street artists, with local businesses, property owners and other partners to produce street art pieces across the City of Newcastle, culminating in a celebration of art in public places.

**Carried  
unanimously**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-1 CCL 26/02/19 - QUARTERLY BUDGET REVIEW - DECEMBER 2018**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council receive the December Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein.

**Carried**

**ITEM-2 CCL 26/02/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

The Executive Monthly Performance Report for January 2019 be received.

**Carried**

**ITEM-3 CCL 26/02/19 - AUDIT AND RISK COMMITTEE AND INTERNAL  
AUDIT ANNUAL REPORT**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Dunn

That Council:

1. Receives the Audit and Risk Committee's Annual Report for the 2017/2018 financial year at **Attachment A**; and
2. Notes the 2018/2019 Forward Internal Audit Plan at **Attachment B**.

**Carried  
unanimously**

**MOTION**

Moved by Cr Church, seconded by Cr Mackenzie

That Council receive a report at the 26 March 2019 Ordinary Council Meeting regarding the membership of the Committee and Councillor nominees.

**Carried  
unanimously**

**ITEM-4 CCL 26/02/19 - ADMINISTRATION OF 2020 COUNCIL ELECTIONS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Luke

That Council:

- 1 Resolves, pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act"), that an election arrangement be entered into by contract for the Electoral Commissioner to administer the 2020 elections of the Council, provided that the cost does not increase by more than 10% of the 2017 election costs; and
- 2 Resolves, pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that any Council poll arrangement and any constitutional referendum to be conducted during the 2020 elections, be entered into by contract for the Electoral Commissioner to administer for the Council.

**Carried  
unanimously**

**ITEM-5 CCL 26/02/19 - TABLING OF PECUNIARY INTEREST RETURNS - 1 NOVEMBER 2018 - 31 JANUARY 2019**

**MOTION**

Moved by Cr Luke, seconded by Cr Winney-Baartz

Council note the tabling of the pecuniary interest returns (for the period 1 November 2018 to 31 January 2019) by the Chief Executive Officer in accordance with the Local Government Act 1993 (NSW).

**Carried  
unanimously**

**ITEM-6 CCL 26/02/19 - ENDORSEMENT OF PLANNING AGREEMENT - 464-470 KING STREET, NEWCASTLE**

Due to his conflict of interest, Councillor Church left the Chamber for this item.

**MOTION**

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

- 1 Endorse the Planning Agreement – 464-470 King Street Newcastle (Attachment A) to enable construction of a pedestrian and cycle link between King Street and Hunter Street with a value of \$1.472m; and
- 2 Authorise the Chief Executive Officer to execute the Planning Agreement
- 3 Prior to works commencing, suitable construction drawings for the pedestrian and cycle link are circulated to Councillors by way of Memo, including confirmation that the works are in accordance with Council specifications.
- 4 Amends Clause 12.5 and Clause 19.4.2 at Attachment A as follows:

*Clause 12.5 - In this Clause, maintenance period means the period of 12 months commencing on and from the date that Council accepts responsibility for Work under Clause 13.*

*Clause 19.4.2 – Defects liability period means the period of 12 months commencing on the day immediately after the Council accepts responsibility for the Work under Clause 13.*

Councillor Duncan foreshadowed an additional motion.

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried  
unanimously**

**MOTION**

Moved by Cr Duncan, seconded by Cr Byrne

1. Ensures that public art components funded from large scale private developments are considered by the City of Newcastle Public Art Reference Group (PARG), with recommendations provided to CN Manager RPA who will provide a timely report to Council for final approval
2. Develops a City of Newcastle 'Guidelines for Public Art in Private Development with the purpose of ensuring high-quality public art is included in accessible public spaces in large scale developments
3. Reviews this process within 12 months together with Voluntary Planning Agreements and the development and implementation of public art guidelines.

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

**Against the Motion:** Nil.

**Carried  
unanimously**

Councillor Church returned to the Chamber at the conclusion of this item.

**ITEM-7 CCL 26/02/19 - ENDORSEMENT OF PLANNING AGREEMENT - 5 HALL STREET, MARYVILLE**

Due to his conflict of interest Councillor Clausen left the Chamber for this item.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Robinson

That Council:

- 1 Endorse the Planning Agreement - 5 Hall Street Maryville (**Attachment A**); and
- 2 Authorise the Chief Executive Officer to execute the Planning Agreement.

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

**Against the Motion:** Nil.

**Carried  
unanimously**

Councillor Clausen returned to the Chamber at the conclusion of this item.

**ITEM-8 CCL 26/02/19 - PUBLIC EXHIBITION OF WEST END STAGE TWO STREETScape PLAN**

Due to his conflict of interest Councillor Church left the Chamber for the item.

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

That Council:

- 1 Place the Draft West End Streetscape - Stage 2 Plan as at **Attachment A** on public exhibition for a period of four weeks.
- 2 Receive a report following the public exhibition period.

**Carried  
unanimously**

Councillor Church returned to the Chamber at the conclusion of this item.

**ITEM-9 CCL 26/02/19 - UNION STREET COOKS HILL - UPGRADE OF THE PEDESTRIAN FACILITIES BETWEEN LAMAN AND BULL STREETS**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Church

That Council:

Approves the proposed upgrade of the pedestrian facilities in Union, Laman and Bull Streets, Cooks Hill as shown at **Attachment A**.

**Carried  
unanimously**

**ITEM-10 CCL 26/02/19 - ACCEPTANCE OF OFFER - GAS RELOCATION - COUNCIL STREET, COOKS HILL**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

Not invite tenders for contract 2019/173T - Gas Main Relocation. A satisfactory result would not have been achieved through the calling of tenders as the gas main assets are owned by Jemena Gas Networks and they will undertake the required works.

**Carried  
unanimously**

**ITEM-11 CCL 26/02/19 - VISTA PARADE, KOTARA - INSTALLATION OF RAISED PEDESTRIAN CROSSING AND TRAFFIC CALMING DEVICES**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

Approves the proposed upgrade of the pedestrian facilities and traffic calming measures in Vista Parade, between Princeton Avenue and Grayson Avenue as shown at **Attachment A**.

**Carried  
unanimously**

**ITEM-12 CCL 26/02/19 - PUBLIC EXHIBITION OF THE DRAFT LIBRARY STRATEGY**

Councillor Luke left the Chamber at 6.54pm and returned at 6.56pm.

**MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council approves the draft Library Strategy (**Attachment A**) on public exhibition for 28 days with a report back to Council following exhibition.

**Carried  
unanimously**

**ITEM-13 CCL 26/02/19 - STEVENSON PARK MASTERPLAN**

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

The draft Stevenson Park Masterplan (**Attachment A**) be adopted.

**Carried  
unanimously**

**NOTICES OF MOTION**

**ITEM-1          NOM 26/02/19 - COMMITMENT TO HIGH QUALITY POOLS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Reiterates its commitment to high quality aquatic facilities and ocean baths accessible to all Novocastrians.
2. Notes recent submissions and discussions with Venues NSW about the future of the Broadmeadow Sports and Entertainment Precinct, and the opportunities to locate a new all year round aquatic facility as part of the future Sports Precinct at Broadmeadow.
3. Notes the NSW Government's recent commitment towards a new aquatic facility in the Paramatta Local Government Area.
4. Receives an updated report referred to the Infrastructure Advisory Committee outlining the current condition assessment of each inland pool, and a report on the quality of service delivery at each pool (including engagement with relevant communities and users) that outlines options for the future operation of Newcastle's aquatic facilities (including both short term operational and longer term capital and operational management)
5. Writes to local state members and the NSW Ministers and Shadow Ministers for Local Government and Sport advocating for a commitment to an all year-round aquatic facility as part of the Broadmeadow Sports and Entertainment Precinct.

**Carried  
unanimously**

**ITEM-2          NOM 26/02/19 - LGNSW SAVE OUR RECYCLING**

**MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

1. Endorse Local Government NSW's campaign, *Save Our Recycling*, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. Make representation to the Parliamentary Secretary for the Hunter and local State Members for Newcastle, Wallsend and Charlestown, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.

3. Write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. Take a lead role in activating the Local Government NSW *Save Our Recycling* campaign locally, and write to neighbouring councils and the Hunter JO recommending their involvement.
5. Endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
6. Formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

**Carried  
unanimously**

**ITEM-3            NOM 26/02/19 - ON-STREET BIKE AND CAR SHARE PARKING**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

1. Notes its commitment to active, public and low-emissions transport (including park-and-ride), and the need for improved integration of transportation to improve efficiency, health and wellbeing, and reduce carbon emissions.
2. Notes recent approaches from car share companies, such as GoGet, seeking to establish in the City of Newcastle local government area.
3. Develops a policy for the use of a limited number of on-street parking bays for bicycle and car share parking, noting that the provision of this infrastructure reduces car dependency especially in the city centre. This policy should include a process to consider community views prior to the installation of any new parking bays and ensure a process for regular evaluation and review.

**Carried**



**ITEM-4            NOM 26/02/19 - ICAN CITIES APPEAL - SUPPORTING THE UNITED NATIONS TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS**

**MOTION**

Moved by Cr Byrne, seconded by Cr Clausen

That City of Newcastle:

- 1 Notes that 2017 Nobel Peace Prize winners 'International Campaign to Abolish Nuclear Weapons' (ICAN), and Hunter Peace Group, have asked City of Newcastle to support the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons (the Treaty), and to endorse the ICAN Cities Appeal campaign which is aimed at building support and awareness for the Treaty;
- 2 Supports the ICAN Cities Appeal campaign by publishing our commitment statement on City of Newcastle's website and social media channels; and
- 3 Writes to the Prime Minister and Opposition Leader, calling on the Federal Government to sign the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons.

**Carried  
unanimously**

**ITEM-5            NOM 26/02/19 - ADAMSTOWN CONCEPT PLAN**

Due to his conflict of interest Councillor Church left the Chamber for this item.

**MOTION**

Moved by Cr Elliott, seconded by Cr Robinson

That Council:

- 1 Develop a concept plan for the retail/commercial section of Brunner Rd, Adamstown, to create a village feel and encourage activity and business growth.
- 2 Allocate funding in this year's budget to complete the concept plan in 2019.
- 3 Identify opportunities for façade upgrade support for landlords with commercial premises in Brunner Rd within the commercial precinct.
- 4 Develop a budget for the works identified in the agreed concept plan for consideration by Council.
- 5 Work closely with the local Adamstown business community in the interim to install a smart pole, recycle and install currently unused Council planter boxes, and facilitate improved lighting at the pedestrian crossing in front of the Nags Head hotel for night time safety.

**AMENDMENT**

Moved by Cr Duncan, seconded by Cr Dunn

That Council:

- 1 Note that Council has resolved to prioritise the development of public domain across the Local Government Area, with works currently underway in Carrington, Beresfield, Stockton and Wallsend, and draft public domain plans being developed with community consultation in Orchardtown Road New Lambton, Birmingham Gardens, Shortland and Beaumont Street James Street Plaza, Hamilton.
- 2 Note that officers have developed a prioritisation framework to guide further plan development, which includes Bruncker Road Adamstown as a medium priority local centre, and consistent with the broader program it is expected that Council will allocate funding as part of future capital works budgets.
- 3 Continue discussions with Adamstown businesses regarding establishing a Business Improvement Association, including consideration of expanding the special business rate levy to support economic development in this area, as part of the AECOM review that is currently underway.

**For the Amendment:**

Lord Mayor, Councillor Nelmes and Councillors Byrne, Clausen, Duncan, Dun, Mackenzie, Winney-Baartz and White.

**Against the Amendment:**

Councillors Elliott, Luke and Robinson.

**Carried**

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

**Carried**

Councillor Church returned to the Chamber at the conclusion of this item.

**ITEM-6 NOM 26/02/19 - RIGHT TO THE NIGHT PROJECT**

Councillor Dunn left the Chamber at 7.45pm and returned at 7.50pm.

**MOTION**

Moved by Cr Church, seconded by Cr Elliott

That City of Newcastle

1. Notes that a nationwide survey released in 2018 by Plan International and commissioned by Our Watch reveals 30 per cent of young Australian women aged 15-19 report avoiding public places after dark, with approximately 23 per cent believing it's not safe to travel alone on public transport.

2. Notes that Ballarat Council has developed The *Right to the Night* project, which won a local government award for collaborative communities, and saw that council develop a website and an app enabling users to pin places they feel unsafe to help council revitalise these spaces and to discourage violence.
3. Investigates the merits, costs and benefits of launching a similar project in the City of Newcastle, which could help council planners revitalise areas identified as unsafe with lighting and furniture to promote the use by more people and discourage anti-social behaviour to compliment and inform the city's after dark strategies.

Councillor Duncan foreshadowed an additional motion that being the Officer's recommendation in the report on Notice of Motion.

The motion moved by Councillor Church and seconded by Councillor Elliott was put to the meeting.

**Carried  
unanimously**

**MOTION**

Moved by Cr Duncan, seconded by Cr Byrne

That a specific project of crowdsourced data collection focused on the place-specific experiences of safety by women and girls be established through *Newcastle After Dark Night-time Economy Strategy 2018-2022*. That this program utilise existing digital consultation tools that are fit for purpose and integrated in current project scope and budget for night-time activities mapping.

**Carried  
unanimously**

**ITEM-7            NOM 26/02/19 - CITY OF NEWCASTLE VIP EVENT**

**MOTION**

Moved by Cr Church, seconded by Cr Elliott

That City of Newcastle

1. Notes that the cost to ratepayers of the 2017 and 2018 City of Newcastle VIP Event held at Fort Scratchley during the Coates Hire Newcastle 500 has been \$94,705.38 (2018 - \$49,796.38 2017 – \$44,909)
2. Notes that these are invitation only events and not open to the public,
3. Notes that the costs do not include the opportunity cost of hiring the venue to a third party at commercial rents.
4. Notes that despite the event being characterised as a charity event, City of Newcastle has not made a direct donation to the charity associated with the lunches.

5. Resolves to cancel future City of Newcastle VIP lunch events held at Fort Scratchley during the Newcastle 500 unless they can be staged at nil cost to ratepayers via other funding options which may include, but not be limited to, tickets sales or sponsorship.

**Defeated**

**ITEM-8 NOM 26/02/19 - CLEAN SEAS INITIATIVE**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- 1 Endorse the UN Environment Clean Seas campaign.
- 2 Write to the Federal Environment Minister to communicate this endorsement, and request information on progress of implementation since the Federal Government committed to the campaign in October 2018.
- 3 Commit to phase out all single use plastic from all Council-managed enterprises, Council activities and events on Council land by 2020, including plastic straws, balloons, promotional paraphernalia and plastic signage, and single use water bottles.

**Carried  
unanimously**

**ITEM-9 NOM 26/02/19 - CLIMATE RELATED FINANCIAL AND RISK DISCLOSURE**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That City of Newcastle receive a report on the implications of the Taskforce on Climate-Related Financial Disclosures (TCFD) for the City of Newcastle's financial and risk reporting, including options for incorporating climate-related financial and risk information into the Integrated Planning and Reporting (IP&R) framework.

**Carried  
unanimously**

**The meeting concluded at 8.18pm**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-14                      CCL 26/03/19 - SIX MONTH PERFORMANCE REPORT ON THE  
2018-2022 DELIVERY PROGRAM**

**REPORT BY:                      STRATEGY AND ENGAGEMENT  
CONTACT:                      INTERIM DIRECTOR STRATEGY AND ENGAGEMENT /  
INTERIM MANAGER CORPORATE AND COMMUNITY  
PLANNING**

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**PURPOSE**

To report to Council progress on the principal activities detailed in the 2018-2022 Delivery Program, in accordance with the provision of section 404(5) of the Local Government Act 1993 (Act).

**RECOMMENDATION**

- 1 That Council receives the Six Month Performance Report on the 2018-2022 Delivery Program, as per **Attachment A**.

**KEY ISSUES**

- 2 To comply with section 404(5) of the Act, Council must ensure that regular progress reports are completed detailing progress with respect to the principal activities detailed in the 2018-2022 Delivery Program. The Delivery Program is detailed in the document titled "2018/19 Our Budget". The Act requires progress reports to be provided at least every six months.

**FINANCIAL IMPACT**

- 3 Staff time associated with the preparation of the report will be met from existing operational budgets. There are no other direct financial implications arising from the report.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 4 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' action:

*7.4a 'Continuous improvement in service delivery based on accountability, transparency and good governance'.*

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 5 Not applicable.

**RISK ASSESSMENT AND MITIGATION**

6 This risk is mitigated by this report.

**RELATED PREVIOUS DECISIONS**

7 At the Ordinary Council Meeting held on 26 June 2018, Council resolved to adopt the 2018-2022 Delivery Program and 2018/19 Operational Plan identified in the document titled "2018/19 Our Budget".

**CONSULTATION**

8 Staff from the relevant Services Units within City of Newcastle (CN) have provided input into the Six Month Performance Report as required.

**OPTIONS**

**Option 1**

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

**Option 2**

10 Council resolves not to receive the Six Month Performance report. This is not the recommended option.

**BACKGROUND**

11 The Delivery Program directly aligns with the seven strategic directions identified in the Newcastle 2030 Community Strategic Plan (CSP) endorsed by Council on 26 June 2018.

12 The Delivery Program is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning & Reporting documents are subsequently required to be reviewed annually and adopted by 30 June of the relevant year.

13 The Six Month Performance Report has been prepared to report CN's progress against the strategic objectives and performance measures outlined in the 2018-2022 Delivery Program, as required by the Act.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Six Month Performance Report on the Delivery Program 2018-2022  
**Distributed under separate cover**

**ITEM-15 CCL 26/03/19 - SUMMERHILL WASTE MANAGEMENT CENTRE PROPOSED COMMERCIAL FEES AND CHARGES 2019/20**

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

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**PURPOSE**

To seek Council's endorsement to place on public exhibition proposed changes to our Waste Services Commercial Fees and Charges for 2019/20.

**RECOMMENDATION**

That Council:

- 1 Approve the draft amended 2019/20 Schedule of Commercial Fees and Charges for Waste Services collection, disposal and associated services at **Attachment A** being placed on public exhibition for 28 days.
- 2 Approve the adoption of the 2019/20 Schedule of Commercial Fees and Charges for Waste Services collection, disposal and associated services at **Attachment A**, if no significant adverse submissions are received during the public exhibition period. If significant adverse comments are received, then a further report to Council seeking approval will be required at the end of the public exhibition period.

**KEY ISSUES**

- 3 The Schedule of Commercial Fees and Charges once adopted will need to be implemented by 1 July 2019. Adopting the Schedule of Commercial Fees and Charges before 1 June 2019 will allow City of Newcastle time to provide sufficient notification to commercial and internal customers and provide educational materials to residents within the domestic 'waste calendar'. Adopting the Schedule of Commercial Fees and Charges prior to Council's Delivery and Operational Plan and overall Fees and Charges avoids last minute uncertainty in customers' budgets and reduces potential conflict at the Summerhill Weighbridge.
- 4 External influences and legislative changes (particularly environmental compliance) continue to have a direct financial impact on waste services activities. These drivers continue to significantly contribute to the cost of waste services, the landfill Waste Levy alone is expected to be \$144.73 per tonne for 2019/20. These external drivers and annual Consumer Price Index (CPI) increases form the basis for cost increases in the proposed Schedule of Commercial Fees and Charges.

- 5 The adoption of a wider range of products and recycling incentives in the Schedule of Commercial Fees and Charges continues to be popular and has encouraged source separation of recyclable materials. This range of options has been continued in the 2019/20 Schedule of Commercial Fees and Charges with increases linked to CPI in 2019/20.
- 6 The opening of the new Resource Recovery Centre in July provides City of Newcastle (CN) with additional opportunity to increase resource recovery and improve customer service, helping us to meet our sustainability targets. Currently, CN residents can drop off separate e-waste, problem waste and scrap metals with Summerhill at no gate fee. It is planned to increase the service level to include the following separated and sorted items:
  - i) Paper and Cardboard
  - ii) Recyclable Food and Beverage containers (steel, aluminum, plastic and glass)
  - iii) Clean Wood (no paints, no treatments)
  - iv) Soft plastic
  - v) Scrap steel
  - vi) Scrap aluminum
  - vii) Bric-a-brac (reusable household items)
- 7 Residents must self-sort either on site or prior to arrival and show proof of residency to use this service. Council will reserve the right to change the above items at any time due to operational or market conditions.
- 8 Council sometimes considers it appropriate to waive or reduce these fees in cases of hardship or to support charitable organisations or to attract commercial waste. In the 2019/20 Budget fees have been waived to the value of \$24,122.
- 9 The proposal includes the ability to waive or reduce fees in categories for hardship and not for profit and/or charitable organisations. The proposal includes a delegation to the Chief Executive Officer (or delegate) to determine appropriate waiver, reductions or negotiation in fees after a set of criteria have been applied to each category.
- 10 It is appropriate that Council is able to consider waiving or reducing fees and charges in circumstances where Council is satisfied that the payment of the fee would cause a person genuine financial hardship, having regard to the principles of social justice, equity and fairness.
- 11 Council, through its Community Assistance Plan, (CAP) can provide support for charitable organisations, which typically undertake resource recovery and recycling activity yet still need to dispose their residual waste to landfill.



**FINANCIAL IMPACT**

- 12 It is expected that the changes in the structure and methodology behind the incentives for recycling will maintain the overall financial performance of the Summerhill Waste Management Centre by way of sales revenue, reduction in levy payments and the preservation of available landfill void space.
- 13 The total amount of any fees waived or reduced because of hardship is anticipated to be small and have minimal impact on overall revenues.
- 14 The CAP will fund (up to approximately \$100,000) for eligible not for profit charities. The application of this assistance is strictly controlled to ensure funds are available to a wide range of charities and not for profit organisations.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 15 The recommendation aligns with following Community Strategic Plan directions:

**Protected Environment**

- 2.1a Improve waste minimisation and recycling practices in homes, workplaces, development sites and public places.

**Inclusive Community**

- 4.1b Support initiatives and facilities that encourage social inclusion and community connections.

**Open and Collaborative Leadership**

- 7.1b Ensure long term financial sustainability through short, medium and long term financial planning.
- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.4b Provide services that deliver on sustainable community service expectations.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 16 The Schedule of Commercial Fees and Charges is required to be adopted by Council at the latest, by 31 May 2019 following a 28 day public exhibition period. A delay in endorsement of this report will impact on the time available to collate and incorporate any community feedback to ensure adoption of the final report by the deadline and, the subsequent publication and promotion of the Waste Services Schedule of Commercial Fees and Charges prior to the deadline.

- 17 Council will write to all account customers notifying the amended fees, a notice will be displayed at Summerhill detailing the Schedule of Commercial Fees and Charges and implementation date and the adopted fees and charges will be incorporated into the residents 'waste calendar' along with other educational items regarding recycling and waste management.
- 18 Eligibility for Hardship and Not for Profit Charitable Categories will be determined through a strictly controlled application and assessment process.
- 19 The Sort and Save option and messaging will be promoted via an education campaign once these fees and charges are adopted.

### **RISK ASSESSMENT AND MITIGATION**

- 20 Adopting the Waste Management Schedule of Commercial Fees and Charges at least a month before implementation will reduce the risk of adverse reaction at the weighbridge, improve customer relationship management and, allow the timely printing and distribution of the waste calendar.
- 21 Adoption of the fees and charges will allow the education campaign around Sort and Save to be implemented.

### **RELATED PREVIOUS DECISIONS**

- 22 At the Ordinary Council Meeting held on 27 March 2018 Council adopted the 2018/19 Waste Services Schedule of Fees and Charges. No comments were received and therefore the Schedule of Fees and Charges were adopted with no further report to Council required.

### **CONSULTATION**

- 23 Both commercial and residential users of Summerhill have expressed the need for better publication and promotion of waste fees prior to implementation.
- 24 Analysis has been, and continues to be, undertaken with Summerhill Waste Management Centre's major clients. Commercial waste producers and purchasers of recovered materials require the ability to approach each waste or product stream with pricing that reflects the type of material and quantity required. Pricing also needs to consider items such as vehicle types, timescales for delivery, quantity per day, site resources required, void space consumed, density of materials, site operational requirements, material composition, environmental risks and additional plant or equipment. Each of these aspects will have an impact on the cost of disposal and therefore the price charged.
- 25 Community feedback has identified that residents find the cost of waste a significant factor in their recycling behavior and the Sort and Save Service will assist in providing equitable services to the community.

**BACKGROUND**

- 26 The ongoing effect of the NSW Government's annually increasing levy imposed under Section 88 of the Protection of the Environment Operations Act 1997, will contribute to market volatility for waste disposal in NSW. Capacity is required to negotiate reductions in fees and charges for commercial bulk waste in order to achieve Council's long term financial objectives.
- 27 The Local Government Act 1993 (NSW) requires Council to have in place approved price categories and processes to manage and support the waiver or reduction of fees and charges on the grounds of hardship and other categories.
- 28 If no significant adverse submissions are received during the public exhibition period (as at Paragraph 2) confirmation will be provided to Councillors by memo.

**OPTIONS**

**Option 1**

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

**Option 2**

- 30 Council alters or changes the recommendations outlined in Paragraph 1. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

- Attachment A:** Draft Amended Schedule of Commercial Fees and Charges for Summerhill Waste Management Centre 2019/20

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## Attachment A - Draft Amended Schedule of Commercial Fees and Charges for Summerhill Waste Management Centre 2019/20

WASTE MANAGEMENT							
REF.	FEE OR CHARGE	RECEIPT CODE	DESCRIPTION	PRICING POLICY	GST	2018-2019	2019-2020
						FEE OR CHARGE GST Inclusive	FEE OR CHARGE GST Inclusive
<b>Landfill and Resource Recovery</b>							
123	<b>Waste Disposal and Recycling</b>		<b>LGA 1993, S608 S404 (5)</b>				
	Type Of Waste						
	100% Garden Waste - excluding stumps (no food)	T29	per tonne minimum charge	M	10%	129.00 22.00	132.10 22.50
	General Solid Waste - Mixed	T29	per tonne minimum charge	M	10%	284.50 46.00	295.60 47.00
	Soil - Virgin Excavated Natural Material (VENM) (Strict conditions apply)	T29	per tonne minimum charge	M	10%	186.00 31.00	190.50 32.00
	Clean Bricks, Tiles, Concrete	T29	per tonne minimum charge	M	10%	152.00 26.00	156.00 27.00
	General Solid Waste - Special or Difficult	T29	per tonne minimum charge	M	10%	393.00 64.00	406.80 65.50
	Mixed Road Base Wastes (Sand, Gravel, Stones, Concrete, minimal Asphalt)	T29	per tonne minimum charge	M	10%	152.00 26.00	156.00 27.00
	Clean Asphalt (no coal tar)	T29	per tonne minimum charge	M	10%	96.00 16.00	98.50 16.50
	Clean Concrete (No rebar - non structural, minimal reo. Max 500mm)	T29	per tonne minimum charge	M	10%	61.00 10.00	62.50 10.50
	Clean Concrete - Structural (With rebar or significant reo. Max 500mm)	T29	per tonne minimum charge	M	10%	71.00 12.00	73.00 12.50
	Wood - Clean, untreated	T29	per tonne minimum charge	M	10%	193.00 33.00	198.00 34.00
	Recyclables - Separated (Domestic Dry Clean Card, Paper, Bottles, Cans)	T29	per tonne minimum charge	M	10%	51.00 9.00	52.50 9.50
	Recyclables - Mixed (Domestic Dry Clean Card, Paper, Bottles, Cans)	T29	per tonne minimum charge	M	10%	112.00 19.00	115.00 19.50
	Scrap Metal (Whitegoods - exc fridges, car parts, bikes, steel, Aluminium)			M	N/A	Free	Free
	Community Recycling Centre - Residential Household Hazardous & Problem Waste (core materials)	T29		M	N/A	Free	Free
	Electrical Waste (TV's, Computers, Printers/Scanners, Fans, Phones, VCR's, DVD Players, Radios/Stereos, Power Tools, Kitchen Appliances, Vacuum Cleaners, Heaters etc.)		Households only	M	N/A	Free	Free
	Electrical Waste (TV's, Computers, Printers/Scanners, Fans, Phones, VCR's, DVD Players, Radios/Stereos, Power Tools, Kitchen Appliances, Vacuum Cleaners, Heaters etc.)		Commercial Customers			210.00	215.00

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REF.	FEE OR CHARGE	RECEIPT CODE	DESCRIPTION	PRICING POLICY	GST	2018-2019	2019-2020
						FEE OR CHARGE GST Inclusive	FEE OR CHARGE GST Inclusive
	The following charges will be in addition to tonnage charge if included in mixed load						
	<u>Tyres:</u>						
	Small - Off Rim	T29	each	M	10%	14.00	14.50
	Small - On Rim	T29	each	M	10%	24.00	24.50
	Medium - Off Rim	T29	each	M	10%	19.50	20.00
	Medium - On Rim	T29	each	M	10%	31.00	32.00
	Large - Off Rim	T29	each	M	10%	32.00	33.00
	Large - On Rim	T29	each	M	10%	37.50	38.50
	<u>Mattresses:</u>						
	Single/Double	T30	each	F	GST Free	35.00	36.00
	Queen/King	T30	each	F	GST Free	41.00	42.00
	Batteries - Lead Acid (dry cell batteries - Free)	T30	each	F	GST Free	10.00	10.50
	Gas Bottles	T30	each	F	GST Free	25.00	25.60
	<u>Fridges</u>						
	Gassed	T30	each	F	GST Free	35.00	36.00
	Degassed	T30	each	F	GST Free	16.00	16.50
<b>I24</b>	<b>Product List - Materials for Sale (grades and sizes available on enquiry)</b>						
	Recycled Concrete Aggregate various sizes, from	T29	per tonne	M	10%	35.00	36.00
			minimum charge	M	10%	20.00	20.50
	Crushed Rock Aggregate various sizes, from	T29	per tonne	M	10%	35.00	36.00
			minimum charge	M	10%	20.00	20.50
	Sandstone Rocks - Various Sizes	T29	per tonne	M	10%	32.00	33.00
			minimum charge	M	10%	20.00	20.50
	Ungraded General Fill - VENM	T29	per tonne	M	10%	15.50	16.00
			minimum charge	M	10%	23.00	24.00
	<b>Other Items</b>						
	<b>Hire of Frank Rigby Room</b>		<b>LGA 1993, S608</b>				
	- Full Day	T29	per day	M	10%	365.00	374.00
	- Half Day		per half day	M	10%	165.00	169.00
	- Casual (short term internal hire attracts nil fee)		per hour	M	10%	55.00	57.00
	Customer account reprints and enquiries (Account Customers)	T29	first enquiry	M	N/A	Free	Free
			additional enquiries	M	10%	4.00	4.50
	Customer reprints and enquiries (Other Customers)	T29	all enquiries	M	10%	5.00	5.50
	<b>Notes</b>						
1	Payments made by Credit Card will attract a 0.75% (GST incl) surcharge						
2	Some or all of the items listed may not be available or acceptable due to operating requirements or product availability						
3	Site Management reserves the right to refuse to receive and/or load vehicles at any time and/or for any reason						

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REF.	FEE OR CHARGE	RECEIPT CODE	DESCRIPTION	PRICING POLICY	GST	2018-2019	2019-2020
						FEE OR CHARGE GST Inclusive Rounded	FEE OR CHARGE GST Inclusive Rounded
<b>WASTE AND COMMERCIAL COLLECTIONS</b>							
I 25	<b>Garbage Fees</b>		<b>LGA 1993, S608</b>				
	<b>Wheeled Container Service - 140 litre residual waste - KERBSIDE</b>						
	140 litre } Mon-Fri - 1 to 4 weekly services	T30	per annum	F	GST Free	561.35	578.00
	140 litre } Mon-Fri - 5 or more services	T30	per annum	F	GST Free	542.80	POA
	140 litre } Saturday & Sunday	T30	per annum	F	GST Free	630.35	649.00
	<b>Wheeled Container Service - 240 litre residual waste - KERBSIDE</b>						
	240 litre } Mon-Fri - 1 to 4 weekly services	T30	per annum	F	GST Free	692.15	712.00
	240 litre } Mon-Fri - 5 or more services	T30	per annum	F	GST Free	665.40	POA
	240 litre } Saturday & Sunday	T30	per annum	F	GST Free	859.00	884.00
	<b>Wheeled Container Service - 660 litre residual waste - KERBSIDE</b>						
	660 litre service } Mon-Fri	T30	per annum	F	GST Free	1802.50	1856.00
	660 litre service } Saturday & Sunday	T30	per annum	F	GST Free	2029.10	2090.00
	<b>Wheeled Container Service - 1100 litre residual waste - KERBSIDE</b>						
	1100 litre service } Mon-Fri	T30	per annum	F	GST Free	2832.50	2917.00
	1100 litre service } Saturday & Sunday	T30	per annum	F	GST Free	3151.80	3246.00
	<b>Wheeled Container Service - 240 litre residual waste - KERBSIDE - UPGRADE</b>						
	Service cost for increased domestic waste bin to 240L (Upgrade from standard 140 litre bin, standard service day only)	T30	per service	F	GST Free	283.25	291.00
	<b>Wheeled Container Service - 240 litre greenwaste - KERBSIDE additional service</b>						
	Excess greenwaste bin (240 litre additional green waste bin, standard service day only)	T30	per service	F	GST Free	103.00	106.00
	<b>Miscellaneous</b>						
	Cancellation fee	T30	per cancellation	F	GST Free	66.95	69.00

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REF.	FEE OR CHARGE	RECEIPT CODE	DESCRIPTION	PRICING POLICY	GST	2018-2019	2019-2020
						FEE OR	FEE OR
						CHARGE GST Inclusive Rounded	CHARGE GST Inclusive Rounded
<b>User Pays Recycling Service - additional services</b>							
	240 litre Recycling bin, standard service day, fortnightly service	T30	per annum	F	GST Free	101.50	104.00
	360 litre Recycling bin, standard service day, fortnightly service	T30	per annum	F	GST Free	121.80	125.00
	660 litre Recycling bin, standard service day, fortnightly service	T30	per annum	F	GST Free	880.00	906.00
	1100 litre Recycling bin, standard service day, fortnightly service	T30	per annum	F	GST Free	1025.15	1055.00
	Service cost for increased Recycling bin to 360L (Upgrade from standard 240 litre bin, standard service day, fortnightly service, DWMSC properties only)	T30	one off fee	F	GST Free	25.75	27.00
<b>Bulkwaste Services Kerbside (Additional to Rated Services)</b>							
	Pickup and disposal (up to 2 cubic metres of eligible material, collected as per the regular schedule)	T30	up to 2 cubic metres	F	GST Free	221.45	228.00
<b>Special Event Bin Hire - RESIDUAL WASTE</b>							
	Delivery and removal of Bins (240 litre bins) - bins delivered to central / single location	T30	Per load up to 12 bins	M	GST 10%	247.20	254.00
	Delivery and removal of Bins (660 litre & 1100 litre bins) - bins delivered to central / single location	T30	Per load up to 2 bins	M	GST 10%	247.20	254.00
	Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location	T30	per service	M	GST 10%	19.50	20.00
	Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location	T30	per service	M	GST 10%	53.40	55.00
	Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location	T30	per service	M	GST 10%	79.95	82.00
<b>Special Event Bin Hire - RECYCLING</b>							
	Delivery and removal of Bins (240 litre bins) - bins delivered to central / single location	T30	Per load up to 12 bins	M	GST 10%		254.00
	Delivery and removal of Bins (360 litre bins) - bins delivered to central / single location	T30	Per load up to 8 bins	M	GST 10%		254.00
	Delivery and removal of Bins (660 litre & 1100 litre bins) - bins delivered to central / single location	T30	Per load up to 2 bins	M	GST 10%		254.00
	Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location	T30	per service	M	GST 10%	29.70	10.00
	Service Charges of Event bins - 360 litre bin - bins emptied from kerbside location	T30	per service	M	GST 10%	56.85	18.00
	Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location	T30	per service	M	GST 10%	58.10	22.00
	Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location	T30	per service	M	GST 10%	65.75	38.00
<b>Wheeled Container Service - Misc. Sizes and Types</b>							
	Different sizes, types and delivery methods other than those listed in this schedule			M	GST 10%	POA	POA

**ESTABLISHED CATEGORIES FOR REDUCTION OR WAIVING OF FEES**

Section 610E of the Local Government Act 1993, allows Council to waive payment of, or reduce a fee in a particular case, if it is satisfied that the case falls within a category of hardship or any other category that Council has determined.

Council has determined that fees may be waived or reduced in the following categories:

<b>Category one – financial hardship</b>	<p>Council may reduce or waive fees in cases where the applicant provides evidence that the payment of the fee will impose significant financial hardship.</p> <p>In determining eligibility on the basis of significant hardship, Council will:</p> <ol style="list-style-type: none"> <li>1. Apply the criteria used by the Department of Human Services (Centrelink); and</li> <li>2. Require the applicant to provide reasonable proof of financial hardship which may include details of assets, income and living expenses, and such other information required to make a valid assessment.</li> </ol>
<b>Category two - charity</b>	<p>Council may reduce or waive fees in where the applicant is a registered charity and the fee is for a service that will enable the provision of charitable services to City of Newcastle's community.</p>
<b>Category three – illness or death (library overdue charges and pool season passes/tickets only)</b>	<p>Council may reduce or waive fees in cases where the applicant provides evidence that the charge was incurred because of:</p> <ol style="list-style-type: none"> <li>1. Serious illness of a customer or the customer's immediate family member;</li> <li>2. Serious accident involving the customer or the customer's immediate family member;</li> <li>3. Death of a customer or the customer's immediate family member; and</li> </ol> <p>In determining eligibility on the basis of illness or death, Council will require the customer to present:</p> <ol style="list-style-type: none"> <li>1. Medical certificate; or</li> <li>2. Statutory declaration.</li> </ol>

**APPLICATION AND ASSESSMENT**

For the waiving or reduction of fees, applicants must apply to City of Newcastle in writing (using the CN standard form). Officers with delegated authority will assess and make determinations on requests for the waiver or reduction of fees in accordance with the following principles:

- Compliance with relevant legislation
- Fairness, consistency and equity
- Transparency





**ITEM-16 CCL 26/03/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE / CHIEF FINANCIAL OFFICER**

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**PURPOSE**

To report on Council's monthly performance. This includes:

- a) Monthly financial position and year to date (YTD) performance against the 2018/19 Operational Plan as at the end of February 2019.
- 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 February 2019.

**KEY ISSUES**

- 2 At the end of February 2019 the consolidated YTD actual operating position is a surplus of \$23.7m which represents a positive variance of \$11.6m against the budgeted YTD surplus of \$12.1m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2018/19 is a surplus of \$6.5m.
- 3 The net funds generated as at the end of February 2019 is a surplus of \$31.2m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted surplus of \$6.5m. This is primarily due to a timing variance in the delivery of Council's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
- 4 Council's temporary surplus funds are invested consistent with Council's Investment Policy, Investment Strategy, the Act and Regulations. Details of all Council funds invested under s.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 February 2019 is provided in the Executive Monthly Performance Report.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' action:

*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) Council's adopted annual financial reporting framework,
  - ii) Council's Investment Policy and Strategy, and
  - iii) Clause 212 of the Regulation and s.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 Councilors to provide detailed information and a forum to ask questions.

## BACKGROUND

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

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Executive Monthly Performance Report – February 2019

Attachment A

# Monthly Performance Report

February 2019



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City of  
Newcastle

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Operating progress at a Glance as at 28 February, 2019				
Over budget by more than 5% and \$100,000				
Over budget by less than 5% or \$100,000				
Result within budget				
Department / Service Unit	Indicator	Comments	Variance (\$,000)	Variance %
<b>CEO's Office</b>				
CEO's Office			61	6%
<b>Governance</b>				
Governance Director			102	36%
Finance			482	0%
Legal			90	2%
Regulatory & Assessment			922	26%
<b>Strategy &amp; Engagement</b>				
Strategy & Engagement Director			95	50%
Information Technology			131	3%
Major Events & Corporate Affairs			649	16%
Corporate & Community Planning			24	1%
<b>People &amp; Culture</b>				
People & Culture Director			175	48%
People & Culture			268	5%
<b>Infrastructure &amp; Property</b>				
Infrastructure & Property Director			38	13%
Depot Operations			87	16%
Assets & Projects			971	5%
Civil Construction & Maintenance			978	11%
Property			937	12%
<b>City Wide Services</b>				
City Wide Services Director			1	0%
Art Gallery			97	7%
Museum			39	4%
Civic Services			454	17%
Libraries & Learning			401	8%
Customer Services			341	16%
Waste Services			1,032	18%
Facilities & Recreation			409	4%













## Income Statement

Result for the financial period ending 28 February, 2019

Full Year Budget \$'000	YTD Budget \$'000	YTD Actual Result \$'000	Variance (\$) \$'000	Variance (%) \$'000
<b>Income from Continuing Operations</b>				
167,893 Rates & charges	111,400	111,400		0%
79,182 User charges & fees	51,103	53,457	2,354	5%
9,632 Interest	6,475	6,891	416	6%
10,476 Other operating revenues	6,979	7,586	607	9%
15,798 Grants & contributions - Operating	7,570	7,805	235	3%
17,909 Grants & contributions - Capital	6,688	6,695	7	0%
<b>300,890 Total Income from Continuing Operations</b>	<b>190,215</b>	<b>193,834</b>	<b>3,619</b>	<b>2%</b>
<b>Expenses from Continuing Operations</b>				
100,856 Employee costs	63,890	61,931	(1,959)	-3%
3,874 Borrowing costs	2,581	2,575	(6)	0%
75,291 Materials & contracts	42,522	34,948	(7,574)	-18%
41,902 Depreciation & amortisation	27,511	27,511		0%
52,561 Other operating expenses	33,425	34,998	1,573	5%
2,013 Net Loss from disposal of assets	1,472	1,472		0%
<b>276,497 Total Expenses from Continuing Operations</b>	<b>171,401</b>	<b>163,435</b>	<b>(7,966)</b>	<b>-5%</b>
<b>24,393 Total Operating result from continuing operations</b>	<b>18,814</b>	<b>30,399</b>	<b>11,585</b>	<b>62%</b>
<b>6,484 Net operating result before capital Items</b>	<b>12,126</b>	<b>23,704</b>	<b>11,578</b>	<b>95%</b>

Operating Analysis as at 28 February, 2019

Over budget by more than 5%	
Over budget by 5% or less	
Result within budget	

Department / Service Unit	Indicator	Var (\$'000)	Var(%)	Issue	Explanation
<b>Operating Revenue</b>					
Rates and charges		0	0%		
User charges & fees		2,354	5%	Summerhill - \$1.9m	- The Summerhill waste management centre has generated above budget income which is offset by an increased state waste levy expense.
Interest		416	6%	Interest on Investments - \$0.3m	- Interest income exceeded budget due to total portfolio holdings being greater than anticipated and interest rate higher than forecast
Other operating revenues		607	9%	Fines - \$0.2m	- CN is achieving higher revenue through parking fines than budgeted.
Grants & contributions - Operating		235	3%		
Grants & contributions - Capital		7	0%		
<b>Operating Expenses</b>					
Employee costs		(1,959)	-3%	Staff costs	- Lower than forecast staff costs due to timing of the project program and general vacancies
Borrowing costs		(6)	0%		
Materials & Contracts		(7,574)	-18%	Projects	- Operational expenditure generated through delivery of the works program is below the YTD budget.
Depreciation & Amortisation		0	0%		
Other operating expenses		1,573	5%	State waste levy - \$1.9m	- Expenditure on the NSW State Waste Levy is above budget due to higher than forecast tonnages. The higher levy is offset by above budget income.
Net Loss from Disposal of Assets		0	0%		





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Newcastle City Council														For the month ending 28 February, 2019							
	CEO Office		Governance		Strategy & Engagement		People & Culture		Infrastructure		City Wide Services		Capital Works Program		Airport		The City of Newcastle				
	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	Var (\$)	Var(%)	
<b>Operating Revenue</b>																					
1 Rates & charges			96,427	96,427					350	350	14,623	14,623					111,400	112,400		0%	
2 User charges & fees			3,408	3,456	332	344			10,719	11,023	26,507	28,900	350	347	9,386	9,386	51,183	51,457	2,354	5%	
3 Interest			6,270	6,686											205	205	6,475	6,891	416	6%	
4 Other operating revenues			862	672	34	96			10	10	4,435	4,484					6,979	7,266	287	4%	
5 Grants & contributions - Operating			5,356	5,398	105	80			150	184	1,442	1,584					7,570	7,805	235	3%	
<b>Total Operating Revenue</b>			<b>111,843</b>	<b>112,639</b>	<b>471</b>	<b>520</b>	<b>161</b>	<b>177</b>	<b>16,946</b>	<b>17,641</b>	<b>43,965</b>	<b>46,009</b>	<b>350</b>	<b>347</b>	<b>9,591</b>	<b>9,591</b>	<b>183,527</b>	<b>187,139</b>	<b>3,616</b>	<b>2%</b>	
<b>Operating Expenses</b>																					
6 Employee costs	641	582	10,694	10,264	5,490	5,205	5,387	5,008	19,210	18,370	19,670	19,813	1,316	2,087	1,472	1,472	63,880	61,931	(1,949)	-3%	
7 Borrowing costs			2,387	2,387					89	93					355	355	2,581	2,575	(6)	0%	
8 Materials & contracts	203	197	2,751	2,381	3,979	3,851	414	367	7,888	6,192	14,704	12,914	12,855	9,379	185	185	42,832	38,648	(4,184)	-10%	
9 Depreciation & amortisation	1	1	44	44	653	653	54	54	17,407	17,407	8,185	8,185			1,167	1,167	27,511	27,511		0%	
10 Other operating expenses	128	120	4,059	4,029	1,087	1,150	8	17	4,818	4,819	19,629	21,344			3,696	3,696	19,425	19,998	5,733	3%	
11 Net Loss from disposal of assets			(1,755)	(1,755)					3,196	3,194					33	33	1,672	1,672		0%	
<b>Total Operating Expenses</b>	<b>971</b>	<b>913</b>	<b>18,150</b>	<b>17,350</b>	<b>11,209</b>	<b>10,559</b>	<b>5,873</b>	<b>5,446</b>	<b>32,311</b>	<b>29,333</b>	<b>42,188</b>	<b>41,418</b>	<b>14,171</b>	<b>11,883</b>	<b>6,688</b>	<b>6,688</b>	<b>171,401</b>	<b>168,435</b>	<b>(2,966)</b>	<b>-2%</b>	
<b>Total Operating Revenue Less Operating Expenditure</b>	<b>(971)</b>	<b>(913)</b>	<b>91,693</b>	<b>95,289</b>	<b>(10,738)</b>	<b>(9,839)</b>	<b>(5,712)</b>	<b>(5,269)</b>	<b>(15,365)</b>	<b>(13,292)</b>	<b>(18,223)</b>	<b>(15,419)</b>	<b>(13,821)</b>	<b>(10,827)</b>	<b>2,903</b>	<b>2,903</b>	<b>12,126</b>	<b>18,704</b>	<b>11,578</b>	<b>95%</b>	

Governance												For the month ending 28 February, 2019			
	Director		Finance		Legal		Regulatory, Planning & Assessment		Governance						
	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	Var (\$)	Var(%)			
<b>Operating Revenue</b>															
1 Rates & charges			96,427	96,427							96,427	96,427	0%		
2 User charges & fees			273	279			9	10	3,126	3,167	3,408	3,456	48	1%	
3 Interest			6,270	6,686							6,270	6,686	0%		
4 Other operating revenues			247	376			57	11	78	285	382	672	290	76%	
5 Grants & contributions - Operating			5,356	5,394							5,356	5,398	42	1%	
<b>Total Operating Revenue</b>			<b>108,573</b>	<b>109,162</b>			<b>66</b>	<b>21</b>	<b>3,204</b>	<b>3,456</b>	<b>111,843</b>	<b>112,639</b>	<b>380</b>	<b>0%</b>	
<b>Operating Expenses</b>															
6 Employee costs	265	172	3,028	3,059	1,811	1,937	5,590	5,096			10,694	10,264	(430)	-4%	
7 Borrowing costs			2,387	2,387							2,387	2,387	0%		
8 Materials & contracts	18	11	701	751	919	732	1,083	887			2,721	2,381	(340)	-12%	
9 Depreciation & amortisation					44	44					44	44	0%		
10 Other operating expenses	2		2,385	2,411	1,634	1,560	38	58			4,059	4,029	(30)	-1%	
11 Net Loss from disposal of assets			(1,755)	(1,755)							(1,755)	(1,755)	0%		
<b>Total Operating Expenses</b>	<b>285</b>	<b>183</b>	<b>6,746</b>	<b>6,853</b>	<b>4,408</b>	<b>4,273</b>	<b>6,711</b>	<b>6,041</b>			<b>18,150</b>	<b>17,350</b>	<b>(800)</b>	<b>-4%</b>	
<b>Total Operating Revenue Less Operating Expenditure</b>	<b>(285)</b>	<b>(183)</b>	<b>101,827</b>	<b>102,309</b>	<b>(4,342)</b>	<b>(4,252)</b>	<b>(3,507)</b>	<b>(2,585)</b>			<b>93,693</b>	<b>95,289</b>	<b>1,596</b>	<b>2%</b>	

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<b>Strategy &amp; Engagement</b>												<i>For the month ending 28 February, 2019</i>	
	<i>Director</i>		<i>Information Technology</i>		<i>Major Events &amp; Corporate Affairs</i>		<i>Corporate &amp; Community Planning</i>		<i>Strategy &amp; Engagement</i>				
	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>Var (\$)</i>	<i>Var(%)</i>	
	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>			
<b>Operating Revenue</b>													
1 Rates & charges												0%	
2 User charges & fees			310	311	22	33			332	344	12	4%	
3 Interest												0%	
4 Other operating revenues					34	96			34	96	62	182%	
5 Grants & contributions - Operating					31	31	74	49	105	80	(25)	-24%	
<b>Total Operating Revenue</b>			310	311	87	160	74	49	471	520	49	10%	
<b>Operating Expenses</b>													
6 Employee costs	177	93	1,949	1,901	1,891	1,657	1,473	1,554	5,490	5,205	(285)	-5%	
7 Borrowing costs												0%	
8 Materials & contracts	13	2	1,463	1,313	2,119	1,786	384	250	3,979	3,351	(628)	-16%	
9 Depreciation & amortisation			632	632			21	21	653	653		0%	
10 Other operating expenses			371	439	213	204	503	507	1,087	1,150	63	6%	
11 Net Loss from disposal of assets												0%	
<b>Total Operating Expenses</b>	190	95	4,415	4,285	4,223	3,647	2,381	2,332	11,209	10,359	(850)	-8%	
<b>Total Operating Revenue Less Operating Expenditure</b>	(190)	(95)	(4,105)	(3,974)	(4,136)	(3,487)	(2,307)	(2,283)	(10,738)	(9,839)	899	8%	

<b>People &amp; Culture</b>										<i>For the month ending 28 February, 2019</i>	
	<i>Director</i>		<i>People &amp; Culture</i>		<i>People &amp; Culture</i>		<i>People &amp; Culture</i>				
	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>Var (\$)</i>	<i>Var(%)</i>	
	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>			
<b>Operating Revenue</b>											
1 Rates & charges										0%	
2 User charges & fees					1	1	1	1		0%	
3 Interest										0%	
4 Other operating revenues					10	10	10	10		0%	
5 Grants & contributions - Operating					150	166	150	166	16	11%	
<b>Total Operating Revenue</b>					161	177	161	177	16	10%	
<b>Operating Expenses</b>											
6 Employee costs	285	186	5,112	4,822	5,397	5,008	5,397	5,008	(389)	-7%	
7 Borrowing costs										0%	
8 Materials & contracts	80	3	334	364	414	367	414	367	(47)	-11%	
9 Depreciation & amortisation			54	54	54	54	54	54		0%	
10 Other operating expenses				1	8	16	8	17	9	113%	
11 Net Loss from disposal of assets										0%	
<b>Total Operating Expenses</b>	365	190	5,508	5,256	5,873	5,446	5,873	5,446	(427)	-7%	
<b>Total Operating Revenue Less Operating Expenditure</b>	(365)	(190)	(5,347)	(5,079)	(5,712)	(5,269)	(5,712)	(5,269)	443	8%	

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<b>Infrastructure &amp; Property</b>													<i>For the month ending 28 February, 2019</i>			
	Director		Depot Operations		Assets & Projects		Civil Construction & Maintenance		Property & Facilities		Infrastructure & Property					
	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	Var (\$)	Var(%)		
<b>Operating Revenue</b>																
1 Rates & charges											350	350		0%		
2 User charges & fees						4,939	5,108		3,082	3,286	2,698	2,629	10,719	11,023	304	3%
3 Interest																0%
4 Other operating revenues						2,391	2,483				2,044	2,201	4,435	4,684	249	6%
5 Grants & contributions - Operating			386	349		662	651		360	518	34	66	1,442	1,584	142	10%
<b>Total Operating Revenue</b>			386	349		7,992	8,242		3,442	3,804	5,126	5,246	16,946	17,641	695	4%
<b>Operating Expenses</b>																
6 Employee costs	260	255		2,053	2,000	4,892	4,358		6,084	5,805	5,921	5,952	19,210	18,370	(840)	-4%
7 Borrowing costs											39	33	39	33	(6)	-15%
8 Materials & contracts	36	4		(5,397)	(5,468)	1,283	1,112		6,181	5,854	5,380	4,690	7,483	6,192	(1,291)	-17%
9 Depreciation & amortisation	4	4		2,956	2,956	13,809	13,809		19	19	619	619	17,407	17,407		0%
10 Other operating expenses	1			632	632	3,324	3,308		56	46	805	653	4,818	4,639	(179)	-4%
11 Net Loss from disposal of assets				(406)	(406)	3,600	3,600						3,194	3,194		0%
<b>Total Operating Expenses</b>	301	263		(162)	(286)	26,908	26,187		12,340	11,724	12,764	11,947	52,151	49,835	(2,316)	-4%
<b>Total Operating Revenue Less Operating Expenditure</b>	(301)	(263)		548	635	(18,916)	(17,945)		(8,898)	(7,920)	(7,638)	(6,701)	(35,205)	(32,194)	3,011	9%

<b>City Wide Services</b>													<i>For the month ending 28 February, 2019</i>								
	Director		Art Gallery		Museum		Civic Services		Libraries & Learning		Customer Service		Waste Services		Parks & Recreation		Infrastructure				
	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Actual \$'000	Var (\$)	Var(%)			
<b>Operating Revenue</b>																					
1 Rates & charges													16,623	16,623			16,623	16,623	0%		
2 User charges & fees													33,233	25,216			26,907	28,900	1,993	7%	
3 Interest																			0%		
4 Other operating revenues													248	353			2,338	2,305	(33)	-1%	
5 Grants & contributions - Operating													176	186			20	49	29	20%	
<b>Total Operating Revenue</b>			150	189	131	124	2,871	2,783	1,108	1,115	212	158	38,280	40,372	1,213	1,235	43,965	46,009	2,044	5%	
<b>Operating Expenses</b>																					
6 Employee costs	250	244		772	731	601	617	2,314	2,316	4,027	3,814	1,928	1,631	4,070	4,140	5,708	5,676	19,670	19,013	(657)	-3%
7 Borrowing costs																				0%	
8 Materials & contracts	4	7		280	234	222	371	1,501	1,236	893	699	332	235	8,295	7,312	3,177	3,082	14,704	12,916	(1,788)	-12%
9 Depreciation & amortisation				239	239	289	289	1,257	1,257	8,112	1,112	4	4	2,213	2,213	3,071	3,071	8,185	8,185		0%
10 Other operating expenses				188	207	84	73	532	471	181	189	17	14	17,842	19,815	785	575	19,629	21,344	1,715	9%
11 Net Loss from disposal of assets																				0%	
<b>Total Operating Expenses</b>	254	253		1,479	1,423	1,396	1,350	5,604	5,060	6,213	5,814	2,281	1,926	32,420	33,480	32,741	32,354	43,188	41,618	(1,570)	-4%
<b>Total Operating Revenue Less Operating Expenditure</b>	(254)	(253)		(1,319)	(1,332)	(1,045)	(1,026)	(2,733)	(2,279)	(5,105)	(4,704)	(2,069)	(1,728)	5,860	6,892	(11,528)	(11,119)	(18,223)	(15,449)	2,774	15%

**Debtors Report as at 28 February, 2019**

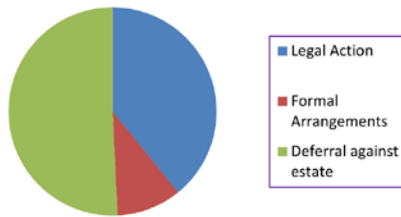
**Outstanding Rates**

Debt Recovery Action	No. of Properties	\$ Amount
Legal Action	128	680,149
Formal Arrangements	114	236,083
Deferral against estate	41	673,105
<b>Total</b>	<b>283</b>	<b>1,589,336</b>

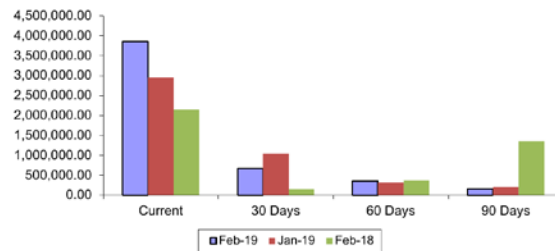
**Aged Debtors Report (Major Debtors Report)**

Period	Feb-19	Jan-19	Feb-18
	\$	\$	\$
Current	3,844,789	2,956,412	2,146,724
30 Days	676,735	1,047,793	147,620
60 Days	351,536	322,571	368,278
90 Days	151,917	200,634	1,353,603
<b>Total</b>	<b>5,024,977</b>	<b>4,527,410</b>	<b>4,016,225</b>

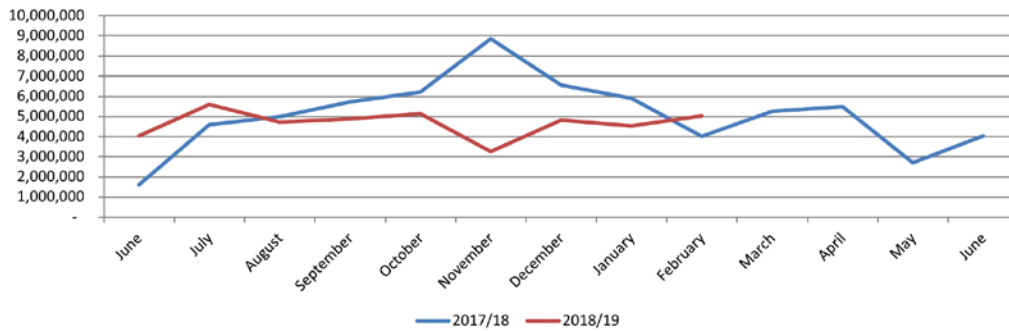
**Outstanding Rates (\$)**



**Debtors balances**



**Trend of Debtors Balance (\$)**



**Breakdown of Material Debtors greater than \$100,000**

Debtor	Business Unit	Total \$	Current \$	30 Days \$	60 Days \$	90 Days \$
Cleanaway	Waste Management	\$ 769,815	392,993	376,822	0	-
Veolia Environmental	Waste Management	\$ 514,414	514,414	-	-	-
JR Richards & Sons	Waste Management	\$ 101,242	101,242	-	-	-
Enviroacific	Waste Management	\$ 968,032	846,913	56	121,063	-
LMCC	Waste Management	\$ 208,589	208,589	-	-	-
J R Richards	Waste Management	\$ 104,228	61,756	22,857	19,616	-
Cleanaway	Waste Management	\$ 543,094	543,094	-	-	-
Australasian Civil	Waste Management	\$ 467,203	467,203	-	-	-

**Commentary on Material Debtors greater than 90 days**

# CITY OF NEWCASTLE

Ordinary Council Meeting 26 March 2019

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<b>Works Program Summary</b>					
<i>For the month ending 28 February, 2019</i>					
<i>Full Year Revised Budget \$,000</i>	Portfolio/Program	<i>YTD Revised Budget \$,000</i>	<i>YTD Actual Result \$,000</i>	<i>Variance to YTD budget (%)</i>	<i>% of FY Budget Spent</i>
<b>22,415</b>	<b>Buildings, Structures and Places</b>	<b>8,302</b>	<b>8,461</b>	<b>2%</b>	<b>38%</b>
7	Aquatic Centres	7	54	671%	771%
568	Blackbutt Reserve	442	442	0%	78%
5,791	Buildings - Council Support Services	1,680	1,231	-27%	21%
603	Caravan Parks and Commercial Properties	603	598	-1%	99%
95	Cemeteries	75	13	-83%	14%
730	City Centre Revitalisation	499	428	-14%	59%
929	Coastal Revitalisation	433	742	71%	80%
726	Community Buildings	119	73	-39%	10%
4,829	Cultural Facilities	2,009	1,880	-6%	39%
1,065	Libraries	466	430	-8%	40%
6,669	Recreation Parks and Sporting Facilities	1,897	2,529	33%	38%
300	Public Toilets	7	6	-14%	2%
103	Retaining Walls	65	35	-46%	34%
<b>19,537</b>	<b>Roads</b>	<b>9,815</b>	<b>9,158</b>	<b>-7%</b>	<b>47%</b>
2,744	Bridges	537	224	-58%	8%
2,535	Footpaths	2,118	2,277	8%	90%
1,463	Road Furniture	453	423	-7%	29%
9,795	Road Rehabilitation	5,197	4,869	-6%	50%
3,000	Road Resurfacing	1,510	1,365	-10%	46%
<b>5,533</b>	<b>Transport</b>	<b>2,353</b>	<b>2,271</b>	<b>-3%</b>	<b>41%</b>
1,668	Cycleways	377	214	-43%	13%
1,350	Local Area Traffic Management	127	116	-9%	9%
277	Parking Infrastructure	1,011	1,109	10%	400%
2,238	Pedestrian Access and Mobility Plan	838	832	-1%	37%
<b>7,854</b>	<b>Stormwater</b>	<b>2,661</b>	<b>2,079</b>	<b>-22%</b>	<b>26%</b>
250	Flood Planning	130	153	18%	61%
7,604	Stormwater System	2,531	1,926	-24%	25%
<b>17,586</b>	<b>Environment</b>	<b>8,013</b>	<b>7,084</b>	<b>-12%</b>	<b>40%</b>
1,206	Bushland and Watercourses	347	324	-7%	27%
1,235	Coast, Estuary and Wetlands	464	464	0%	38%
1,060	Street and Park Trees	426	416	-2%	39%
14,085	Waste Management	6,776	5,880	-13%	42%
<b>4,265</b>	<b>Information Technology</b>	<b>1,912</b>	<b>1,915</b>	<b>0%</b>	<b>45%</b>
2,132	Implementation and Upgrade of Applications	869	880	1%	41%
1,475	Infrastructure Improvements	572	604	6%	41%
658	Strategic and Systems Analysis	471	431	-8%	66%
<b>16,199</b>	<b>Strategic</b>	<b>8,194</b>	<b>4,975</b>	<b>-39%</b>	<b>31%</b>
15,785	Smart City	7,960	4,758	-40%	30%
414	Strategic Plans	234	217	-7%	52%
<b>7,304</b>	<b>Fleet Replacement</b>	<b>4,697</b>	<b>2,143</b>	<b>-54%</b>	<b>29%</b>
7,304	Fleet Replacement	4,697	2,143	-54%	29%
<b>100,693</b>	<b>Total Works Program</b>	<b>45,947</b>	<b>38,086</b>	<b>-17%</b>	<b>38%</b>

Note: The Budget above is inclusive of operational and capital works

Ward 4 Capital Works at 28 February, 2019			
Item	Due Date	Actual Date	Reason for delay
<b>(i) Wallsend bridge replacement/upgrade</b>			
Tyrell St bridge concept design	Completed	Jul-17	n/a
Tyrell St detail design under contract	Oct-17	Oct-17	n/a
Tyrell st bridge anticipated construction 2018	2018	Expected 2019	Public Utility Services and private property interaction. The "For Construction" tender will be issued to the market in February 2019 with an anticipated tender period 2 months and construction duration of approximately 9 months.
Boscawan Bridge and Cowper st Bridge	Jun-19		Concept designs have been completed. Currently preparing tender documents for detail design.
Nelson St Bridge Concept Design		Completed	Completed
Channel Widening Concept Design		Completed	Completed
<b>(ii) Wallsend and Beresfield Local Centre Public Domain Plans</b>			
Wallsend Public Domain Plan Draft Concept Plan	Late March 2017	Late March 2017	n/a
Report to Council for adoption of PDP	Jul-17	Council adopted PDP on 22 May 2018	n/a
The Plan was broken in stages for preliminary costing and budgeted for in Council's forward program	2018	2018	n/a
Stage 1 - Kokera St/Cowper St intersection. Detailed design and implementation. Nelson/Cowper St Intersection. Newcastle/Cowper St Intersection	Jun-19		Currently preparing tender documentation for detail design for these 3 intersections. Anticipated date to lodge to the market is February 2019. Kokera St/Cowper St intersection is planned for construction next financial year.
Bunn St Bus stop relocation (outside childcare centre) accelerated.	Design March 2019. Construction Q1 2019/20 FY		Detailed design currently underway, construction yet to be scheduled, but either late this financial year or early next financial year.
Beresfield Local Centre Public Domain Plan Draft Concept Plan	Completion of construction early April	n/a	Lawson Street from the Rail bridge to Newton Street complete. 1/2 Newton Street complete. Works commenced in Beresford Street. Project approximately 75% complete.

# CITY OF NEWCASTLE

Ordinary Council Meeting 26 March 2019

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**Councillors' Expense Register 2018/2019 - February 2019**

	OFFICIAL BUSINESS - AUSTRALIA (not travel, accommodation, attendance at official events )	ACCOMPANYING PERSON - OFFICIAL BUSINESS	OVERSEAS TRAVEL (not travel, accommodation, attendance at official events )	PROFESSIONAL DEVELOPMENT (not travel, accommodation and materials)	AICD COURSE FEES (including registration, membership, accommodation and materials)	ANNUAL CONFERENCE	COMMUNICATION DEVICES	COMMUNICATION EXPENSES	CARER EXPENSES	OTHER OFFICE SUPPLIES AND FACILITIES	TOTAL 2018/2019 EXPENDITURE
<b>Lord Mayor</b>	\$4,000 per Year	\$1,000 per year	In accordance with resolution	\$5,000 per Year (\$8,000 if attending AICD during year)	\$3,000 per term, can be combined with yearly Professional Development allowance	\$3,000 per Year	\$4,000 per Term	\$3,000 per year	\$6,000 per Year	\$500 per Year	
<b>Policy Provision</b>											
<b>NELMES Nuatali</b>	1,853.06			687.72			3,921.53	1,362.48		524.23	8,349.00
<b>Councillor</b>	\$2,000 per Year	\$500 per Year	In accordance with resolution	\$5,000 per Year (\$8,000 if attending AICD during year)	\$3,000 per term, can be combined with yearly Professional Development	\$3,000 per Year	\$4,000 per Term	\$3,000 per Year	\$6,000 per Year	\$500 per Year	
<b>Policy Provision</b>											
<b>BYRNE Matthew</b>	150.00						3,586.53	731.78		177.13	4,645.44
<b>CHURCH JOHN</b>	168.19				7,699.00		3,586.53	300.00		449.09	12,202.81
<b>CLAUSEN Declan</b>	549.60		890.15				3,821.53	731.78		294.40	6,287.46
<b>DUNCAN Carol</b>	740.94						3,586.53	731.78		-	5,059.25
<b>DUNN Jason</b>	-						3,586.53	731.78		177.13	4,495.44
<b>ELLIOT Kath</b>	1,139.65				7,595.00		3,586.53	731.78		-	13,052.96
<b>LUKE Brad</b>	453.03						3,586.53	731.78		176.61	4,947.95
<b>MACKENZIE John</b>	-						3,586.53	731.78		449.09	4,767.40
<b>ROBINSON Allan</b>	-						3,586.53	731.78		-	4,318.31
<b>RUFO Andrea</b>	37.58						3,586.53	731.78		-	4,355.89
<b>WHITE Emma</b>						1,798.52	3,586.53	731.78		177.13	6,293.96
<b>WINNEY-BAARTZ Peta</b>	904.50						3,586.53	731.78		-	5,222.81
<b>TOTAL (exc LM)</b>	<b>4,143.49</b>	<b>-</b>	<b>890.15</b>	<b>-</b>	<b>15,294.00</b>	<b>1,798.52</b>	<b>43,273.35</b>	<b>8,349.58</b>	<b>-</b>	<b>1,900.58</b>	<b>75,649.67</b>
<b>TOTAL (inc LM)</b>	<b>5,996.55</b>	<b>-</b>	<b>890.15</b>	<b>687.72</b>	<b>15,294.00</b>	<b>1,798.52</b>	<b>47,194.88</b>	<b>9,712.04</b>	<b>-</b>	<b>2,424.81</b>	<b>83,998.67</b>



## Investment Policy compliance report

February 2019

### Executive summary:

- 1 City of Newcastle's (CN) temporary surplus funds are invested consistent with its adopted Investment Policy and The Local Government Act and Regulations.

- 2 **Socially Responsible Investment:**

Application of the investment function has remained consistent with requirements outlined within Part E of CN's Investment Policy, "*Environmentally and Socially Responsible Investments (SRI)*".

- 3 **Investment Portfolio Holdings:**

CN's overall investment portfolio holdings are \$343.8million comprising \$334.8million of invested funds, and \$9.0million Cash At Call.

CN's total Cash and Investment Holdings have increased by \$26.2million for the 2018/19 financial year to February 2019. The December revised budget forecasts a \$4.0million reduction of funds resulting from the 2018/19 operations (exclusive of CAC sale proceeds). Accordingly, total portfolio holdings are forecast to trend downward between now and July 2019.

- 4 **Investment monthly movements:**

The seasonal nature of CN's income resulted in a significant number of new investments placed during February.

In February CN commenced the implementation of its strategy to offset targeted long-term liabilities with appropriately matched long-term investments. Resultantly \$3million was invested into the TCorp Individually Managed Long-Term Growth Fund. Further gradual investment into this fund is anticipated to follow until the strategy is fully executed and the targeted liabilities are fully hedged.

Further disclosure of investment portfolio composition and details of investment placements performed during the reporting period are detailed later in this report.

- 5 **Performance:**

CN achieved a Net Yield on the investment portfolio for the 12 months to 28 February of 3.07%, against the benchmark of 1.99% 90d Bloomberg AusBond Bank Bill Index.

CN's Investment Policy mandates a KPI Active Return (Net Return less benchmark) of 0.50%. The Active Return for the 12months to February was 1.08%.

- 6 **Interest Income Budget:**

The 2018/19 budget from CN's cash and investments was revised upward at the September 2018 review to \$9.03million (excluding Newcastle Airport and non-investment portfolio sources of interest). The upward revision is a result of combined impacts from higher than forecast short term interest rates and increased cash and investments holdings due to the year to date works program expenditure being behind budget.

- 7 **Interest Income Actual:**

Cumulative 2018/19 interest income from CN's cash and investments was \$6.62million (excluding Newcastle Airport and non-investment portfolio sources of interest). Year to date this result exceeds the revised budget of \$6.10million.

The budget to actual interest report as at 28 February 2019 is submitted to Council later in this report.

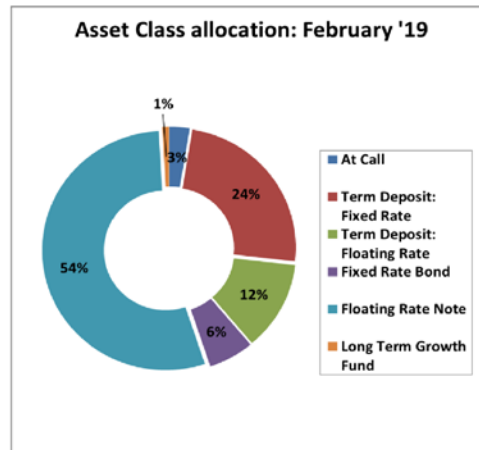
- 7 In accordance with Council's resolution of 30 May 1995, the schedules of investments (new placements and maturities) from the two previous meetings of Council are provided in detail at the conclusion of this report.

**Investment Policy compliance report**

February 2019

**Portfolio Summary:**

Asset Class allocation	
Investment type	Current month February '19
Cash At Call	8,960,765
Term Deposit: Fixed rate	83,278,847
Term Deposit: Floating rate	41,500,000
Floating Rate Note	186,545,752
Fixed Rate Bond	20,486,836
Long Term Growth Fund	3,012,981
<b>Total</b>	<b>343,785,181</b>

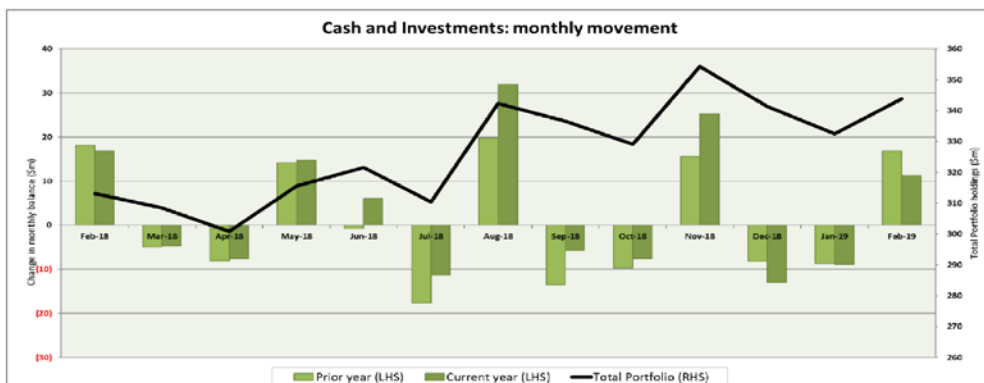
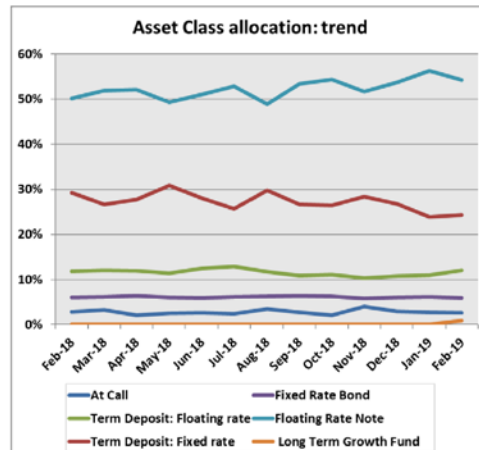


**Commentary:**

During the month of February 2019 new investments were Almost evenly split across short term and longer term investments.

In February 2019 the strategy to offset targeted long-term liabilities with appropriately matched long-term investments was commenced. Subsequently there is now an additional Asset Class disclosed, "Long Term Growth Fund". Exposure to this asset class is anticipated to gradually increase until the strategy is fully executed and the targeted liabilities are fully hedged.

The portfolio remains conservatively positioned, to provide the necessary short term liquidity to fund this significant budgeted reduction in funds between now and end July 2019.



## Investment Policy compliance report

February 2019

### New and matured Investments:

#### Matured Investments:

Date matured	Institution	Asset Class	Principal value	Rate of Return	Original Term	Original date invested
1 Feb 2019	NAB	Term Deposit: Fixed Rate	\$3,000,000	2.66%	119 days	5 Oct 2018
4 Feb 2019	Rabobank	Floating Rate Note	\$2,000,000	90d bbsw + 1.00%	5yrs	14 Feb 2014
6 Feb 2019	Bank of QLD	Term Deposit: Fixed rate	\$639,424	2.75%	184 days	7 Aug 2018
8 Feb 2019	Bankwest	Term Deposit: Fixed rate	\$3,000,000	2.65%	122 days	9 Oct 2018
25 Feb 2019	Westpac	Floating Rate Note	\$1,000,000	90d bbsw + 0.89%	5yrs	10 Mar 2014

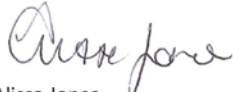
#### New Investments:

Contract date	Settlement date	Institution	Asset Class	Principal value	Rate of Return	Term	Maturity date
30 Jan 2019	8 Feb 2019	ANZ	Floating Rate Note	\$5,000,000	90d bbsw + 1.10%	5 years	8 Feb 2024
1 Feb 2019	1 Feb 2019	NAB	Term Deposit: Fixed Rate	\$3,000,000	2.71%	126 days	7 Jun 2019
6 Feb 2019	6 Feb 2019	Bank of QLD	Term Deposit: Fixed Rate	\$639,424	2.75%	180 days	6 Aug 2019
12 Feb 2019	12 Feb 2019	NAB	Term Deposit: Fixed Rate	\$3,000,000	2.65%	129 days	21 Jun 2019
13 Feb 2019	1 Mar 2019	Newcastle Permanent	Floating Rate Note	\$2,250,000	90d bbsw + 1.10%	2 years	26 Feb 2021
19 Feb 2019	4 Mar 2019	CUA	Floating Rate Note	\$2,500,000	90d bbsw + 1.23%	3 years	4 Mar 2022
19 Feb 2019	20 Feb 2019	TCorp NSW	Long Term Growth Fund	\$3,000,000	N/A*	N/A**	N/A**
22 Feb 2019	22 Feb 2019	Newcastle Permanent	Term Deposit: Floating Rate	\$5,000,000	90d bbsw + 1.20%	3 years	22 Feb 2022
27 Feb 2019	27 Feb 2019	ME Bank	Term Deposit: Fixed Rate	\$4,000,000	2.65%	121 days	28 Jun 2019

\* TCorp Growth Funds do not have a contracted rate of return. However, TCorp provides guidance on Long-Term Return Expectation over a 10year period of CPI + 3.50% with a greater than 50% probability.

\*\*TCorp Growth Funds do not have a contracted maturity date. However, CN's Internal Strategy specifies that the minimum time horizon for the Long-Term Growth Fund is 5years from the date of initial deposit.

I certify that the new investments detailed above have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005, and Council's adopted Investment Policy.



Alissa Jones  
Responsible Accounting Officer

**Investment Policy compliance report**

February 2019

**Performance measurement:**

	Monthly return (annualised)	12month return (p.a.)
<b>Council return</b>	<b>3.17%</b>	<b>3.07%</b>
<b>Benchmark</b>	<b>2.26%</b>	<b>1.99%</b>

**Commentary:**

The above table provides a snapshot of the weighted average return (running yield) for CN’s Investment portfolio for both the month of February 2019 as well as the 12months to February 2019.

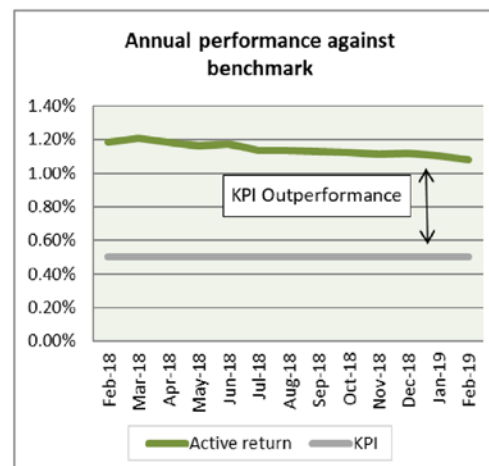
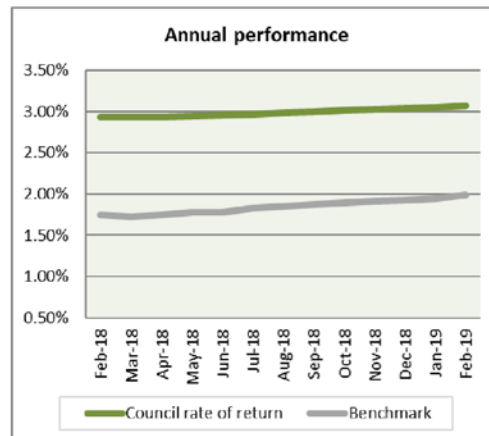
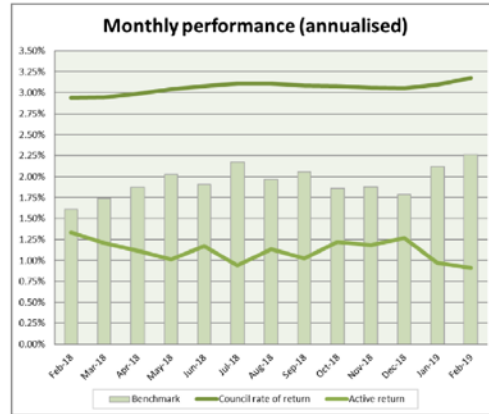
CN is generating a running yield of 3.17% over the 12month rolling Bloomberg Ausbond Index rate. This equates to KPI outperformance of 1.08% (CN’s KPI is 0.50% above the 12month benchmark).

This performance is deemed as excellent both on an absolute basis (relative to risk) and relative to Local Government peers.

During the month of February swap rates in Australia declined, including a reduction to interest rates on 90day bank bills of approx 0.20%. This reduction was driven largely by market concerns surrounding future economic growth in both Australia and globally, and therefore markets expectations surrounding future rate cuts increasing.

The effect of this reduction in short term swap rates actually has a temporary inverse relationship with the benchmark CN measures its performance against, and it actually increased. This is shown by the annualised monthly benchmark in graph 1. Should rates stabilise at this reduced rate the benchmark will trend lower over the coming months.

Due to the accounting treatment CN applies to its Financial assets this movement has resulted in a reduction in active return in February. As outlined this is a temporary impact whilst the reduction in market interest rates filters through to the benchmark.



**Investment Policy compliance report**

February 2019

**Credit Risk compliance:**

Investment credit rating	Current month (Feb '19)		Exposure limits
	\$	%	%
Government	-	-	100%
AAA	2,495,114	1%	100%
AA band (inc. major banks)	183,958,551	54%	100%
A+ and below	154,318,536	45%	60%
BBB+ and below	111,800,825	33%	50%
Non Rated (BBB- and below)	639,424	0%	10%
Long Term Growth Fund	3,012,981	1%	20%

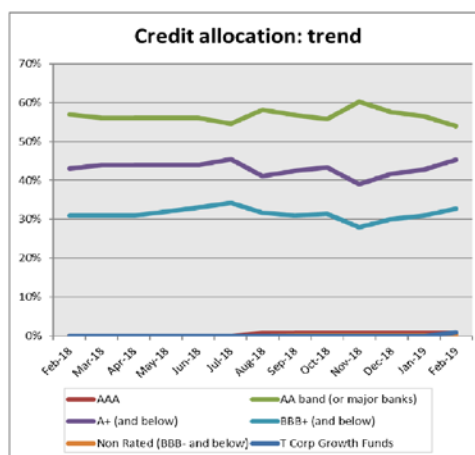
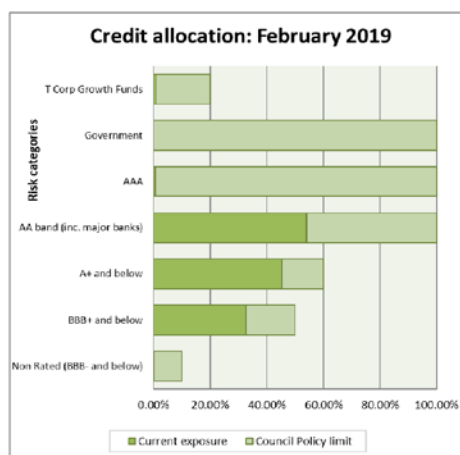
**Commentary:**

Allocations remain conservative from a credit risk perspective and remain well within CN's Policy limits.

As at 28 February 2019 the majority of its investments managed by CN were with Investment Grade Authorised Deposit Taking Institutions (regulated by ASIC) with a small allocation to

On 28 August 2018 a Revised Investment Policy was adopted by the Elected Council permitting CN to invest up to a maximum of 20% into TCorp Individually Managed Growth Funds. This provides CN with scope to invest surplus funds retained to fund long term obligations into growth aligned asset classes and thereby improve the efficiency of longer term capital management. As at 28 February exposure to these funds was slightly below 1% of CN's entire portfolio.

Additional Policy measures are in place to limit credit risk exposure via individual ADI exposure limits and term to maturity limits.

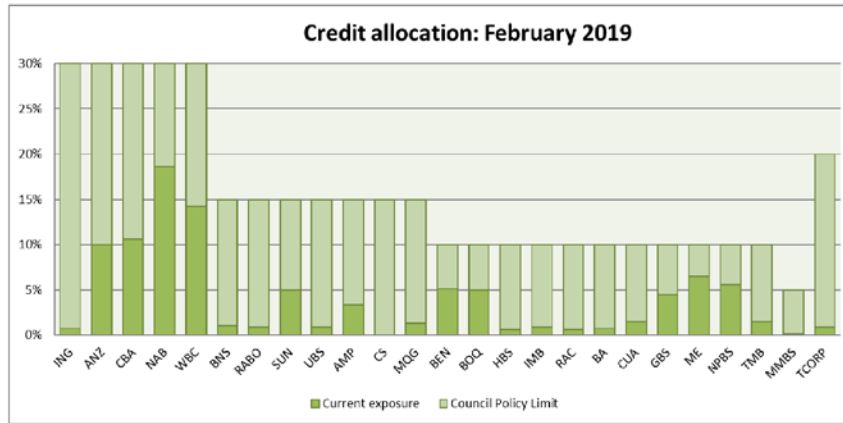




**Investment Policy compliance report**

February 2019

**Credit risk compliance cont:**



Institution	Institution abbreviation	Credit rating (S&P)	Current month Feb '19		Prior month Jan '19		Prior year Feb '18	
ING Bank (Australia)	ING	AAA*	2,495,114	1%	2,495,114	1%	-	0%
ANZ	ANZ	AA-	34,492,922	10%	29,493,882	9%	30,986,666	10%
Commonwealth Bank	CBA	AA-	36,502,047	11%	39,685,859	12%	46,860,186	15%
National Australia Bank	NAB	AA-	63,963,399	19%	60,962,399	18%	52,593,129	17%
Westpac	WBC	AA-	49,000,183	14%	55,500,183	16%	46,500,767	15%
Bank of Nova Scotia	BNS	A+	3,500,000	1%	3,500,000	1%	-	0%
Rabobank	RABO	A+	3,000,000	1%	5,000,000	2%	5,000,731	2%
Suncorp Metway	SUN	A+	17,013,054	5%	17,013,886	5%	17,005,382	5%
UBS Australia	UBS	A+	3,000,000	1%	3,000,000	1%	-	0%
Credit Suisse AG	CS	A	-	0%	-	0%	3,000,000	1%
Macquarie Bank	MQG	A	4,500,000	1%	4,500,000	1%	7,500,000	2%
AMP Bank	AMP	A-	11,504,657	3%	11,505,139	3%	8,506,565	3%
Bendigo Bank	BEN	BBB+	17,500,000	5%	17,500,000	5%	18,507,811	6%
Bank of Queensland	BOQ	BBB+	17,160,687	5%	17,163,127	5%	20,141,027	6%
Heritage Bank	HBS	BBB+	2,050,000	1%	2,050,000	1%	4,050,000	1%
IMB Bank	IMB	BBB+	3,000,000	1%	3,000,000	1%	-	0%
RACQ Bank	RAC	BBB+	2,000,000	1%	2,000,000	1%	-	0%
Bank Australia	BA	BBB	2,500,000	1%	2,500,000	1%	-	0%
Credit Union Australia	CUA	BBB	5,001,306	1%	5,001,306	2%	2,000,000	1%
Greater Bank	GBS	BBB	15,500,000	4%	15,500,000	5%	18,500,000	6%
ME Bank	ME	BBB	22,461,266	7%	18,461,630	5%	16,980,226	5%
Newcastle Permanent	NPBS	BBB	18,987,772	6%	13,987,772	4%	13,978,095	4%
Teachers Mutual	TMB	BBB	5,000,371	1%	5,000,371	1%	1,000,849	0%
Maitland Mutual	MMBS	Non Rated	639,424	0%	639,424	0%	-	0%
TCorp NSW Growth Funds	TCORP	Non Rated	3,012,981	1%	-	0%	-	0%
<b>Total</b>			<b>341,365,110</b>		<b>332,460,091</b>		<b>313,110,436</b>	

**Commentary:**

\* = ING Bank (Australia) maintains a long term credit rating with S&P of "A". However the sole investment CN maintains with ING is assigned a "AAA" rating due to additional credit support assigned to it.

**Investment Policy compliance report**

February 2019

**Maturity risk compliance:**

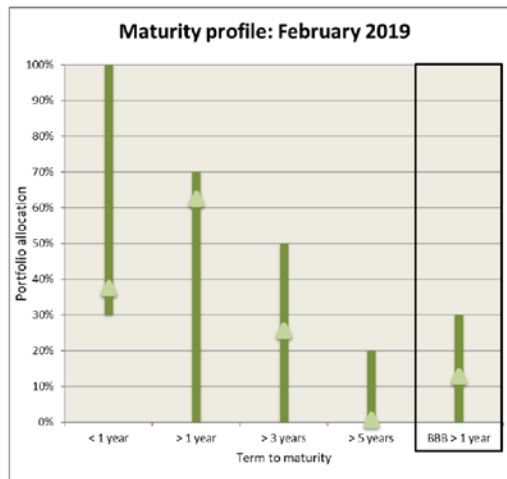
Term to Maturity	Actual allocations		Policy Framework		
	February		Minimum	Maximum	Minimum rating of Investment at purchase
	\$	%	%	%	
0 - 1 Year	128,745,557	37%	30%	100%	
> 1 Year	215,039,624	63%		70% (maximum of 30% to BBB)	BBB
> 3 Years	88,479,865	26%		50%	BBB
> 5 Years	3,012,981	1%		20%	AA- (or major bank) and TCorp IM Growth Funds

**Commentary:**

CN's Investment Policy mandates that it hold a minimum of 30% of cash and investments with a maximum term to maturity of less than 12 months. This limit is established to ensure CN retains a comfortable liquidity buffer at all times whilst also ensuring sufficient additional capacity to maintain a long term maturity profile to enable improved yields and efficient capital management.

On 28 August 2018 a Revised Investment Policy was adopted by the Elected Council that will facilitate an improved ability to match investment duration with underlying long-term liabilities. Specific amendments to The Policy were increased maximum allocations limits to longer duration investments as well as permitting investment into T Corp Individually Managed Growth Funds.

As at 28 February 2019 CN's portfolio was conservatively positioned providing scope to assess and determine allocations to new long term investments as and when opportunities arise.



**Investment Policy compliance report**

February 2019

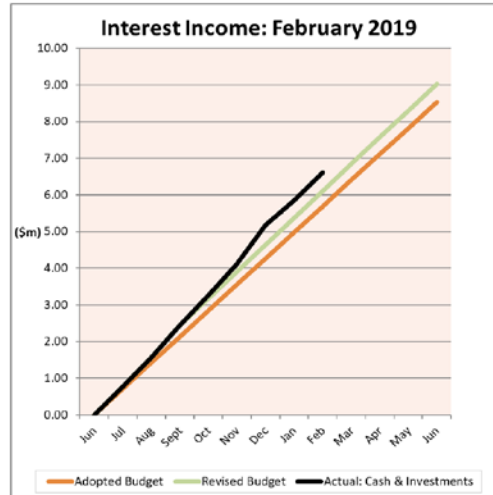
**Interest Income Variance analysis:**

**Commentary:**

The revised budget for 2018/19 investment income is \$9.03m which includes an upward revision to the originally adopted budget. The upward revision is a result of combined impacts from higher than forecast short term interest rates and increased cash and investments holdings due to the year to date works program expenditure being behind budget.

Should these combined impacts remain relevant into the immediate and foreseeable future the 2018/19 revised budget will prove to be conservative and require reassessment at the next quarterly budget review.

Total interest income generated in the month to February '19 was \$6.62m, exceeding the revised budget of \$6.10m.





**Investment Policy compliance report**

31 January 2019

**New and matured Investments:**

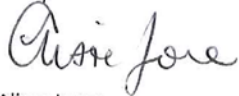
**Matured Investments:**

Date matured	Institution	Asset Class	Principal value	Rate of Return	Original Term	Original date invested
4 Jan 2019	NAB	Term Deposit: Fixed Rate	\$4,000,000	2.66%	135 days	22 Aug 2018
14 Jan 2019	NAB	Term Deposit: Fixed rate	\$4,000,000	2.65%	136 days	31 Aug 2018
18 Jan 2019	NAB	Term Deposit: Fixed rate	\$4,000,000	2.65%	140 days	31 Aug 2018
25 Jan 2019	NAB	Term Deposit: Fixed rate	\$4,000,000	2.66%	136 days	11 Sept 2018

**New Investments:**

Contract date	Settlement date	Institution	Asset Class	Principal value	Rate of Return	Term	Maturity date
8 Jan 2019	11 Jan 2019	CBA	Floating Rate Note	\$4,000,000	90d bbsw + 1.13%	5 years	11 Jan 2024
18 Jan 2019	18 Jan 2019	NAB	Term Deposit: Fixed Rate	\$4,000,000	2.71%	154 days	21 Jun 2019
30 Jan 2019	8 Feb 2019	ANZ	Floating Rate Note	\$5,000,000	90d bbsw + 1.10%	5 years	8 Feb 2024

I certify that the new investments detailed above have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005, and Council's adopted Investment Policy.



Alissa Jones  
Responsible Accounting Officer

**Investment Policy compliance report**

31 December 2018

**New and matured Investments:**

**Matured Investments:**

Date matured	Institution	Asset Class	Principal value	Rate of Return	Original Term	Original date invested
7 Dec 2018	Bankwest	Term Deposit: Fixed Rate	\$3,000,000	2.70%	120 days	9 Aug 2018
12 Dec 2018	IMB Bank	Term Deposit: Fixed rate	\$3,000,000	2.65%	112 days	22 Aug 2018
14 Dec 2018	Westpac	Term Deposit: Fixed rate	\$3,000,000	2.58%	371 days	8 Dec 2017
18 Dec 2018	Bankwest	Term Deposit: Fixed rate	\$3,000,000	2.70%	137 days	3 Aug 2018
20 Dec 2018	Bankwest	Term Deposit: Fixed rate	\$4,000,000	2.70%	125 days	17 Aug 2018

**New Investments:**

Contract date	Settlement date	Institution	Asset Class	Principal value	Rate of Return	Term	Maturity date
7 Dec 2018	7 Dec 2018	Bendigo Bank	Term Deposit: Fixed Rate	\$4,000,000	2.68%	109 days	26 Mar 2019
12 Dec 2018	12 Dec 2018	IMB Bank	Term Deposit: Fixed Rate	\$3,000,000	2.70%	142 days	3 May 2019

I certify that the new investments detailed above have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005, and Council's adopted Investment Policy.

Alissa Jones  
Responsible Accounting Officer

## MAJOR EVENTS & CORPORATE AFFAIRS



This month, we announced a refreshed brand for our organisation.

Our new logo, which bears a colourful 'N', was designed to reflect the city's stunning revitalisation and growing appeal to tourists, complementing the highly successful Newcastle 'See Change' destination brand.

The rippled effect of the 'N' icon represents the city's seaside location and the diversity of its ever-growing population.

The new logo will appear on all City of Newcastle (CN) facilities as a constant reminder to the public of the incredible assets they collectively own.

Also in February, we launched a new interactive map on CN's website featuring the latest civil works projects. From large road maintenance activities to major development projects, the online map provides a location and overview of the types of activities the City is delivering.

The map makes it easy for people to stay abreast of the City's 2018/19 civil works program.

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February 2019

## MEDIA, COMMUNICATIONS & ENGAGEMENT



**795**

media items relating to City of Newcastle

**7**

Media Releases

**26**

Media Inquiries



### MEDIA HOT TOPICS

**New Brand Launch**

**Ghassan Aboud visit**

**Art Gallery visitations**

### We provided marketing and communications to promote:

**Sanctuary Estate stormwater rehabilitation:** Flyers, signage and web promotion of upcoming work to remediate the swales in Sanctuary Estate Fletcher and associated education activities to hear how to reduce storm water pollution.

**Native stingless bee workshops:** Media, social, web and e-newsletter promotion to encourage people to come along to learn more about our native bees and how to protect them.

**Cycleways program:** Social and web promotion of upcoming bike maintenance workshops.

**Clean Up Australia Day:** Social, e-newsletter promotion and print advertising to encourage people to participate in this annual event.

**Kotara Park Creek Rehabilitation:** Email invitation sent to residents for community information session on upcoming works.

### We updated our community on these infrastructure projects:

**Patrick Street road and drainage renewal:** Resident notification and web promotion to advise of upcoming road closure in Merewether.

**Road resealing works:** Web promotion and social media to inform the community about road resealing works in Jesmond, Wallsend and Shortland.

**Newcastle East night works:** Web and social media promotion of road resurfacing night works occurring in February and March. Direct notification to residents included the production of a four page brochure and three letter box drops prior to and during the works.

**Kimian Avenue stormwater improvements:** Flyers and web promotion of stormwater remediation work in West Waratah.

**Stockton laneways drainage works:** Flyers and web promotion to advise residents of upcoming drainage works.

### Our community were involved and provided feedback on:

**Pin the City's Art online map:** This mapping project encourages people to photograph their favourite public art and pin the locations to an interactive map.

**Live Music Strategy:** Dedicated engagement webpage for submissions and poll to gain feedback on the Live Music Strategy on public exhibition.



February 2019

## PROMOTING OUR CITY

The Destination Marketing team facilitated two leisure market famils in February, both from New Zealand. The first was a senior writer for consumer magazine *Women's Weekly* (two articles were generated) and the second a group of travel experts from House of Travel. House of Travel will work directly with local businesses to develop contracted preferred suppliers in the region. This exposure to New Zealand audiences is another step in increasing destination awareness with our trans-Tasman neighbours.

In partnership with Hunter Valley Wine Tourism Association and Newcastle Airport, Newcastle Business Events facilitated the City to Country 'famil', welcoming nine delegates from New Zealand. They were shown the best of Newcastle, including unique function spaces, such as Fort Scratchley, as well as tourism attractions and experiences available in the city including adventure boat tours and the ANZAC Memorial Walk. The delegates were impressed by all the city had to offer and stated that Newcastle exceeded their expectations.

City of Newcastle, Rydges Newcastle and NEX exhibited at the Asia Pacific Incentives Meetings Event in Melbourne from 19 - 20 February. The two-day event was a key opportunity to meet with conference and incentive organisations to promote Newcastle as a business events destination. The two Newcastle stands combined had a total of 70 appointments. These leads will be followed up throughout March to secure business events for Newcastle.



The Newcastle City Guide is currently undergoing a major review and update and will be circulated at the end of March. Focusing on key visitor attractions and experiences, top tips and a detailed CBD visitor map, the guide is a valuable tool to showcase Newcastle to visitors. It constitutes the main tourism collateral for the city and is distributed through the Newcastle Visitor Information Centre, other Visitor Information Centres around the state and local accommodation providers.

### VIBRANT AND ACTIVE PUBLIC SPACES

EVENT SPONSORSHIP & NEWCASTLE 500

THE CITY SPONSORED ONE EVENT THIS MONTH: THE CITY OF NEWCASTLE PARA TRIATHLON



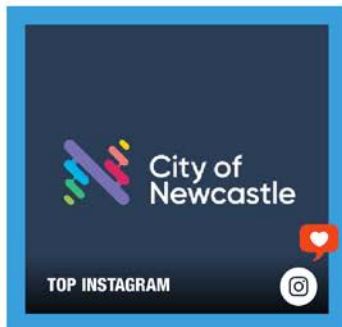
### SUPPORTING EVENTS IN OUR CITY

- 17 NEW EVENT BOOKINGS & ENQUIRIES
- 19 EVENT AUTHORISATIONS (not including wedding & private bookings)
- 3 FILMING PERMITS ISSUED



February 2019

# SOCIAL MEDIA



### HIGHEST PERFORMING INSTAGRAM POSTS

**2,726**

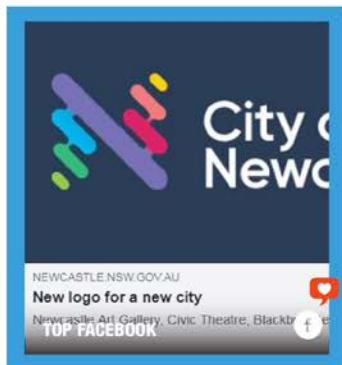
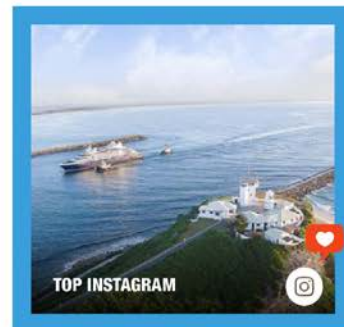
PEOPLE REACHED  
(215 LIKES,  
1,528 VIDEO VIEWS)

WE'RE A VIBRANT, DIVERSE AND BOLD CITY, SO WE'VE LAUNCHED A FRESH BRAND TO MATCH! VISIT OUR WEBSITE [NEWCASTLE.NSW.GOV.AU](http://NEWCASTLE.NSW.GOV.AU) FOR ALL THE DETAILS.

**5,738**

PEOPLE REACHED  
(750 LIKES)

FROM OCTOBER 2018 TO MARCH 2019, NEWCASTLE WILL WELCOME MORE THAN 28,000 CRUISE SHIP PASSENGERS.



### HIGHEST PERFORMING FACEBOOK POSTS

**9,895**

PEOPLE REACHED  
(3,399 REACTIONS,  
54,000 VIDEO VIEWS)

WE'RE A VIBRANT, DIVERSE AND BOLD CITY, SO WE'VE LAUNCHED A FRESH BRAND TO MATCH!

**31,525**

PEOPLE REACHED  
(1,264 LIKES)

THIS MORNING, WE WELCOMED 4,029 PASSENGERS FROM THE EXPLORER OF THE SEAS, AS THE 311M VESSEL CRUISED INTO TOWN ON ITS MAIDEN VOYAGE TO NEWCASTLE. WHAT A BEAUTIFUL DAY TO EXPLORE NEWY! THANKS DAVID DIEHM PHOTOGRAPHY FOR THIS SHOT



### HIGHEST PERFORMING TWITTER POST

**4,656**

PEOPLE REACHED  
(26 ENGAGED)

A LOT CAN CHANGE IN 25 YEARS - CHECK OUT OUR NEW LOOK! [PIC.TWITTER.COM/PTPSP6CWP](http://PIC.TWITTER.COM/PTPSP6CWP)



### TOTAL FOLLOWERS



**33,756**  
INCREASED  
BY 2.4%  
799 NEW  
FOLLOWERS



**81,656**  
INCREASED  
BY 1.4%  
1010 NEW  
FOLLOWERS

**ITEM-17                    CCL 26/03/19 - ADOPTION OF REVISED INSTRUMENTS OF DELEGATIONS TO THE LORD MAYOR AND CHIEF EXECUTIVE OFFICER**

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

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**PURPOSE**

To adopt revised Instruments of Delegations to the Lord Mayor and Chief Executive Officer.

**RECOMMENDATION**

That Council:

- 1 Adopts the revised Instrument of Delegations to the Lord Mayor at **Attachment A**; and
- 2 Adopts the revised Instrument of Delegations to the Chief Executive Officer at **Attachment B**.

**KEY ISSUES**

- 3 City of Newcastle (CN) and Port Stephens Council (PSC) have, since its establishment, jointly owned Newcastle Airport. In 2013, Newcastle Airport underwent a corporate restructure and since this time, the Chief Executive Officer/General Manager and Lord Mayor/Mayor have acted as CN and PSC's shareholding representatives on all Newcastle Airport Partnership related entities.
- 4 On 1 May 2018, Council voted in favour of a further re-structure for Newcastle Airport Pty Ltd (NAPL) associated with and to facilitate the purchase of land. As shown at attachment C, the restructure provided for the creation of 2 new entities - Greater Newcastle Aerotropolis Pty Ltd (GNAPL) and Greater Newcastle Aerotropolis Partnership (GNAP).
- 5 As part of the report presented to Council on 1 May 2018, it was noted that the CN and PSC would approach the Minister for approval of the new entities created as a result of the restructure as is required by section 358 of the *Local Government Act 1993* where a council form or participates in forming an entity. On the basis that the councils were not participating in the formation of GNAPL as they would not be acquiring a controlling interest, the Office of Local Government provided advice that ministerial approval was not required.

- 6 Under the new structure, the Chief Executive Officer and Lord Mayor:
  - i) continue as Directors of Newcastle Airport Partnership Company 1 and Newcastle Airport Partnership Company 2;
  - ii) continue to be appointed to the Newcastle Airport Partnership (NAP) Board; and
  - iii) remain members of the Newcastle Airport Director Appointment Committee.
- 7 Despite CNs ownership of NAPL through two separate companies (each with a 25.5% and 24.5% share-holding), CN was only permitted one representative on the NAPL Board. Moreover, there was no mechanism for direct appointment and CN's Chief Executive Officer was required to be appointed via the Newcastle Airport Director Appointment Committee.
- 8 On 1 February 2019, the NAPL board unanimously voted to amend its Constitution as well as the NAP Partnership Deed to provide for each shareholder (currently CN and PSC) to appoint one Director to NAPL for each 24% interest in NAPL. This will allow for the direct appointment of two Directors. If CN or PSC were to in the future sell the shares in one of the companies, the new shareholder would have the right to appoint a Director to the Board.
- 9 The Board of Directors of both NAPL and GNAPL may comprise a maximum of ten directors, with four appointed by the Councils, meaning the majority of the board are independent.
- 10 It is considered appropriate, given the Lord Mayor and Chief Executive Officer's role as Directors on the subsidiary companies, that they be CN's appointment to the NAPL Board. To facilitate this appointment, a change to the instruments of delegation is recommended.
- 11 PSC have resolved to appoint their General Manager to the board of NAPL and GNAPL with the Mayor being appointed to the Newcastle Airport Partnership and associated entities.
- 12 The restructure agreed to by CN in May 2018 also created two new entities being Greater Newcastle Aerotropolis Pty Ltd (GNAPL) and Greater Newcastle Aerotropolis Partnership (GNAP).
- 13 The appointments and directorship of GNAPL and GNAP will be the same as NAPL and NAP meaning the Lord Mayor and Chief Executive Officer will be Directors of each board.
- 14 The revised Instruments of Delegations to the Lord Mayor and Chief Executive Officer at **Attachments A and B** formalise and document the Lord Mayor and Chief Executive Officer's appointments to Newcastle Airport Partnership Company 1 and 2, NAPL, GNAPL, NAP and GNAP.



15 A copy of the new structure is set out at **Attachment C**.

### **FINANCIAL IMPACT**

16 CN engaged a company secretary and the costs are included in the 2018/19 budget.

17 In September 2018, the State Government announced \$11.7 million in funding for Newcastle Airport to create the aerospace commercial precinct adjacent to Newcastle Airport on the newly acquired land.

18 Through the Growing Local Economies Program, the grant will provide the foundation for Newcastle Airport undertake the development of Astra Aerolab.

19 Newcastle Airport have commenced the first stages of the Astra Aerolab project including a marketing, engagement and sales strategy and engagement of the principal design consultants - Northrop and KCE.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

#### **20 Open and collaborative leadership**

7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing and reporting.

7.2a Conduct Council business in an open, transparent and accountable manner.

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

#### **21 Open and Transparent Governance Strategy**

2.4 Clear and considered decision-making processes to ensure decisions made by Council are in the best interests of the community and consistent with Council's CSP.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

22 The company secretary will hold meetings of Newcastle Airport Partnership Companies 1 and 2 and NAP as required to facilitate the appointments.

### **RISK ASSESSMENT AND MITIGATION**

23 The company secretary will hold meetings of Newcastle Airport Partnership Companies 1 and 2 and NAP as required to facilitate the appointments.

**RELATED PREVIOUS DECISIONS**

- 24 At the Ordinary Council Meeting held on 1 May 2018, Council supported the restructure of NAPL associated with the purchase of land.

**CONSULTATION**

- 25 NAPL's external lawyers have consulted with CN and CN's company secretary on the restructure.

**BACKGROUND**

- 26 The Local Government Act 1993 provides that CN can delegate any of the functions of CN except those detailed in section 377, which must be exercised by the elected Council.

**OPTIONS**

**Option 1**

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

**Option 2**

- 28 Council does not adopt the recommendation. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Instrument of Delegation to the Lord Mayor

**Attachment B:** Instrument of Delegation to the Chief Executive Officer

**Attachment C:** Newcastle Airport revised structure

## Attachment A

## Instrument of Delegation to the Lord Mayor

Dated: 26 March 2019



In accordance with and subject to section 377 of the *Local Government Act 1993 (Act)*, Council delegates to the Lord Mayor, on an ongoing basis, the following functions:

### DELEGATIONS

#### 1. Leadership and policy direction

- a) to be the leader of the Council and a leader in the local community;
- b) to advise, consult and provide strategic direction to the Chief Executive Officer, except as otherwise provided by the Act.

#### 2. Management of Council meetings and business

- a) to preside at Council meetings;
- b) to call and schedule meetings of Council and Council Committees, briefings of Councillors and inspections by Councillors;
- c) to request the Chief Executive Officer to include items on the agendas for all meetings of Council and Council Committees, subject to the Act and the *Local Government (General) Regulation 2005* and any other act or regulation. Provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution;

#### 3. External relations and representations

- a) to act as the official spokesperson of the elected Council;
- b) to determine:
  - i. who should represent Council on external organisations and committees and inter-agency working parties, where Council has not determined a representative; and
  - ii. who should represent Council at civic ceremonial and social functions, where the Lord Mayor is unable to attend and Council has not determined its representative,

*Provided that before a determination is made that a staff member should so represent Council, the Lord Mayor must consult with the Chief Executive Officer.*

- c) to determine who will exercise Council's Local Government NSW (LGNSW) voting rights from among the Councillor attendees;

e)d) [to act as a Council nominated director on Newcastle Airport Pty Ltd, Greater Newcastle Aerotropolis Pty Ltd, Newcastle Airport Partnership, Greater Newcastle Aerotropolis Partnership, Newcastle Airport Partnership Company 1 and Newcastle Airport Partnership Company 2.](#)

#### 4. Organisational Accountability and Performance Management

- a) to exercise Council's functions under the Chief Executive Officer's Contract of Employment having regard to any functions of a performance review panel or policy in effect;

- b) to obtain external legal advice in relation to the appointment, conduct and performance of the Chief Executive Officer, and related issues;
- c) to negotiate and settle terms of a contract of employment with the Chief Executive Officer including determining the appropriate remuneration, bonuses and incentives in accordance with relevant Council resolutions (as required), the Chief Executive Officer's Contract of Employment and relevant Council policies;
- d) to review, approve and implement governance and accountability structures and processes for the performance of the organisation and to oversee the performance of the Chief Executive Officer (and, through the Chief Executive Officer, the performance of the organisation and program areas within the organisation);
- e) to settle performance standards, and plan, and carry out performance reviews, of the Chief Executive Officer, in accordance with any performance review panel or policy in effect;
- f) to accept the resignation of the Chief Executive Officer;
- g) to appoint a Director as an Acting Chief Executive Officer from time to time as might be required by the absence of the Chief Executive Officer for any reason;
- h) to take other administrative action in connection with the Chief Executive Officer's Contract of Employment including but not limited to the approval of annual leave;

**5. Staffing and structure of the Lord Mayor's office**

- a) In respect of the Lord Mayor's Office (LMO), to:
  - i. determine the structure;
  - ii. determine the number and description of all staff positions;
  - iii. allocate expenditure of the LMO within its overall budget;
  - iv. be fully and formally consulted in respect of the appointment (or dismissal) of all staff;
  - v. allocate tasks on a day to day basis;in consultation with the Chief Executive Officer.
- b) to determine requests for the waiver or reduction of fees in accordance with Council's adopted budget and pre-determined categories.

**6. General authority of Council during a Recess Period**

- a) Where there are grounds to support that a decision of the elected Council cannot be delayed during a Recess Period, to exercise the functions of the elected Council other than:
  - i. the functions reserved by the elected Council itself in accordance with section 377 of the Act;
  - ii. those powers and functions delegated to the Chief Executive Officer.
- b) Where the decision relates to a determination of applications for development consent under the *Environmental Planning and Assessment Act 1979* (development

application) that would have otherwise been determined by the Development Applications Committee, the Lord Mayor is authorised to co-determine the development application with the Chief Executive Officer in accordance with the process set down in the Chief Executive Officer's Instrument of Delegation.

- c) This authority is effective from midnight on the day of the last Council meeting prior to the Recess Period, up to the time of commencement of the first meeting at the conclusion of the Recess Period, subject to:
  - i. such delegations are to be exercised following receipt by the Lord Mayor of reports or other business papers in a form similar to the form of reports or other business papers normally submitted to Council or a Council Committee;
  - ii. those reports or other business papers are to be circulated to Councillors at least three business days prior to the exercise of delegations;
  - iii. where written objections by three Councillors on any one item are received by the Lord Mayor, stating relevant reasons for objection, the item is to be deferred until the next relevant meeting of Council; and
  - iv. any such decisions made by the Lord Mayor pursuant to such delegation is to be reported to the next meeting of Council.

This clause does not limit the Lord Mayor's authority pursuant to section 226(d) of the Act to exercise in the cases of necessity, the policy-making functions of the governing body of Council between meetings of Council.

#### INTERPRETATION

- a) **Chief Executive Officer** means the General Manager appointed under the Act;
- b) **Decisions of Council** means decisions made by the elected Council from time to time;
- c) **Policy/Policies of the Council** means references to policies adopted by the elected Council from time to time;
- d) **Recess Period** means a period of time where Council has, by resolution of Council, specifically determined a break in Council's ordinary meeting schedule. A Recess Period does not include:
  - i. the time between meetings (an extraordinary meeting can be called where decisions are required to be made as a matter of urgency); or
- e) the time between Council terms (that is the period between the day of the last ordinary council meeting and the date of declaration of a new elected Council).

This Instrument of Delegation should be construed as:

- a) operating in a manner which is valid and within the powers conferred on Council under the Act;
- b) not limiting the Lord Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time, to time or as may be functions of the Lord Mayor under the Act.

*All previous delegations of functions the subject of this Instrument of Delegation are revoked.*

**Attachment B**

**Instrument of Delegation to the  
Chief Executive Officer  
Dated 26 March 2019**



- A. This Instrument of Delegation recognises that certain functions are conferred on the Chief Executive Officer under section 335 of the Local Government Act 1993 (Act), including the day-to-day management of Council.
- B. Pursuant and subject to section 377 of the Act, Council delegates to the person holding the position of Chief Executive Officer from time to time Council's Functions under the Act and all other acts and regulations in force and as amended from time to time conferring Functions on Council subject to any conditions or limitations in Schedule 1.
- C. [The Chief Executive Officer is authorised to act as a Council nominated director on Newcastle Airport Pty Ltd, Greater Newcastle Aerotropolis Pty Ltd, Newcastle Airport Partnership, Greater Newcastle Aerotropolis Partnership, Newcastle Airport Partnership Company 1 and Newcastle Airport Partnership Company 2.](#)

SCHEDULE 1: LIMITATION OF FUNCTIONS DELEGATED TO THE CHIEF EXECUTIVE OFFICER

**GENERAL**

- 1. the functions which are required by or under the Act or by or under any other act or instrument to be exercised by the governing body of the Council, this includes but is not limited to the functions listed in section 377 (1) of the Act;
- 2. functions and authorities delegated to the Lord Mayor;

**POLICY AND PROCEDURE**

- 3. the power to make or amend Council Policy;
- 4. the release for public exhibition and comment of any plan or policy, which is required by legislation to be exhibited;
- 5. the exercise of functions in a manner not consistent with the policies and decisions of Council, or reasonable and lawful direction of the Lord Mayor;

**BUDGET AND RESOURCE ALLOCATION**

- 6. approving Council's budget;
- 7. the setting of priorities for Major Projects and Major Asset Preservation Programs;
- 8. variation to Major Projects (projects exceeding \$5m) exceeding an amount of 10% above the approved project budget;

9. the approval of the final design in relation to any new capital works item and any other capital works item specified by Council in the budget approval process where the budget exceeds \$5m;
10. the awarding of contracts for any tender called pursuant to section 55 (1) of the Act where the value is greater than \$1m (this financial limitation only applies to tenders called by Newcastle City Council. It does not apply to the awarding of contracts by third party entities that Council has formed or participated in forming);
11. writing off bad debts or waiving fees and charges, for amounts above \$10,000 (including GST);

**ORGANISATIONAL STRUCTURE AND PERSONNEL MATTERS**

12. the approval of the organisation structure at Director level, except for transitional or temporary arrangements;
13. the appointment of Senior Staff Contract positions unless prior consultation with Council has occurred, (the CEO may make transitional or temporary arrangements);
14. entering into a new enterprise agreement except after consultation with Council;

**COUNCIL OPERATIONS AND SERVICES**

15. carrying out new non-core services not already approved by Council;
16. variation of any existing Council service that would have overall negative implications for Council in terms of cost or service delivery;
17. setting or altering the Schedule of Fees and Charges, except in accordance with the relevant categories as determined within the Council's Operational Plan;

**LEGAL PROCEEDINGS**

18. the giving of instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme or Federal Courts, except in relation to an urgent injunction proceedings and after consultation with the Lord Mayor where practical and possible (provided that the status of all NSW Supreme and Federal Court proceedings will be reported to Council);
19. the giving of instructions in legal proceedings contrary to a resolution of Council except in planning or regulatory appeals where instructions can be given to resolve an appeal;

**PROPERTY, LAND USE AND RELATED MATTERS**

20. granting of approvals to occupy and use public land (as defined in the Act), crown land or any other land managed by Council except approvals:

- i. with a maximum rental or fee not exceeding \$150,000 per annum and a term (all leases with a term exceeding 5 years entered into under delegated authority by the Chief Executive Office (or delegate) will be reported to the elected Council on a quarterly basis);
  - ii. relating to a temporary use of public land (as defined in the Act) or crown land (including parks and open spaces) not exceeding forty consecutive days; or
  - iii. with such approvals being reported to Council in the Quarterly Report.
21. adoption of a plan of management for community land;

**CULTURAL**

22. the development or formation of relationships with other cities, including sister city agreements;
23. the approval of civic and ceremonial events;
24. the granting of civic honours;

**PLANNING AND DEVELOPMENT**

25. determination of applications for development consent under the Environmental Planning and Assessment Act 1979 (development application) that are to be referred to the Development Applications Committee.

Limitation 25 does not apply during a Recess Period where the Instrument of Delegation to the Development Applications Committee is placed on hold, in which case the determination of all development applications is delegated jointly to the Lord Mayor and Chief Executive Officer (except those limited by relevant legislation) provided:

- i. such delegation is exercised following receipt by the Lord Mayor and Chief Executive Officer of reports or other business papers in a form similar to the form of reports or other business papers normally submitted to Council or a Council Committee;
- ii. those reports or other business papers are to be circulated to Councillors at least three business days prior to the exercise of delegations;
- iii. where written objections by three Councillors on any one item are received by the Lord Mayor or Chief Executive Officer, stating relevant reasons for objection, the item is to be deferred until the next relevant Development Applications Committee meeting of Council; and
- iv. any such decisions made by the Lord Mayor and Chief Executive Officer pursuant to such delegation is to be reported to the next meeting of Council.



**This Instrument of Delegation:**

- a) Recognises that the Chief Executive Officer may be delegated any function which is taken to be conferred or imposed on Council pursuant to section 381 of the Act.
- b) Is subject to, and is to be exercised in accordance with, the requirements of the relevant legislation and any resolution of Council.
- c) Is not intended to limit the Chief Executive Officer's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Chief Executive Officer under the Act.
- d) Should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Act.

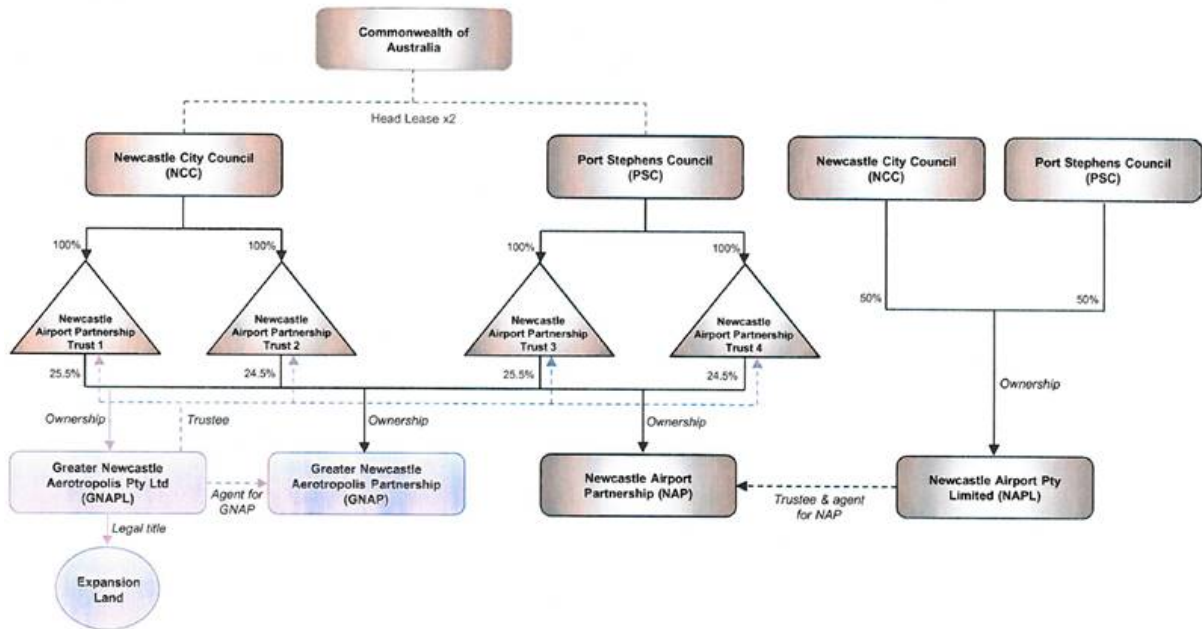
**INTERPRETATION**

- a) **Recess Period** means a period of time where Council has by resolution of Council specifically determines a break in Council's ordinary meeting schedule. A Recess Period does not include:
  - (i) The time between meetings (an extraordinary meeting can be called where decisions are required to be made as a matter of urgency).
  - (ii) The time between Council terms (that is the period between the day of the last ordinary Council meeting and the date of declaration of a new elected Council).
- b) **Chief Executive Officer** means the General Manager appointed under the Act.
- c) **Decisions of Council** means resolutions made by the elected Council from time to time.
- d) **Policy/Policies of Council** means policies adopted by the elected Council from time to time.

*All previous delegations of functions the subject of this Instrument are revoked.*

Attachment C

Expansion Land Structure



**ITEM-18                    CCL 26/03/19 - APPOINTMENT OF VOTING DELEGATE TO  
THE 2019 NATIONAL GENERAL ASSEMBLY OF LOCAL  
GOVERNMENT**

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

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**PURPOSE**

To appoint City of Newcastle's (CN) voting delegate at the 2019 Australian Local Government Association's National General Assembly (NGA) of Local Government to be held 16-19 June 2019 in Canberra.

**RECOMMENDATION**

That Council:

- 1     appoint the Lord Mayor to exercise Council's voting rights at the 2019 Australian Local Government Association's National General Assembly or appoint a voting delegate from among the Councillor attendees.

**KEY ISSUES**

- 2     The theme of this year's NGA is *Future Focused*. The NGA will consider what councils can do today to get ready for the challenges, opportunities and changes that lay ahead. The full program is at **Attachment A**.
- 3     Lord Mayor Cr Nelmes, Councillors Duncan, White and Winney-Baartz have nominated to attend the NGA.
- 4     CN is entitled to one voting delegate in the debating session and as such Council will need to determine who the voting delegate will be from among the attendees.

**FINANCIAL IMPACT**

- 5     Councillors attendance at the NGA is provided for within the 2018/19 budget and includes registration fees, tickets to the official dinner for Councillors and accompanying persons, travel and accommodation expenses and the reasonable cost of meals not provided as part of the registration fee.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6     Attendance at the NGA 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.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 CN staff will make arrangements on behalf of attending Councillors including registration and travel.

**RISK ASSESSMENT AND MITIGATION**

- 8 Attendance at the NGA is an opportunity to contribute to the development of national government policy.

**RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council Meeting held on 27 March 2018 Council approved Councillors White, Duncan and Winney-Baartz to attend the 2018 ALGA NGA of Local Government and appointed Councillor White as Council's voting delegate.

**CONSULTATION**

- 10 Nil.

**BACKGROUND**

- 11 The Australian Local Government Association is the national voice of local government, representing 537 Councils across the country. In structure, it is a federation of state and territory local government associations.

**OPTIONS**

**Option 1**

- 12 Council adopts the recommendation as shown at Paragraph 1. This is the recommended option.

**Option 2**

- 13 Council adopts an alternative recommendation.

**REFERENCES**

**ATTACHMENTS**

- Attachment A:** National General Assembly of Local Government - Program

Attachment A



**NGA 19**

Clarity Partner  
**SOLDIER ON**

Foundation Sponsors  
**McArthur** Best People Fit **JLT** **Australian Government** Minister of Infrastructure, Regional Development and Cities

Platinum Sponsors  
**PALADIN** **Wood Solutions**

**Great BENEFITS of NGA**



**Experts and influencers**  
— Meet experts and influencers face to face.



**60+ exhibitors**  
— Encounter over 60 exhibitors with innovative and new solutions specifically to address Local Government issues.



**Largest national conference**  
— For Local Government held in Australia with over 870 delegates.



**140+ motions debated**  
— Over 140 motions debated and to engage with 24 Ministers and Federal portfolios.



**15+ networking hours**  
— Over 15 hours available to network with other local Government leaders.

**President Welcome**

National General Assembly  
16—19 June 2019

Dear Colleagues,  
It is my pleasure to invite you to the 2019 National General Assembly of Local Government at the National Convention Centre in Canberra on 16 to 19 June.

This year we are Future Focused as we mark the NGA's 25th anniversary, celebrating past achievements whilst firmly focused on the future.

Our theme this year acknowledges that change is constant – and we know you want your council to be positioned to seize the opportunities and reap the rewards for your communities.

Change is everywhere be it digital transformation, community activism, aging demographics, population policies, planning overlays, voice recognition, artificial intelligence and even self-driving cars are just around the corner. Layers of complexity are added by attitudes to climate change, energy generation, cost shifting and tax distributions. Not to mention increasing community expectations about the level and types of services and infrastructure provided by councils.

It is up to each and every council to understand these developments, work through the challenges, and find the best way to shape their response to

their communities. The NGA this year will consider what councils can do today to get ready for the challenges, opportunities and changes that pave the path ahead.

As part of our exciting program, delegates can look forward to hearing from leading politicians, receiving deep insights from nation-leading experts, being inspired by keynote speakers at the forefront of community engagement and crowd-powered communities; and concurrent sessions exploring housing affordability and density pressures, community harm and waste. Together we will ignite thought-provoking discussions about what can be expected as we look to the future.

Previous NGAs have provided participants with experiences, inspiration, information and an abundance of tools and techniques to take back and apply in their councils. This year will be no exception.

This year's NGA will also be held just after the next federal election. Before the dust settles, join us to make sure the incoming government is focused on the future of our sector, and the future prosperity and wellbeing of our communities. When we come together, the power of our collective voices working to sustain vital funding and programs for local government cannot be denied - it is an unmissable opportunity for your council's voice to be heard.

The NGA is the only event on the local government calendar that truly brings councils, staff and industry together nationwide to advocate, network, collaborate, learn and build strategic relationships that, collectively, will position participants at the forefront of local governance in Australia.

Are you Future Focused?

Mayor David O'Loughlin  
ALGA President

**Future Focused NGA 19**  
25 Years of NGA

**Key Dates:**  
Submissions of Motions for Debate By 11:59pm Friday 29 March 2019  
Early Bird Registration On or before Friday 10 May 2019  
Standard Registration On or before Friday 7 June 2019  
Late Registration After Friday 7 June 2019



**2019 Speakers**

Keynote Speakers



**KAREN MIDDLETON**  
Political Commentator  
The ins-and-outs for Local Government post-election.



**KURT FEARNLEY**  
Paralympic Champion  
An incredible story of drive and courage who will also provide insights into the opportunities to improve services for the disabled.



**KYLIE COCHRAN**  
Community Engagement Specialist  
A fantastic presenter that makes understanding community engagement a pleasure through practical examples and humour.



**STEVE SAMMARTINO**  
Australian Futurist, Author, Technologist and Speaker  
Futurist, whose energy and passion will challenge current thinking and what to anticipate in the future.



**GRETTEL KILLEEN**  
TV Personality  
Gretel's knack for humorous story telling draws on her family farming background and varied TV hosting experiences.



**NATALIE EGLETON**  
CEO — Foundation for Rural and Regional Renewal  
Natalie works with philanthropists, business and government to strengthen rural, regional and remote communities.



**DR ERIN LALOR**  
CEO — Alcohol and Drug Foundation  
Providing insights on how councils are achieving great outcomes in reducing drug and alcohol use in their communities.



**DR JON SIGFUSSON**  
Drug Prevention in Iceland  
An international perspective on how to tackle youth drug use.

# PROVISIONAL Program

2019 National General Assembly  
16—19 June

National Convention Centre  
Canberra

Future Focused  
25 Years of NGA

SUNDAY 16 JUNE	TUESDAY 18 JUNE	WEDNESDAY 19 JUNE
08:00am Registration Opens	09:00am Keynote Address Andrew Beer, Dean of Research and Innovation (ANCA) — The Role of Local Government in Housing Australians in the 21st Century	09:00am The Great Debate General Cost-Benefit Risk-Coping
05:00pm-07:00pm Welcome Reception	10:30am Keynote Address Kylie Cochrane, Global Leader in Community Engagement — Engaging with your Community into the Future	10:00am David Puck, CEO, Institute of Managers and Leaders — Leadership Matters
<b>MONDAY 17 JUNE</b>	11:00am MORNING TEA	10:30am MORNING TEA
09:00am Opening Ceremony Wally Bell — Welcome to Country	11:30am MORNING TEA	11:00am Keynote Address Kurt Fearnley — Overcoming the Odds
09:20am ALGA President Opens the Assembly	12:30pm LUNCH	12:00pm ALGA President's Close — ALGA National Lobbying Priorities
09:30am Prime Minister Address	01:30pm Concurrent Sessions Housing your Community TBC Reducing Community Harm Dr Jon Siglasson — Working with local government in alcohol and drug issues in youth — a preventative approach from Norway Dr Erin Lator — Local Drug Action Teams — an Australian community led approach to alcohol and drug misuse Built Environment in Your Community TBC Your Community, Your Environment TBC	12:30pm LUNCH
10:00am ALGA President Address	02:00pm AFTERNOON TEA	
10:30am MORNING TEA	02:30pm Leader of the Opposition Address	
11:00am Keynote Address Karen Middleton — How did Local Government Fair Post Election?	04:00pm Debate on Motions	
11:45am Panel of Experts Opportunities for Local Government Post Election	07:00pm-11:00pm National General Assembly Dinner To be announced	
12:30pm LUNCH		
01:30pm Keynote Address Steve Sammartino — Crowded Powered Communities Exploring a future where the way forward is about handing over the technology, tools of design and protection to those who populate our communities.		
02:30pm Councils Using Technology to Excel		
03:00pm AFTERNOON TEA		
03:30pm Debate on Motions		
04:30pm Federal Minister for Local Government		
04:55pm ALGA President Close		
07:00pm Welcoming Dinner Australian War Memorial		

# PROVISIONAL PROGRAM

## 2019 REGIONAL COOPERATION AND DEVELOPMENT FORUM

SUNDAY 16 JUNE  
NATIONAL CONVENTION CENTRE  
CANNBERRA

REGIONS ARE DYNAMIC, MOVING THROUGH BOOM AND BUST CYCLES AND TIMES OF GROWTH AND DECLINE.

WITH CASE STUDIES AND FACILITATED HYPOTHETICAL SESSIONS AND Q&A PANELS OF INDUSTRY EXPERTS, THIS YEAR'S FORUM FOCUSES ON 2 MAIN THEMES:

**BOOM OR BUST: THE REGIONAL YO-YO DIET**  
The rising pressures of rapidly growing regions, and those in decline, who are the winners and losers and how it relates to housing, youth, immigration and social cohesion, the impact of drought, funding and resilience.

**CONNECTED COMMUNITIES**  
Digital readiness, the importance of social connectivity in a digital world, transport linkages and the challenges of digital demography with large, geographically-dispersed communities.

SUNDAY 16 JUNE
09:30am Wally Bell — Welcome to Country
09:40am ALGA's President Opening
09:50am Keynote Address Graef Killean — Personal experiences in our regions, setting the scene and hypothetical introduction
10:05am Boom or Bust: the Regional Yo-Yo Diet Examining regional growth and decline related to social cohesion, settlement, impacts of drought and funding
10:15am Morning Tea
11:45am Shadow Minister for Regional Services, Territories and Local Government Address
12:00pm Q&A Panel How regional leaders are tackling real problems in our rural and regional communities
12:45pm State of the Regions Report Launch
01:15pm Lunch
02:15pm Connected Communities Exploring digital readiness telecommunications, transport, youth projects and successful Local Government initiatives
03:30pm Afternoon Tea
04:00pm Minister for Regional Development, Territories and Local Government
04:15pm Closing remarks

REGIONAL FORUM 2019

# General Registration

GENERAL ASSEMBLY REGISTRATION FEES	INCLUSIONS
Registration Fees — Early Bird Payment received by Friday 10 May 2019	\$680.00
Registration Fees — Standard Payment received on or before Friday 7 June 2019	\$1,099.00
Registration Fees — Late Payment received after Friday 7 June 2019	\$1,199.00

GENERAL ASSEMBLY REGISTRATION FEES	INCLUSIONS
Monday 17 June 2019	\$529.00
Tuesday 18 June 2019	\$529.00
Wednesday 19 June 2019	\$290.00

SUNDAY REGIONAL FORUM REGISTRATION FEES	INCLUSIONS
Forum Only — Sunday 16 June 2019	\$445.00
NGA Delegate Delegates attending the Regional Forum and the NGA are entitled to this discount	\$245.00

ACCOMPANYING PARTNERS REGISTRATION FEES	INCLUSIONS
Accompanying Partners Registration Fee	\$280.00

# General Information

**Payment Procedures:**  
Payment can be made by:  
Credit/Debit  
MasterCard and Visa  
Cheque  
Money payable to ALGA  
Electronic Funds Transfer  
Bank: Commonwealth Bank  
Branch: Curtin  
BSB No: 082905  
Account No: 10097760  
NOTE: If paying via EFT you must quote your transaction reference number on the registration form.

**Cancellation Policy:**  
All alterations or cancellations to your registration must be made in writing and will be acknowledged by email. Notification should be sent to:  
Conference Co-ordinators  
PO Box 4904  
Canberra ACT 2905  
Facsimile: 02 6292 9002  
E-mail: conference@cenfo.com.au  
An administration charge of \$120.00 will be made to any participant cancelling before Friday 10 May 2019.  
Cancellations received after Friday 10 May 2019 will be required to pay full registration fees. However, if you are unable to attend, substitutes are welcome at no additional cost.  
By submitting your registration you agree to the terms of the cancellation policy.

**Photographs:**  
During the National General Assembly there will be a contracted photographer; the photographer will take images during the sessions and social functions.  
If you have your picture taken it is assumed that you are giving consent for ALGA to use the image.  
Images may be used for print and electronic publications.

**Privacy Disclosure:**  
ALGA collects your personal contact information in its role as a peak body for local government. ALGA may disclose your personal contact information to the sponsors of the event for the purposes of commercial business opportunities. If you consent to ALGA using and disclosing your personal contact information in this way, please tick the appropriate box on the registration form.  
Importantly, your name may also be included in the General Assembly List of Participants. You must tick the appropriate box on the registration form if you wish your name to appear in this list.

**Canberra Weather in June:**  
Winter days in Canberra are characterised by clear sunny skies but the days are cool at around 12-15C and temperatures do drop to 1c on average in the evenings, so be sure to bring a warm jacket. Mornings can be foggy so keep this in mind when booking flights. It is best to avoid early arrivals or departures in case of delays due to fog.

**Coach Transfers:**  
**Welcome Reception and Exhibition Opening — Sunday 16 June 2019**  
Coaches will collect delegates from all General Assembly hotels (except Crowne Plaza Canberra) at approximately 4:45pm. The return coaches will depart at 7:00pm.  
**Daily Shuttles to and from the National Convention Centre**  
A shuttle service between all General Assembly hotels (except Crowne Plaza Canberra) and the National Convention Centre will operate between 8:00am and 8:30am. Return shuttles will depart the National Convention Centre at 5:30pm.  
**Networking Dinner: Australian War Memorial — Monday 17 June**  
Coaches will collect delegates from all General Assembly hotels at approximately 6:45pm. A return shuttle service will commence at 10:15pm.  
**General Assembly Annual Dinner: To be announced — Tuesday 18 June**  
Coaches will collect delegates from all General Assembly hotels at approximately 6:45pm. A return shuttle service will operate between 10:30pm and 11:45pm.

**Car Parking:**  
Parking for delegates is available underneath the National Convention Centre for a cost of approximately \$19.00 per day. Alternatively, valet parking is available 300m from the Centre at a cost of approximately \$15.70 per day. The valet machines accept either coins, or credit cards (Visa or MasterCard).



## Social Functions

### Welcome Reception and Exhibition Opening

Sunday 16 June 2019

Venue: National Convention Centre

The Welcome Reception will be held in the exhibition hall and foyer.

05:00pm—07:00pm

\$50.00 per person for day delegates and guests. No charge for full registered delegates. No charge for registered accompanying partners.

Dress Code: Smart casual.

### Networking Dinner

Monday 17 June 2019

Venue: Australian War Memorial

The dinner is being held in the Anzac Hall.

07:00pm—11:00pm

\$110.00 per person.

Dress Code: Smart casual.

This year we take the Networking Dinner to the Australian War Memorial, regarded as one of the most significant war memorials worldwide.

Dinner will be held in the Anzac Hall where you can see historical Military Items such as famous Lancaster bomber G for George in the Striking By Night exhibit, a midjet submarine created from sections of two full sized submarines in Sydney Under Attack, and world war

aircraft in the Over The Front: The Great War In The Air exhibition.

You are welcome to browse these at your leisure whilst also having the opportunity to network with delegates from other councils and organisations.

Note: Numbers are limited and booking early is highly recommended.

### General Assembly Dinner

Tuesday 19 June 2019

Venue: To be announced.

07:00pm—11:00pm

\$140.00 per person.

Dress Code: Lounge suit/collar & tie for men. Cocktail for women.

Note: Bookings are accepted in order of receipt.

### Partner Tours

Monday 17 June 2019

Like Cruise To Monet

Enjoy the view from the recently refurbished Mt Southern Cruise Yacht as you cruise around Lake Burley Griffin learning about some of Canberra's monuments, museums and political landmarks.

After lunch, there will be an opportunity to view the Monet Impression, Sunrise Exhibition at the National Gallery Australia. This exclusive exhibition will feature Monet pieces on loan from Paris and London along with work from artists like JMW Turner inspired by the impressionist master.

Tuesday 18 June 2019

Pottery and Wine Experience

Today we will be travelling just out of Canberra to nearby town of Murrumbidgee. Here we will be visiting Hargrove Pottery where we will be treated to a history of pottery, demonstrations and a tour of the centre.

We will also be joined by local boutique winery, Idyllic Hills Wines, who will provide tastings and the opportunity for you to ask any questions you have ever had in the process of wine making.

We will then begin making our way back to Canberra with a stop for lunch along the way.

## Accommodation

### Crowne Plaza

1 Binara Street, Canberra

The Crowne Plaza is adjacent to the Convention Centre.

Twin option at the hotel consists of two double beds.

Superior Room \$325 per night — Single/twin/double

Deluxe Room \$375 per night — Single/twin/double

### Avenue Hotel

80 Northbourne Avenue, Canberra

The Avenue Hotel is one of the newest options in Canberra and offers guests both studio and apartment style rooms. The hotel is a 15-20 minute walk from the Convention Centre.

Twin option at the hotel consists of two king singles.

Superior King Rooms: \$280 per night — Single/twin/double

1 Bedroom Apartments \$330 per night — Single/double

### Waldorf

2 Akuna Street, Canberra

Located in the heart of Canberra's CBD, the Waldorf is only a five minute walk from the National Convention Centre.

Twin option at the hotel consists of two single beds. Additional costs will apply if more than 2 guests are within the one room.

Studio Apartment: \$210 per night — Single/twin/double

1 Bedroom Apartment \$230 per night — Single/twin/double

### Mantra

84 Northbourne Avenue, Canberra

Mantra on Northbourne is centrally located within the CBD and approximately a 15-20 minute walk from the National Convention Centre.

Bedding configuration in a hotel room is one king or two single beds and a 1 Bedroom apartment has one queen or two singles.

Hotel Room \$240 per night — Single/twin/double

1 Bedroom Apartment \$280 per night — Single/twin/double

### Novotel

65 Northbourne Avenue, Canberra

Located on Northbourne Avenue, one of Canberra's main thoroughfares, the Novotel is a 15 minute walk from the National Convention Centre.

Twin option for the Standard Room type consists of two double beds and the

Executive Room type consists of one king bed and a pull-out sofa bed.

Standard Room \$290 per night — Single/twin/double

Executive Room \$325 per night — Single/twin/double

### Medina Apartment Hotel

74 Northbourne Avenue, Canberra

The Medina Apartments Hotel James Court is approximately a 15-20 minute walk from the National Convention Centre.

Twin option at the hotel consists of two single beds.

Note: Reception operates between the hours of 06:30am and 11:00pm.

1 Bedroom Apartment \$225 per night — Single/twin/double

2 Bedroom Apartment \$299 per night — Single/double

### QT Hotel

1 London Circuit, Canberra

QT Hotel is a modern hotel with boutique style furnishings, central to the city and a 10 minute walk to the National Convention Centre.

Twin option at the hotel consists of two single beds.

Standard Room \$249 per night — Single/twin/double

Future Focused

NGA 19

16—19 June 2019, Canberra  
National Convention Centre



### Registration:

Online: [nga19.com.au](http://nga19.com.au)

Hard copy registration forms and PDF versions are available by emailing:

[NGA@confco.com.au](mailto:NGA@confco.com.au)



### Debate on Motions:

To assist in identifying motions for the 2019 NGA, a discussion paper has been prepared and is available at: [ALGA.asn.au](http://ALGA.asn.au)

Submission of motions can also be accessed at: [ALGA.asn.au](http://ALGA.asn.au)



Celebrating 25 Years of NGA

[nga19.com.au](http://nga19.com.au)



**ITEM-19                    CCL 26/03/19 - APPOINTMENT OF REPLACEMENT  
COUNCILLOR REPRESENTATIVE TO THE AUDIT AND RISK  
COMMITTEE**

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

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**PURPOSE**

To appoint a replacement Councillor representative to the Audit and Risk Committee (Committee).

**RECOMMENDATION**

That Council:

- 1     through a process of nomination and simple majority vote, appoints one Councillor member to the Audit and Risk Committee for the remaining term of Council; and
- 2     appoints [insert Councillor name] to the Audit and Risk Committee.

**KEY ISSUES**

- 3     At the Ordinary Council Meeting held on 26 February 2019, Council resolved to receive a report regarding membership of the Committee.
- 4     Councillor Jason Dunn has submitted his written resignation from the Committee on 14 March 2019.
- 5     It is appropriate to appoint a replacement Councillor to the vacant position for the remainder of the Council term in accordance with the Committee Charter (Attachment A).

**FINANCIAL IMPACT**

- 6     Committee external members are remunerated for their services. Councillor members do not receive any additional remuneration for participation on the Committee. All expenses relating to internal audit were within the adopted budget for 2018/19.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

**7    Open and Collaborative Leadership**

- 7.2a Conduct Council business in an open, transparent and accountable manner.

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

**8 Open and Transparent Governance Strategy**

4.5 Promote an organisation that eliminates or minimises risk.

4.6 Ensure accountability for public money and high levels of service, governance, quality, professional conduct and compliance with professional standards and other legislative requirements.

**IMPLEMENTATION PLAN/IMPLICATIONS**

9 Meetings in the 2019 calendar year are scheduled to commence at 5:30pm on:

- i) 23 May 2019
- ii) 29 August 2019
- iii) 10 October 2019 (Finance only)
- iv) 11 December 2019

**RISK ASSESSMENT AND MITIGATION**

10 City of Newcastle (CN) has an established Enterprise Risk Management Framework (ERMF) which provides a consistent and structured approach to identifying, managing and embedding risk management into CN's overall strategic and operational processes. Maintaining a Committee is the third line of defence as a function that provides independent assurance over CN's ERMF.

**RELATED PREVIOUS DECISIONS**

11 At the Ordinary Council Meeting held on 26 February 2019, Council endorsed a motion to receive a report at the 26 March 2019 Ordinary Council Meeting regarding the membership of the Committee and Councillor nominees.

12 At the Ordinary Council Meeting held on 26 September 2017, Cr Jason Dunn and Cr John MacKenzie were appointed as Councillor members of the Committee, representing the newly elected Council.

**CONSULTATION**

13 Proposed changes to Councillor membership on the Committee were reported at the Committee's meeting on 14 March 2019.

**BACKGROUND**

14 The Committee "plays a pivotal role in the governance framework to provide CN with independent oversight and monitoring of CN's audit processes,

including the CN's internal control activities. This oversight includes internal and external reporting, risk management activities, internal and external audit and compliance." (the Division of Local Government, *Internal Audit Guidelines*, September 2010).

**OPTIONS**

**Option 1**

16 Council adopts the recommendation as at Paragraph 1 and 2. This is the recommended option.

**Option 2**

17 Council resolves to not appoint a replacement Councillor representative to the Committee. Not appointing a replacement Councillor representative will result in the Committee not meeting its full membership, as stipulated in the Charter. This is not the recommended option.

**REFERENCES**

18 Division of Local Government, *Internal Audit Guidelines*, September 2010.

**ATTACHMENTS**

**Attachment A:** Audit and Risk Committee Charter

Attachment A – Audit and Risk Committee Charter

Newcastle City Council  
**Charter**

**Audit and Risk Committee**  
February 2018

Newcastle City Council  
PO Box 489, Newcastle NSW 2300  
Ph: 4974 2000 Fax: 4974 2222  
Email: [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au)  
[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)



Charter title	Audit and Risk Committee Charter
Committee Type	Legislative
Policy owner	Chief Executive Officer
Prepared by	Internal Audit Coordinator
Approved by	Elected Council
Date approved	27 February 2018
ECM number of Council decision	# 6292957
Commencement Date	1 March 2018
Version	4
Category	Governance
Keywords	Audit, Assurance, Risk Management, Corporate Governance, Committee
Revision date	October 2019
Amendments	Version 1 ('Audit and Risk Committee Constitution') adopted by Council on 16 March 2010 Version 2 (Audit and Risk Committee Charter) adopted by Council on 9 October 2012 Version 3 (Audit and Risk Committee Charter) adopted by Council 25 November 2014
Relevant strategic direction	Open and Collaborative Leadership
Relevant legislation/codes	<i>Local Government Act 1993</i> (NSW) <i>Local Government Amendment (Governance and Planning) Act 2016</i> (s.428A) Division of Local Government Internal Audit Guidelines (September 2010)
Related policies/documents	Enterprise Risk Management Framework and related documents Code of Conduct Media Policy Deed of Confidentiality register
Related forms	Deed of Confidentiality

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## 1 Objective

- 1.1 The objective of the Audit and Risk Committee is to provide independent assurance and assistance to Council on risk management, control, governance and external accountability responsibilities.

## 2 Interpretation

- 2.1 **Act** means the Local Government Act 1993 (NSW).
- 2.2 **Amendment Act** means the *Local Government Amendment (Governance and Planning) Act 2016* (Sections of this Act are yet to be proclaimed).
- 2.3 **Attendee** means the CEO and Internal Audit Coordinator who attend Audit and Risk Committee meetings but are not Committee members.
- 2.4 **Code of Conduct** means the Code of Conduct adopted by Council as prescribed in the *Local Government Regulation 2005*.
- 2.5 **Audit and Risk Committee Selection Panel (Selection Panel)** shall comprise the CEO and the two Councillor members.
- 2.6 **CEO** means Chief Executive Officer of Newcastle City Council and includes their delegate or authorised representative.
- 2.6.1 References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).
- 2.7 **Council** means the Newcastle City Council and where appropriate includes its administration or any successor council.
- 2.8 **Committee** means the Council's Audit and Risk Committee.
- 2.9 **Committee Member** means those appointed by the Selection Panel or by resolution of Council to be a member of Council's Audit and Risk Committee.
- 2.10 **External Auditor** is any person or organisation appointed by the Auditor General in accordance with s.422 of the Act to review and certify Council's financial reports as per section 415 of the Act.
- 2.11 **Internal Audit** means the independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.
- 2.12 **Internal Audit Coordinator** means the Council officer the CEO has appointed to coordinate Council's internal audit function and Audit and Risk Committee.
- 2.13 **Internal Audit Plan** means a risk-based rolling program of internal audits scheduled for a 12 to 36 month period.
- 2.14 **Invitee** means any person invited by the CEO or at the request of the Audit and Risk Committee to attend a meeting only for a specific purpose. Invitees have no voting rights.
- 2.15 **Internal Auditor** means any person or company that has been engaged by Council or directed by the CEO to conduct an internal audit.

- 2.16 **Observer** means any Councillor who attends an Audit and Risk Committee meeting who is not a Voting Councillor member of the Audit and Risk Committee.
- 2.17 **Open Voting** means voting by show of hands using a single non-transferable vote system. This means each voter casts one vote for any resolution.
- 2.18 **Regulations** means the *Local Government (General) Regulation 2005*.
- 2.19 **Risk Management framework** means a set of components that provide the foundations and organisational arrangement for designing, implementing, monitoring, reviewing and continually improving Risk Management throughout the organisation.
- 2.20 **Risk Management Plan** means a scheme within the Risk Management Framework specifying the approach, the management components and resources to be applied to the management of risk.
- 2.21 **Secretary** means the Council officer appointed in accordance with clause 9.2.

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

### **3 Establishment and dissolution**

- 3.1 Council resolved to establish an Audit and Risk Committee and appointed Councillor Members on 19 May 2009.
- 3.2 The Committee may be dissolved by resolution of Council.

### **4 Authority**

Within the scope of its roles and responsibilities, the Committee has the following authority:

- 4.1 The Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the CEO, as provided in the Act.
- 4.2 The Committee has no executive powers and cannot make decisions on behalf of Council. The Committee may provide advice, information and recommendations to Council and Council Management. The Committee is not a committee which has delegated authority to exercise powers under s.355 of the Act, and it is not a special committee as per section 259 of the Regulations.
- 4.3 Neither the Committee nor any of its Members may direct any Council officer in his or her duties but may request the attendance of any employee or councillor at Committee meetings.
- 4.4 The Committee has no power of direction over the external audit or the manner in which the external audit is planned or undertaken.
- 4.5 The Committee by resolution and in accordance with relevant Council policy, may seek to obtain any information it needs from Council or an external party (subject to their legal obligations to protect information).
- 4.6 The Chair of the Committee may, if considered reasonably necessary and in consultation with the CEO, request external legal or professional advice to allow the Committee to meet its responsibilities.



## 5 Responsibilities

According to the *Amendment Act* (pending proclamation), the Committee must keep under review the following aspects of Council's operations:

- (a) compliance
- (b) risk management
- (c) fraud control
- (d) financial management
- (e) governance
- (f) implementation of the strategic plan, delivery program and strategies
- (g) service reviews
- (h) collection of performance measurement data by the council
- (i) any other matters prescribed by the regulations.

In addition, the Committee is to provide information to the Council for the purpose of improving the Council's performance of its functions.

**Responsibilities of the Committee in detail are:**

### 5.1 Risk Management

- 5.1.1 Review whether Council has a current and comprehensive risk management framework in place that appropriately identifies and manages business, legal, compliance and financial risks, including fraud.
- 5.1.2 Review whether Council uses a sound and effective approach to develop risk management plans for major projects or undertakings.
- 5.1.3 Review the impact of Council's risk management framework on its control environment and insurance arrangements.
- 5.1.4 Review whether a sound and effective approach is used to establish Council's business continuity plan and that the plan is tested regularly.

### 5.2 Control Framework

- 5.2.1 Review whether sufficient and adequate internal controls are in place, including controls over external parties such as contractors and consultants.
- 5.2.2 Determine whether Council's internal controls are periodically reviewed and updated, and that a monitoring and reporting system is in place to ensure compliance.
- 5.2.3 Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- 5.2.4 Review whether Council management has taken steps to embed a culture throughout the Council organisation which is committed to ethical and lawful behaviour.

### 5.3 External Accountability

- 5.3.1 Act as a forum for communication between the Council, the CEO, senior management, internal audit, external auditors and the Auditor General.
- 5.3.2 Be satisfied that Council's annual financial reports comply with applicable legislation and Australian accounting standards, and are supported by appropriate management sign-off on Council's financial statements.
- 5.3.3 Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.

- 5.3.4 Consider contentious financial reporting matters in conjunction with Council's management and external auditors.
- 5.3.5 Review the processes in place to ensure financial information included in the annual report is consistent with the signed financial statements.
- 5.3.6 Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations.
- 5.3.7 Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.
- 5.4 Legislative Compliance
  - 5.4.1 Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.
  - 5.4.2 Review the effectiveness of the system for monitoring compliance risks which form part of risk assessment and management arrangements.
- 5.5 Internal Audit
  - 5.5.1 Review and approve the internal audit coverage and Council's internal audit plan, ensuring it considers the risk management plan.
  - 5.5.2 Consider the adequacy of internal audit resources to carry out internal audit responsibilities, including completion of the approved Internal Audit Plan and make recommendations to the CEO.
  - 5.5.3 Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
  - 5.5.4 Monitor the implementation of internal audit recommendations by management.
  - 5.5.5 Periodically review the internal audit function to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.
  - 5.5.6 Periodically review the performance of Internal Audit.

## 6 Membership

- 6.1 Membership generally
  - 6.1.1 The Committee will comprise two Councillors, appointed by Council and three Independent Members appointed by the Selection Panel.
  - 6.1.2 The Chair is one of the three Independent Members, appointed by the Selection Panel.
  - 6.1.3 Members of the Committee, taken collectively, will have a broad range of skills and experience relevant to Council operations. At least one member of the Committee shall have accounting or related financial management qualifications and experience, with understanding of accounting and auditing standards in a public sector environment.
  - 6.1.4 Members may not transfer their membership to any other person or to attend on their behalf.

6.2 Responsibility of Members

6.2.1 Members are expected to:

- (a) understand the relevant legislative and regulatory requirements applicable to Council;
- (b) be able to contribute the time needed to study and understand the Committee's business papers; and
- (c) utilise high level analytical skills, objectivity and good judgment.

6.2.2 Membership of any Member of the Committee may be terminated by a decision of the Committee Selection Panel due to the Member's non-attendance at three consecutive meetings of the Committee without:

- (a) prior notification of their non-attendance; and
- (b) the granting of leave by resolution of the Committee; or
- (c) if the Member's conduct is inconsistent with this Charter or the Code of Conduct.

6.3 External Members

6.3.1 CEO will determine membership criteria, including for the Chair. Expressions of interest for external members will be called by any reasonable means which will ensure the role can be accessed by a wide pool of applicants.

6.3.2 The Selection Panel will:

- nominate external members to the Committee; and
- nominate an external member to be Chair of the Committee.

6.3.3 The terms of appointment for external members will be determined by the Selection Panel.

6.3.4 External members, including the Chair, may be eligible for re-appointment by approval of the Selection Panel.

6.3.5 External members will remain members of the Committee until:

- the expiry of their external membership term under clause 6.3.3;
- the Committee is dissolved pursuant to clause 3.2 of this Charter; or
- Their membership is otherwise terminated.

6.3.6 If an external member resigns or otherwise has their membership terminated, the Selection Panel will nominate a replacement external member to the Committee.

6.3.7 An external member may not be a Councillor or a Council employee.

6.4 Councillor members

6.4.1 Council will call for nominations for Councillor members at the commencement of each Council term.

6.4.2 Council will elect Councillor members by resolution.

6.4.3 Councillor members remain members of the Committee until:

- the expiry of their Councillor membership term;
- the Committee is dissolved pursuant to clause 3.2 of this Charter;

- they resign; or
  - their membership is otherwise terminated.
- 6.4.4 Councillor membership terminates immediately upon a Councillor member no longer being a Councillor.
- 6.4.5 If a Councillor member does not remain on the Committee for the entire Council term, appointment of a replacement Councillor Member must be by resolution of Council.
- 6.4.6 If re-elected to Council, retiring Councillor members are entitled to nominate for re-appointment.
- 6.4.7 The Lord Mayor may not be a member of the Committee.
- 6.5 Other attendees
- 6.5.1 The following persons may attend any meeting of the Committee, unless requested otherwise by the Committee:
- (a) CEO
  - (b) Internal Audit Coordinator;
  - (c) Representative from Council's External Auditor
  - (d) Representative from the Audit Office of NSW
  - (e) Invitees for specific agenda items.
- 6.5.2 Councillors may attend any meeting as an observer by giving notice in advance to the Internal Audit Coordinator. Observers do not have the right to ask questions, participate in discussion or vote on matters before the Committee.
- 6.5.3 Other Council officers or guests may attend Committee meetings by invitation of the CEO or as requested by the Committee.
- 6.6 Review of Membership
- 6.6.1 The Selection Panel is responsible for reviewing the performance, tenure and other matters which relate to external members.

## 7 Meetings

- 7.1 Quorum
- 7.1.1 A quorum is constituted by attendance of a majority of the Committee members, including at least one external member.
- 7.2 Meetings
- 7.2.1 The Committee will meet at least four times per year or as resolved by the Committee.
- 7.2.2 One of these meetings will include review of the annual audited financial reports and external audit opinion.
- 7.2.3 A forward meeting plan will be agreed by the Committee each year, addressing Committee responsibilities as specified in Clause 5 of this Charter.
- 7.2.4 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.
- 7.2.5 The Chair will be responsible for keeping order at the meeting.
- 7.2.6 If the Chair is absent from a Committee meeting, an external member of the Committee will be nominated by the CEO to chair the meeting.

7.3 Separate Meetings

7.3.1 The Committee may resolve to meet separately with each of the Internal Audit Coordinator, the Internal Auditor, and the External Auditor in the absence of other Council officers if requested.

7.3.2 The Chair may agree to meet separately with:

- The CEO
- Any member of the Committee
- Council's internal auditors
- the Internal Audit Coordinator; and
- Council's external auditors.

7.4 Reporting

7.4.1 The Committee will report at least annually to the elected Council on its affairs and the matters it has considered. Reporting will include attendance records.

7.4.2 Internal Audit will report to the Committee regularly on the performance of Internal Audit as measured against agreed performance indicators.

7.4.3 Reporting on the implementation status and progress of audit actions will be a standing agenda item at ordinary Committee meetings.

7.4.4 Internal audit reports will be provided to Council's external auditor to assist them in the course of their work.

7.4.5 The Internal Audit Coordinator may report directly to the Committee after appropriate lines of enquiry and resolution have been pursued.

7.5 Recommendations and resolutions

7.5.1 Recommendations and resolutions of the Committee must be consistent with this Charter.

7.5.2 The Committee is expected to make decisions by Committee members casting a vote either in favour or against any proposed resolution of the Committee.

7.5.3 A resolution approved by a majority of Committee members' votes becomes a resolution of the Committee.

7.5.4 Resolutions are to be recorded in the minutes of the proceedings of Committee meetings.

7.5.5 The CEO (or delegate) may action recommendations as they deem appropriate in accordance with their individual delegations and authorisations.

7.5.6 A report to Council for a decision will be required where recommendations fall outside the functions delegated to the CEO.

7.6 Meeting agendas

7.6.1 The Secretary is responsible for preparation of meeting agendas.

7.6.2 The Secretary will provide notice of meetings, including the agenda and business papers, to members at least five business days prior to the day of the meeting. These may be transmitted electronically.

7.7 Minutes

- 7.7.1 All Committee business shall be appropriately minuted and recorded, including its registration in accordance with Council's Records Management Policy.
- 7.7.2 Draft minutes of a previous Committee meeting are to be reviewed by the Committee members and, if they represent a correct record of the relevant Committee meeting, the Committee may resolve for the confirmed minutes to be signed by the Committee Chair.

## 8 Conduct by members

8.1 Code of Conduct

- 8.1.1 Council's Code of Conduct applies to Committee Members.
- 8.1.2 Conflicts of Interests must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 8.1.3 Significant conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion must be recorded in the minutes.

8.2 Public Comment

- 8.2.1 Members are bound by Council's Media Policy.
- 8.2.2 The Chair may make public comment in connection with Committee business. When making a public comment, the Chair should indicate they are speaking on behalf of the Committee and not Council.

8.3 Confidentiality

- 8.3.1 Due to their sensitive nature, items of Committee business remain confidential unless identified otherwise by the Committee.
- 8.3.2 Committee members, attendees, invitees and observers are required to sign a deed of confidentiality, and abide by the terms of Council's Code of Conduct relating to confidentiality.

## 9 Committee administration

- 9.1 The CEO is responsible for ensuring that the Committee has adequate secretarial support and access to administrative resources.
- 9.2 Secretarial support will be provided by a suitably qualified Council officer who will undertake functions to support the Committee, including:
  - 9.2.1 act as the communication link between the Committee and Council
  - 9.2.2 manage the resources available to the Committee
  - 9.2.3 liaise with the Chair to administer the Committee and its meetings
  - 9.2.4 prepare agendas
  - 9.2.5 maintain the meeting attendance register
  - 9.2.6 prepare and distribute meeting minutes, business papers and correspondence
  - 9.2.7 ensure the provision of Committee governance documents to members (such as this Charter, relevant Council policies, guidelines); and
  - 9.2.8 arrange meeting venues, equipment, and catering as required.

## **10 Induction**

10.1 New Committee members will receive relevant information and briefings at the time of their appointment to assist them to meet their Committee responsibilities.

## **11 Review of Audit and Risk Committee performance**

11.1 The Chair will initiate a review of the Committee's performance at least once every two years.

## **12 Review of Charter**

12.1 This Charter will be reviewed biannually or as required to align with legislation, and may only be amended by resolution of Council.

**ITEM-20 CCL 26/03/19 - ADOPTION OF AMENDMENT TO NEWCASTLE  
DCP 2012 SECTION 6.02 HERITAGE CONSERVATION AREAS**

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

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**PURPOSE**

To seek Council's endorsement of an amendment to Section 6.02 Heritage Conservation Areas of the Newcastle Development Control Plan 2012 (NDCP 2012) in relation to Hamilton Residential Precinct, and exhibition of further amendments to Section 6.02 of the NDCP 2012.

**RECOMMENDATION**

That Council:

- 1 Adopts the draft Section 6.02 Heritage Conservation Areas (**Attachment A**) of the NDCP 2012 and associated amendments to Section 9.0 Glossary of the NDCP 2012 and provide public notice advising that this development control plan takes effect on the business day following the date upon which the amendment to the Newcastle Local Environmental Plan 2012 (NLEP 2012) is made to create a Heritage Conservation Area for the Hamilton Residential Precinct pursuant to Section 3.36(1) of the Environmental Planning and Assessment Act (EP&A Act).
- 2 Exhibit further amendments to Section 6.02 Heritage Conservation Areas of the NDCP 2012 and associated amendments to Section 9.0 Glossary of the NDCP 2012 (**Attachment B**).

**KEY ISSUES**

- 3 At the Ordinary Council Meeting held on 11 December 2018 Council resolved to endorse the Planning Proposal to create the Hamilton Residential Precinct Heritage Conservation Area (HCA) and forward the proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made. Council also resolved at the meeting that the amended NDCP 2012 Section 6.02 HCA would be reported back to Council prior to the proposed LEP amendment being made. In accordance with this resolution, the Planning Proposal was forwarded to the DPE on 20 December 2018 and the amended NDCP 2012 is now reported back to Council.

**Submissions**

- 4 Public submissions received during the exhibition period for the Planning Proposal and amendments to the NDCP 2012, were reported at the Ordinary Council Meeting held on 11 December 2018.



- 5 One submission received, which was in support of the Planning Proposal, cited the recent court case *Nisbet v Newcastle City Council* [2017] NSWLEC 1480 (**Attachment C**) which raised issues with demolishing neutral buildings within HCAs in the Newcastle LGA. The submission recommended the NDCP 2012 be updated to suitably address the current contributory classifications (non-contributory, neutral and contributory).
- 6 To address this issue, a series of meetings took place with City of Newcastle (CN) staff between December 2018 and February 2019 to consider further draft amendments to Section 6.02 of the NDCP 2012. In particular, to include definitions, objectives and controls for contributory, neutral and non-contributory buildings within the NDCP 2012.

### **NDCP 2012 Changes**

- 7 NDCP 2012 changes relating to Planning Proposal: To provide further clarification and advice for the future management of the Hamilton Residential Precinct HCA, Section 6.02 has been exhibited. No changes have been made to the Statement of Significance and Desired Future Character as exhibited. Minor changes have been made to NDCP 2012 Section 6.02 and associated amendments to NDCP 2012 Section 9.0 following the exhibition period to ensure consistency with the NLEP 2012 Dictionary and State Heritage Inventory and are highlighted in blue text. The amended draft Section 6.02 Heritage Conservation Areas needs to be adopted by Council in order to proceed with the Planning Proposal.
- 8 To address matters relating to the recent court case, separate amendments to NDCP 2012 Section 6.02 and associated amendments to DCP Section 9.0 are now proposed and these are highlighted in red text in the draft NDCP 2012. The proposed further amendments relate to clarifying terms; specifying minimum development application submission requirements; and providing explanation of building envelope.
  - i) Clarification of terms: Includes revised definition of terms, objectives and controls for contributory, neutral and non-contributory buildings relating to infill development, alterations and additions. This guidance, although identified in the 'Review of Heritage Conservation Areas Final Report' June 2016, has up until now only been included within CN's Heritage Technical Manual of September 2014. The proposed terms, objectives and controls for the three levels of contribution of the draft NDCP 2012 are largely consistent with the HCA 2016 Report and the Heritage Technical Manual. Refer to **Attachment D** for comparison of definition changes from the Heritage Technical Manual of 2014, the HCA Report of 2016, and the draft NDCP 2012.
  - ii) Minimum Development Application submission requirements: The introduction of the three levels of contribution to the HCA DCP necessitates and underlines that a merit-based approach to development

assessment is required for sites in HCAs. This results in a greater reliance on supporting documentation in development applications, in particular, the Heritage Impact Statement (HIS). Whilst this has been a requirement of CN the need for a HIS has never been outlined in the NDCP 2012. An amendment of the NDCP 2012 section to include HIS is proposed.

- iii) **Building Envelope:** As much of the assessment of an application in a HCA is merit based, there is a need for further explanation of building envelope. An amendment of the NDCP 2012 section to include guidelines for building envelope is proposed, in order to address urban design matters in the absence of NLEP 2012 maximum building height and maximum floor space ratio controls for residential zoned sites in HCAs. This approach has been supported by DPE in recent correspondence to CN.

- 9 As the above changes have not previously been exhibited it is considered that exhibition of these proposed amendments is required.

### **FINANCIAL IMPACT**

- 10 Work will be undertaken by CN within current allocated work programs and budgets.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 11 The Planning Proposal and proposed amendments to the NDCP 2012 are consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

#### **Vibrant and Activated Public Spaces**

- 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.

#### **Liveable and Distinctive Built Environment**

- 5.1a Protect and promote our unique built and cultural heritage.
- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

**Local Planning Strategy**

- 12 The Local Planning Strategy (LPS) is CN's comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The LPS seeks to ensure development will protect culture, heritage and place and aims to ensure the built environment will maintain and enhance the city's identity by protecting and enhancing heritage buildings, streetscapes, views and key features, as well as, encouraging building innovation that respects the scale and bulk of the existing urban fabric. The Planning Proposal is consistent with the strategic directions of the LPS relating to heritage.
- 13 A detailed discussion of the Planning Proposal and its relationship with the LPS was provided within the Planning Proposal and reported to Council at the Ordinary Council Meeting held on 11 December 2018.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 14 The preparation of the Planning Proposal was undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies CN's processes and responsibilities in applying the requirements of Part 3 of the EP&A Act for amending an LEP.

**RISK ASSESSMENT AND MITIGATION**

- 15 Adoption of the recommendation provides CN and the public with amended DCP guidelines which are required by the Hamilton Residential Precinct HCA Planning Proposal and addresses issues arising from the recent court case *Nisbet v Newcastle City Council* [2017] NSWLEC 1480.

**RELATED PREVIOUS DECISIONS**

- 16 Council resolved to endorse the Review of Heritage Conservation Areas Report at the Ordinary Council Meeting held on 28 June 2016.
- 17 Council resolved at the Ordinary Council Meeting held on 24 July 2018 to adopt Section 6.02 Heritage Conservation Areas of the NDCP 2012 to replace Section 5.07 Heritage Conservation Areas of the NDCP 2012.
- 18 Council resolved to endorse the Hamilton Residential Precinct Heritage Conservation Area Planning Proposal and forward the proposal to DPE at the Ordinary Council Meeting held on 11 December 2018. Council also resolved at the meeting that the amended NDCP 2012 Section 6.02 HCA would be reported back to Council prior to the proposed LEP amendment being made.

**CONSULTATION**

- 19 Consultation with the community was undertaken in accordance with the Gateway determination as outlined above and further detailed in the Planning Proposal.

- 20 A series of workshop meetings took place with CN staff between December 2018 and February 2019 to consider the outcome of a recent court case in Newcastle and proposed amendments to Section 6.02 of the NDCP 2012.

## **BACKGROUND**

- 21 The Review of Heritage Conservation Areas Report (2016) presented the findings of a review of the five existing HCAs across the LGA and investigated a number of potential new HCAs within the LGA, including Hamilton Residential Precinct. The Report also recommended that the Newcastle Development Control Plan section for HCAs be moved from Section 5.0 Environmental Controls to Section 6.0 Locality Specific Controls.
- 22 On 9 November 2018 the amendment to the LEP to create the Glebe Road Federation Cottages HCA was made by the DPE and accordingly on 12 November 2018 Section 6.02 of the NDCP 2012 commenced and replaced Section 5.07 of the NDCP 2012.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 24 Council resolves not to proceed with the adoption of the amendment to the NDCP 2012. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Draft Section 6.02 Heritage Conservation Areas (for adoption)
- Attachment B:** Draft Section 6.02 Heritage Conservation Areas (for exhibition)
- Attachment C:** Court Case Extract Nisbet v Newcastle City Council
- Attachment D:** Comparison of definition changes from the Heritage Technical Manual September 2014, Review of HCAs Final Report June 2016 and Draft Section 6.02 HCAs (for exhibition)

**Attachments A to D distributed under separate cover.**

**ITEM-21                    CCL 26/03/19 - 233 WHARF ROAD AND 150 & 150A SCOTT STREET NEWCASTLE - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012**

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

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**PURPOSE**

This report seeks Council's endorsement to commence the statutory process for amending the Newcastle Local Environmental Plan 2012 (NLEP 2012) to rezone and reclassify 233 Wharf Road Newcastle and rezone part 150 (Parcel 12) and part 150A Scott Street Newcastle.

**RECOMMENDATION**

That Council:

- 1    Endorse the attached Planning Proposal (**Attachment A**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 2    Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 3.34 of the EP&A Act.
- 3    Receive a report back on the Planning Proposal following public exhibition and public hearing.

**KEY ISSUES**

- 4    At the Ordinary Council Meeting held on 27 September 2016, Council resolved to endorse a Planning Proposal for surplus rail corridor land between Worth Place and Watt Street, Newcastle and to forward the Planning Proposal to the Minister for Planning and Environment for Gateway determination. On 13 December 2016, Gateway determination was issued by the NSW Department of Planning and Environment (DPE).
- 5    The Gateway determination included several conditions, including the removal of Parcel 12 (Part 150 Scott Street Newcastle) from the Planning Proposal. The DPE provided the following reasons for their decision:

*"In making this determination, I have carefully considered the proposed rezoning of Parcel 12. I understand the challenges that this site has posed for Council when determining planning controls, particularly considering the uncertainty regarding the longer-term future of the adjacent land. As such I have determined not to support Parcel 12 proceeding as part of the broader planning proposal. I am of the opinion that Parcel 12 should not proceed*

*separately but as a consolidated proposal for both the site and the adjacent Council owned land."*

- 6 NLEP 2012 (Amendment No 32) in relation to the rezoning of the Rail Corridor, was Gazetted on 17 April 2018.
- 7 Further investigation into the future use of Parcel 12 (currently owned by Hunter Central Coast Development Corporation (HCCDC) and 233 Wharf Road Newcastle (owned by City of Newcastle (CN)) has been undertaken by CN in consultation with HCCDC.
- 8 It is proposed to include 233 Wharf Road and part 150 Scott Street Newcastle on the key sites map to ensure a high-quality design outcome is achieved. The inclusion of these sites will require future development to comply with clause 7.5 (Design Excellence) of the NLEP 2012. Clause 7.5 ensures that development consent is not granted unless the development exhibits design excellence. One of the requirements of this clause is that all development noted on the Key Sites Map requires an architectural design competition conducted in accordance with NSW Government Architect's Design Excellence Competition Guidelines.
- 9 Development application DA2012/00463 was approved under delegation on 7 February 2019 for the subdivision of the land to provide for separate allotments for the Newcastle Station, Market Street Lawn, the Signal Box and Parcel 12. The subdivision will facilitate the dedication of Parcel 12 and Market Street Lawn to CN.
- 10 233 Wharf Road Newcastle will continue to be used as a car park in the short to medium term.
- 11 Following the deferral of Parcel 12 by DPE, the land was subdivided to facilitate the light rail works. 150A Scott Street Newcastle forms part of the footpath and contains street trees and smart poles. This site is currently owned by Transport for NSW but will be dedicated to CN. This site is also zoned SP2 Infrastructure and as such is proposed to be included in this Planning Proposal to ensure an appropriate zone is applied to the site.
- 12 Prior to DPE removing Parcel 12 from the rail corridor Planning Proposal, Council endorsed as part of the Planning Proposal to rezone the site part SP3 Tourist (HOB 17 metres and FSR 2.5:1) and Part RE1 Public Recreation. The proposed zoning and planning controls were chosen to ensure residential flat buildings were not constructed on this site and to establish a more suitable interface between any future development and Market Street Lawn, as the future owner / developer of the site was not known at that stage.
- 13 As the future ownership has been resolved and use of the land for a multi purpose community space is now being investigated, a detailed assessment of the consolidated site has been undertaken, taking into consideration existing

view corridors, impact on surrounding development and the interface with Market Street Lawn and the waterfront.

- 14 A Visual Impact Statement was completed by Moir Landscape Architects as part of the previous rail corridor rezoning and modelled a 17 metre building height for Parcel 12. The assessment noted the importance of protecting view corridors along Brown and Perkins Street as well as fragmented view to the harbour from Hunter Street. The visual impact (at a height of 17 metres) would be greatest felt from buildings fronting Hunter and Scott Street, as well as properties from higher elevations to the south (ie. Church Street) as the proposed development may be visible.
- 15 Now that the site has been consolidated with 233 Wharf Road Newcastle and includes all of Parcel 12; the 17 metre height limit has been lowered to 14 metres and FSR to 2:1 to better complement surrounding development and protect view corridors from Hunter Street and from higher elevations to the south.
- 16 The proposed planning controls will allow flexibility in designing a building that provides a suitable interface to existing development to the west, Market Street Lawn and Wharf Road, while facilitating access to the waterfront.
- 17 A review of Newcastle Development Control Plan 2012 (NDCP 2012), Section 6.01 Newcastle City Centre is being undertaken to determine suitable site specific requirements, such as setbacks, view corridors and access to public domain areas and the waterfront. The draft DCP will be reported to Council separately for consideration. It is intended that the Planning Proposal and amended DCP will be exhibited together to ensure the community has an opportunity to comment on both documents.
- 18 The attached Planning Proposal proposes the following:
  - i) Rezone the land from SP2 Infrastructure and RE1 Public Recreation to SP3 Tourist - as the zone allows community facilities as a permissible land use.
  - ii) Apply a maximum building height of 14 metres.
  - iii) Apply a maximum floor space ratio of 2:1.
  - iv) Reclassify 233 Wharf Road Newcastle from Community to Operational land.
  - v) Include 233 Wharf Road and part 150 Scott Street Newcastle as a key site.
- 19 These planning controls will also apply to part 150A Scott Street Newcastle to ensure consistency with the adjoining parcel of land.

- 20 The Local Government Act 1993 requires the Governor's approval when a reclassification proposal seeks to remove any public reserve status. The DPE LEP Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan, requires consideration of a number of factors including the impacts of removing the public reserve status. The requirements in the Practice Note have been addressed in the Planning Proposal. The reclassification of public land from Community Land to Operational Land also requires a public hearing be held following the public exhibition period.

### **FINANCIAL IMPACT**

- 21 Work will be undertaken by CN Urban Planning within current allocated work program and budget.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 22 The Planning Proposal aligns with the following Community Strategic Plan Directions:

#### **Liveable Built Environment**

- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

#### **Open and Collaborative Leadership**

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.
- 7.2a Conduct CN business in an open, transparent and accountable manner.
- 7.3a Provide opportunities for genuine engagement with the community to inform CN's decision-making.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 23 The implementation of the recommendation of this report will ensure that NLEP 2012 reflects the strategies and actions within Newcastle Urban Renewal Strategy.

### **RISK ASSESSMENT AND MITIGATION**

- 24 The process of amending an LEP is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces the risk by ensuring that a



Planning Proposal is considered, with regard to relevant strategic planning documents and is determined in an appropriate timeframe.

- 25 Following Gateway determination, CN will consult with relevant State agencies to identify any further risk associated with redevelopment on the land.

### **RELATED PREVIOUS DECISIONS**

- 26 At the Ordinary Council Meeting held on 27 September 2016, Council resolved to endorse a Planning Proposal for surplus rail corridor land between Worth Place and Watt Street Newcastle and to forward the Planning Proposal to the Minister for Planning and Environment for Gateway determination.
- 27 On 13 December 2016, Gateway determination was issued by the NSW DPE, which removed Parcel 12 (part 150 Scott Street Newcastle) from the Planning Proposal.

### **CONSULTATION**

- 28 Internal consultation with CN staff has been undertaken. Further consultation with stakeholders (including the relevant agencies and the community) will occur in accordance with the Minister's requirements following Gateway determination.
- 29 The Planning Proposal and amended DCP will be publicly exhibited. A public hearing will be held into the reclassification of 233 Wharf Road from Community Land to Operational Land.
- 30 Council will receive a report outlining the consultation outcomes prior to the plan being made and DCP adopted.

### **OPTIONS**

#### **Option 1**

- 31 The recommendation as at Paragraphs 1-3. This is the recommended option.

#### **Option 2**

- 32 Council resolves not to proceed with the Planning Proposal. This option would not provide the opportunity for the community to provide feedback on the proposal. This is not the recommended option.

### **BACKGROUND**

- 33 At the Ordinary Council Meeting held on 27 September 2016, Council resolved to endorse a Planning Proposal for surplus rail corridor land between Worth Place and Watt Street Newcastle and to forward the Planning Proposal to the Minister for Planning and Environment for Gateway determination. On

13 December 2016, Gateway determination was issued by the NSW Department of Planning and Environment.

- 34 The Gateway determination included several conditions, including the removal of Parcel 12 (Part 150 Scott Street Newcastle) from the Planning Proposal. The DPE decided this parcel of land should be deferred until further investigations had been undertaken of the future use of CN adjacent car park.

## **REFERENCES**

## **ATTACHMENTS**

**Attachment A:** Planning Proposal – 233 Wharf Road, part 150 and 150A Scott Street Newcastle - Proposed Amendments to Newcastle Local Environmental Plan 2012

Attachment A distributed under separate cover.

**ITEM-22**                    **CCL 26/03/19 - FORT WALLACE, STOCKTON - ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012 AND NEWCASTLE DCP 2012 SECTION 6.15**

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

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**PURPOSE**

This report seeks Council's endorsement of an amendment to Newcastle Local Environmental Plan 2012 (NLEP 2012), as per the attached Planning Proposal and adoption of Section 6.15 - Fort Wallace, Stockton for inclusion in the Newcastle Development Control Plan 2012 (NDCP 2012).

**RECOMMENDATION**

That Council:

- 1    Adopts the Planning Proposal for Fort Wallace Stockton (**Attachment A**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend NLEP 2012.
- 2    Forwards the Planning Proposal to the Department of Planning and Environment (DPE) requesting that a draft plan be prepared and made.
- 3    Adopts the new draft Section 6.15 - Fort Wallace, Stockton of NDCP 2012 (**Attachment B**).

**KEY ISSUES**

- 4    Council endorsed the Planning Proposal at the Ordinary Council Meeting held on 29 November 2017. The Planning Proposal and NDCP 2012 were publicly exhibited from 19 November 2018 to 17 December 2018. A total of four submissions were received. A summary of each submission is provided at **Attachment C**.
- 5    Minor amendments have been made to address requirements arising from the Gateway Determination issued by the DPE on 24 April 2018, along with recommendations from the Rural Fire Services (RFS), Office of Environment and Heritage (OEH) and any other necessary changes to support the envisaged subdivision and proposed development.
- 6    The draft lot size map has been amended to better reflect the concept plan and simplify the future development process. For example, where smaller lots are envisaged as per the concept plan, this has been reflected (eg. 200sqm lots) rather than relying on more complex planning mechanisms to create the smaller lots. However, there are two larger lots (required for cluster homes)

where it remains preferable to contain these within a larger minimum lot size control. These areas potentially require a more sensitive approach and therefore are recommended to be subdivided and developed at the same time.

- 7 The area envisaged to be future parkland is proposed to be zoned RE2 Private Recreation. This portion of open space is proposed to support the development and will form part of the community title scheme / arrangements. The remainder of open space on the Fort Wallace site is proposed to be placed in an environmental zone (E2 Environmental Conservation) to reflect the sensitive nature of the site.
- 8 The original Bushfire Assessment (prepared by Kleinfelder) has been updated as requested by the RFS, to reflect an additional 2m to the proposed Asset Protection Zone (APZ) along the south eastern side of the proposed development. This resulted in a minor change from 13m to 15m to that portion of the APZ.
- 9 The Aboriginal Cultural Heritage and Archeological Assessment (ACH&AA report) and Ecological Assessment (both prepared by Umwelt) have also been updated in response to early and ongoing consultation with OEH, Registered Aboriginal Parties (RAPS) and recommendations outlined in submissions received. RAPS include a representative from the Worimi Local Aboriginal Land Council. Additional detail was included in the ACH&AA report as requested by OEH to ensure the extent of the main area of higher sensitivity was better defined and mapped. The review also supported a heritage listing in the NLEP 2012. OEH supported the updated ACH&AA report.
- 10 A new frog species became listed as an endangered species after the original survey took place to inform the Assessment. Further investigation has since taken place on two separate occasions as requested by OEH. The ecology consultant (Umwelt) stated that based on the results of call playback and a spotlighting survey and the condition of the habitats on Fort Wallace, it is unlikely that the site provides any suitable habitat for the Mahony's toadlet; and that it is unlikely that the species occurs within the site (Umwelt 2018). The area along the coast previously proposed to be zoned E3 Environmental Management, has also been amended to satisfy OEH's recommendation. This area is now proposed to be zoned E2 Environmental Conservation.
- 11 Since the Planning Proposal was reported to Council in 2017, new coastal management legislation has commenced (*Coastal Management Act 2016*). OEH's submission recommends that the Coastal Engineering Assessment consider effects of beach rotation, wind driven sand loss and a holistic assessment of the Stockton Bight / Embayment. Effects of beach rotation, potential sand loss and the broader Stockton Embayment (including regional coastal processes) are considered in the Coastal Engineering Assessment (prepared by BMT WBM and further updated in response to OEH's submission in 2019).

- 12 OEH's submission further recommends that the Planning Proposal addresses risks from coastal hazards beyond 2100. The proposed design life (to 2100) is considered acceptable. The Coastal Management Manual (2018) states that "if a Coastal Zone Management Plan was certified under the *Coastal Protection Act 1979*, the savings and transitional arrangements in Schedule 3 of the *Coastal Management Act 2016* will continue to have effect until 31 December 2021, unless replaced by a Coastal Management Program prepared and adopted under the *Coastal Management Act 2016*."
- 13 City of Newcastle (CN) does not yet have a Coastal Management Program, as this requirement was only introduced by the Coastal Management Manual in April 2018. The Coastal Engineering Assessment (BMT WBM 2019) prepared to guide the Planning Proposal was developed in accordance with the requirements of the Newcastle Coastal Zone Management Plan 2018. The Management Plan states that all "new subdivisions or greenfield development are to be located landward of coastal hazards 2100 unlikely line". The Management Plan was certified by the Minister for the Environment in August 2018.
- 14 The applicant was given the opportunity to further respond to OEH's recommendations. The Coastal Engineering Assessment further considers alternative hazard outcomes to the proposed development, variables in the hazard assessment, and risks beyond 2100 and / or that eventuate earlier than calculated erosion recession extents for 2100. Furthermore, the site is not a greenfield development and contains buildings formerly used for residential accommodation to house the Australian Army.

### **FINANCIAL IMPACT**

- 15 There is no financial impact with the Planning Proposal. Any work will be undertaken by CN's Regulatory, Planning and Assessment team within the allocated work program and budget.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 16 The Planning Proposal more specially aligns with the following Community Objectives:

#### **Integrated and Assessable Transport**

- 1.2 Linked networks of cycle and pedestrian paths.

#### **Protected Environment**

- 2.2 Our unique natural environment is maintained, enhanced and connected.
- 2.3 Environment and climate change risks and impacts are understood and managed.

**Liveable Built Environment**

- 5.1 A built environment that maintains and enhances our sense of identity.
- 5.3 Greater diversity of quality housing for current and future community needs.

**Open and Collaborative Leadership**

- 7.2 Considered decision-making based on collaborative, transparent and accountable leadership.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 17 Preparation of the Planning Proposal was undertaken in accordance with the LEP - Request for Amendment Policy (2012). This Policy identifies our processes and responsibilities in applying the requirements of Part 3 of the EP&A Act for amending an LEP.
- 18 The preparation of the attached draft NDCP 2012 section was undertaken in accordance with the requirements of Part 3 of the EP&A Act and Section 8 Public Participation within the NDCP 2012. It is recommended that the draft NDCP 2012 become active upon gazettal of the Planning Proposal.

**RISK ASSESSMENT AND MITIGATION**

- 19 The process of amending an LEP and preparing a DCP section is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces the risk to CN by ensuring the proposal is considered, with regard to relevant strategic planning documents and determined in an appropriate timeframe.

**RELATED PREVIOUS DECISIONS**

- 20 At the Ordinary Council Meeting held on 29 November 2017, Council resolved to endorse the Planning Proposal and place the draft NDCP 2012 section on exhibition.

**CONSULTATION**

- 21 Consultation was undertaken with the following public authorities in accordance with the Gateway Determination:
  - i) Department of Primary Industries
  - ii) Heritage Council
  - iii) Worimi Local Aboriginal Land Council
  - iv) NSW Rural Fire Services
  - v) Office of Environment and Heritage

- 22 As discussed, the Planning Proposal and supporting technical reports have been amended to address concerns raised by the agencies during the consultation.
- 23 The Planning Proposal and draft NDCP 2012 were publicly exhibited for 28 days from Monday 19 November 2018 to Monday 17 December 2018. A total of four submissions were received. Comments mainly refer to lack of beach access in North Stockton, a recommendation for a new ferry terminal in North Stockton to support growth, and retention and preservation of the Fort and related infrastructure. See **Attachment C**.

## BACKGROUND

- 24 On 10 March 2017, CN formally accepted a request to rezone land at Fort Wallace. This is an owner-initiated request. Earlier discussions with the applicant had commenced prior to this date. Early consultation with the community was also undertaken by the applicant prior to lodgment of the request.
- 25 The applicant, Defence Housing Australia, presented their request to Council on 13 March 2017 in an open briefing. As per the LEP - Request for Amendment Policy (2012), the request was referred to CN's internal panel of experts (the LEP Advisory Panel) on 28 March 2017.
- 26 The request and proposed development controls were then referred to the Urban Design Consultative Group on 15 April 2017, in accordance with SEPP 65 – Design Quality of Residential Apartment Development. A workshop was also held with Council on 10 October 2017.
- 27 The request evolved throughout this process to inform the Planning Proposal reported to the Ordinary Council Meeting held on 29 November 2017. Council resolved to endorse the Planning Proposal and place the draft NDCP 2012 section on exhibition.
- 28 A Gateway Determination was issued by DPE on 24 April 2018 which included a number of conditions relating to consultation, exhibition and timeframes.
- 29 The Planning Proposal and draft NDCP 2012 were publicly exhibited for 28 days from Monday 19 November 2018 to Monday 17 December 2018.
- 30 A copy of all relevant documents including previous Council reports are attached to the Planning Proposal.

**OPTIONS**

**Option 1**

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

**Option 2**

32 Council resolves not to proceed with the Planning Proposal and site specific draft NDCP 2012. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Planning Proposal - Fort Wallace, Stockton

**Attachment B:** Section 6.15 - Fort Wallace, Stockton

**Attachment C:** Community consultation – Summary of submissions

Attachments A, B and C distributed under separate cover.



**ITEM-23 CCL 26/03/19 - CHINCHEN STREET ISLINGTON - PROPOSED TRAFFIC SIGNALS AT CLYDE STREET AND RELATED TRAFFIC, PEDESTRIAN AND CYCLEWAYS IMPROVEMENTS**

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

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**PURPOSE**

To approve the proposed installation of traffic control signals at the intersection of Chinchén and Clyde Streets, Islington and related traffic, pedestrian and cycleway improvements.

**RECOMMENDATION**

That Council:

- 1 Approve the installation of traffic control signals at the intersection of Chinchén and Clyde Streets, Islington; kerb extensions at Nelson Street and realignment of the intersection of Clyde Street and Chatham Road as shown in the exhibited concept plan at **Attachment A**.

**KEY ISSUES**

- 2 The intersection of Chinchén and Clyde Streets is at the juncture of two key cycling routes adjacent to TAFE NSW Tighes Hill Campus; the R6 regional cycleway from the University of Newcastle to Newcastle City Centre and a key north-south link from the R5 regional route at Griffiths Road. The intersection has a poor accident history and has been the subject of multiple applications for funding under the Australian Government Black Spot Program.
- 3 A concept plan incorporating traffic signals at Chinchén Street, kerb extensions and shared path connections at Nelson Street, intersection realignment at Chatham Road and Clyde Street and shared paths on Chinchén Street and Clyde Streets was developed. The Newcastle City Traffic Committee (NCTC) provided in-principle support of the proposal at its meeting of 17 September 2018 and recommended commencing community consultation.

**FINANCIAL IMPACT**

- 4 The Chatham Road and Clyde Street project, and the Chinchén Street, Islington project (of which Nelson Street is a part) both sit under the Cycleways Program. Additionally, Chinchén Street Traffic Signals is a project under the Local Area Traffic Management Program. All three projects have design funding in the 2018/19 financial year. There are funds to commence construction of the signals allocated in the adopted 2018/19 program.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 The project aligns with the following Newcastle 2030 Community Strategic Plan directions:

### **Integrated and Accessible Transport**

1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.

1.3a Ensure safe road networks through effective planning and maintenance.

## IMPLEMENTATION PLAN/IMPLICATIONS

- 6 The proposal is consistent with the Newcastle Transport Strategy (2014), and the Newcastle Cycling Strategy and Action Plan 2012 to prioritise the needs of pedestrians and cyclists.
- 7 Approval of traffic control signals and other devices which regulate traffic is not delegated to City of Newcastle (CN) officers and must be referred to Council for determination.

## RISK ASSESSMENT AND MITIGATION

- 8 The proposed works are intended to reduce the incidence of traffic accidents at the intersection of Chinchin Street and Clyde Street and improve safety for pedestrians and cyclists. Though previous grant funding applications for signals have not been successful, Roads and Maritime Services has noted support for their implementation.

## RELATED PREVIOUS DECISIONS

- 9 At its meeting of 27 November 2018, Council approved acquisition of a small portion of privately-owned land at 23 Clyde Street, to facilitate upgrade of the intersection of Clyde Street and Chinchin Street, and granted authority to the Chief Executive Officer or his delegate to execute all relevant documentation to affect the transaction.

## CONSULTATION

- 10 The Cycling Advisory Committee has been informed of the project.
- 11 The proposed changes were exhibited from 24 September to 20 October 2018. Information and an online survey were available on CN's website. Approximately 500 copies of the exhibition leaflet (as shown at **Attachment A**) were distributed to residents in the area.
- 12 51 submissions were made through the online portal, several of which were duplicate submissions. Four hardcopy submissions were received, one of which was late, did not include responses for each component and advocated

for removal of the level rail crossing. In total, 47 distinct submissions were received and are summarised at **Attachment B**. There was support for each of the proposed measures.

13 Key issues raised in submissions included the following:

- i) Traffic signals should be coordinated with the rail crossing.  
**Comment:** Noted. This will be considered as part of future level crossing upgrades with the Australian Rail Track Corporation (ARTC).
- ii) Kerb ramps as shown will not allow easy exit/entry from the shared paths.  
**Comment:** Noted. Additional kerb ramps have been included as the design has progressed to address this concern.
- iii) A roundabout at the intersection of Chinchin Street and Clyde Street would be better than signals.  
**Comment:** There are significant pedestrian and cycle movements at this location, which are better facilitated by traffic signals. A roundabout at this location is not supported.
- iv) The level rail crossing is the real issue - there is no space for bikes and impatient drivers.  
**Comment:** CN, in conjunction with the ARTC, implemented modifications at the level crossing in October 2018 to provide more room for on road cyclists.
- v) The proposed realignment of the intersection of Chatham Road and Clyde Street will provide less room for on road cyclists.  
**Comment:** Several submissions noted potential difficulties for cyclists in this area. The needs of cyclists will be carefully considered in the detailed design process and staging of works.

## BACKGROUND

- 14 Implementation of traffic signals at the intersection of Chinchin and Clyde Streets is a longstanding proposal to improve safety for traffic, pedestrians and cyclists at this location. The intersection has a history of traffic accidents and near misses and has been the subject of several applications for funding under the Australian Government Black Spot Program. The intersection is near the Clyde Street railway level crossing, which leads to queue build-up when the crossing is closed and drivers taking undue risks.
- 15 The intersection is the juncture of two key cycle routes – the R6 regional cycleway and a north-south connecting route between the Broadmeadow to Newcastle West cycleway (part of the R5) at Griffiths Road and TAFE Newcastle. Significant upgrades to the R6 route have been undertaken in recent years, including provision for cyclists and shared path construction in conjunction with replacement of the Scholey Street overbridge in 2016. Implementation of the signals is the next stage and is required prior to

completion of shared paths on Chinchon Street, Clyde Street and Chatham Road, to facilitate safe access.

- 16 NCTC provided in-principle support for a concept plan for traffic control signals at its meeting of 16 April 2018. The expanded scope, incorporating kerb extensions, intersection realignment and shared paths, was considered at its meeting of 17 September 2018 and supported for exhibition. At its meeting of 18 February 2019, the NCTC considered the results of the exhibition and supported the proposals for referral for Council's determination.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

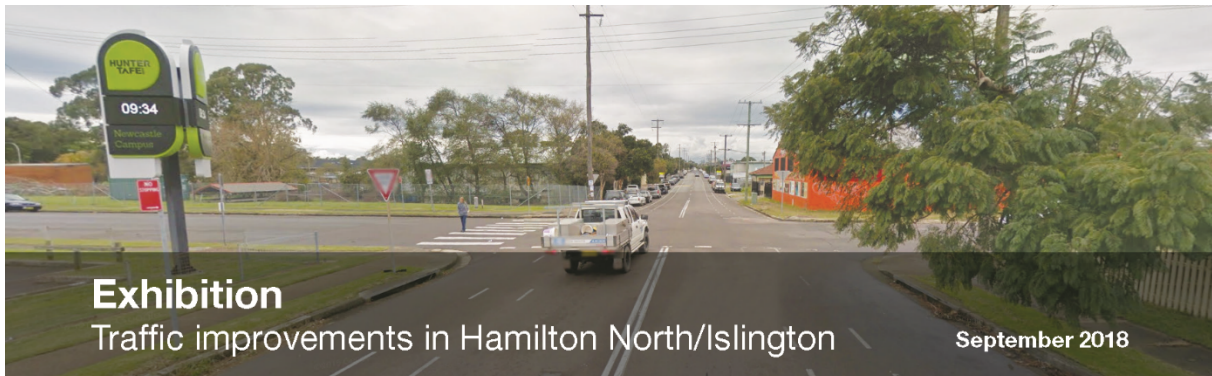
- 18 Council does not support implementation of traffic signals and other measures as shown at **Attachment A**. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Exhibition Brochure (including exhibited concept plan and exhibition leaflet) – Traffic improvements in Hamilton North/Islington
- Attachment B:** Summary of Submissions – Traffic Improvements in Hamilton North/Islington

## Attachment A



## Exhibition

### Traffic improvements in Hamilton North/Islington

September 2018

City of Newcastle is designing works to improve traffic, pedestrian and cycling safety in the vicinity of Clyde and Chinchon streets, Islington.

#### Traffic control signals

We propose installing traffic lights at the intersection of Chinchon and Clyde streets to make crossing movements safer for pedestrians and cyclists and improve traffic flow. This intersection is the juncture of two cycle routes - the R6 regional cycleway (University to Newcastle City) and a north-south connecting route between the Broadmeadow to Newcastle West cycleway at Griffiths Road and TAFE Newcastle.

The intersection is near the railway level crossing and this leads to extensive queue build-up when the crossing is closed. This delay contributes to drivers taking undue risks, which has resulted in multiple crashes and near misses.

#### Shared path for pedestrians and cyclists

We upgraded the Scholey Street rail bridge (Nelson Street to Chinchon Street), in conjunction with Transport for NSW. This was part of the ongoing upgrade of the R6 regional cycling route from Newcastle city centre to the University of Newcastle, Callaghan.

The plan overleaf shows the next part of these works including:

- kerb extensions and shared path connections at the intersection of Nelson Street and Scholey Street

- a shared path on the north side of Chinchon Street from Girling Street to Clyde Street.

We are also planning the connection to the shared paths in Islington Park.

Longer term plans for the north-south connection involve upgrades on Chatham Road and Clyde Street, comprising a shared path on the eastern side with gates at the railway level crossing.

The plan shows the proposed shared path on the eastern side of Clyde Street between Chatham Road and Chinchon Street. In the short term, we are working with the Australian Rail Track Corporation to address the pinch-point at the level crossing for on-road cyclists.

Funds have been allocated in the 2018-19 financial year to progress design of the traffic signals and shared path connections and start construction of the signals.

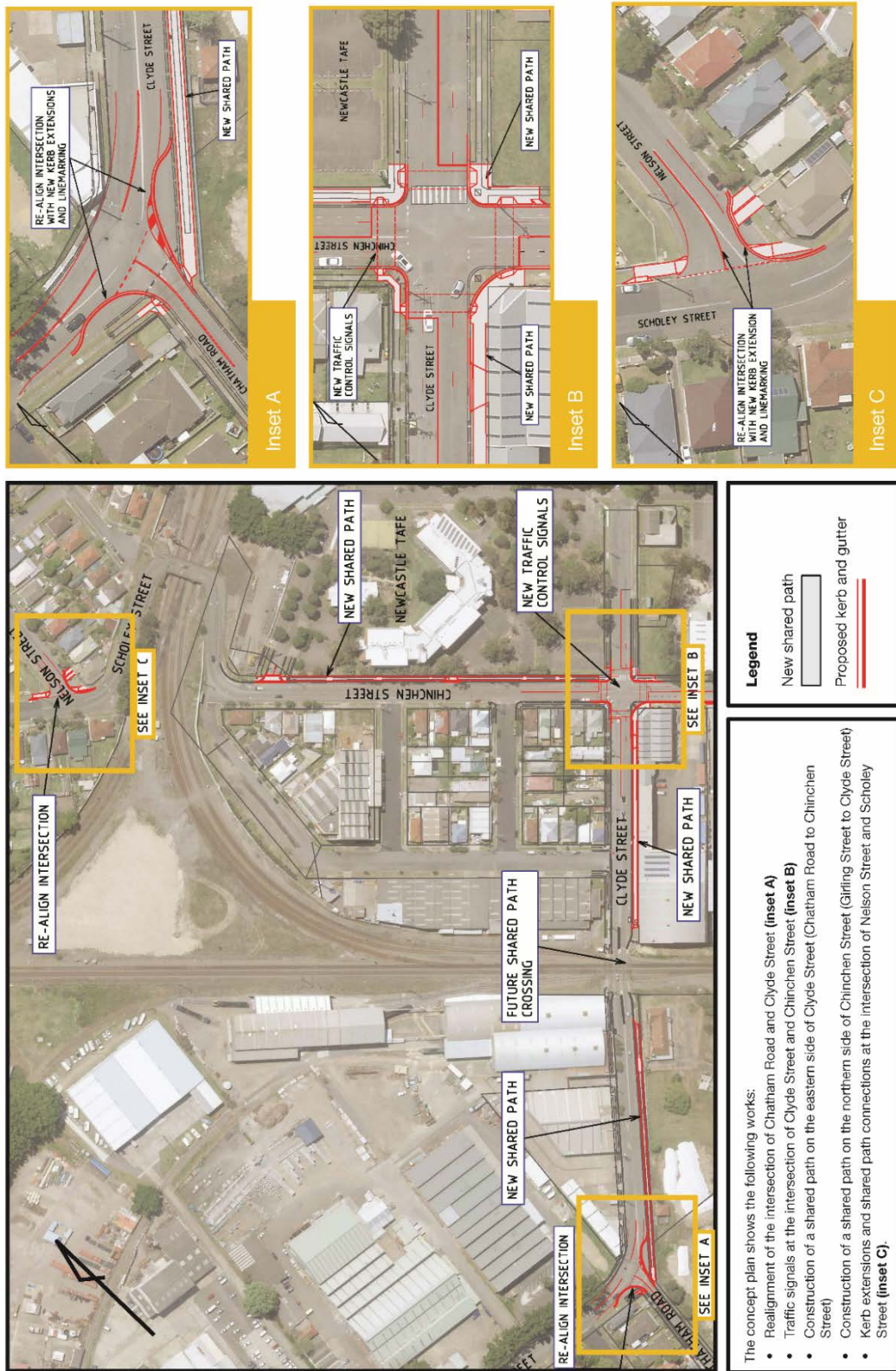
#### Have your say

We welcome your feedback on the proposed works. Please review the plan overleaf, answer the questions provided and include any further comments.

**The concept plan is on exhibition from Monday 24 September 2018 to Monday 22 October 2018.**



**Concept plan for traffic improvements in Hamilton North/Islington**



**To the business owner/property owner/resident**

**CLYDE STREET, HAMILTON NORTH/ISLINGTON  
Proposed traffic signals at intersection Clyde Street and Chinchon Street  
Shared Pathway from Chatham Road to Chinchon Street**

Please provide feedback by **5pm Monday 22 October 2018**. Comments can be made online at [newcastle.nsw.gov.au](http://newcastle.nsw.gov.au) (under the 'Community' tab, go to 'Get Involved', then 'Have Your Say'), or by forwarding written comments to: The Chief Executive Officer, City of Newcastle, Attention: Transport & Traffic, PO Box 489, Newcastle NSW 2300 or email: [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au). For further information please contact Transport and Traffic Coordinator, Jocelyn Cardona on 4974 2666.

Name (optional): \_\_\_\_\_

Address: \_\_\_\_\_

**1. Do you use this area as:**

- |                               | Yes                   | No                    |
|-------------------------------|-----------------------|-----------------------|
| A motorist                    | <input type="radio"/> | <input type="radio"/> |
| A cyclist                     | <input type="radio"/> | <input type="radio"/> |
| A pedestrian                  | <input type="radio"/> | <input type="radio"/> |
| Other - please specify: _____ | <input type="radio"/> | <input type="radio"/> |

**2. Please indicate your agreement with the proposed measures to improve traffic safety and safety for pedestrians and cyclists:**

- |  | Strongly disagree     | Disagree              | Neutral               | Agree                 | Strongly agree        | Don't know            |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| a. Realignment of the intersection of Chatham Road and Clyde Street (inset A)                                    | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Traffic signals at the intersection of Chinchon Street and Clyde Street (inset B)                             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c. Construction of a shared path on the eastern side of Clyde Street (Chatham Road to Chinchon Street)           | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. Construction of a shared path on the northern side of Chinchon Street (Girling Street to Clyde Street)        | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| e. Kerb extensions and shared path connections at the intersection of Nelson Street and Scholey Street (inset C) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Protecting your privacy:** The City of Newcastle is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. **Purpose of collecting personal details:** Council is collecting this information to determine the local community's views and opinions on the proposal outlined. **Intended recipients:** Information provided as part of the consultation will be used as part of the investigation into the proposal, and may be included in future reports on the issue. **Storage and security:** Information provided will be stored on Council's database and will be subject to Council's information and privacy policies. **Access:** Individuals can access data to check accuracy by contacting Council.

**PLEASE NOTE: When making written comments or submissions to Council, the following information should be considered** – Should an objector consider that the disclosure of their name and address would result in detriment to them the words "OBJECTION IN CONFIDENCE" must be stated prominently at the top of the submission. Council may, however, be obliged to release full details of the submission including the name and address under the relevant access to information legislation, even if these words are in the submission.

If you have any questions or for more information  
please call 4974 2000



Attachment B

SUMMARY OF SUBMISSIONS - TRAFFIC IMPROVEMENTS IN HAMILTON NORTH/ISLINGTON													
No.	Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
1	Individual		Yes	Yes	Yes		SA	SA	SA	SA	SA	Crossing aid for pedestrians and cyclists at the Chatham Rd and Clyde St intersection necessary for north-east bound travel.	Noted. To be considered in further design work.
2	Duplicate		Yes	Yes	Yes		SA	SA	SA	SA	SA		
3	Individual		Yes	Yes	No		SA	SA	SA	SA	SA		
4	Individual	2290	Yes	Yes			SD	SD	SD	SD	SD		
5	Individual	2287	Yes				SD	SD	SD	SD	SD		
6	Individual	2292	Yes		Yes		SA	SA	SA	SA	SA	Prioritise traffic flow from Clyde St, through Chinchin St towards Islington and coordinate traffic lights with the rail crossing.	Noted. Comment to be addressed in design of traffic signals and in future rail signalling upgrades in conjunction with ARTC..
7	Individual	2299	Yes	No	Yes		SA	SA	SA	SA	SA	Respondent complimented the proposal.	Noted.
8	Individual	2304	Yes				SA	SA	A	A	A		
9	Duplicate	2304	Yes				SA	SA	A	A	A		
10	Individual	2289	Yes	Yes			SA	SA	N	N	A	The rail crossing is the real issue for cyclists in this area. There is no space for bike and drivers are impatient.	City of Newcastle, in conjunction with ARTC, recently (October 2018) implemented modifications at the level crossing to provide more room for on road cyclists.
11	Individual	2287	No	Yes	No		SD	SD	N	N	N	Respondent considers current concept design is more dangerous for the commuter. Kerb ramps as shown will not allow for easy exit/entry from the path so commuter cyclists will not use it. No on road markings or shoulder are provided. At Chatham Road intersection the cyclist has to enter the travel lane to get around the kerb extensions.	Noted. Issues regarding kerb ramps to be considered during detailed design.
12	Individual	2299	No	Yes	No		SA	SA	SA	SA	SA	Respondent noted that the proposed measures will increase their participation in cycling.	



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No.	Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
13	Individual	2297	Yes	Yes			N	A	SA	A	SA	Respondent requested completion of the shared path in Isling Park from the rainbow pathway to the south-west corner of the park for improved connection to Islington and Hamilton.	Noted.
14	Individual	2304	Yes	Yes	Yes		SA	SA	SA	SA	D	Respondent queried whether the high risk of an accident at the corner of Nelson and Scholey Streets can be reduced just by extending the pathway. Respondent considers sight lines require improvement and maintenance of vegetation is required.	Noted. Maintenance request to be submitted.
15	Individual	2298	Yes	Yes	No		SA	A	A	A	DK	Respondent supports TCS but queries whether signals will impact negatively on traffic from Hamilton North. Respondent queries if TCS will be coordinated with the train signals.	All traffic movements will be considered in design of traffic signal phasing. Coordination of TCS with the level crossing will be considered as part of future level crossing upgrades with ARTC.
16	Individual	2304	Yes	Yes	No		SA	A	A	A	A	Respondent queried whether a roundabout would be better.	There are significant pedestrian movements at this location. Traffic signals are better for pedestrian flow.
17	Individual	2304	Yes	No	Yes		SA	SA	A	A	A	Kerb ramps are needed to allow safe negotiation of paths throughout Mayfield and Islington.	Noted. The project scope includes some kerb ramps. City of Newcastle is initiating a review of its pedestrian network, which will include address of kerb ramps throughout the city.
18	Individual	2297	Yes	Yes	No		SA	SA	SA	SA	SA	Respondent noted concerns with the intersection realignment of Clyde Street and Chatham Road.	Noted. Issue to be considered further in detailed design.
19	Individual	2296	Yes	Yes			SD	A	N	N	DK	Respondent questions safety of cyclists riding on Clyde Street.	

Summary of Submissions - Traffic Improvements in Hamilton North/Islington

# CITY OF NEWCASTLE

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No. Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
20 Individual	2293	Yes	Yes	Yes		D	SD	SD	D	SD	Respondent considers the area has low use by pedestrians and cyclists and that safety and usability issues at the rail crossing are higher priority.	City of Newcastle is committed to increasing mode share to cycling. The intersection of Clyde and Chinchon Streets is the juncture of two key cycle routes. Widening of the level crossing has recently been completed (October 2018) and further work is proposed (pedestrian gates on the western side).
21 Individual	2298	Yes	Yes	No	SD	D	N	N	N	SA	Respondent considers that the proposed realignment of Chatham Road and Clyde Street will provide less room for on-road users (motor vehicles and cyclists) travelling on Clyde Street, which will make it less safe for road users travelling only on Clyde Street (i.e. not turning into/out of Chatham Road).	Noted. Issue to be considered further in detailed design.
22 Individual	2298	Yes	Yes		SD	SA	SA	SA	SA	DK	Respondent, who travels the route regularly, considers that TCS will address the most dangerous part of their current west to east journey, which is turning right from Clyde to Chinchon Street. The respondent notes that the most dangerous part from east to west is going around the corner at Clyde Street. The respondent considers that the proposal does not adequately consider and address all issues. For example, access from the shared path on Clyde to Clyde Street (on road, travelling west) needs to be considered.	Noted. Issue to be considered further in detailed design and in staging of works.
23 Individual		Yes	Yes	Yes	SA	SA	SA	SA	SA	SA	Respondent considers any upgrades would improve safety and commended City of Newcastle.	Noted.
24 Individual	2294	Yes	Yes	No	SA	A	SA	SA	SA	SA	Respondent considers shared path should continue along Chinchon Street to Hubbard Street.	Noted. This is one of the options under consideration for the next stage.

Summary of Submissions - Traffic Improvements in Hamilton North/Islington

3.

No.	Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
25	Individual	2291	Yes	Yes		A	SA	A	A	A	A	Respondent suggested that for cyclists heading south on Nelson Street, include a bike path on new kerb/footpath area so cyclists do not have to ride into the road narrowing before turning left onto the cycle path.	Noted. To be addressed in detailed design.
26	Individual	2300	Yes	Yes		NR	NR	NR	NR	NR	SA	Respondent noted that when travelling south-east the Nelson and Scholey Street intersection feels dangerous as it is too wide and that the realignment will help. Respondent approved of ramp options.	Noted.

No. Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
27 Individual			Yes			SA	A	SA	A	SA	Respondent commended the proposal and suggested some refinements. These included construction of additional on and off ramps on the shared path, to allow people to change their route in response to traffic conditions. For example, when riding over the Scholey Street bridge towards TAFE, it would be beneficial to have a ramp at the end of the safety fence for cyclists to re-join the road, allowing them to maintain speed turning into Chinchin Street and avoid conflicts with cars turning into Linden Street. Similarly, additional ramps on the shared paths on Chinchin and Clyde Streets are recommended. Respondent notes that this is especially important for cyclists travelling south-west on Clyde St and continuing past the end of Chatham Rd as it will often be safest for them to join the road 50m before Chatham St rather than crossing at the ramp as marked, which is 10m away from the 'Stop' sign dashed red line. The cyclist continuing on Clyde St has right of way at the 'Stop' sign. Most of the bike traffic crossing the railway heading north-east will be continuing to Maitland Rd, so would use a shared path on the east side of Clyde and southern side of Chinchin if provided and only cross Chinchin St once, at Hubbard St. The respondent considers that the Scholey-Nelson St corner is currently too wide and will be improved by the proposal.	Noted. Issues raised to be considered in detailed design.
28 Individual	2296	Yes	No	No		A	N	SA	SA	A	Respondent considers that TCS will exacerbate the level crossing issue as signals are unlikely to be coordinated, creating further delays.	This will be considered as part of future level crossing upgrades with ARTC.

No.	Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
29	Individual	2280	No	No	Yes	Yes	SA	SA	SA	SA	A	Respondent requests construction of a rail station at the Clyde St crossing, to improve public transport use.	Noted. Planning for new rail stations is undertaken by the NSW Government.
30	Individual	2290	No	Yes	Yes	SA	SA	SA	SA	SA	SA	Respondent requested a two-way cycleway on Chatham Rd.	City of Newcastle is progressing planning of a cycleway on Chatham Rd and has commenced negotiation with the land owner, Jemena. It is likely that an interim measure involving traffic calming on Chatham Rd, will be implemented, due to the likely timeframe to implement the desired measures.
31	Individual	2290	No	Yes	Yes	SA	SA	SA	SA	SA	SA	Respondent requested a two-way cycleway on Chatham Rd.	City of Newcastle is progressing planning of a cycleway on Chatham Rd and has commenced negotiation with the land owner, Jemena. It is likely that an interim measure involving traffic calming on Chatham Rd, will be implemented, due to the likely timeframe to implement the desired measures.
32	Individual	2292	Yes	Yes	Yes	SA	D	SA	SA	SA	SA	Respondent considers that a roundabout or bridge would work better.	Noted. TCS are preferred to facilitate pedestrian movements.
33	Individual	2296	Yes	Yes	Yes	A	SD	SA	SA	SA	A	Respondent considers that a roundabout or bridge would work better.	Noted. TCS are preferred to facilitate pedestrian movements.
34	Individual	2297		Yes	Yes	NR	SA	SA	SA	SA	SA	Respondent considers that the surface and condition of Chatham Rd is very poor. Respondent considers a shared path on Chatham Rd (from Clyde St to Griffiths Rd/Donald St) would be beneficial.	Noted. City of Newcastle has commenced planning for a shared path from Clyde Street to Donald Street.

No. Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
35 Individual	2292	Yes	Yes	Yes	SD	D	A	A	A	N	Respondent considers that the proposed realignment of Chatham Rd and Clyde St will create a pinch-point for traffic and will cause more accidents. Respondent considers a roundabout would be a better solution than TCS.	Noted. Comment re pinch-point to be addressed in detailed design. TCS are preferred to facilitate pedestrian movements.
36 Duplicate	2298	Yes	Yes	No	SD	D	SD	SD	SD	SD	Respondent suggests that the realignment of Clyde St and Chatham Rd does not allow enough room for cyclists to stay on road. Using the shared path would be inconvenient.	
37 Duplicate	2298	Yes	Yes	No	SD	D	SD	SD	SD	SD	Respondent suggests that the realignment of Clyde St and Chatham Rd does not allow enough room for cyclists to stay on road. Using the shared path would be inconvenient.	
38 Duplicate	2280	Yes	Yes		D	SD	SA	SA	SA	DK	Respondent considers proposal is not prioritising active transport, but merely accommodating active transport around traffic movements. Respondent suggests prioritising active transport flow.	
39 Individual	2280	Yes	Yes		D	SD	SA	SA	SA	DK	Respondent considers proposal is not prioritising active transport, but merely accommodating active transport around traffic movements. Respondent suggests prioritising active transport flow.	Noted. Issues raised to be considered in detailed design.

No. Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
40 Individual	2298	Yes	Yes	No		SD	SD	SD	SD	SD	Respondent considers there are multiple defects with the recent changes (to the shared path on Scholey St bridge) and the proposed changes. Respondent considers realignment at Chatham Rd and Clyde St will create a pinch point and that there is not a safe way to get to the shared path on the eastern side of Clyde St. Respondent considers that TCS will create a rat run on Girling, Bentley and Price Streets. Respondent considers the shared path on the eastern side of Clyde St a poor choice due to low pedestrian volume and that there should be separated cycle paths both sides instead. Shared path makes cycling less convenient and more dangerous at the intersections, especially if cyclists need to transition from path to road and back to path.	Noted. Additional ramps are to be provided. Issues raised to be considered in detailed design and in staging of works.
41 Individual	2296		Yes			SD	SA	SA	SA	N	Respondent considers that the realignment of Chatham Rd and Clyde St will create a pinch point for cyclists. Respondent recommends a route through TAFE and requests more priority crossings for cyclists.	
42 Duplicate	2294	Yes	Yes	Yes		SA	SA	SA	SA	DK		
43 Individual	2300	Yes	Yes			A	N	A	A	A	Respondent requests that City of Newcastle not install intrusions on the roadway when carrying out realignments, as they are unfriendly to bike riders.	Noted. Issue to be considered further in detailed design.

No. Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
44 Individual	2294	Yes	Yes	Yes	SA	SA	D	SA	SA	DK	Respondent considers that this plan would be enhanced by improved traffic flow with the inclusion of two (even three) crossing islands and additional shared path. TCS will unduly increase cycle and pedestrian travel time. By including traffic islands capable pedestrians and shared path/ inroad hybrid cyclists can cross at safe points avoiding lengthy traffic light wait times. Respondent suggested traffic islands be located on Clyde St between Emerald St and Newcastle St, Chinchin St east of Bentley St and a third island would on Chinchin between Hubbard and Clyde. With these, TCS could be avoided. This way 'safe roads cyclists' can merge off the road and cross at safe crossings onto shared paths away from car intersections. Respondent suggested provision for crossing at the railway when gates are down. Respondent considers shared path both sides of the road with safe shared crossings (all with islands) for all users away from the intersection of Clyde and Chinchin would be much more preferable.	Noted. Multiple submissions have raised concerns about transition from path to road. Additional ramps and potentially, crossing points are to be considered in the detailed design process and staging of works.
45 Individual		Yes			SA	SA	SA	SA	SA	SA		
46 Individual	2287	Yes	Yes		A	SA	SA	SA	SA	A	Respondent supports the shared path on Clyde St but strongly considers that there should be shared path crossing on the rail line and that until this is implemented, cyclists will be forced on road. Shared paths need to be completed for safety.	Noted. City of Newcastle has commenced discussions regarding work in the rail corridor.
47 Individual	2303	Yes	Yes		SA	A	SA	SA	SA	SA	Respondent considers Clyde St Hamilton North is a very dangerous road for cyclists and that the road needs resurfacing and more, clearer markings of services on the road.	Noted. Clyde St is not programmed to be resurfaced in the short to medium term. Maintenance is carried out in accordance with the City Wide Maintenance Procedure.
48 Individual	2323	Yes	Yes		SD	SD	SD	SD	SD	SD		

Summary of Submissions - Traffic Improvements in Hamilton North/Islington



No.	Individual/ Organisation	PC	M	C	P	O	A	B	C	D	E	Summary - Submission Comments	Response
49	Individual	2292	Yes		Yes		SA	SA	SA	SA	SA	Respondent requested implementation of traffic signals at the intersection of Chatham Rd and Donald St.	A proposal for TCS at this intersection was exhibited by RMS and was included in the Hunter Regional Transport Plan (March 2014) but were not implemented. Matter to be determined by RMS.
50	Individual	2299	Yes	Yes	No		A	A	A	A	A	Respondent suggested that the route go through TAFE.	Noted. Further planning work is to be undertaken to determine the preferred connection to Islington Park.
51	Individual	2291	Yes	Yes	No	Yes	D	A	SA	SA	A	Respondent generally agrees with the need to realign the intersection of Chatham Rd and Clyde St but has significant concerns about the proposed design. Respondent considers that the kerb extensions have the effect of pushing on-road cyclists into the traffic lane, when turning south from Clyde St or west from Chatham Rd. The kerb extensions should have gaps or ramps to allow cyclists to take the corner sheltered from concurrent traffic. These sheltered pathways should be aligned with the shared paths and cycle lanes in all directions.	Noted. The issues raised are to be considered and addressed in the detailed design process.
<b>ECM</b>													
	Individual	2292	Yes		Yes		SD	SD	A	A	D	ECM 5728304. Respondent considers that this proposal will prevent semitrailers from turning left or right into Chatham Rd from Clyde St. Respondent considers that the proposal is very bad.	Noted. Design vehicle to be confirmed.
	Individual						NR	SA	A	A	N	ECM 5732546. Respondent queried whether it would be possible to use Jemena land to widen Chatham Rd to make a left and right turn into Clyde St.	Noted. City of Newcastle has commenced negotiations regarding road widening.



**ITEM-24 CCL 26/03/19 - DOGS IN OPEN SPACE PLAN**

**REPORT BY: CITY WIDE SERVICES**  
**CONTACT: DIRECTOR CITY WIDE SERVICES / MANAGER PARKS AND RECREATION**

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**PURPOSE**

To seek Council's adoption of the Dogs in Open Space Plan.

**RECOMMENDATION**

That Council:

- 1 Adopt the Dogs in Open Space Plan (**Attachment A**).

**KEY ISSUES**

- 2 City of Newcastle currently provides 17 off leash facilities throughout the City, with no fenced dog parks. The community has expressed a desire for improved access to quality off leash opportunities including fenced dog parks. To meet community expectations there is a need to upgrade and provide new facilities for dog owners throughout Newcastle.
- 3 Dog ownership in the LGA is high, with 44,309 registered dogs across 31,904 households. This is consistent with trends across Australia of increasingly high pet ownership. People are passionate about their dogs, with many people considering dogs to be part of their family or valued companions.
- 4 The Dogs in Open Space Plan (the Plan) will guide the provision, improvement and management of dog off leash areas over the next 10 years. This includes the development of strategically located fenced dog parks. The Plan is based on five themes including:
  - i) Dog off leash opportunities
  - ii) Enhancing existing off leash areas
  - iii) Fenced dog park opportunities
  - iv) Managing dogs in public places
  - v) Community education and information
- 5 The Plan outlines potential sites and provides rationale behind the recommendations. Some reserves for example, Lambton Park are high use areas with multiple user groups and will require continued community engagement to ensure a positive outcome. There is funding allocated in the 2018/19 Budget to commence development of these parks. It is proposed to construct the Acacia Avenue Reserve Facility in 2018/19 as the first fenced dog park. The site provides adequate size to accommodate the anticipated high

levels of use and is currently utilised as an off leash area. It also allows the development of separate small and large dog areas, a strong theme during community engagement.

- 6 The Plan recommends that dogs remain on leash at sportsgrounds. Significant issues were identified in regard to illegal off leash activity at reserves across the City. Particular concern was raised in regard to fecal matter and damage to infrastructure on sporting field surfaces. This has the potential to impact on the amenity and safety of other park users.
- 7 Irresponsible behaviour by dog owners such as failing to pick up dog faeces, uncontrolled and/or aggressive dogs continues to be a significant concern for the community. The Plan recommends targeted responsible dog ownership education and awareness programs and enforcement where required. This component is considered critical to the success of the Plan particularly in areas with anticipated high use.
- 8 Significant community engagement was undertaken to inform the development of the Plan. This included an on-line community survey, on-site interviews and targeted interest group consultation. The draft Plan was placed on public exhibition for 12 weeks with 133 submissions received.
- 9 Topics raised in the submissions are summarised as follows:

<b>Topic</b>	<b>Key Points</b>	<b>Comment</b>	<b>No of submissions</b>
Generally positive	General support; need for additional off leash and fenced areas.	Noted.	36
Enforcement/ education	Need to increase enforcement and education resources.	Draft Plan amended to note stronger education and enforcement, including fines at higher risk locations.	11
Support for specific sites	King Edward Park, Lambton Park, O'Connell Park, Claremont, Braye Park., Hamilton.	Noted. Management and monitoring of sites with environmentally sensitive areas addressed in Plan (ie Themeda grasslands and bushland areas).	42
Opposition to specific sites	Lambton Park, Warabrook Reserve wetland area, Nesca Park, Dixon Park, Claremont Park.	Comments noted and considered against feedback from engagement activities.  Warabrook removed from Draft Plan as Stevenson Park provides substitute and	21

		has been included in recent adoption of Stevenson Park Masterplan.  Dixon Park retained noting need for improved delineation of off leash and passive recreation areas.	
Facilities	Support for separate areas for small and big dogs; general amenity upgrades.	Noted. This has been addressed in the Plan.	14
Generally negative	Do not need any more dog areas.	Noted. No changes made to Draft Plan as majority of community feedback indicates strong support for additional facilities for dogs.	8
Special use	Request for areas suitable for retired greyhounds to exercise.	Noted.	1
Sportsgrounds access	Request for off leash on sportsgrounds. Sites referenced include Mayfield Park, Smith Park, Learmonth Park, Darling St Oval, Waratah Park.	Health and safety issues with use of sportsgrounds, which is consistent with industry information. There is strong opposition by sporting groups to use of sportsgrounds as off leash areas.	5
Timed beach access	Early morning and late evening access to beaches.	Noted. Plan recommends consideration of North Stockton Beach, with other beaches to be reviewed over time pending demand and balancing impacts on other users.	3

**FINANCIAL IMPACT**

10 \$220,000 is allocated in the 2018/19 Budget for construction of fenced dog parks. Funding has been forecast in the forward program to 2024 for further development of fenced dog facilities.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

11 The Dogs in Open Space Plan is in alignment with three strategic directions:

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

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

### **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.

4.2c Promote recreation, health and wellbeing programs.

### **Open and Collaborative Leadership**

7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.

## IMPLEMENTATION PLAN/IMPLICATIONS

12 The actions contained within the Plan provide a proposed rolling program to enhance off leash facilities and to undertake targeted education and awareness programs. Funding to implement the Plan will be requested through appropriate budget processes which will include seeking partnership support and grant funding where relevant.

## RISK ASSESSMENT AND MITIGATION

13 There is no foreseen risk in adopting the Plan. Development of the draft Plan has involved extensive community and stakeholder engagement.

14 Risks associated with use of public spaces for dogs is managed through actions identified in the plan such as delineation of areas, regulatory signage and education.

## RELATED PREVIOUS DECISIONS

15 At the adjourned Ordinary Council Meeting on 20 December 2016 Council resolved to review the number of leash free areas across the City to meet growing demand. Consideration was to be given to the use of specific sportsgrounds, as time-restricted leash free areas, including Connelly Park, Novocastrian Park and Waratah Park.

16 At the Ordinary Council Meeting on 24 October 2017 Council endorsed a process being undertaken to review dog off leash provision and the establishment of four fenced dog parks within the LGA. Council acknowledged the importance to the community of an off leash area in Lambton Park, and that the review additionally considers off leash opportunities at, Novocastrian Park, Waratah Park, Connelly Park, and Stevenson Park.

## **CONSULTATION**

17 Three Councillor Workshops have been held on 13 February 2018, 19 February 2019 and 12 March 2019.

18 A participatory approach to engagement was designed and implemented to ensure diverse input from the Newcastle community.

19 The draft Plan was exhibited for 12 weeks. During this time 133 submissions were received. These submissions were reviewed, and the Plan modified as required. See Dogs in Open Space Public Exhibition Report 2018 at **Attachment B**.

## **BACKGROUND**

20 Council currently manages 17 dog off leash dog areas throughout the City.

21 The Parkland and Recreation Strategy notes that community surveys undertaken in 2011 identified high frequency of use and value of dog exercise areas, demand for additional leash free opportunities, strong demand for improvement to current facilities, and demand for education campaigns to raise awareness of responsible pet ownership.

22 Since 2016 Council has received multiple community representations requesting improved and new off leash facilities for dogs throughout the LGA, including requests for development at specific sites.

23 In November 2017 City of Newcastle commenced preparation of a Dogs in Open Space Plan to guide future provision and management of off leash areas at appropriate sites throughout the City.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

25 The Dogs in Open Space Plan not be adopted. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Dogs in Open Space Plan

**Attachment B:** Dog in Open Space Public Exhibition Report 2018



Attachment A

# Dogs in Open Space Plan

DRAFT March 2019

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



City of Newcastle

<p><b>Acknowledgment</b></p> <p>City of Newcastle acknowledges the traditional country of the Awabakal and Worimi peoples. We recognise and respect their cultural heritage, beliefs and continuing relationship with the land, and that they are the proud survivors of more than two hundred years of dispossession. We are committed to addressing disadvantage and striving for justice for Aboriginal and Torres Strait Islander peoples of this community.</p> <p><b>Enquiries</b></p> <p>For information about the Draft Dogs in Open Space Plan Facilities and Recreation Infrastructure City of Newcastle email <a href="mailto:mail@coc.nsw.gov.au">mail@coc.nsw.gov.au</a></p> <p>Published by City of Newcastle PO Box 480, Newcastle NSW 2300 Phone 4974 2000 Fax 4974 2222 <a href="mailto:mail@coc.nsw.gov.au">mail@coc.nsw.gov.au</a> <a href="http://newcastle.nsw.gov.au">newcastle.nsw.gov.au</a></p> <p>The Dogs in Open Space Plan has been managed by Susan Stewart, Facilities and Recreation Coordinator, Parks and Recreation - City Wide Services.</p> <p>The study has been contributed to by City of Newcastle (CN) staff from Facilities and Recreation, Corporate and Community Planning, Environment, Regulatory and Assessment and Major Events and Corporate Affairs.</p> <p>The study, including the analysis and development of the Plan, has been undertaken by Suzanne Sotter, Principal of Sotter Planners, with mapping and design support from Carina Sidwell (Sotter Planners).</p>	<p><b>Contents</b></p> <p>EXECUTIVE SUMMARY ..... v</p> <p><b>1 Introduction</b> ..... 1</p> <p>1.1 Why have dog off leash areas? ..... 1</p> <p>1.2 The value of the Plan ..... 1</p> <p>1.3 How the Plan was developed ..... 2</p> <p><b>2 Dog off leash principles</b> ..... 5</p> <p>2.1 Provision and location ..... 5</p> <p>2.2 Design and management ..... 5</p> <p><b>3 The Strategies</b> ..... 7</p> <p>3.1 Dog off leash opportunities ..... 8</p> <p>3.2 Fenced dog park opportunities ..... 9</p> <p>3.3 Enhancing existing off leash areas ..... 10</p> <p>3.4 Managing dogs in public places ..... 11</p> <p>3.5 Community awareness and education ..... 13</p> <p><b>4 Recommended Sites</b> ..... 15</p> <p>4.1 Potential fenced dog parks ..... 19</p> <p>4.2 Other off leash areas ..... 21</p> <p><b>5 Implementation</b> ..... 23</p> <p>5.1 Recommended action plan ..... 23</p> <p>5.2 Other areas of focus ..... 25</p> <p>5.3 Managing the new and improved provision ..... 27</p> <p>5.4 Partnership opportunities ..... 27</p> <p>5.5 Review and monitoring ..... 27</p> <p><b>6 Supporting background information</b> ..... 29</p> <p>6.1 Relevance to other planning ..... 29</p> <p>6.2 NSW Companion Animals Act 1998 ..... 31</p> <p>6.3 Community needs and concerns ..... 32</p> <p>6.4 Key site analysis findings ..... 34</p> <p>6.5 The main gaps and issues ..... 37</p> <p>6.6 Industry considerations ..... 38</p>
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**Executive Summary**

Open Spaces for Dogs are a priority in the City of Newcastle (CN) Local Government Area (LGA) with 44,309 registered dogs across 31,904 households (as at 2016). This has been confirmed by the community interest in the Dogs in Open Space Plan with 1,078 survey respondents and over 300 interviews and written submissions. People are passionate about their dogs, with many people considering dogs to be part of their family or valued companions, and they wish to have places for their dogs to run free.

The Dogs in Open Space Plan (the Plan) will guide the provision, improvement and management of dog off leash areas over the next 10 years. This includes the development of strategically located fenced dog parks.

The Plan is based on five themes including:

- Dog Off Leash Opportunities
- Enhancing Existing Off Leash Areas
- Fenced Dog Park Opportunities
- Managing Dogs in Public Places
- Community Education and Information

Strategies and recommendations are provided for each theme. Overriding principles relating to 'provision and location' and 'design and management' are also provided.

The recommendations are mapped on the following page and detailed in the report. The priority actions identified in the Plan are:

1. Establish additional dog off leash areas where provision is lacking.
2. Provide some fenced dog parks at key locations.
3. Enhance existing off leash areas.
4. Provide community education and information on responsibilities for dogs in public places.

The main items addressed in the Plan are summarised as follows.

**Provision**

Whilst CN currently has 17 off leash areas, there is a gap in provision in the central, southern and far western areas. Opportunities for additional off leash areas are considered.

**Fenced Dog Parks**

Currently there are no fenced dog parks in Newcastle and the community has highlighted a strong desire for facilities. Suggestions for potential fenced dog parks are provided, including Lambton Park, Atacia Avenue Reserve, Carrington Foreshore (Honeyeucker Reserve), Maryland Drive Reserve, Stevenson Park and O'Connell Reserve. In addition, part fencing of Idlington Park is suggested to improve the safety of dogs. There could be potential to provide a separate area for small dogs and puppies or 'quieter dogs' at some locations.

**Design and Function**

There is a need to improve the appeal and function of a number of the existing off leash areas. This includes better defining off leash areas, reviewing the space allocated at some sites and improving infrastructure and landscapes (shade, seating, shelter, drinking water for dogs, bins). There is also a need for areas that can be dedicated to specific groups and activities at certain times, such as for dog training, and dog events.

**Sportsground Use**

The Plan recommends that dogs remain on leash at sportsgrounds. Dogs have the potential to impact on the quality of field surfaces, there are safety issues associated with dogs around people playing sport and some dog owners do not pick up after their dog, which raises health concerns. This has been highlighted through community engagement as well as industry information.

**Nature and Beaches**

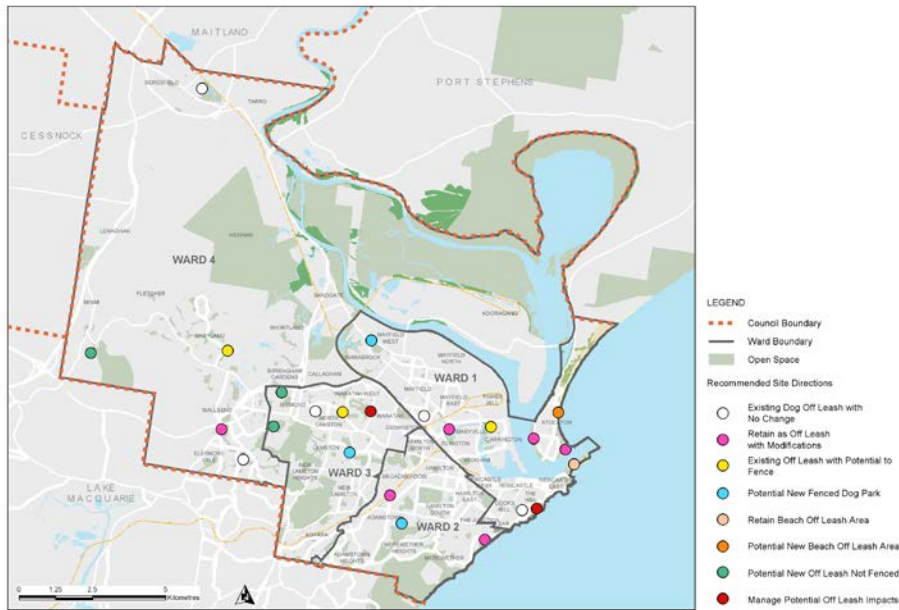
The natural environment requires protection and this raises questions about the appropriate use of these areas as off leash sites. Whilst the community is keen to have access to additional beaches, the opportunities are limited. However, timed use of Stockton Beach could be an option and other options could be investigated over time if there is demand and where there are minimal impacts.

**Community Awareness and Education**

The community and dog interest groups have identified the need for increased management of dogs through community education and awareness. An awareness and education program that includes information, signage, training opportunities in partnership with interest groups and the promotion of key messages is recommended to maximise successful delivery of the Plan.



Summary of recommendations



Introduction

1.1 Why have dog off leash areas?

National surveys have found that an increasing number of people consider their dogs to be part of the family and walking the dog is a key recreation activity. Dogs provide companionship, a reason to exercise and socialise.

In 2016, Newcastle had 31,994 households with 44,269 registered dogs (based on the NSW Companion Animals Register and sourced by CNI). This represents 51.2% of households and 28.5 dogs per 100 people compared to 38% and 19 dogs per 100 people for NSW as a whole.

Young people and families with children are more likely to own a dog and this is a likely reason for dog ownership being high in the Newcastle LGA. Dog ownership is even greater in Lake Macquarie and Goswick where there are even larger numbers of families.

Dogs are also important companions for older people and people living alone as they provide company and give people a reason to socialise with other people, which contributes to the health and well-being of these groups in the community.

Formalised dog off leash areas enable people to take their dogs to a place where dogs can legally run, free, meet and socialise with other dogs. Off leash areas also provide people with a meeting place and an opportunity to connect with others in the community.

The Plan will contribute to recognising and achieving the sections of the NSW Companion Animals Act 1998 that relate to open space and public places.

1.2 The value of the Plan

The Dogs in Open Space Plan will guide the future provision, development and management of dog off leash areas in the Newcastle LGA over the next 10 years. It will support the provision of off leash areas, whilst minimising impacts on public open space and surrounding residents.

The Plan considers the needs of communities across the city and aims to address gaps in provision and improve the quality and function of existing off leash areas. The Plan also provides a direction on the future provision of fenced off leash dog parks and identifies specific site opportunities.

The Plan will contribute to achieving broader Council directions included in the City of Newcastle Community Strategic Plan: Newcastle 2030 and the Newcastle Parkland and Recreation Strategy.

The City of Newcastle Parkland and Recreation Strategy specifically recommends the need to "Review existing and investigate the establishment of additional dog leash free areas" (Action 1.18).

The Plan will benefit the broader community as it will improve the clarity regarding off leash areas, define areas that should not be off leash and encourage responsible behaviour by dog owners.

Consultations undertaken have highlighted community concerns regarding dog behaviour and a lack of responsible dog management in public places by some people. The Plan aims to address this issue and other community concerns in addition to the provision of off leash areas.

1.3 How the Plan was developed

A consultative approach has been adopted in developing the Plan. This includes:

An on-line community survey, with 1036 respondents. 34% of these respondents did not own a dog.

On-site interviews of 143 people across four sites including Kingston Park, Dixon Park, Upper Reserve and Ballast Ground at Stockton.

Targeted planning sessions with community interest groups including dog trainers and other service providers, parks committee representatives and sporting groups.

122 community interviews as part of "Pups in the Park" at Lambton Park.

Submissions received from 42 residents expressing concerns and making suggestions.

Collaboration across business units at CNI. A 12 week public exhibition period of the draft Plan to enable community feedback. This involved community engagement with interest groups and community members.

In addition, the study involved: consideration of other planning and industry approaches

a strategic analysis of the sites and options

a strategic analysis of the needs and findings

A map of the existing off leash sites is provided on the following page. The findings of the consultations, the site analysis and other relevant information is provided as supporting information in Section 6.

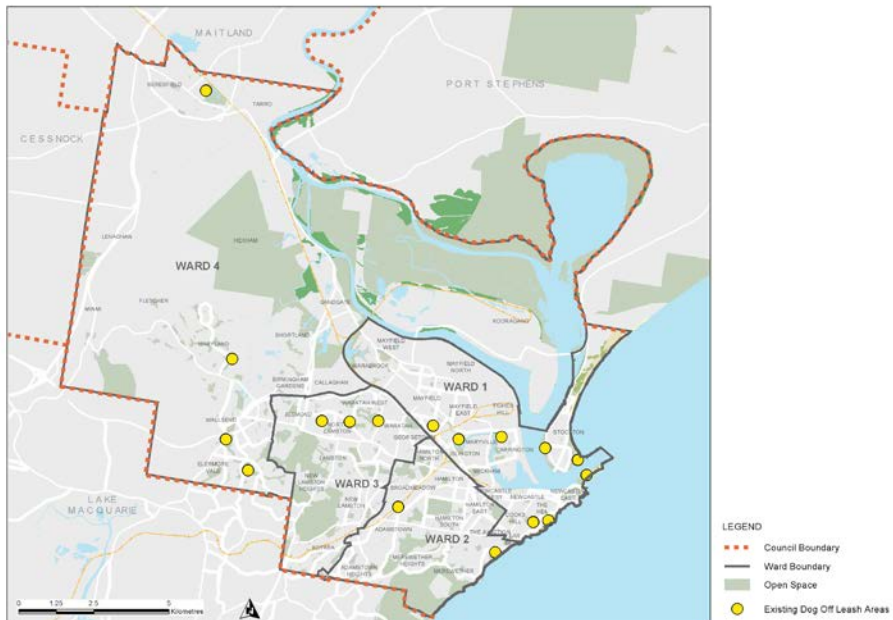




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Existing off leash areas



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## Dog off leash principles

### 2.1 Provision and location

Key principles to guide the provision and location of dog off leash areas are below:

1. A spread of dog off leash areas will be provided across the Newcastle LGA, using an indicative 'one dog off leash area per 8,000 people' ratio as a guide.
2. Fenced dog off leash areas will be strategically located across the city, using an indicative 'one fenced dog park per 30,000 people' as a guide and at least one fenced dog park in each CN Ward.
3. Dog off leash areas will be located on publicly accessible open space, including CN owned and Crown land.
4. Dog off leash areas will not be located adjacent to high traffic roadways for the safety of dogs and people.
5. Sportsgrounds and playing fields will be designated as on leash due to the potential impacts on playing surfaces and conflicts of use.
6. Sites with high natural value, including sites with endangered ecological communities, will be designated as on leash or dogs prohibited.
7. The site suitability criteria (Section 2) will be used to determine the location of new off leash areas and review existing sites.
8. The requirements of the NSW Companion Animal Act regarding 'dogs prohibited in some public places' must be achieved to including:
  - playgrounds and play spaces (within 10 metres)
  - food preparation areas for humans (within 10 metres)
  - recreation and sport areas defined as prohibited by the local authority
  - places used for bathing (including beaches) defined as prohibited by the local authority
  - places set aside by the local authority for the protection of wildlife

### 2.2 Design and management

Key dog off leash design and management principles are below:

1. Dog off leash areas in the Newcastle LGA shall be at least 0.3ha in size and fenced dog parks shall be at least 0.5ha.
2. Dog off leash areas will be well defined, clearly mapped and sign posted to limit confusion of the off leash area within a public place.
3. Dog off leash areas will be of a quality that will sustain use by dogs, including sound and functional surface, basic infrastructure including bins, drinking water for dogs and natural shade, and landscaping.
4. The design of dog off leash areas will reflect the City of Newcastle Disability Inclusion Action Plan and universal design principles to support a range of age groups and abilities.
5. Fenced dog parks will incorporate features that contribute to a safe and appealing environment for dogs and owners, such as bins, drinking water for dogs, natural shade, double gates, shelter, seating and mounds and landscape features that support dogs to investigate spaces will be considered. Picnic settings (feeding areas) and children's play will not be provided.
6. Perimeter fencing around a fenced dog park should be safe for dogs and consistent with current industry approaches and CPED principles (permeability, passive surveillance). The design and height of a fence will complement the site character.
7. Signage will be provided where dogs are prohibited or required to be on leash in a sporting reserve, beach or high profile public place.
8. Consideration will be given to dedicating dog off leash areas for specific groups and activities at certain times, for example, hire for dog training or dog events, providing the impact on other users is minimal.
9. Community awareness and education will be undertaken to encourage positive dog behaviour and increase dog owners' sense of responsibility.

### Dog Off Leash Site Suitability Criteria

Focus	Criteria
Profile and Access	The site should be central to the population, accessible to vehicles and pedestrians and be easily seen and known by the community. However, dogs off leash may not be appropriate at high profile sites (due to potential impacts on the site character or other users).
Size	The area available for dogs off leash must be at least 0.3ha in size and the whole site should be at least double this size to allow for other uses, support infrastructure and landscaping.
Character Suitability	The site must be public open space with an open reserve or park character. The site must not be a sportsground or a natural area.
Impacts on People	Potential impacts on residents and other reserve users must be minimal, including no risk to children and adults playing sport, walking and cycling, using a play space or pursuing other recreation activities.
Impacts on Site Character	There should be minimal impact on the visual appeal, landscape and function of the reserve due to the dedication of an off leash area or the inclusion of a fenced dog park. This includes ensuring any potential future enhancements to a reserve for recreation, sport or linear connectors are not affected by a dog off leash area.
Impacts on Natural Environment	Sensitive natural environments should not be impacted on. This includes sites with high biodiversity and environmentally sensitive natural watercourses, wetlands and coastal vegetation, endangered ecological communities and threatened species habitat.

## The strategies

Strategies have been developed for five themes that collectively respond to community needs and the findings of the Plan. The themes include:

1. Dog Off Leash Opportunities
2. Fenced Dog Park Opportunities
3. Enhancing Existing Off Leash Areas
4. Managing Dogs in Public Places
5. Community Awareness and Education

This section outlines strategies for each theme to address specific needs and issues. A rationale is provided for each strategy.

An Action Plan that lists potential capital works and related priorities is provided in section five.

### 3.1 Dog off leash opportunities

Strategy Focus	Strategy Details	Rationale
3.1a New Off Leash in Gap Areas	Establish new off leash areas in those areas that are lacking provision and particularly in the central and southern parts of the Newcastle LGA. Potential options for additional off leash areas include: <ul style="list-style-type: none"> <li>- Lambton Park, Lambton</li> <li>- O'Connell Reserve, Adamstown</li> <li>- Stevenson Park, Mayfield West</li> <li>- Mayo Street Reserve, Jesmond</li> <li>- Brickworks Park, Elmore Vale</li> <li>- Other reserves where there is high demand and a lack of provision</li> </ul>	The areas of Lambton, New Lambton, Adamstown and Mayfield are particularly lacking in opportunities for dogs off leash. Residents around Lambton have expressed strong desire for a dog park and Adamstown residents are dissatisfied with the existing provision at West End Park.
3.1b New Off Leash in Growth Areas	Investigate the need and potential for dog off leash areas in the western growth area as the area is developed (including a fenced dog park).	The western growth area will attract families and people with dogs and off leash areas will be required as a result.
3.1c Infrastructure Provision	Establish good support infrastructure in existing and new dog off leash areas including: <ul style="list-style-type: none"> <li>- trees for shade and landscaping in all off leash areas</li> <li>- pathway connections to all off leash areas</li> <li>- bins and drinking water for dogs in all off leash areas</li> <li>- shelter and seats in key off leash areas (includes fenced)</li> <li>- pathways within key off leash areas (includes fenced)</li> <li>- dog bag dispensers in fenced dog parks</li> </ul>	There is a lack of support infrastructure in existing dog off leash areas. Consultation undertaken and other research highlight that communities are seeking basic infrastructure and shade in off leash areas.
3.1d Review of Existing Off Leash	Review the appropriateness of existing dog off leash areas that do not meet the site suitability criteria in Section 2. This involves assessing potential impacts on the following sites in consultation with the community: <ul style="list-style-type: none"> <li>- Broye Park, North Lambton, with the need to consider options for minimising impacts on the natural area</li> <li>- King Edward Park, Cooks Hill, with the need to assess the potential impact on the Themedia grassland ecological community</li> </ul> The reviews may find that off leash areas should be removed from the reserves if impacts on the environment are considered to be an issue and solutions cannot be determined.	A large part of Broye Park is a natural area with potential impacts on fauna and an alternative, Acacia Avenue Reserve is located nearby. The existing off leash area at King Edward Park is located around Themedia grassland on a coastal headland, which is determined as an endangered ecological community in accordance with the Threatened Species Conservation Act 1995. CN will need to determine if dogs off leash are likely to significantly affect the threatened species, population or ecological community.
3.1e Beaches Off Leash	Consider allowing timed off leash use of Stockton Beach at all times of the year to broaden the opportunities for people to take dogs off leash at beaches. The suitability of timed off leash (including seasonal timed use) at other beaches could be investigated if there is sufficient demand. However, impacts on the wider use of beaches would need to be minimal.	There is high community demand for additional beach areas for off leash, but limited opportunities. Ideally the northern part of Stockton Beach could be designated as off leash at all times. However, erosion and environmental issues limit this opportunity. Timed access to the whole beach is an alternative option. Other beaches are considered inappropriate due to user numbers.

3.2 Fenced dog park opportunities

Strategy Focus	Strategy Details	Rationale
3.2a Fencing of Existing Off-Leash	Consider creating fenced dog parks at the following existing off-leash areas, as part of providing up to six fenced dog parks across the Newcastle LGA: - Carrington Foreshore (Honeysuckle Reserve), Carrington - Maryland Drive Reserve, Maryland (investigate the potential to integrate a fenced off-leash area as part of the Maryland Creek realignment design) - Acacia Avenue Reserve, North Lambton (also consider the potential to provide a separate area for small dogs and puppies or an area for 'quieter dogs')	The identified sites are spread across Newcastle and would service different CN Wards. The sites are large, have a good profile and should have minimal impact on other reserve users or residents.  CM is currently planning a realignment of Maryland Creek to achieve stormwater management and environmental objectives, and this will limit the area available for dogs off-leash. However, other open spaces suitable for dogs off-leash in the area are limited.  Lambton Park (a suggested new fenced dog park), is located in the same Ward as Acacia Avenue Reserve. However, Acacia Avenue Reserve is centrally located and could be large enough to incorporate a separate area for small dogs and puppies or quieter dogs as well as an area for larger or more active dogs. Determining the size and design of a dog park at Acacia Avenue Reserve will require further consultation with the community given the residential character of the area.
3.2b New Fenced Dog Parks	Consider establishing new fenced dog parks at the following reserves in consultation with surrounding residents and potential users: - Lambton Park, Lambton - Stevenson Park (north western corner), Mayfield West - O'Connell Reserve, Adamstown - The western growth area as the area is developed and subject to demand (specific site to be determined)	The residents around Lambton have expressed strong desire for a fenced dog park.  Master planning for Stevenson Park has highlighted community interest in the establishment of a fenced dog park.  Ward 2 is lacking opportunities for a new fenced dog park and O'Connell Reserve could be the best option. The existing West End Park is too small and poorly located and land at the higher profile Gregson Park is limited and the park already receives high use.  There could be demand and justification for a fenced dog park in the western growth area in the future.
3.2c Part Fencing Needs	Undertake part fencing where there is a need to reduce the risk of dogs running onto a road or car park (but where the site is not suitable for full fencing). This includes: - Islington Park, Islington (fence the northern end along the car park edge through to the existing canal fencing and backyard fencing to protect dogs from the road)	Islington Park does not require full fencing as most of the park is away from traffic and fencing would impact on the open and natural character of the site. However, the northern end near the car park is close to Pacific Highway and dogs can cross the canal to the Highway near the car park.
3.2d Puppies and Small Dogs Focus	Create at least one fenced dog park in the Newcastle LGA that provides a separate space for puppies and small dogs (separate from the larger dogs). Acacia Avenue Reserve could be an option due to the land area and central location of this site.	A desire for the separation of large and small dogs has been raised by the community as part of consultation.  There are some good practice examples of separated areas for small and larger dogs around Australia.

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3.3 Enhancing existing off-leash areas

Strategy Focus	Strategy Details	Rationale
3.3a Improved Site Definition	Better define the existing off-leash areas through accurate site maps, pathways, landscaping and signage. This will involve replacing signs and creating paths and landscaping at some sites.	It is difficult to determine where many of the existing dog off-leash areas are located within reserves and the boundaries need to be better defined.  The site maps and GIS maps differ for a number of sites.
3.3b Re-Design Requirements	Redesign off-leash areas that would ideally be increased or reduced in size and have a potential impact on other users or facilities. This includes: - Dixon Park, Merewether (increase the off-leash area to create a larger space and move dogs away from the road and at least 10m from the play and food preparation areas. Define the off-leash area with pathways and landscaping. Also consider fencing the play and connected recreation spaces to address safety issues) - West End Park, Adamstown (increase the off-leash area to create a larger space for dogs to run) - Rawson Reserve, Stockton (reduce the off-leash area to draw dogs away from the swimming pool and skate area) - Ballast Ground, Stockton (reduce the off-leash area if and when the playing fields are required for sport)	Boundary realignments are suggested for a number of sites for the following reasons:  - The off-leash area in Dixon Park is too small and people already use a larger area. However, an expansion should not impact on other activities in the park and a 10 metre distance from the play and food preparation areas is required. Fencing the play space would address child safety concerns. - West End Park is too small and there is land to the north east that would enable an expansion of the off-leash area - The off-leash area in Rawson Reserve is too close to the swimming pool and skate facility - The area allowed for Ballast Ground is very large and there may be a need for additional sports fields in the future
3.3c Relocated Sites	Relocate the Upper Reserve, Wallsend off-leash area to the south eastern side of Ironbark Creek (Toombing) to move dogs away from the heavy traffic on Lake Road and reflect existing dog patterns.	The existing site is not used due to the traffic volume and high level of risk to dogs. Access to the site is difficult and the site is therefore only used for dogs. As such, shifting the off-leash area to the other side of Ironbark Creek (Toombing) where most locals already take their dogs is suggested.

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3.4 Managing dogs in public places

Strategy Focus	Strategy Details	Rationale
3.4a Managing Risks	Reduce the risks associated with dogs off-leash through design, signage and information, such as: - Investigate fencing the play space at Dixon Park for child safety and landscape near the road edge to deter dogs from running onto the road - Signage at high use areas such as Islington Park highlighting the potential behaviour patterns of dogs, and how to reduce risk	Risks associated with dogs should be managed and avoided where possible. Children playing with dogs are at risk of dog bites.
3.4b Dogs on Sports Fields	Install signage at all sportsgrounds and playing fields advising that dogs must be on-leash and dog owners' responsibility to pick up after their dogs. A program of community awareness, education and enforcement will be required to support behaviour change.	There is evidence that dogs off-leash have the potential to impact on the quality of a sports field including deteriorating surface quality through dogs running and digging and faeces being left on fields (which becomes a health and safety issue).  Sports groups have raised concerns about the existing impact of dogs off-leash on some sports fields, and particularly those that are fenced.
3.4c Timed Dog Off-Leash Areas	Review the appropriateness of existing timed dog off-leash areas as follows: - Retain, implement and enforce timed use where a site has high use (e.g. Dixon Park) - Consider removing timed use at smaller and lower key sites where the potential impact on other users is limited (e.g. West End Park, Elmore Vale Park and Putbus Park)	Timed use should reduce the risk of conflicts of use and should therefore be retained at Dixon Park.  Where a reserve has less use, timed use may not be required. Removing timed use at smaller and quieter reserves should benefit local residents and activate these reserves.
3.4d Dedicated Allocation of Off-Leash Areas	Consider allocating one or two off-leash areas that are available for use for specific groups or activities such as dog training, dog events or running greyhounds for recreation, providing impacts on other users is minimal. This could include a fenced dog park or another suitable site, but should not include a sports field.	Demand for the dedicated use of off-leash areas has been raised by rescue greyhound owners and there is a need for spaces suitable for dog training and events.  The recommendation for all dogs to be on-leash at sportsgrounds should relate to organised activities as well as general community use.

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Strategy Focus	Strategy Details	Rationale
3.4a Dogs in Natural Environments	Manage dogs to protect natural environments to consider: - On-leash where flora and fauna requires protection and threatened species will not be impacted if dogs are controlled - Dogs prohibited where flora and fauna and particularly a threatened species is at risk of being impacted by dogs, either off or on-leash	Where natural areas are significant and dogs off-leash can impact on flora and fauna and site biodiversity, dogs should be on-leash.  Some natural sites may justify dogs being prohibited including to protect threatened species where required in accordance with the Threatened Species Conservation Act 1995.
3.4d Dog Prohibited Areas	Identify and define dog prohibited areas, including: - Beaches and Conservation Areas, e.g. Blackbutt Reserve - Sites defined on having an Endangered Ecological Communities such as Threepine grassland on sea cliffs and coastal headlands if dogs are considered to have significant impact - Other natural areas that are ecologically sensitive or have high biodiversity - Playgrounds and food preparation areas - The Anzac Memorial Walk	Existing dog prohibited areas that protect natural resources should be retained.  If dogs could significantly affect a threatened species, population or ecological community, dogs should be prohibited. An ecological analysis of sites has not been undertaken as part of this study and specific sites will need to be determined.
3.4g Council's Enforcement Approach	Continue to adopt an "inform and educate" approach to the enforcement of dogs in public places. Where the safety and health of other park users is at risk stronger enforcement should be adopted including fines.	An "inform and educate" approach is consistent with current available CN resources and more likely to receive support from the community than an aggressive enforcement approach. During consultation the need for stronger enforcement to address inappropriate dog management by some owners was raised.

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3.5 Community awareness and education

Strategy Focus	Strategy Details	Rationale
3.5a Community Awareness and Education Program	<p>Develop and promote a community education and awareness program that provides the community with key messages and information relating to:</p> <ul style="list-style-type: none"> <li>- appropriate dog behaviour and owner responsibilities to manage dogs in public places</li> <li>- dog owner and walker health and safety responsibilities including the need to pick up after dogs</li> <li>- the promotion of on leash and dog prohibited areas</li> <li>- dog and puppy training opportunities</li> </ul>	<p>Dog owners, people without dogs, dog trainers and service providers have all highlighted the need for increased community education to encourage responsible dog ownership hygiene.</p> <p>Increased community education has the potential to raise awareness and encourage increased self-policing by other dog owners and residents.</p>
3.5b Signage and Regulations	<p>Establish and improve signage to better define off leash areas, on leash sites and dog prohibited areas. The signage should be deappropriately positioned in reserves and be (clear, bold &amp; simple).</p>	<p>Clear, bold and simple signage is more likely to be seen by reserve users, which should reduce the risk of conflicts and inappropriate behaviours.</p>
3.5c Partnerships	<p>Establish partnerships for educating the community and promoting appropriate dog and owner behaviour. This includes:</p> <ul style="list-style-type: none"> <li>- input to the design and development of the community education program and signage by dog interest groups</li> <li>- promotion of the community education program through dog interest groups and government bodies</li> <li>- shared development and adoption of the community education program and signage by adjoining local councils</li> <li>- free and organised programs run in parks by dog trainers that are supported by Council and other government bodies</li> </ul>	<p>Partnerships with dog interest groups, adjoining Councils and other levels of government will increase the potential outcomes aimed at addressing issues associated with dogs.</p> <p>CN is unlikely to have the resources to provide all programs and services relating to dogs.</p> <p>The ability to provide the proposed programs will be based on resources.</p>



Recommended sites

The recommended sites for existing and potential off leash areas are provided on the following pages for:

potential fenced dog parks

other off leash areas (not fenced)

The recommendations are based on site visits, aerial analysis and the findings of community engagement.

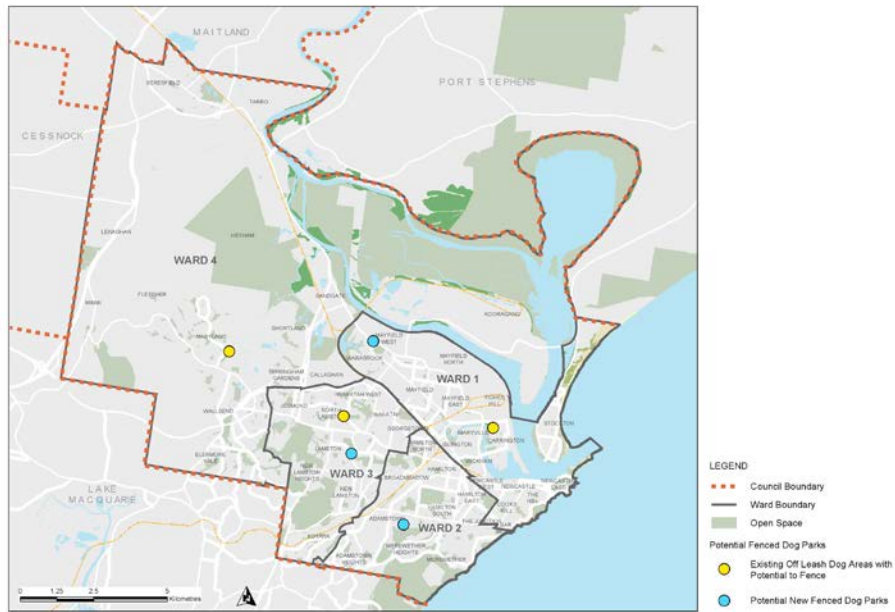
A detailed analysis of each site is provided in Appendix B.

A map of the recommended sites is provided on page 18.





Potential fenced dog parks



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4.1 Potential fenced dog parks

Fence Existing Off Leash Areas

Site	Precinct	Reserve Size (ha)	Potential Dog Park Area	Recommended Site Direction
Acacia Avenue Reserve	Waratah, North Lambton	3.9	at least 1.5ha in size	Consider Acacia Avenue Reserve for a fenced dog park due to site character and central location. Provide additional natural shade, shelter, seating and drinking water for dogs and consider a defined car park area within the reserve. Consider the option of creating a separate area for small dogs and puppies as well as an area for larger dogs.
Carrington Foreshore (Honeyuckle Reserve)	Wickham, Tighes Hill, Carrington	11	0.7ha	Develop as a fenced dog park but design the fencing along the waterway to be a lower but safe height to minimise impacts on the waterfront aspect of the site (the dog park could be promoted for smaller dogs and dogs that don't jump). Keep the pathway outside the fenced dog park and maintain a linear open space for general community use.
Maryland Drive Reserve	Maryland, Fletcher, Merry	1.3	Subject to creekline reconstruction but ideally around 0.5ha	Establish a fenced dog park that is designed to allow for the Maryland Creek realignment. Undertake site enhancements including increased trees, seating, shelter and a circulation pathway. However, if an area of at least 0.3ha cannot be achieved, investigate other site options in the area.

Potential New Fenced Dog Parks

Site	Precinct	Reserve Size (ha)	Potential Dog Park Area	Recommended Site Direction
Lambton Park	Lambton, New Lambton	14.5	0.6ha	Create a fenced dog park on the south western part of Lambton Park. The dog park should include additional trees for shade, shelter, seating and a circulation pathway as well as bins and drinking water for dogs. A grassed area for sports training or community use could be retained to the north of the dog park (on the western side of the pathway connection). The existing pathway should remain out of the dog park for broader community use.
O'Connell Reserve	Adamstown, Kotana	2.1	at least 0.9 ha in size pending removal of substation compound	Pending removal of the substation compound, consider establishing a fenced dog park with a minimum 10 metre offset to housing and the playground. Include a pathway, seating, shelter, drinking water for dogs and bins. Assess need through engagement.
Stevenson Park	Mayfield West	13.0	0.5ha (subject to Master Plan)	Create a fenced dog off leash area in the north western corner of the park as part of master planning for the Park, with the aim to remove dogs from the sports fields and service the wider area. Include a pathway connection, trees for shade, seating, shelter, drinking water for dogs and bins.

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4.2 Other off leash areas

Existing Dog Off Leash Areas

Site	Precinct	Reserve Size (ha)	Recommended Site Direction
Ballast Ground	Stockton, Fullerton	10.3	The entire Ballast Ground Reserve is currently designated off leash. Review if the southern fields are required for sport and consider reducing the Ballast Ground to the northern end only or allow timed use of the southern end, when not being used for sport. Undertake improvements to the car park and toilets.
Broys Park	Waratah, North Lambton	11.8	Review Broys Park as an off leash area due to the built-up character of the site and the proximity to Accacia Avenue Reserve. This could involve removing the off leash area or managing potential environmental impacts, including by redefining the area available for dogs off leash.
Dixon Park Reserve	Merewether, The Junction	0.5	Retain Dixon Park as a timed off leash area to enable other recreation activities at other times. However, better define and increase the off leash area (defined through signage, paths, landscaping), provide some additional seating and a shelter within the off leash area and improve the surface quality where possible. The safety of children at the play area must also be considered as part of any redesign, including the option of fencing the play and connected recreation spaces.
Elmore Vale Park	Wallsend, Elmore Vale	0.8	Maintain the site as an off leash area (not fenced) and remove the timed use restriction.
Horseshoe Beach	Newcastle, Cooks Hill	0.7	Encourage Roads and Maritime Services to maintain Horseshoe Beach as an off leash area. CN taking responsibility for the management of the site is not recommended.
Islington Park (east of Thornby Creek)	Wickham, Tighes Hill, Carrington	2.1	Develop a dog park that is partly fenced along the car park end of the park through to the canal fencing and includes a double gate entrance to reduce the risk of dogs running onto Pacific Highway and into the car park. Improve the surface, plant additional trees for shade, provide infrastructure (seating, shelter, dog drinking water) and consider the frequency of bin collection.
King Edward Park	Newcastle, Cooks Hill	2.2	Review the appropriateness of dogs off leash at this site if CN finds that dogs are significantly affecting the threatened species, population or ecological community in accordance with the requirements of the Threatened Species Conservation Act 1995. Otherwise, continue to manage potential environmental impacts.
Michael/ Pilkington Street Reserve	Waratah, North Lambton	1.3	Maintain the site as an off leash area (not fenced) and remove the timed use restriction. Improve the site amenity with tree planting and seating.
Nesco Park	Newcastle, Cooks Hill	2.1	Retain as an off leash area. Better define the boundaries and improve seating, shelter and shade.

Site	Precinct	Reserve Size (ha)	Recommended Site Direction
Purdue Park	Mayfield, Warabrook	0.6	Retain as an off leash area. Due to the residential setting and limited open space in the area for the local community, extending dog use & facilities is not recommended.
Rawson Reserve	Stockton, Fullerton	5.0	Consider reducing the grassed area allocated for dogs off leash and shift the edge away from the skate park and swimming pool. Retain access to the beach as part of the off leash opportunity.
Toro Recreation Area	Beresfield Hexham	10.0	Maintain as an off leash area within a natural space with informal paths and a tree setting.
Upper Reserve	Wallsend, Elmore Vale	2.7	Relocate the off leash area to south eastern end of Ironbark Creek within Upper Reserve. Use signage to discourage dogs on the sports fields.
West End Park	Adamstown, Kotara	0.7	Expand the site to the north to increase the space and usability of the off leash area and increase the appeal of the site through trees for shade, paths and seating. Allow off leash use at all times (rather than timed use) but do not fence or invest significantly in the site as its local isolated location is not ideal.

Potential Additional Off Leash Areas (not fenced)

Site	Precinct	Reserve Size (ha)	Site Direction
Brickworks Park	Wallsend, Elmore Vale	13.7	Consider creating an off leash area in the south west part of the reserve (the waste area). Limited improvements would be required, but ideally the play space would be relocated to the picnic area.
Mayo Street Reserve	Shortland - Jesmond	2.7	Create a dog off leash area on Mayo Street Reserve (ideally the whole reserve area to provide a good sized space), with trees for shade, seating, drinking water for dogs, a bin and shelter.
Mirini	Maryland, Fletcher, Mirini	TBD	Create a dog off leash area as part of urban development requirements for community open spaces.

Implementation

5.1 Works action plan

A 10 year Action Plan has been developed for items in the strategies that are works related (and could require an allocation of capital funds) is provided on the following page. The priorities in the Action Plan are based on the following time frames:

Priority	Indicative Timing (Commence by)
High	within 3 years
Medium	3-6 years
Lower	after 6 years

Improvements and new facilities will need to occur as resources become available and in accordance with other CN priorities. It is important to note that the strategies and priorities in the Plan are only a guide and do not commit CN or any other organisation to allocate resources or achieve any action.

The costing of the actions should occur as part of detailed design and works program identification undertaken by CN.

Recommended Action Plan

Strategy	Action <sup>1</sup>	Priority	Responsibility
<b>THEME – DOG OFF LEASH OPPORTUNITIES</b>			
New Off Leash in Gap Areas	Establish the southwest corner of Lambton Park as an off leash area (refer 2.3).	High	Parks and Recreation
	Establish O'Connell Reserve as an off leash area (refer 2.3).	High	Parks and Recreation
	Establish Mayo Street Reserve as an off leash area (not fenced, all of reserve).	High	Parks and Recreation
	Establish part of Brickworks Park as an off leash area (not fenced, south west waste area).	Medium	Parks and Recreation
	Establish the north western part of Stevenson Park as an off leash area (refer 2.3)	Lower	Parks and Recreation
Infrastructure Provision	Establish good support infrastructure in existing off leash areas.	Variable	Parks and Recreation
<b>THEME – FENCED DOG PARK OPPORTUNITIES</b>			
Fencing of Existing Off Leash	Create a fenced dog park at Accacia Avenue Reserve (at least 1ha in size) and consider two separate areas to service different types of dogs (e.g. small dogs and puppies vs larger dogs or quieter vs more active dogs).	High	Parks and Recreation
	Create a fenced dog park at Carrington Foreshore (Honeyeater Reserve, around 0.7ha).	Medium	Parks and Recreation
	Create a fenced dog park at Maryland Drive Reserve that integrates with the Maryland Creek realignment (up to 0.5ha in size depending on land availability following the creek realignment). (Timing dependent on creek works)	Medium	Parks and Recreation
New Fenced Dog Parks	Establish O'Connell Reserve as a fenced dog park (around 0.5ha).	High	Parks and Recreation
	Establish Lambton Park as a fenced dog park (around 0.5ha).	Medium	Parks and Recreation
	Establish the north western part of Stevenson Park a fenced dog park (around 0.5ha).	Low	Parks and Recreation
Part Fencing Needs	Part fencing of Islington Park (car park edge to canal fence).	High	Parks and Recreation
<b>THEME – ENHANCING EXISTING OFF LEASH AREAS</b>			
Improved Site Definition	Better define the existing dog off leash areas.	High	Parks and Recreation
Re-Design Requirements	Redesign Dixon Park off leash area to increase the space and move dogs away from the road, play and food preparation. This includes fencing the play space to increase child safety.	High	Parks and Recreation
	Increase West End Park off leash area to create a larger space.	Medium	Parks and Recreation
<b>THEME – MANAGING DOGS IN PUBLIC PLACES</b>			
Dogs on Sports Fields	Establish on leash signage on all sportgrounds and sports fields.	High	Parks and Recreation, Regulatory & Assessment
<b>THEME – COMMUNITY AWARENESS &amp; EDUCATION</b>			
Signage and Regulations	Establish and improve signage to better define off leash areas, on leash sites and dog prohibited areas.	High to Medium	Parks and Recreation, Regulatory & Assessment

<sup>1</sup> Further details are included in the strategy, section 3.

**5.2 Other areas of focus**

Other high priorities that may not be included in Council's Works programs but could require people or resource commitments are as follows:

**Dogs in Natural Environments**

Manage dogs to protect natural environments where required, including through the allocation of reserves as on leash or dogs prohibited.

**CN's Enforcement Approach**

Continue to adopt an inform and educate approach to the enforcement of dogs off and on leash. However, where the safety and health of other park users is at risk such as dogs near play and on sports fields, stronger enforcement should be adopted including through fines.

**Community Awareness and Education Program**

Develop and promote a community education and awareness program for the Newcastle LGA.

**Partnerships**

Establish partnerships for educating the community and promoting appropriate dog and owner behaviour.



**5.3 Managing new and improved areas**

Providing additional off leash areas, enhancing existing off leash areas and establishing some fenced dog parks will require a commitment of resources through CN funding and grant funding opportunities.

A staged approach will be required over a 10 year period, with an initial focus on the recommended priorities. Items that add greatest value and have a lower cost such as enhancing existing off leash areas (i.e. tree planting and bins) could be considered in the earlier years.

CN is considering the allocation of funds to enable the development of four fenced dog parks over a period of four years, and as such these will be an early priority. This includes fencing, shade, seating and amenities. CN will determine which fenced dog parks are developed first based on community priorities and the availability of resources.

Establishing fenced dog parks and additional off leash areas will have an ongoing maintenance implication for CN, including the likely need for additional funds and staff resources. The recommended community education program and partnerships could also have a resource implication.

The new and improved off leash areas and the community awareness and education program will add value to a large proportion of people in the community.

**5.4 Partnership opportunities**

The community engagement undertaken as part of the Plan highlighted there is potential for CN to establish partnerships with dog interest groups such as the RSPCA, other dog welfare groups, trainers and dog care organisations, as well as broader members of the community. There is a strong interest within the community to achieve quality off leash areas and to encourage appropriate behaviour by dogs and their owners.

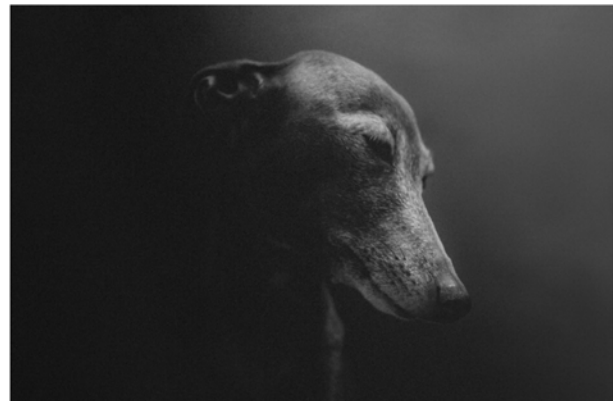
In particular, there is potential to involve community groups in promoting the Plan and achieving specific strategies such as community awareness and education and improvements to existing off leash areas. Partnerships could be established and maintained through a Community Dogs Off Leash Implementation Group as well as targeted partner activities such as dog training and information sessions in off leash areas sponsored by CN.

**5.5 Review and monitoring**

The Action Plan should be reviewed annually in association with the development of future budgets and operational plans. Needs, priorities and resource availability could change over time and other potential sites could be considered if there is demand.

The success and suitability of off leash areas and the impacts on residents and natural environments should be monitored and modifications made to directions if required.

In addition, the use and value of each new fenced dog park and off leash area should be reviewed in consultation with users to guide the development of other future dog off leash areas.



**Supporting background information**

**6.1 Strategic alignment**

The Plan will contribute to achieving CN's strategic plans.

**Newcastle 2030**

The Community Strategic Plan Newcastle 2030 is CN's overriding strategic document that determines commitments and priorities. The vision is for Newcastle to be a Smart, Livable and Sustainable city. The strategic direction and objectives that are most relevant to the Plan are below.

Strategic Directions	Objectives
<b>Vibrant and Activated Public Places</b> A city of great public places and neighbourhoods promoting people's health, happiness and wellbeing	<ul style="list-style-type: none"> <li>- Public places that provide for diverse activity and strengthen our social connections</li> <li>- Culture, heritage and place are valued, shared and celebrated</li> <li>- Safe and activated places that are used by people day and night</li> </ul>

**Parkland and Recreation Strategy**

The CN Parkland and Recreation Strategy (2014) provides a framework for open space and recreation.

**Vision**

The City of Newcastle will provide, promote and support a range of facilities, events and programs aimed at:

- Meeting the diverse parkland and recreational needs and interests of residents, visitors, students and workers;
- Creating vibrant, activated and sustainable public places; and
- Promoting health, happiness, community connections and wellbeing.

**Strategic Objective**

Equitable Provision and Development of Facilities: Quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs and will provide positive experiences for current and future residents and visitors. A clear decision making framework is essential to guide development and sustainable provision.

**Specific action relating to off leash areas:**

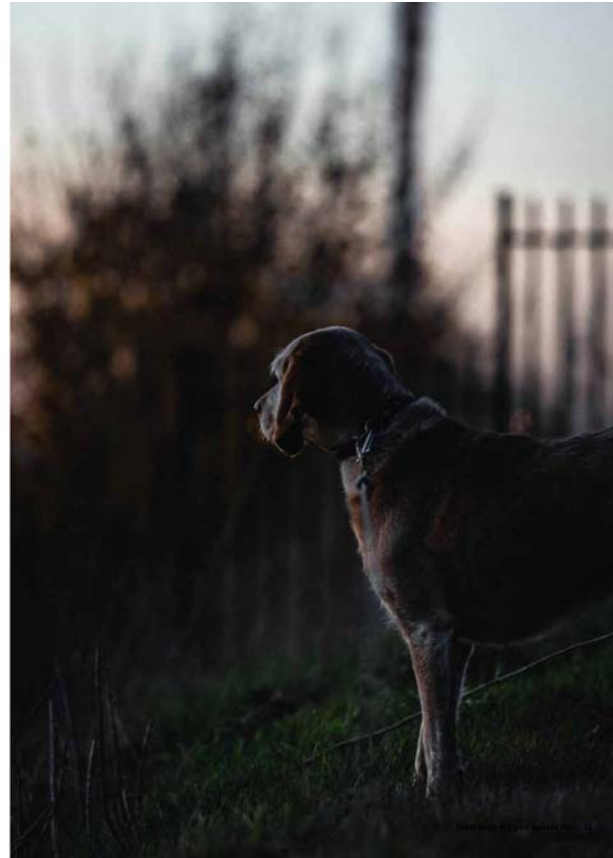
1.18 Review existing and investigate the establishment of additional dog leash free areas.

**Other Plans and Objectives**

Various other Council planning is relevant to dogs in open spaces including the Community Assets and Open Space Policy 2012, Sportslands Plan of Management, Sports Policy 1998, Neighbourhood Parks Plan of Management, General Community Use Plan of Management, Newcastle Local Environmental Plan 2012, Newcastle Urban Forest Policy 2007, Disability and Inclusion Action Plan 2016-2019 and other relevant and future Plans of Management.

In addition, the 2036 Draft Greater Newcastle Metropolitan Plan and the Hunter Regional Plan 2036 provide overriding directions for the City of Newcastle.

The Plan aims to be consistent with other CN and regional planning and objectives.



**6.2 NSW Companion Animals Act 1998**

Particularly relevant sections in the NSW Companion Animals Act 1998 are summarised below:

**Section 13 Responsibilities while dog in public place**

(6) A local authority can declare a public place to be an off-leash area. This can be limited to apply during a particular period or periods of the day or to different periods of different days. However, there must at all times be at least one public place in the area of a local authority that is an off-leash area.

**Section 14 Dogs prohibited in some public places**

(1) Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):

- (a) within 10 metres of any playing apparatus provided for the use of children
- (b) within 10 metres of any apparatus for the preparation of food for human consumption or for the consumption of food by humans
- (c) a public place used for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited
- (d) a public place used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited
- (h) a public place set apart by the local authority for the protection of wildlife and in which the local authority has ordered that dogs are prohibited for the purposes of the protection of wildlife

**Section 20 Dogs defecating in public place**

(1) If a dog defecates in a public place:

- (a) the owner of the dog, or (b) another person who is of or above the age of 16 years is in charge of the dog at that time must immediately remove the dog's faeces and properly dispose of them.
- (2) Proper disposal includes disposal in a rubbish receptacle designated for the purpose by the local authority. It is the duty of a local authority for a place that is commonly used for exercising dogs (including an off-leash area) to provide sufficient rubbish receptacles for the proper disposal of the faeces of dogs that defecate in the place.

Note the Companion Animal Regulation 2008 is currently under review and any new requirements will need to be considered as appropriate in future reviews of this Plan.

**6.3 Community needs and concerns**

The Plan has involved considerable community engagement including:

An on-line survey, with 1,076 respondents.

On site interviews of 143 people across four sites including Islington Park, Dixon Park, Upper Reserve and Balcask Ground at Stockton.

122 interviews by Council staff at a 'Pups in the Park' event at Lambton Park.

Targeted planning sessions with community interest groups, parks committee representatives and sporting groups.

Submissions received from 42 interested residents expressing concerns and suggestions.

The main community needs, concerns and desired directions highlighted by the community engagement are summarised below.

1. Having designated spaces for dogs off leash is important to the community, including people without dogs and sports groups. Off leash areas enable dogs to run free and socialise, and also reduces the likelihood of people allowing their dogs to run free in areas that are less suitable. Popular existing off leash areas include Islington Park, Carrington Foreshore, King Edward Park and Dixon Park. Large dog off leash areas are also desired.

2. The community has expressed a need for additional off leash areas, particularly in areas that are lacking provision. Lambton Park is a key site that has been identified for an off leash area by the community. In addition Council received a community petition regarding the use of Clarendon Park for off leash (although there was also some community resistance to this).

3. Some existing off leash areas are considered to be too small, are poorly located near main roads or lack definition (people do not know which area can be used).

4. There is a desire for fenced dog parks to protect dogs from running onto roads. People also feel more comfortable with their dogs being in a contained area. Particular sites suggested by the community include Lambton Park, Carrington Foreshore (Honeysuckle Reserve), Stevenson Park, Accacia Avenue Reserve and Maryland Drive Reserve. The need for some fenced dog parks that separate small dogs and large dogs has been requested.

5. Improvements to existing off leash areas are needed including:

- Improved amenity such as shade, seating and shelter
- Improved services such as bins, poo bags and drinking water for dogs

6. There is a desire for access to additional beaches for dogs off leash. Horseshoe Beach is valuable but is too small and there are conflicts between dogs at the beach.

7. Whilst a number of dog owners are keen to have access to sports fields for dogs off leash and some already use sports fields, concerns have been raised by the community about dogs on sports fields and the health and safety risks for people using the fields. Sports groups are particularly concerned about potential impacts.

8. People not picking up after their dogs has been raised as a key issue including by dog owners and users of existing off leash areas.

9. There are concerns about aggressive dogs in off leash areas and people not appropriately managing their dogs, and the need for increased awareness of dog owner responsibilities is desired.

Community Engagement Findings Summary

Key Findings	Community Interviews	Community Survey	Interest Groups	Submissions and Sports
Importance of dogs and off leash provision	X	X	X	X
Importance of large areas for dogs to run	X	X	X	X
Need for additional off leash	X	X	X	X
Better definition of existing off leash	X	X	X	
Review of location and main road issues	X	X	X	
Need for fenced dog parks	X	X	X	X
Need to cater for small dogs and puppies	X		X	
Need for enhancements to existing (shade, seating, surface, bins, postbags, water)	X	X	X	X
Increase access to beaches (on and off leash)	X		X	
Address issues with use of Sportgrounds	X	X	X	X
Need to improve dog behaviour and owner responsibility	X	X	X	X
Need to improve education and information	X	X	X	X

6.4 Key site analysis findings

The Newcastle LGA currently has 17 off leash areas, which represents one off leash area per 9,142 people as at 2016 (based on a population of 155,416). By 2041, the population is projected to be around 200,000 and if no additional off leash areas are provided the provision will be 1: 11,764 in 2041.

Despite this provision there are some areas that lack access to off leash areas, particularly in the central area around Adamstown and the far west growth area around Maryland. In addition, none of the existing off leash areas are fenced and the need for some fenced dog parks has been raised by the community.

An analysis of each existing off leash area based on site visit was undertaken as part of the development of this Plan and is summarised on the following pages.



Main Site Analysis Findings

Site Information	Key Findings
Accacia Avenue Reserve (3.9ha), Waratah, North Lambton Precinct	- good location central to the population - large site that could include fenced off leash (upper area most suitable)
Ballast Ground, Stockton (70.3ha), Fullerton Precinct	- large open area along water not suitable for fencing - Hunter River crossing constraint creates smaller local catchment - uncertainty regarding off leash area (conflicting information) - sports and trail potential conflicts
Broys Park (11.8ha), Waratah, North Lambton Precinct	- high profile site linked to main roads - poor park quality and design - large area allocated for off leash - potential impacts on nature and other activities
Carrington Foreshore (Honeyuckle Reserve, 1.1ha), Wickham, Tighes Hill, Carrington Precinct	- large site behind industrial - connected to Thornaby Creek, key recreation area, pathway network and wetlands - potential conflicts with path users - potential for fenced off leash due to size and location
Dixon Park Reserve (0.5ha), Merewether, The Junction Precinct	- park within coastal zone that is high profile and well used - timed use (early mornings and evenings) for off leash - off leash area is poorly defined - lack of amenities to support off leash - potential conflict with other recreational uses - off leash should not be fenced due to other uses and visual impacts - play space could be fenced
Elmore Vale Park (0.8ha), Wallsend, Elmore Vale Precinct	- current timed use may not be necessary (could be used any time) - due to local low profile location
Horseshoe Beach (0.7ha), Newcastle, Cooks Hill Precinct	- small beach area managed by Roads and Maritime Services - high use as off leash area
Islington Park (east of Thornaby Creek, 2.7ha), Wickham, Tighes Hill, Carrington Precinct	- good profile site off Pacific Highway - large, open well used off leash area with link to canal (water) - parking area and northern end of reserve is close to traffic link for dogs - lack of amenities (shade, seating, shelter)
King Edward Park (2.2ha), Newcastle, Cooks Hill Precinct	- significant park within coastal zone - off leash area includes Themeda Grasslands (protected species) - need to review environmental impacts and appropriateness of off leash

Site	Precinct
Maryland Drive Reserve, Maryland (1.3ha), Fletcher, Merri Precinct	- large open site along Maryland Creek and Maryland Drive - site is undeveloped and unappealing, with traffic risks for off leash - potential to create fenced off leash - consideration needs to be given to the Maryland Creek redesign design
Michael/ Pilkington Street Reserve (1.3ha), Waratah, North Lambton Precinct	- local setting with grass quarry area suitable for off leash - timed off leash could be reviewed to enable greater use
Nesca Park (2.1ha), Newcastle, Cooks Hill Precinct	- lower profile site accessed through local streets - steep topography around off leash area - off leash area could be better defined - lack of amenities (shade, seating, shelter)
Purdue Park (0.6ha), Mayfield, Warabrook Precinct	- local park adjacent to housing with only one access point - not suitable as dedicated dogs only (fenced) due to lack of other open space in the area
Rawson Reserve (5.0ha), Stockton, Fullerton Precinct	- large open area along water not suitable for fencing - Hunter River crossing creates smaller local catchment in Stockton - beach area included in off leash - potential conflict with swimming pool and skate park (off leash is too close)
Taro Recreation Area (70ha), Beechfield Hexham Precinct	- part of significant sport and recreation reserve - large open area not suitable for fencing - suitable as is, with minimal development
Upper Reserve (2.7ha), Wallsend, Elmore Vale Precinct	- adjoins Lake Road with traffic risks to dogs - difficult access to the site and therefore local use - could review location of off leash within the reserve
West End Park (0.7ha), Adamstown, Kotara Precinct	- relatively isolated and low profile site along railway line - unappealing site with a lack of shade, seating and shelter - the off leash area would ideally be larger in size

**6.5 The main gaps and issues**

The main gaps and issues identified through the Dogs in Open Space Plan are outlined below.

Whilst there are currently 17 off leash areas across the Newcastle LGA, there is a gap in provision around the central, southern and far western parts of the City (Lambton, Adamstown, Adamstown Heights, Kotara, Maryland, Fletcher).

Some of the existing off leash sites are not ideal for the following reasons:

King Edward Park incorporates Themeda grassland, which is an endangered ecological community that requires protection in accordance with the Threatened Species Conservation Act 1995. In addition, the site has a steep slope which could limit use. However, the community survey suggests this off leash area is popular.

The Dixon Park off leash area is small and adjoins a main road and busy car park. The off leash area is poorly defined and generally people do not contain their dogs within the allocated space. The park is high profile and well used for other passive recreation activities. As such, there is potential conflict in use and potential safety issues, although this is partly managed through timed off leash use (early mornings and evenings).

Blaye Park is a large reserve that includes a large bushland component, a large grassed area, recreation spaces and a central roadway. It has a hilly topography and issues with site quality and use. The off leash area covers a considerable part of the reserve and there could be potential impacts on nature and other users.

The West End Park off leash area is small and unappealing. It is relatively isolated with poor passive surveillance, being located alongside a railway line and adjoining backyards. However, there is a lack of potential for other off leash areas in the surrounding suburbs.

There is potential to improve the quality and function of a number of the existing off leash areas, with the consistent issues being:

- ground surface quality issues (due to a lack of irrigation and impacts by dogs, e.g. digging and worn areas)
- a lack of bins or the need to service bins more regularly
- a lack of seating and shelter for dog owners and walkers
- the need for drinking water for dogs

At most parks it is difficult to determine the specific areas that are off leash with little definition of the areas such as through landscapes or paths. In some instances the off leash maps at parks do not match Council's web site.

Some off leash areas are too close to busy roads such as at Upper Reserve, Dixon Park, Ilington Park, Carrington (Honeysuckle) Reserve and Maryland Drive Reserve. Opportunities for addressing dog safety need to be considered.

There is a desire by the community to have access to other beaches besides Horseshoe Beach and the beach connected to Rawson Park. Both beaches are very small and there is potential for dog conflicts due to the tightness of the sites. However, other beach opportunities are limited due to the high use of beaches by the wider community or natural values (e.g. National Park links). Stockton Beach could be a possibility, although impacts on the wider community would need to be considered. The northern part of Stockton Beach, which is further from other users, has erosion and environmental issues.

Sportsgrounds are at risk of being impacted on by dogs off leash with people not picking up after their dogs and surface quality issues. Whilst no sportsground is defined as off leash, they are used by some people particularly where fields are fenced. This has an impact on the quality and safety of fields. Sports and community members have suggested that fields should not be available for dogs off leash.

Some people do not manage their dogs in public places or pick up after their dogs, and a program of community awareness and education is required to address these issues. This has been raised by organisations with an interest in dogs and the community, and observed during the study.

**6.6 Industry considerations**

Councils across Australia are supporting dogs off leash through the provision of dedicated off leash areas and fenced dog parks. This is in accordance with various State legislation and in recognition that dogs and having places to walk dogs is becoming increasingly important to communities.

The success and use of an off leash areas have been found to be influenced by various factors, including:

1. The importance of location, with the need for dog off leash areas to be accessible and visible to passing traffic whilst also being safe for dogs.
2. The need for a good size area for dogs off leash as it is not realistic to expect dogs to run within a small open space and there are potential conflicts between dogs if small spaces are fenced.
3. The need for dog off leash areas to be good quality spaces with trees for shade, seating and other amenities. Both fenced and unfenced off leash areas need to be an appealing place for people and dogs.
4. The importance of defining dog off leash areas through signs, paths, landscapes, clear information and where appropriate fencing.

Fenced dog parks are usually designed to cater for regional or district catchments and are located in higher profile sites. The number of fenced dog parks is generally fewer than unfenced due to the cost of provision and the need to isolate part of open space to achieve a fenced dog park.

Fenced dog parks are more developed, with fencing and double gates, paths, landscapes, drinking water for dogs, seating, shelter and features for dogs to play or investigate.

The appropriateness of dogs off leash at sportsgrounds is an issue across Australia and many Councils have determined that dogs should either be on leash or are prohibited. The main reasons for such a response are to protect the quality of sportsgrounds and also to minimise the risks associated with dogs being near children and adults playing sport. There are a number of examples of where dogs have been allowed on a sportsground through a shared use approach, but sports have had to leave the ground due to the impacts on the playing surface, people not picking up after their dogs and potential conflicts. Ilington Park is one such example.

A document that draws together the approaches and principles relating to dog off leash areas and would be a useful further resource for City of Newcastle is Unleashed A Guide to successful dog parks, SA Dog & Cat Management Board. The document includes a guide for dog park planning, design, and management and operations. Key findings are summarised in Appendix A and have been reflected in the recommendations in the Plan.

In addition to providing well located and good quality off leash areas and some fenced dog parks, it is important to promote off leash areas and create a positive and respectful environment for dogs and people through community awareness and education. This includes advising people of where dogs need to be on leash or where dogs are prohibited in accordance with the NSW Companion Animals Act 1998.

# How our community can get involved

We have been involving community in decision making, and providing effective communications to ensure we have an informed community for many years.

**Stay connected**  
You can find out about our news and events through a variety of communication channels by visiting [newcastle.nsw.gov.au](http://newcastle.nsw.gov.au) or calling 02 4974 2000 for hard copy options.

**Our community has helped shape the future of Newcastle in the following areas:**

- Arts, entertainment and culture
- Beaches, parks and recreation
- Budgets and rates
- Building and planning
- Environmental / water / waste
- Roads and traffic
- Tourism and economy

You can actively get involved, or see how your input has influenced our decision making by visiting our website [newcastle.nsw.gov.au/getinvolved](http://newcastle.nsw.gov.au/getinvolved)



## Thank you

City of Newcastle prepared this plan on behalf of the Newcastle community and would like to thank:

Many people have given their time freely and contributed a strong body of knowledge and research necessary to the development of this document. City of Newcastle would like to thank all community music industry members and CN staff that engaged with us during the research and development process.

Special thanks to the Newcastle Live Music Task Force members who have not only given their time willingly, but also reached out to the wider music industry to engage and seek their views. We look forward to working together further to deliver the actions in the document to keep this conversation going as well make progress towards nurturing the live music scene in Newcastle.

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

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**Attachment B**

**Dogs in Open Space**

**Public Exhibition Report  
2018**

**December 2018**

**Prepared by:** Major Events and Corporate Affairs, City of Newcastle



## 1 Summary

The draft Dogs in Open Space Plan (the Plan) has been prepared to guide the management of existing dog off leash sites, identify potential future sites and identify key themes around dogs in open space.

To inform the Plan, City of Newcastle (CN) has initially consulted with key organisations, sporting groups and park committees, held drop in sessions at four existing off leash sites across the Local Government Area, attended the Pups in the Park event and conducted an online survey.

The draft Plan was on public exhibition from Monday 28 May 2018 until Monday 27 August 2018. The exhibition period was an opportunity to gain final community feedback and increase public awareness on the draft Plan.

The community was able to view the plan online and in hard copy form at the City Administration Centre, Wallsend and City Library branches.

A total of 133 submissions were received during the public exhibition period.

A large proportion of responses indicated general support for the plan and the introduction of more off leash dog areas. Respondents also felt that enforcement and education should be a priority.

## 2 Methodology

### 2.1 Data Collection and handling

Submissions were received online through an online form and email. A project webpage was established. Written submissions were able to be posted in to Council's mailing address.

Hard copies of the Plan were available at:

- City Administration Centre, 282 King Street Newcastle
- Wallsend Library, 30 Bunn Street Wallsend
- Newcastle Region Library, 15 Laman Street Newcastle

### 2.2 Communications

The exhibition was promoted through the following channels:

- Facebook, City of Newcastle page
- Onsite signage at current off leash dog areas
- Print advertising
- Rates insert flyer
- Direct email to participants in earlier phases of engagement
- Direct email to key stakeholders
- City of Newcastle website.

### 3 Submissions

A total of 127 submissions were received through the online form and further 6 were uploaded as an attachment or emailed directly to CN officers.

Preliminary coding of the data showed a large proportion of responses indicated general support for the plan and the introduction of more off leash dog areas. Respondents also felt that enforcement and education should be a priority.

Theme	Notes
General positive	Want more off leash opportunities and are supportive of the Plan (36)
Enforcement/education (11)	Identified the need to increase enforcement and education resources
Support for specific sites	Keep King Edward Park area (10) Lambton Park site (8) O'Connell Park (6) Claremont (3) Keep Braye Park (3) Acacia Avenue Reserve (3)
Facilities (14)	Support for separate areas for small and big dogs (9) General amenity upgrades (5)
General negative comment (8)	No requirement for additional areas for dogs
Opposition for specific sites	Lambton site (8) Warabrook wetland area (3) Nesca Park (3) Dixon Park (3) Claremont Reserve (4)
Request for an off leash location at Hamilton	Noted that Plan does not identify an off leash location for Hamilton (9)
Special Use	Request for areas suitable for retired greyhounds to exercise (1)
Sportsgrounds access (5)	Request for off leash on sportsgrounds. Sites referenced include Mayfield Park, Smith Park, Learmonth Park, Darling Street Oval and Waratah Park
Timed beach access (3)	Early morning and late evening access to beaches

**ITEM-25 CCL 26/03/19 - MOBILE FOOD VENDING VEHICLES - LOCAL APPROVALS POLICY**

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

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**PURPOSE**

To adopt the Local Approvals - Mobile Food Vending Vehicles Policy (MFVP).

**RECOMMENDATION**

That Council:

- 1 Adopts the Local Approvals - Mobile Food Vending Vehicles Policy at **Attachment A.**

**KEY ISSUES**

- 2 The MFVP provides the framework for the operation of mobile food vending vehicles in the City of Newcastle (CN) Local Government Area. The Policy sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the on-street trading parameters.
- 3 At the Ordinary Council Meeting held on 25 September 2018 Council resolved to place the draft MFVP on public exhibition for 42 days.
- 4 During the exhibition period, two written submissions were received and the issues are outlined below. No alterations to the MFVP are proposed.

Proximity to Existing Comparable Premises

- 5 A submission was received requesting the minimum distance a Mobile Food Vending Vehicle (MFVV) is allowed to trade in the proximity of a comparable premises, in particular a licensed event area, be increased to 500m.
- 6 The MFVP states a MFVV must not be positioned within 50m of an operating food and drink premises or kiosk or boundary of a licensed event area.
- 7 The submission states it is not fair on an Event Food Vendor who pays an event organisation upwards of \$250 to attend the event, only to have a MFVV potentially trading 50m away without paying the event fee.
- 8 It is acknowledged that this could occur on some occasions for some events. However, it is also acknowledged that there are a range of fees and costs applicable to each food business, whether fixed, mobile or event based, and

these must be considered by each business in selecting their venue and method of trading.

- 9 If CN were to increase the minimum distance from 50m to 500m for licensed event areas, it is likely that other comparable premises such as fixed food businesses would also expect this increased distance to be applied around their premises.
- 10 Application of a 500m minimum distance to all comparable premises would severely limit the areas where MFVV's could legally trade across the city.
- 11 On this basis, it is not recommended to change the current minimum distance in the MFVP.

#### Truck Specifications

- 12 A submission was received requesting the allowable length of a MFVV be increased to 8m and to also allow longer vehicles with special approval.
- 13 The MFVP does not restrict the length of a vehicle but simply points out that vehicles 7.5m or greater in length require a separate Road Occupancy Permit.
- 14 The Australian Road Rules 2014 (Rule 200) restricts the stopping of a long vehicle (greater than 7.5m) in a built-up area to one hour. For a MFVV 7.5m or greater in length to legally stand in any one location in a built-up area for over one hour would require a Road Occupancy Permit issued by the CN.
- 15 On this basis, there is no need to change the MFVP.

#### **FINANCIAL IMPACT**

- 16 There is no financial impact from adoption of the MFVP.
- 17 The application fees for 2018/19 have remained the same as the previous financial year at \$375, with a slight \$4 increase in the hourly rate for inspection from \$244 to \$248 in line with all other food inspections.

#### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 18 The MFVP aligns with the Newcastle 2030 Community Strategic Plan.

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

3.3b Plan for a night-time economy, characterised by creativity, vibrancy and safety, that contributes to cultural and economic revitalisation.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 19 Should Council adopt the MFVP, there will be no disruption to the existing approvals process and no need for an implementation plan.

**RISK ASSESSMENT AND MITIGATION**

- 20 The main risk associated with the MFVP relates to public health and safety issues arising from the operation of the MFVV. These risks are mitigated through CN's annual food inspection program; complaint-based inspections; conditions of approval and the requirement for MFVV operators to hold current insurance policies to cover public liability, third party property damage and registered vehicle insurance.
- 21 There have been no recent complaints against approved MFVV in relation to non-compliance with the conditions of approval or food safety requirements.

**RELATED PREVIOUS DECISIONS**

- 22 At the Ordinary Council Meeting held on 25 September 2018, Council resolved to place the MFVP on public exhibition for 42 days.

**CONSULTATION**

- 23 The draft policy was publicly exhibited from 8 October 2018 to 19 November 2018.

**BACKGROUND**

- 24 A trial of the draft MFVP was conducted in the 2015/16 financial year. The trial was initiated in response to public support for mobile food vending in the city.
- 25 At the Ordinary Council Meeting held in August 2016 the MFVP was formally adopted by Council and has continued to operate since that time. There are presently six mobile food vending vehicle operators who have been issued approvals to operate for the 2018/19 financial year.

**OPTIONS**

**Option 1**

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

**Option 2**

- 27 Council not adopt the revised Local Approvals - Mobile Food Vending Vehicles Policy. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Attachment A:** Draft Local Approvals - Mobile Food Vending Vehicles Policy

**Attachment A**

Policy

**Draft Local Approvals - Mobile Food  
Vending Vehicles Policy**

City of Newcastle

Date **TBC**



## Document Control

Policy title	Draft Local Approvals – Mobile Food Vending Vehicles Policy
Policy owner	Director Governance
Policy expert/writer	Environmental Health Officer
Prepared by	Regulatory, Planning and Assessment
Approved by	Elected Council
Date approved	TBC
Commencement Date	TBC
Next revision date	TBC
Termination date	TBC
Version	Version 3
Category	Administration
Keywords	Mobile food vending vehicles including food vending trucks, vans and carts
Relevant strategic direction	Vibrant, Safe and Active Public Places
Relevant legislation/codes (reference to specific sections)	<p><i>Local Government Act 1993</i> (NSW) (s68, s75-113, s158-161)</p> <p><i>Environmental Planning and Assessment Act 1979</i> (NSW)</p> <p><i>Food Act 2003</i> (NSW) (s37)</p> <p><i>Motor Accidents Act 1988</i> (NSW) OR <i>Motor Accidents Compensation Act 1999</i></p> <p><i>Protection of the Environment Operations Act 1997</i> (NSW)</p> <p><i>Road Transport Act 2013</i> (NSW)</p> <p><i>Roads Act 1993</i> (NSW) (Dictionary, Part 5 Classification of roads)</p> <p>Food Standards Code - Standard 3.2.2</p>
Related policies/documents	NIL
Related forms	Mobile Food Vending Vehicle Application Form
Required on website	Yes

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Authorisations	Determination of applications under Section 68 of the <i>Local Government Act 1993</i> , to “ <i>Use a standing vehicle or any article for the purpose of selling any article in a public place</i> ”. For the purposes of the Policy a ‘ <i>standing vehicle</i> ’ is a food truck or food van that has stopped to make a sale, or with the intention to sell, on a Council-owned road.
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**PRELIMINARY**

**P.1 Title of the Policy**

This Policy (*“the Policy”*) is called the Local Approvals Policy for Mobile Food Vending Vehicles.

**P.2 What is the purpose of the Policy?**

The City of Newcastle supports the operation of food trucks and food vans to enliven the City of Newcastle Local Government Area and encourage diversity in takeaway food options.

The purpose of the Policy is to provide the framework for the operation of mobile food vending vehicles in the City of Newcastle Local Government Area. The Policy sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the on-street trading parameters.

The Policy also supplements provisions of the *Local Government Act 1993*, the *Roads Act 1993*, the *Food Act 2003* and associated regulations.

The Policy is divided into three parts in accordance with the requirements of the *Local Government Act 1993*:

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

**P.3 Review of the Policy**

The Policy is a Local Approvals Policy prepared and adopted under Section 158 of the *Local Government Act 1993*.

The Policy will be reviewed every three years from the date of commencement.

**P.4 What are the objectives of the Policy?**

The Policy aims to:

- (a) Ensure that mobile food vending vehicles operate in accordance with the rules and restrictions on lawful parking spaces on Council-owned roads; and
- (b) Ensure that food sold through mobile food vending vehicles is safe and fit for human consumption; and
- (c) Provide guidance and assistance to people wanting to operate a mobile food vending vehicle on Council-owned roads in the City of Newcastle Local Government Area; and
- (d) Ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in vehicles are adequate; and
- (e) Minimise any potential adverse impacts of mobile food vending vehicles; and

- (f) Ensure the safe operation of mobile food vending vehicles; and
- (g) Ensure the operation of mobile food vending vehicles does not increase litter or waste in or from the trading location; and
- (h) Ensure that the operation of the mobile food vending vehicle does not adversely impact any surrounding sensitive land uses, and in particular residential amenity.

**P.5 Policy commencement date**

The Policy was adopted by Council on DD MM YYYY and came into operation on DD MM YYYY.

**P.6 Where the Policy applies**

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

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

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

**P.7 Approvals to which the policy relates**

The Policy applies to the following activity, as specified in the Table under Section 68 of the *Local Government Act 1993*:

“Use a standing vehicle or any article for the purpose of selling any article in a public place”.

For the purposes of the Policy a ‘standing vehicle’ includes any food truck or food van that has stopped to make a sale, or with the intention to sell.

**P.8 When will the policy be revoked?**

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

**P.9 Definitions**

For the purposes of the Policy:

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

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

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

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

- (b) A **food truck** is a vehicle used for the purposes of on-site preparation and sale of hot and cold food (considered a medium to high risk food category). Food trucks routinely change location and must not remain in any one location for more than 4 hours at one time.
- (c) A **food van** is a vehicle used for the purposes of selling tea, coffee, drinks, cakes, sweets or other similar food (low risk food category). Food vans routinely change location and can make intermittent stops of up to 15 minutes at any one time.
- (d) A **food cart** is a unit/vehicle which may or may not be powered, that is for the purpose of selling food or drink which operates within Council-owned roads and does not meet the definition of a *food truck* or *food van* (Note: *food carts* are not supported under the Policy).
- (e) **Council-owned roads** includes all of the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.

**P.10 Explanations of notes in the text**

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

**P.11 Other relevant documents**

The following documents are related to the Policy:

- *Local Government Act 1993*
- *Food Act 2003*
- *Roads Act 1993*
- *Food Standards Code*
- Mobile Food Vending Vehicles – Operation, construction and food handling guidelines, August 2009 (available on the NSW Government Food website <http://www.foodauthority.nsw.gov.au/>)
- Department of Local Government Street Vending Control Guidelines 2017



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

**1.1 Exemptions under the Policy**

There are no exemptions under the Policy for mobile food vending vehicles.

**Note:** Section 158(3) of the *Local Government Act 1993* requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council.

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

**PART 2: CRITERIA COUNCIL MUST CONSIDER WHEN DETERMINING APPLICATIONS FOR MOBILE FOOD VENDING VEHICLES**

**2.1 General requirements of mobile food vending vehicles**

- (a) Approval under the *Local Government Act 1993* is required prior to commencement of operation of a mobile food vending vehicle on a Council-owned road. The operation of a mobile food vending vehicle without the required approval is an offence.
- (b) An application for approval to use a mobile food vending vehicle is to be made on the approved form. The prescribed fee is also to be paid before the application is assessed.
- (c) Prior to the issue of an approval under this Policy, the mobile food vending vehicle is to be made available for inspection by Council's Regulatory Services officer/s. Council will charge a fee for inspecting the mobile food vending vehicle as per Council's adopted Fees and Charges Schedule. Based on The Food Regulation Partnership adopted in July 2018, Council may choose to not inspect the vehicle, if the applicant is able to produce a satisfactory operational inspection report from their home jurisdiction council.
- (d) All Approvals will be issued with an end date of 30 June each year, to enable an annual review.
- (e) Operators are to notify the food business to Council using a Food Business Update form found on Council website at [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au).
- (f) The criteria to be used in the assessment of a mobile food vending vehicle for approval will include all the relevant provisions contained in the standards as set out in Part 2 of the Policy, the *Food Act 2003* and associated regulations, and the Food Standards Code.
- (g) Approvals will be issued subject to conditions, including but not limited to compliance with the Policy.
- (h) Only the sale of foodstuffs and drinks will be allowed from mobile food vending vehicles. No sale of alcohol, cigarettes or other products from mobile food vending vehicles will be approved.

- (i) The applicant is to submit a copy of a broadform public liability insurance indemnifying the applicant against any actions, suits, claims, demands or proceedings for death or injury to any third party or parties or loss of, or damage to, any property, with an indemnity amount of not less than \$20,000,000 per occurrence and noting Council as an interested party. The Insurance is to be valid at all times from the date of approval through to the date the approval lapses.
- (j) The applicant is to submit copies of valid insurance policies that protect the applicant:
  - i. Against any injury to any third party or parties under Compulsory Third Party Insurance as required by the *Motor Accidents Compensation Act 1999*; and
  - ii. Against loss of, or damage to, any property whatsoever caused by the use of the vehicle when being driven by the Licensee, an employee of the Licensee, an independent contractor or any other person (including a person not employed by the Licensee). The policy is to have a limit of indemnity of not less than \$20,000,000 and shall be extended to include "*CTP Gap Coverage Endorsement*" cover. The policy shall note the interest of the Council as an insured.

The Insurance is to be valid at all times from the date of approval through to the date the approval lapses.

**2.2 General requirements in accordance with Food Safety Standard 3.2.3**

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

- (a) Be appropriate for the types of food produced and activities conducted; and
- (b) Provide adequate space for all activities and for all equipment to be used or stored; and
- (c) Allow easy cleaning/sanitising procedures of all structures and equipment; and
- (d) Prevent entry of pests, dust, fumes, smoke and other contaminants; and
- (e) Exclude favourable sites for pests to harbour (live and breed).

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



**PART 2A: CRITERIA COUNCIL MUST CONSIDER WHEN DETERMINING AN APPLICATION TO OPERATE A FOOD TRUCK**

**2A.1 Location**

Food trucks may only operate in the areas specified in Appendix 1 (the schedule of streets may be updated from time to time). Maps of the approved locations are also available on Council's website.

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

- Land use zoning and permissible uses within that zone (compatibility considerations)
- Proximity to residential properties (potential residential amenity impacts)
- Proposed hours of operation (consideration of other food and drink premises in proposed location)
- Road, road-user and pedestrian safety
- Availability of alternate locations

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

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

**2A.2 Proximity to an operating food truck**

Food trucks are not to trade within a 50m radius of another food truck.

**2A.3 Proximity to existing comparable premises**

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

**2A.4 Parking**

Food trucks are to operate so as to:

- (a) Not impact on or conflict with any marked bicycle lanes; and
- (b) Ensure access to pedestrian ramps and footpaths are not compromised; and

- (c) Ensure that access or egress from any building is not restricted by the operation of the food truck; and
- (d) Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, fire hydrants, telephone booths and post boxes or the like.

**2A.5 Truck specifications**

Food trucks must be no wider than 2.5m.

Additionally, vehicles 7.5m or greater in length require separate Road Occupancy Permits.

**2A.6 Deliveries**

Food trucks are to arrive at a location fully equipped. Deliveries are not to be made to a food truck while it is in operation.

**PART 2B: CRITERIA COUNCIL MUST CONSIDER WHEN DETERMINING AN APPLICATION TO OPERATE A FOOD VAN**

**2B.1 Location**

Food vans may only operate in the areas specified in Appendix 2. Maps of the approved areas are also available on Council's website.

**2B.2 Stopping time**

Each food van will be able to trade for a maximum period of 15 minutes in one location at one time.

An authorised officer has the authority to require the vehicle to move on from the area within the 15 minute period if necessary.

**2B.3 Proximity to existing comparable premises**

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

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

**2C.1 Food Carts *Not* supported under the Policy**

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

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

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

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

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

**3.1 Permitted days and hours of operation**

The use of Council-owned roads for the purpose of operating a mobile food vending vehicle is restricted to 7am to 10pm each day, inclusive of set up and set down times.

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

**3.2 Serving**

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

**3.3 Customer seating**

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

**3.4 Waste management and recycling**

Provisions for waste management are to include the following:

- (a) Mobile food vending vehicle operators are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, and stored and disposed of at the cost of the operator.
- (b) Any waste produced by the operation of the mobile food vending vehicle is to be removed from the site via the mobile food vending vehicle at the end of the trading period.
- (c) The trading area is to be left in a clean and tidy condition at the end of each trading interval.
- (d) The trading approval holder is liable to reimburse Council for any cleaning cost incurred by Council during the duration of the trading period as a result of the operation of the mobile food vending vehicle.

- (e) Disposal of all liquid wastes generated within the food van is to be discharged to the sewer or as approved by an authorised Council Officer. Under no circumstances is liquid waste to be discharged to the ground or in the stormwater drain.
- (f) Details of liquid waste and garbage disposal arrangements must be supplied with the application for the mobile food vending vehicle.
- (g) Where feasible the packaging used for the sale of food should be selected for its suitability for recycling in the City of Newcastle Local Government Area. Details are available on the City of Newcastle website on <http://www.newcastle.nsw.gov.au>

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

### 3.5 Signage

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

The Policy does not allow the use of any temporary signage (eg A-frame boards) in association with the operation of any mobile food vending vehicle.

### 3.6 Animals and pests

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

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

### 3.7 Water supply

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

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

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

### 3.8 Control of pollution

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

**3.9 Noise**

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

- (a) The use of the vehicle must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.
- (b) If any noise complaints are received and substantiated by an authorised Council officer, the officer may direct that the use of the food truck/business is to be suspended or moderated to prevent nuisance until attenuation measures are completed and Council has confirmed in writing that the use may resume.
- (c) The operation of a mobile food vending vehicle is not to involve the use of any bell, music or other sound device to attract customers, nor while the vehicle is stationary.

**3.10 Odour**

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

**3.11 Food Handling**

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

**3.12 Preparing food at home**

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

**3.13 Use of separate premises**

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

Any change in the permanent facilities is to be notified to Council.

**3.14 Maintenance**

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



**3.15 Non-compliance**

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

**CONTACT INFORMATION**

Please contact Council or the NSW Food Authority for further information relating to information contained within the Policy.

**City of Newcastle**

Tel: (02) 4974 2000

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

**NSW Food Authority**

Tel: 1300 552 406

Fax: (02) 9647 0026

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

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

**Food Standards Australia New Zealand**

Website: <http://foodstandards.gov.au>

**APPENDIX 1: PERMITTED TRADING LOCATIONS – FOOD TRUCKS**

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

**Maps:** The above Permitted Trading Locations for Food Trucks are show in a map linked to the Council's website: [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) and search for "Mobile Food Vending"

## APPENDIX 2: PERMITTED & EXCLUDED TRADING LOCATIONS – FOOD VANS

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

Irrespective of the relevant land use zone, food vans are not to operate on “classified” roads within the meaning of the *Roads Act 1993*. Please visit the Roads and Maritime Services website ([www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)) to determine which roads are classified. It is noted that the list of classified roads is likely to change from time to time.

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

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

Food vans are not to operate on Council-owned roads within the Newcastle Local Government Area that are zoned or are adjacent to land zoned:

- [Zone R2 Low Density Residential](#)
- [Zone R3 Medium Density Residential](#)
- [Zone R4 High Density Residential](#)
- [Zone B1 Neighbourhood Centre](#)
- [Zone RE1 Public Recreation](#) land that does not directly adjoin the ocean or harbour
- [Zone E1 National Parks and Nature Reserves](#)
- [Zone E2 Environmental Conservation](#)
- [Zone E3 Environmental Management](#)
- [Zone E4 Environmental Living](#)
- [Zone W2 Recreational Waterways](#)

**Maps:** The above Permitted and Excluded Trading Locations for Food Vans are show in a map linked to the Council's website: [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) and search for “Mobile Food Vending”



**NOTICES OF MOTION**

**ITEM-10                    NOM 26/03/19 - LIGHT RAIL EXPANSION - JOHN HUNTER HOSPITAL AND THE NEWCASTLE INNER CITY BYPASS**

**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 Thursday 14 March 2019 from the abovenamed Councillors.*

**RECOMMENDATION**

That Council:

1. Reiterates its support for an expanded light rail network, as previously articulated in Council's Connecting Newcastle vision.
2. Notes commitments from both sides of Government for a \$780 million upgrade to the John Hunter Hospital, and \$280 million for the final stage of the Newcastle Inner City Bypass (Rankin Park to Jesmond).
3. Advocates with the incoming NSW Government for appropriate allowance to be made within these projects for the future expansion of light rail to connect the City centre with John Hunter Hospital and the University of Newcastle.

**BACKGROUND**

The City of Newcastle has consistently endorsed expansion of the light rail system to connect to major hubs including the University of Newcastle and John Hunter Hospital. Council's view has been endorsed by the NSW Government in the release of its Greater Newcastle Future Transport Plan in 2018.

Council welcomes the commitments from both major parties of Government for upgrades totalling more than \$1 Billion at John Hunter Hospital and final stage of the Newcastle Inner City Bypass.

The planning and delivery of these projects have significant implications for the future expansion of light rail, and it is critical that appropriate allowance is made before construction commences.

**ATTACHMENTS**

Nil.

**ITEM-11                    NOM 26/03/19 - MOBILE BLACK SPOT FUNDING FOR  
NEWCASTLE TO SYDNEY TRAIN**

**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 Thursday 14 March 2019 from the abovenamed Councillors.*

**RECOMMENDATION**

That Council:

Works with the Hunter Joint Organisation (JO), the Commonwealth, Transport for NSW and Sydney Trains to advocate for mobile black spot funding to address gaps in reception between Newcastle and Sydney along the inter-city rail line.

**BACKGROUND**

For almost a century Sydney and Newcastle have been connected via heavy rail link. While the speed of the service is often criticised, the journey provides passengers a quiet opportunity to undertake work. The NSW Government is encouraging passengers to remain connected, including with announcements that the [new inner city fleet](#) will have power points to enable laptops and other electronic devices to remain connected.

While in recent years substantial funding has been provided to upgrade mobile phone reception along the M1 freeway between Newcastle and Sydney, now providing a near seamless journey, the mobile phone reception quality along the heavy rail line is patchy at best.

We acknowledge that some areas are difficult to service, due to the mountainous terrain of the Hawkesbury, however other areas can more easily be improved.

Council should work with the Hunter JO and relevant agencies to advocate for further improvement in this service, consistent with its goals to encourage public transport usage and economic activity between the regions, and demand that the Liberal Commonwealth Government deliver on its 2016 commitment to provide \$12 million for a “non-stop phone” connection for train commuters between Sydney and Newcastle.

<https://www.itnews.com.au/news/turnbull-pledges-12m-to-mobile-coverage-for-central-coast-trains-421232>

**ATTACHMENTS**

Nil.

**ITEM-12                    NOM 26/03/19 - AFFORDABLE HOUSING SCHEME FOR  
NEWCASTLE**

**COUNCILLOR:        J MACKENZIE**

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**PURPOSE**

*The following Notice of Motion was received on Tuesday 12 March 2019 from the abovenamed Councillor.*

**MOTION**

That the City of Newcastle:

1. Notes the decision of the NSW Government to extend the operation of State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes) (SEPP 70) to all LGAs in NSW in February 2019.
2. Notes the direction issued by the Planning Minister *Environmental Planning and Assessment (Planning Agreements) Direction 2019* specifying matters for consideration when negotiating a planning agreement with a developer for the purposes of affordable housing in connection with a development application.
3. Advises the Department of Planning and Environment that it is preparing an affordable housing contribution scheme.
4. Develops an affordable housing contribution scheme consistent with the requirements of s7.32 of the Environmental Planning and Assessment Act 1979.
5. Develops a policy regarding the arrangements for negotiating planning agreements for provision affordable housing in areas of the LGA not covered by the affordable housing contribution scheme, consistent with requirements of the Ministerial Direction.

**BACKGROUND**

One of the key objectives of the Environmental Planning and Assessment Act, 1979 (the Act) is to promote the delivery and maintenance of affordable housing. The City of Newcastle has a long-standing commitment to the delivery of affordable housing in the LGA, as detailed most recently in Newcastle Affordable Living Plan (April 2018). This document affirmed the City of Newcastle's position that access to secure, appropriate and affordable housing is not only a basic requirement for all people, it is an essential component of an inclusive, dynamic and sustainable city. The plan outlined a suite of actions to be considered by Council to facilitate affordable living opportunities for our community.

Inclusionary zoning was identified in the plan as a key driver for the provision of affordable housing. Inclusionary zoning refers to the requirement for a percentage of floor space to be made available as affordable housing, or alternately a payment of developer contributions when land is up-zoned to achieve greater residential densities, and when sites in key locations (such as existing centres) are redeveloped for greater residential density. Primarily, it allows Council to impose a condition to levy developer contributions for affordable housing. Inclusionary zoning has been successfully used around the world to increase the stock of affordable housing in cities, including in the City of Sydney. The Affordable Living Plan noted, however, that Newcastle City Council would not be able to replicate the system used by the City of Sydney due to legislative restrictions in State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes) (SEPP 70) - the mechanism used by the City of Sydney to levy affordable housing contributions.

SEPP 70 commenced on 1 June 2002 and applied to a specific number of NSW LGAs: City of South Sydney, City of Sydney, City of Willoughby and Leichhardt. An amendment to SEPP 70 on 20 April 2018 included five additional LGAs, City of Randwick, Inner West, Northern Beaches, City of Ryde, and City of Canada Bay, into the SEPP.

Last month, SEPP 70 was further expanded to include all councils across NSW. The amendment removes the administrative step of entering an LGA into SEPP 70, thereby expediting councils' ability to investigate and develop an affordable housing contributions scheme.

Under Section 7.32(3)b of the Act, Councils are required to prepare affordable housing contribution schemes and amend their local environmental plans to reference the schemes in order to apply inclusionary zoning consent conditions. Specifically, Councils must:

- investigate the affordable housing need in their LGAs
- identify the areas to which an affordable housing contribution scheme will apply
- determine a viable affordable housing contribution rate
- prepare affordable housing contribution schemes
- amend their LEPs through the planning proposal process to reference their affordable housing contribution schemes.

It is noted that it is optional for a council to develop an affordable housing contribution scheme.

### **ATTACHMENTS**

Attachment A: NSW Government, 2019. *Guideline for developing an affordable housing contribution scheme*. Department of Planning and Environment.

Attachment A



February 2019

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## 1. Introduction

This document is a guideline for councils to help them prepare affordable housing contribution schemes and thereby fulfil the requirements of Section 7.32(3)b of the *Environmental Planning and Assessment Act, 1979* (the Act).

Affordable housing contribution schemes are council-led documents which set out how, where, and at what rate development contributions can be collected by councils for affordable housing.

They also give local communities greater clarity about the affordable rental housing planned for in their areas, and affordable housing contribution schemes provide developers certainty and transparency about how affordable rental housing contributions will be determined, and the contribution rate that will be applied in a condition of consent.

This document guides councils on what they should include in an affordable housing contribution scheme to satisfy the legislative requirements, and how to develop an affordable housing contribution scheme under Section 7.32(1)(c) of the Act.

### RELATIONSHIP BETWEEN SEPP 70, THE EP&A ACT, AND LEPS

Section 7.32 permits the levying of contributions for affordable housing, if a SEPP identifies a need for affordable housing in the Local Government Area (LGA)

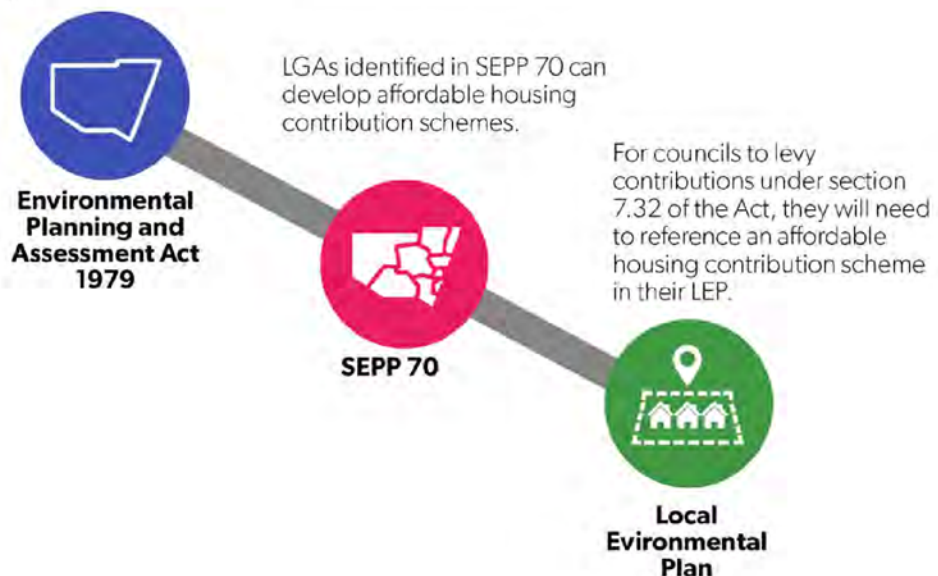


Figure 1 outlines the relationships between SEPP 70, the Act and LEPS.

### How does SEPP 70 work?

One of the objectives of the Act (Section 1.3(d)) is to promote the delivery and maintenance of affordable housing. Under Section 7.32 of the Act, councils may place consent conditions on developments which require contributions for affordable housing in that local government area (LGA). To do this, LGAs must be identified as having a need for affordable housing in a state environmental planning policy.

State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70) identifies those LGAs. It also provides the mechanism for councils to develop schemes and levy developer contributions for affordable housing.

SEPP 70 commenced on 1 June 2002 and applied to City of South Sydney, City of Sydney, City of Willoughby and Leichhardt LGAs. An amendment to SEPP 70, notified on 20 April 2018, included five additional LGAs, City of Randwick, Inner West, Northern Beaches, City of Ryde, and City of Canada Bay, into the SEPP. The operation of SEPP 70 has now been expanded to include all LGAs across the State.

While SEPP 70 includes all LGAs, it does not mean councils can automatically impose consent conditions for affordable housing. Under Section 7.32(3)(b) of the Act, any condition imposed on a development consent must be authorised by an LEP and must be in accordance with an affordable housing contribution scheme

for dedications or contributions set out in, or adopted by, the LEP.

This means that councils must:

- investigate the affordable housing need in their LGAs
- identify the areas to which an affordable housing contribution scheme will apply
- determine a viable affordable housing contribution rate
- prepare affordable housing contribution schemes
- amend their LEPs through the planning proposal process to reference their affordable housing contribution schemes.

Councils can then apply consent conditions that require contributions for affordable housing.

Section 7.32(3) of the Act sets out requirements that must be met to impose a condition to levy developer contributions for affordable housing. This guideline will help councils develop affordable housing contribution schemes which meet these legislative requirements.

### Developing a viable affordable housing contribution rate in an affordable housing

As part of developing an affordable housing contribution scheme and preparing a planning proposal to amend an LEP to levy developer contributions, councils will need to prepare and provide evidence that affordable housing contribution rates are viable.

Councils will need to provide the Department with the evidence and

assumptions used to determine the affordable housing contribution rate, to enable the assessment and review of the proposed affordable housing contribution rates to ensure that the rates are viable and would not impact on development feasibility and overall housing supply. The evidence and assumptions will be exhibited as part of the public consultation on the LEP amendment.

### **Greater Sydney Commission's Objectives**

The Greater Sydney Commission's Greater Sydney Region Plan and District Plans (the Plans) for the Sydney Metropolitan region, support the development of affordable housing contribution schemes as a mechanism to implement the Commission's housing related objectives.

The Plans include Affordable Rental Housing Targets as a mechanism to deliver an additional supply for very low to low-income households in Greater Sydney and include Affordable Rental Housing Targets of 5-10% of new residential floor space, subject to being viable.

Affordable Rental Housing Targets are to be applied in areas where an uplift of land value is created. The contribution rate

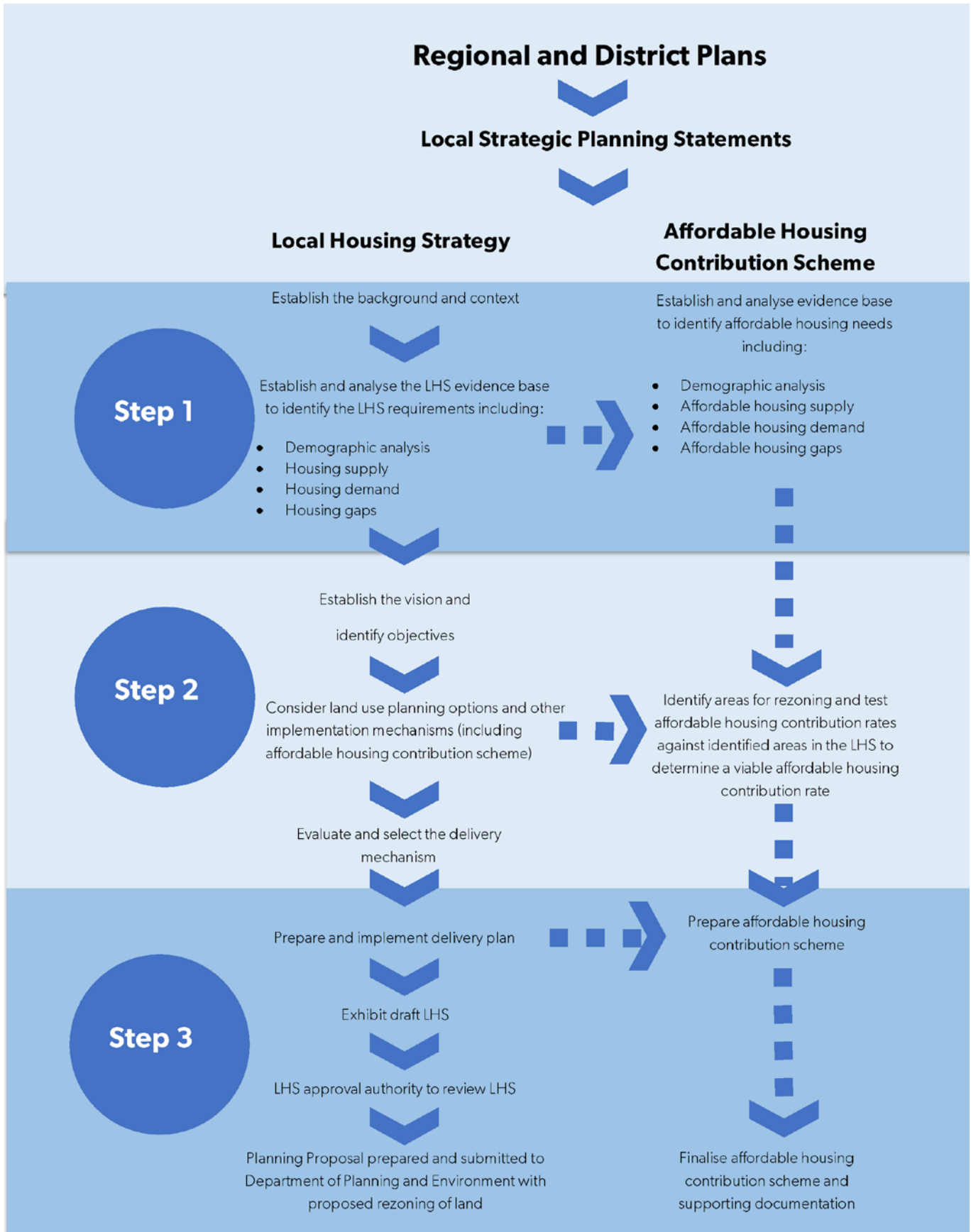
needs to be viable when taking into consideration local and state infrastructure charges, and the ability for developers to achieve a reasonable profit margin.

### **Relationship to legislative changes in the Act – Strategic Planning and Local Strategic Planning Statements**

In March 2018, a number of the legislative changes came into force through the updates to the *Environmental Planning and Assessment Act 1979* (the Act). One of the significant changes to the Act was an emphasis on strategic planning and the critical role and importance of councils in strategic planning in their local government area.

As outlined in Figure 2 below, the work by councils to develop their Local Strategic Planning Statements and Local Housing Strategies will also inform the development of an affordable housing contribution scheme.

The background information and evidence base required in an affordable housing contribution scheme is also required in a Local Housing Strategy. Councils may duplicate the information from its work in preparing a Local Housing Strategy.



**Figure 2: Steps in the development of strategic planning framework and Local Housing Strategy and how it should inform the development of an affordable housing contribution scheme.**

**Local Strategic Planning Statements**

All councils are required to prepare Local Strategic Planning Statements (LSPS). The LSPS will implement actions in the Regional and District Plans and set out the 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future.

These statements will be a succinct and easy to understand document that will allow community members to contribute to and understand the future direction of land use in the area.

LSPSs must identify planning priorities for an area and explain how these are to be delivered. The LSPS will inform the housing vision, and a council's Local Housing Strategy will provide a comprehensive evidence base to inform the development of affordable housing contribution schemes and the areas they will be applied.

In Greater Sydney, the LSPS must be in place by 1 December 2019, and in regional areas, the LSPS must be in place by 1 July 2020.

**Local Housing Strategy**

A Local Housing Strategy is a strategic plan for housing in local government areas. Local Housing Strategies are produced by councils, with input from the community, and set out the framework for new housing in a local government area. In Greater Sydney, a Local Housing Strategy must form part of the strategic planning framework.

A council must prepare a Local Housing Strategy if required by a Regional or District Plan, and can also choose to prepare one, even if it is not required to. In developing a Local Housing Strategy, councils must consider demographics, housing supply and demand, local land use opportunities and constraints, along with other relevant evidence.

As part of the broader consideration of housing supply and demand in their LGAs, councils must also consider the supply and demand for affordable housing and how this is likely to change over time. Local Housing Strategies, including any affordable housing components, are to be consistent with the relevant Regional and District Plans.

The data gathering, and analysis undertaken by a council to inform its Local Housing Strategy, including affordable housing data, demographic analysis and needs analysis, can be used to inform the development of an affordable housing contribution scheme.

The process for preparing a Local Housing Strategy is outlined in the Local Housing Strategy Guideline (<https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Local-Housing-Strategy-Guideline-and-Template>).

Councils may wish to review the Local Housing Strategy Guideline which is complementary to this document.



### **Other affordable housing contribution mechanisms**

#### Special Infrastructure Contributions

A Special Infrastructure Contribution is a levy paid by developers to share the cost of delivering key pieces of State and regional infrastructure, including affordable housing, within a defined boundary. The Special Infrastructure Contribution, and area to which it applies is determined by the Minister.

Under the provisions of the Act, if a Special Infrastructure Contribution area lists affordable housing under the schedule of infrastructure works, contributions for affordable housing cannot also be collected under an affordable housing contribution scheme.

However, if the schedule for infrastructure works for a special contributions area does not include affordable housing, an affordable housing contribution scheme under SEPP 70 may apply. This is to ensure that contributions for the provision of affordable housing can only be required under either SEPP 70 or as a Special Infrastructure Contribution.

#### Voluntary Planning Agreements

The Act enables a voluntary planning agreement (VPA) to be undertaken. A VPA is a planning tool that allows planning authorities and developers to work together to deliver innovative infrastructure outcomes alongside development proposals. A VPA can include the provision of or monetary contributions for affordable housing.

The Minister has issued the *Environmental Planning and Assessment (Planning Agreements) Direction 2019*. The Direction requires councils to consider a series of matters when negotiating a planning agreement with a developer for the purposes of affordable housing in connection with a development application.

Councils that want to negotiate a planning agreement for provision affordable housing, after considering the requirements of the Ministerial Direction, will need to prepare and publish a policy that sets out the circumstances in which it may seek out a planning agreement. This policy will need to be made publicly available.

### **Alternative options to support the delivery of affordable housing**

This guideline explains the provisions of SEPP 70 and the process to develop an affordable housing contribution scheme. However, it is recognised that there are alternative mechanisms that councils can utilise to support the delivery of affordable housing. These include State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) and Local Environmental Plans.

The ARHSEPP provides incentives for the development of new affordable rental housing; facilitates the retention and mitigates the loss of existing affordable rental housing; and facilitates an expanded role for not-for-profit-providers of affordable rental housing. Under the

ARHSEPP, additional affordable housing options including boarding houses, in fill development and secondary dwellings provide alternative affordable housing options.

Councils can also utilise the provisions of its local environmental plan to support housing diversity, informed by its strategic planning work. This strategic work occurs

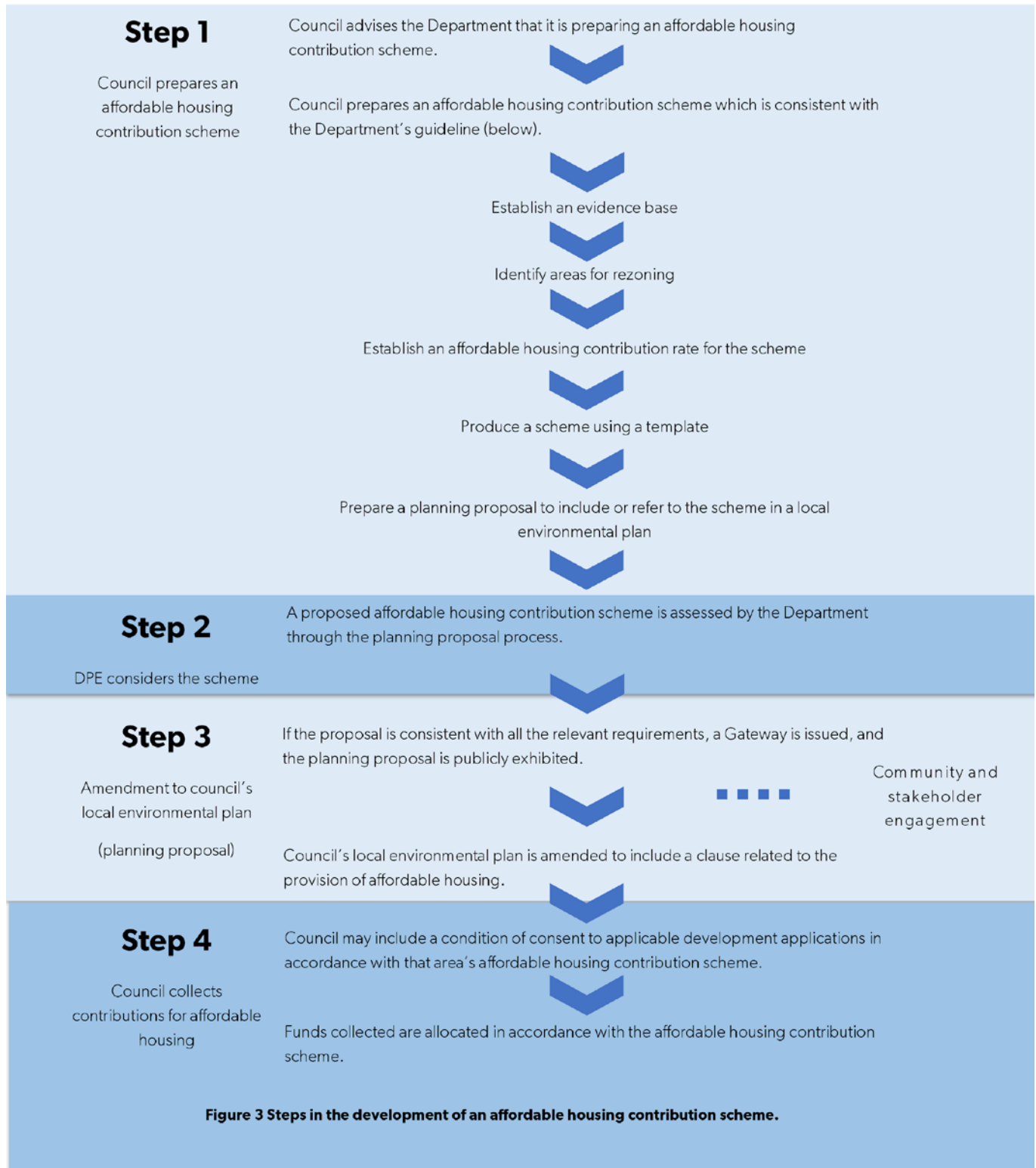
in the preparation of Local Strategic Planning Statements and Local Housing Strategies.

A Council, in consultation with its community, and in alignment with its Local Strategic Planning Statement and Local Housing Strategy, may use alternative options to support the delivery of affordable housing.



## 2. How to prepare an affordable housing contribution scheme

Figure 3 (below) outlines the steps in the development of an affordable housing contribution scheme. Section 2.1 outlines step 1 in this process.





## 2.1 How to prepare an affordable housing contribution scheme

Figure 4 outlines the key steps for how councils can prepare an affordable housing scheme contribution scheme, as part of Step 1 in Figure 3.



**Figure 4 Process for preparing an affordable housing contribution scheme**

### A. Establish evidence base

As outlined in Figure 2, a council that is preparing a Local Housing Strategy will establish an evidence base to determine long term planning decisions in its local government area. When establishing the evidence-base for an affordable housing contribution scheme, the evidence base may be informed by the work already undertaken by a council. Councils that have already a Local Housing Strategy in place may want to update existing work already undertaken to ensure the evidence base and affordable housing needs analysis is robust and up to date.

When establishing the evidence base, the following should be included, but not be limited to:

- Demographic analysis
- Affordable housing supply
- Affordable housing demand
- Affordable housing gaps.

In establishing the evidence base, it may also be appropriate to consider factors

beyond the LGA, such as work travel and migration.

#### Demographic analysis

Collection and analysis of demographic indicators and projections provides insights into the current and future housing needs of the LGA's population.

Councils should consider:

- Population change, and the drivers of population change
- Population age: population by age groupings and the projected change over time
- Dwelling requirements – the projected dwelling requirements
- Number of households and household types over time – the total number of households and how this has changed and is projected to change over time
- Types of dwellings in the LGA – the types and composition of dwellings in the LGA, low density detached residential, residential flat

buildings, shop top housing, low rise medium density

- Tenure and landlord types – composition of dwellings that are owned, rented or mortgage
- Household income (including very low, low and moderate-income households)
- Rental and mortgage stress.

The demographic evidence should assist councils in determining what percentage of households are on a very low, low, or moderate incomes.

- Employment profiles, identifying:
  - o the main employment sectors
  - o an income and wages profile
  - o whether employed people can afford housing close to work; public transport access to employment centres
  - o potential changes in the community’s employment structure
  - o potential fluctuations in the area’s residential real estate market.

This demographic analysis should be considered at the smallest geographical scale.

Sources of Information which may be useful for councils:

- the Department’s Local Housing Strategy Guideline

- the ‘NSW Population and Projections Data and the NSW Household and Dwelling Projections data’
- the Australian Bureau of Statistics (ABS) Community profiles and census data
- the Department of Family and Community Services (FACs) ‘NSW Local Government Housing Kit’. FACs’ database includes time series data and provides data on a range of housing topics
- The rent and sales report produced by FACs, includes timeseries data and is the sole authoritative source of data on NSW rent movements.

Links to sources of information which may be useful to councils are available in Appendix 4.

Affordable housing supply

In developing an affordable housing contribution scheme, establishing the evidence base for housing supply should analyse the area’s existing affordable rental housing stock. This should identify how many affordable housing dwellings are in an area and compare this to supply and demand for affordable housing.

In determining affordable housing supply, councils should consider:

- The amount and type of current and planned housing stock (including proportion of stock available for very low, low and moderate-income earners), including:
  - the existing housing diversity and include housing owned and/or operated by community housing providers
  - properties sold or rented on the private market that would be affordable for very low, low and moderate income earners.
- Rental vacancies (where possible) and vacancy rates
- Price and type of dwellings for sale
- Where possible, a council should provide sale prices and rental data which is cross-referenced with employment and income data
- Capacity within the existing land use controls for additional housing – comparing the number of

existing dwellings and the number of dwellings that would be delivered if the land use controls were fully developed

- Potential displacement of existing houses due to redevelopment – including considering the loss of affordable housing in existing developments or change of housing affordability in area through redevelopment

Sources of information which may be useful for councils

- Data and data sources collected in the development of a council’s Local Housing Strategy
- the Department of Planning and Environment’s Sydney Housing Supply Forecast (for councils in Greater Sydney).

**Affordable housing demand**

Housing demand requires the analysis of:

- Underlying demand: the need or number of new homes required based on a projected level of households, primarily driven by demographic and migration factors
- Effective demand: the size, type and location of dwellings that people are willing to buy and rent.

In determining affordable housing demand, Councils should consider:

- existing affordable housing stock
- incomes
- rent and sales prices
- housing stress
- employment
- homelessness
- affordable rental housing and social housing wait times.

Additionally, councils should consider demand from local workers – sources of employment for very low, low and moderate-income workers who perform an important service within the area but are unable to live nearby due to price constraints. Important services are generally front-line services, and for the local area may include medical professionals, teachers, police, child care workers and aged care workers. The industries in which these local workers are employed will vary by location.

The collection of an evidence base and analysis of housing demand should include consideration of market preferences including where people want to live in the LGA and in which type of homes.

Sources of information which may be useful for councils

- Data and data sources collected in the development of a council’s Local Housing Strategy
- FACs releases information on the expected social housing waiting times by geographic regions
- Councils in Sydney can refer to the housing market areas set out in research by UNSW (City Futures Research Centre).

Affordable housing gaps

Following consideration of supply and demand for affordable housing, councils should identify any gaps between existing housing stock and future residents’ affordable housing needs – the analysis of demographic, housing and affordability data may also reveal the need for specific housing for key groups.

Councils which identify a gap between the current needs and supply of rental accommodation for very low, low, and moderate income households, may decide to develop an affordable housing contribution scheme, if an affordable housing contribution scheme and rate is viable.

**B. Identify area(s) for future rezoning**

Affordable housing contribution schemes apply to developments that are facilitated by upzoning. For the purpose of this guideline, an upzoning is a change of zone to enable residential development or a change of planning controls (such as floor space ratio) which enables greater residential density in site.

This ensures contributions are drawn from the increase in land value generated by the rezoning and are consistent with the affordable housing targets established in the Greater Sydney Commission’s District Plans.

A Local Housing Strategy will identify areas suitable for growth, and the land use planning mechanism to achieve the growth required in the local government area. To identify areas for growth, councils should analyse the multiple opportunities and constraints factors across the LGA and

identify different areas with capacity for development.

The areas identified for growth may be investigated to implement an affordable housing contribution scheme at the same time as a rezoning or change of density or permissible building typologies in a local environmental plan amendment.

The areas identified for growth in a council’s Local Housing Strategy may also provide an early indicator where an affordable housing contribution scheme may be investigated as part of a future rezoning. This allows for a detailed viability assessment specific to the development conditions applicable to the area being rezoned.

This in turn provides greater certainty that the affordable housing contributions rate is viable. It also ensures development will be feasible in those areas.





**C. Develop an affordable housing contributions rate**

Once a council has selected an area, it must develop an appropriate affordable housing contribution rate.

An affordable housing contribution scheme must establish an affordable housing contribution rate as either a percentage of floor space that can equate to a completed affordable rental unit, which can be dedicated, or a monetary contribution rate, or any combination of the two.

This flexibility will allow councils to determine when it is appropriate and efficient to receive completed dwellings and when it would be appropriate to receive monetary contributions. The affordable housing contribution scheme must provide supporting evidence for how the proposed rate was determined. Councils may need to consider both a percentage of floor space and a monetary contribution, if a percentage of floor space contribution does not meet the minimum size requirements of an affordable rental housing unit.

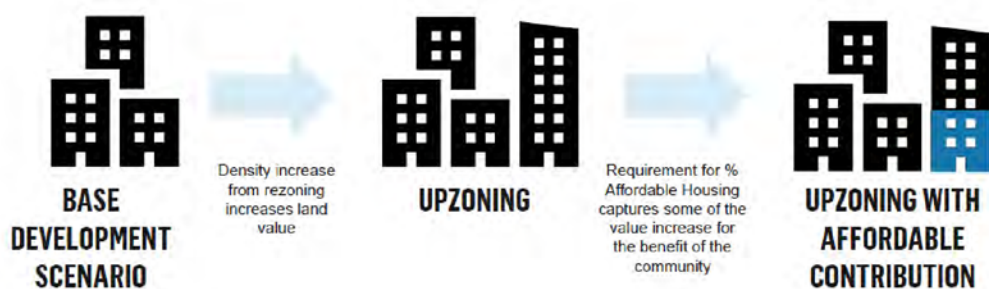
Once councils have identified the affordable housing needs and have identified areas suitable for the development of an affordable housing contribution scheme, councils will need to

test affordable housing contribution rates to ensure the proposed rate is viable and will not impact development feasibility and overall housing supply. A developer’s ability to achieve an investment return is key to maintaining a sustainable development market and continued housing supply.

In determining where to apply an affordable housing contribution scheme, not all development factors are the same. As such, a council may have different affordable housing contribution rates applying in different areas.

The preferred method for determining a viable affordable housing contribution rate is using the residual land value method (RLV). The RLV is calculated by estimating the anticipated revenue from a development, then deducting all the development costs and allowance for a reasonable developer profit. The RLV is the remaining (residual) amount from this calculation and identifies how much can be paid for a site to enable its development.

**Appendix 2** outlines the process for determining the residual land value of a site to determine a viable affordable housing contribution rate.



**Figure 5** Outlines the steps to testing a viable affordable housing contribution rate under a residual land value method.

**Evidence that an affordable housing contribution rate is viable**

As part of developing an affordable housing contribution scheme and preparing a planning proposal to amend an LEP to levy developer contributions, councils will need to prepare and provide evidence that affordable housing contribution rates are viable.

These worked examples, provided with the assumptions used to determine the affordable housing contribution rate, will allow the assessment and review of the proposed affordable housing contribution rates to ensure that the rates are viable and will not impact on development feasibility and overall housing supply.

The evidence must include the data sources for determining the contribution rate, including comparable sales, building finishes, site preparations and construction costs. How the affordable housing contribution rate was determined must be consistently and transparently applied and be made publicly available to be assessed and examined.

The proposed affordable housing contribution rate will also need to take into

account any local infrastructure contribution and Special Infrastructure Contribution that will be applied on the site, when determining if the contribution rate is viable.

The Department will test the worked examples in the assessment of the LEP amendment. The Department may seek an independent peer review of any affordable housing contribution scheme to ensure the proposed affordable housing contribution scheme is viable.

Councils may want to organise preliminary discussions with the Department when starting to consider contribution rates to help identify the most appropriate way of addressing the viability analysis. Agreeing on an affordable housing contribution scheme’s key features at this stage will help ensure the process progresses smoothly and viability issues are addressed early.

The Minister has also made a Ministerial direction providing guidance for planning agreements which include the provision of affordable housing (as outlined on page 10).

### D. Produce scheme using the template

Once a council identifies proposed areas and establishes viable affordable housing contribution rates, it must produce a draft scheme using the template in Appendix 3.

Section 2.2 and the template (in Appendix 3) outlines the key concepts and matters that need to be addressed in an affordable housing contribution scheme.

## 2. 2 Key concepts in the development of an affordable housing contribution scheme

Section 7.32(3) of the Act sets out requirements that must be met to impose a condition to levy developer contributions for affordable housing.

Section 7.32(3)(a) of the Act enables a condition to be imposed if it complies with all relevant requirements set out in a State Environmental Planning Policy. SEPP 70 includes a provision that refers to requirements under section 7.32 conditions. A condition will need to comply with this section of SEPP 70.

Under Section 7.32(3)(b) of the Act, a condition can only be imposed by a council to levy a developer contribution for affordable housing if the developer contribution for affordable housing is in an LEP and the condition is in accordance with an affordable housing contribution scheme. The affordable housing contribution scheme is either set out in the LEP or referred to in an LEP. If the affordable housing contribution scheme is included in or referred to in an LEP it cannot be changed without seeking an amendment to the LEP.

Section 7.32(3)(c) of the Act helps councils to design the scope of these schemes, based on:

- (i) the extent of the need in the area for affordable housing
- (ii) the scale of the proposed development
- (iii) any other dedication or contribution required to be made by the applicant under this section or section 7.11.

An affordable housing contribution scheme will also provide detail and clarity on:

### Application of the scheme

#### Where does the affordable housing contribution scheme apply?

This section must show the proposed areas within the LGA that the affordable housing contribution scheme covers. It must also provide maps with sufficient detail to identify specific lots to which the affordable housing contribution scheme applies.

A single scheme may apply to multiple areas within an LGA, as long as the viability analysis supporting each area specifically addresses each one.



The affordable housing contribution scheme boundaries will generally be identified in broader strategic planning processes and informed by Regional Plans, District Plans, and Local Housing Strategies.

Councils must also consider individual sites and locations with unique characteristics that could justify exclusion from the affordable housing contribution scheme. This may be appropriate when the viability of the location is not consistent with that of the broader area. It may also be appropriate when a viability assessment has demonstrated that affordable housing is unviable in a location.

What types of development does the affordable housing contribution scheme apply to?

An affordable housing contribution scheme must clearly state what types of development will be subject to affordable housing contributions. It may differentiate between residential and non-residential land uses or provide for others.

In line with the viability assessment, it may be appropriate for each development type to have its own affordable housing contributions rate.

An affordable housing contribution scheme may identify development types excluded from affordable housing contributions. Councils must clearly justify why an area should be excluded from an affordable housing contribution scheme, to provide transparency and certainty.

Overview – Affordable Housing Need

This section provides the context for the affordable housing contribution scheme in relation to the broader planning framework, and in relation to land use and development within the area and LGA. It must also draw on a Local Housing Strategy, if one is available.

The overview must provide an overview of the housing affordability issues that the affordable housing contribution scheme aims to address. This must include information from the analysis of the evidence base which informed the scheme. The supporting evidence base must be included in Appendix A.

Definitions

This section must define all relevant terms. This may include, but is not limited to:

- the definition of affordable housing
- definition of median household incomes provided for in an affordable housing contribution scheme
- definition of total floor area
- definition of registered community housing providers.

**Affordable housing contributions rates – dedication of land and/or payment of equivalent monetary contributions**

Contribution rates

The affordable housing contribution scheme’s contributions rates must be provided in this section.

Rates may differ between residential and commercial floorspace, between areas, or between development types.

They must be tested for viability and councils must provide justification when rates differ. The affordable housing contribution scheme must include worked examples of the affordable housing contribution rates. Section 2.1C and Appendix 2 provide more details on what needs to be included in the justification and worked examples, and one method to determine an affordable housing contribution rate.



Dedication of dwellings

This section outlines how the contribution rate can be fulfilled by dedicating completed affordable rental dwellings. This includes any requirements for dwellings and their provision, such as whether:

- dwellings will be owned by government or a recommended community housing provider
- dwellings will be provided in perpetuity
- dwellings will align with the affordable housing principles in Schedule 2 of SEPP 70
- there are any design or construction requirements, including minimum total floor space areas
- there are any ongoing requirements for rental arrangements or use of rent.

Councils must provide worked examples of how contribution rates for each development type were calculated.

Equivalent monetary contribution

This section provides detail on an equivalent monetary contribution to be provided instead of a floor space (dwelling) contribution, if an affordable housing contribution scheme includes this option. This section must outline how the contributions rate can be fulfilled by a monetary contribution. This will be an

equivalent monetary contribution and be expressed as an amount in dollars per square metre.

Councils must provide worked examples of how they calculate contribution rates for each development type.

Indexing of payments

How payments are indexed, including how often this must happen, the formula for indexing payments, and where the data for this calculation has been sourced, are outlined in this section.

All monetary contributions must be indexed at the time of payment to ensure funds received will cover the full costs of delivering the required affordable housing contributions.

**Administration and Implementation of the Scheme**

Registered community housing provider and delivery program

This section identifies the process to nominate a registered community housing provider that can manage and operate the affordable rental housing and monetary contributions in line with the affordable housing contribution scheme. An affordable housing contribution scheme may have more than one registered community housing provider, or each scheme may have a different community housing provider. However, in the instance an affordable housing contribution scheme identifies more than

one community housing provider it must identify how funds will be split between providers.

It is recommended that councils ensure that the community housing provider is registered in the National Regulatory System for Community Housing (NRSCH). The NRSCH can be accessed here - <http://www.nrsch.gov.au/>.

Councils may also want to access the Affordable Housing Provider Prequalification Scheme (ProcurePoint). Procurement is managed by Landcom and facilitates procurement of registered community housing providers in a transparent and competitive way. Procurepoint can be accessed at: - <https://www.procurepoint.nsw.gov.au/scm4421>. ProcurePoint also lists registered community housing providers interested in developing and/or managing affordable housing in particular local government areas.

Family & Community Services has released NSW Affordable Housing Ministerial Guidelines for 2018-2019. These

guidelines set out the policy framework for delivering affordable housing that has been developed with financial assistance from the NSW Government and is owned or managed by community housing providers. These guidelines provide some useful advice in the implementation and delivery of an affordable housing contribution scheme and can be accessed at:

<https://www.facs.nsw.gov.au/download?file=576199>

Councils must provide registered community housing providers with a delivery program that outlines how funds raised or dwellings dedicated under the program will be used to provide affordable housing. The program must refer to the costs of providing affordable housing in the area.

This section must also establish what registered community housing providers are required to do in relation to using the funds, which may include reporting or transparency requirements.



### 3. Process for including or referring to an affordable housing contribution scheme through an amendment to a local environmental plan

#### 3.1 The process for requiring affordable housing contributions

Figure 6 outlines how councils can implement an affordable housing contribution scheme through a planning proposal. This section outlines the process of Step 3 in Figure 3.

Councils may consult the Department for advice at any stage in this process.

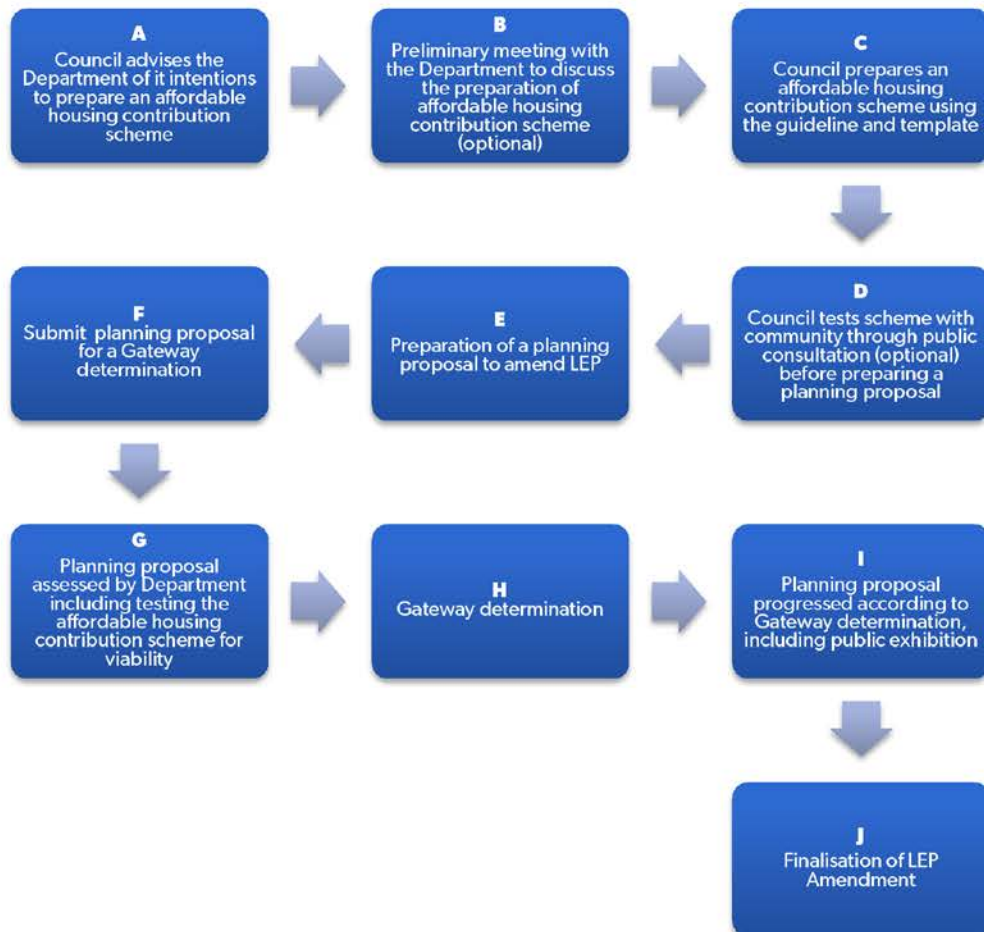


Figure 6 Process to implement an affordable housing contributions scheme

**A. Council advises the Department of its intention to prepare an affordable housing contribution scheme**

Councils should write to the Secretary to advise of its intention to prepare an affordable housing contribution scheme. This will enable the Department to keep a record of which councils are preparing an affordable housing contribution scheme and ensure there are resources available to assist councils, if required.

**B. Council has a preliminary meeting with the Department to discuss preparation of an affordable housing contribution scheme (optional)**

Councils are encouraged to hold early meetings with the Department's relevant Regional team to address key issues that might affect the delivery of affordable housing in their LGA.

Preliminary meetings also help identify the most appropriate way of addressing the viability analysis of an affordable housing contribution scheme's contribution rate(s). Agreeing on an affordable housing contribution scheme's key features at this stage will help ensure the process progresses smoothly and viability issues are addressed early.

**C. Council prepares an affordable housing contribution scheme**

Councils can begin preparing an affordable housing contribution scheme at

their discretion. This may be an amendment to a council's existing affordable housing policy, or a new initiative resulting from a Local Housing Strategy as outlined in section 2.1 of this guideline.

Councils must initiate planning proposals to introduce schemes. The affordable housing contribution schemes must be developed according to this guideline.

**D. Council tests its proposed scheme through public consultation (optional)**

Once a council has prepared an affordable housing contribution scheme using the guideline, it may undertake public consultation before preparing a planning proposal.

While this is not mandatory, it is a good opportunity for a council to test its scheme and lead the local community through the process. It will also give the development industry an early signal that an affordable housing contribution scheme is being prepared, giving it time to make informed business decisions.

Once a council submits a planning proposal for an affordable housing scheme, it must be publicly exhibited in accordance with the Gateway determination for the planning proposal.

**E. Preparing a planning proposal**

Once a council has prepared an affordable housing contribution scheme, it must prepare a planning proposal to amend its LEP to refer to the affordable housing

contribution scheme. The Department's *Guide to Preparing Planning Proposals*, available at [planning.nsw.gov.au](http://planning.nsw.gov.au), explains this process in detail. Councils may progress a stand-alone amendment for an affordable housing contribution scheme and the proposed rezoning of the land where the affordable housing contribution scheme applies, or include an affordable housing contribution scheme and proposed rezoning of land with other proposed LEP changes.

In some instances, affordable housing contributions schemes may apply in State-led planned precincts. In these instances, councils will work with the Department to determine the appropriate affordable housing contribution rate.

#### **F. Council submits its planning proposal to the Department for Gateway determination**

A council must submit its draft scheme to the Department to be assessed as part of a planning proposal. It must submit all required information and ensure this is presented clearly and concisely and is supported by robust and up-to-date evidence. The Department will contact the council if it needs more information or clarification.

Councils must ensure all the information in its planning proposal is as up to date as possible. It is recognised that housing and construction markets change rapidly, and councils may be asked to provide revised inputs when there have been significant changes or time periods between the

preparation, submission, and assessment stages of a proposed scheme.

The supporting information included with the planning proposal will include, but is not limited to: an affordable housing needs analysis; council's strategic planning work, for example the Local Housing Strategy or affordable housing policy; and worked examples of the proposed affordable housing contribution rate; as well as any other requirements outlined in the Department's *Guide to Preparing Planning Proposals*.

Once planning proposals are lodged, progress can be tracked online at: [leptracking.planning.nsw.gov.au](http://leptracking.planning.nsw.gov.au).

#### **G. The Department assesses the planning proposal and tests the proposed scheme's viability**

The Department will assess whether all required information has been submitted and whether the council has used the correct methodology to prepare the affordable housing contribution scheme. This includes examining the evidence provided as well as assessing viability, data inputs and assumptions, and the proposed contribution rate.

These items will be assessed against this guideline and relevant strategic plans.

The Department may also engage an independent consultant to complete an assessment of an affordable housing contribution scheme. The Greater Sydney Commission will be consulted on planning proposals in Greater Sydney.



**H. Gateway determination**

The Gateway determination will outline what is required to progress a proposed LEP amendment. This may include: additional studies or information; changes to the proposed scheme: or changes to ensure the amendment is consistent with strategic planning documents. The Gateway determination may require a council to revise its planning proposal and resubmit it to the Department before it is exhibited.

**I. Planning proposal progressed according to Gateway determination, including public exhibition**

A council must progress its planning proposal in line with the Gateway determination conditions, including publicly exhibiting the proposed scheme. Exhibition of a planning proposal ensures

the public, including the development industry, communities and other relevant stakeholders, can comment on a proposed scheme before it is implemented. Consultation should generally run for 28 days.

**J. The Department finalises LEP amendment**

Once the LEP has been notified and an affordable housing contribution scheme is referred to in a LEP, a council may apply consent conditions in line with the approved scheme. Consent conditions must be consistent with the affordable housing contribution scheme. If a council wishes to modify an affordable housing contribution scheme or impose conditions which are inconsistent with the affordable housing contribution scheme, it must lodge a LEP amendment.





## **4. Monitoring and review of development contributions collected under affordable housing contribution schemes**

Councils must review their schemes regularly to consider the impacts of the schemes and whether they have been effective. Each council must establish a program for reviewing and monitoring affordable housing programs to ensure all contributions are being used to deliver affordable housing outcomes in a timely manner.

A program's outcomes must be made publicly available and updated annually. These outcomes could include how much has been collected to fund the affordable housing contribution scheme, how much money has been allocated to affordable housing projects, or how many affordable housing dwellings have been developed.

This could be included in council's annual reports.



## Appendix 1 – Definitions

In this guideline, affordable housing is defined as follows:

**affordable housing** means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument

(as per section 1.4(1) of the Act).

### Definition of 'affordable housing' households:

For the purposes of the definition of **affordable housing** in section 1.4(1) of the Act, very low income households, low income households and moderate income households are those whose gross incomes fall within the following ranges of percentages of the median household income, for the time being for the Greater Sydney (Greater Capital City Statistical Area) or the Rest of NSW (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics:

Very low income household	less than 50%
Low income household	50 or more but less than 80%
Moderate income household	80–120%

The definition of affordable housing has been amended in SEPP 70 to reflect two geographical areas. For LGAs within the Greater Sydney (Greater Capital City Statistical Area) as defined by the ABS, the median household income for Greater Sydney (Greater Capital City Statistical Area) will apply to the definition of affordable housing. For LGAs outside Greater Sydney (Greater Capital City Statistical Area), the median household income for the 'Rest of NSW' (according to the Australian Bureau of Statistics) will apply to the definition of affordable housing.

Figure 7, below, outlines the 'Greater Sydney' (Greater Capital City Statistical Area) Area.

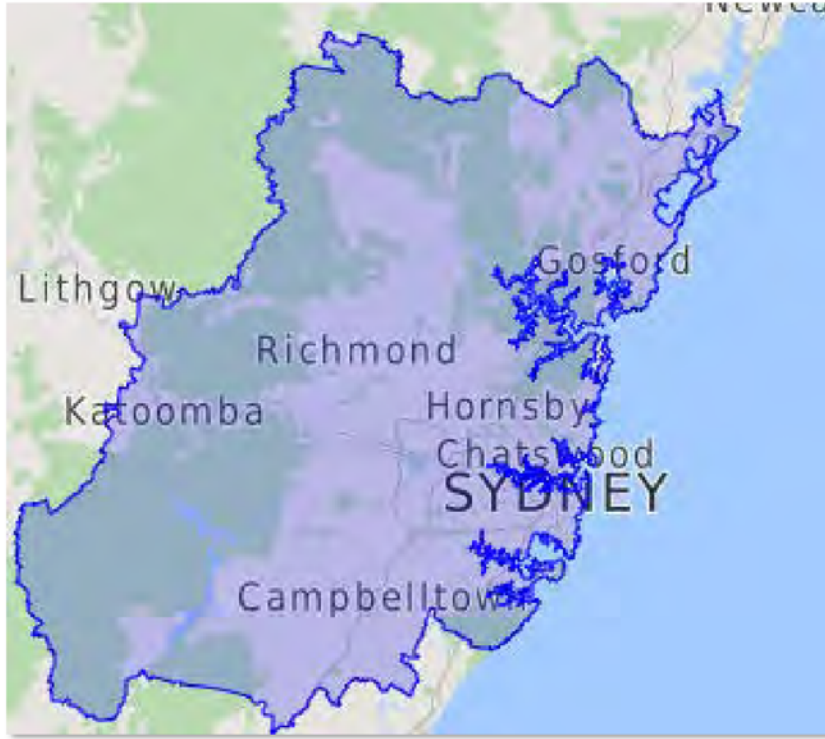


Figure 7: Map of Greater Sydney (Greater Capital City Statistical Area)  
([http://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/1GSYD?opendocument](http://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/1GSYD?opendocument))

The 'Greater Sydney' area includes the following local government areas:

Bayside, Blacktown City, Blue Mountains City, Burwood, Camden, Campbelltown City, City of Canada Bay, Canterbury-Bankstown, Central Coast, City of Sydney, Cumberland, Fairfield, Georges River, Hawkesbury City, Hornsby, Hunters Hill, Inner West, Ku-ring-gai, Lane Cove, Liverpool City, Mosman, North Sydney, Northern Beaches, City of Parramatta, Penrith City, Randwick City, City of Ryde, Strathfield, Sutherland Shire, The Hills Shire, Waverley, Willoughby City, Wollondilly Shire, Woollahra local government areas.

Figure 8, below, outlines the 'Rest of NSW' (Greater Capital City Statistical Area) area.



Figure 8- Map of 'Rest of NSW (Greater Capital City Statistical Area)'  
([http://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/1RNSW?opendocument](http://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/1RNSW?opendocument))

The 'Rest of NSW' includes the following local government areas:

Albury City, Armidale Regional, Ballina Shire, Balranald Shire, Bathurst Regional, Bega Valley Shire, Bellingen Shire, Berrigan Shire, Bland Shire, Blayney Shire, Bogan Shire, Bourke Shire, Brewarrina Shire, Broken Hill City, Byron Shire, Cabonne, Carrathool Shire, Central Darling Shire, Cessnock City, Clarence Valley, Cobar Shire, Coffs Harbour City, Coolamon Shire, Coonamble Shire, Cootamundra-Gundagai Regional, Cowra Shire, Dubbo Regional, Dungog Shire, Edward River, Eurobodalla Shire, Federation, Forbes Shire, Gilgandra Shire, Glen Innes Severn, Goulburn Mulwaree, Greater Hume Shire, Griffith City, Gunnedah Shire, Gwydir Shire, Hay Shire, Hilltops, Inverell Shire, Junee Shire, Kempsey Shire, Kiama, Kyogle, Lachlan Shire, Lake Macquarie, Leeton Shire, Lismore City, Lithgow City, Liverpool Plains Shire, Lockhart Shire, Maitland City, Mid-Coast, Mid-Western Regional, Moree Plains Shire, Murray River, Murrumbidgee, Muswellbrook, Nambucca Shire, Narrabri Shire, Narrandera Shire, Narromine Shire, Newcastle City, Oberon, Orange City, Parkes Shire, Port Macquarie-Hastings, Port Stephens, Queanbeyan-Palerang Regional, Richmond Valley, Shellharbour City, Shoalhaven City, Singleton, Snowy Monaro Regional, Snowy Valleys, Tamworth Regional, Temora Shire, Tenterfield Shire, Tweed Shire, Upper Hunter Shire, Upper Lachlan Shire, Uralla Shire, Wagga Wagga City, Walcha, Walgett Shire, Warren Shire, Warrumbungle Shire, Weddin Shire, Wentworth Shire, Wingecarribee Shire, Wollongong City and Yass Valley.



## Appendix 2 – How to determine a viable affordable housing contribution rate

As discussed in Section 2.1C, once a council has selected an area and identified its housing conditions, it must develop an appropriate affordable housing contribution rate.

The residual land value approach to valuing land for redevelopment is the preferred method to determine a viable affordable housing contribution rate.

The residual land value (RLV) is calculated by estimating the anticipated revenue from a development, then deducting all the development costs and allowance for a reasonable developer profit. The RLV is the remaining (residual) amount from this

calculation and identifies how much can be paid for a site to enable its development.

The residual land value test must be tested over a range of sites within an identified area, where there is a noted difference in planning controls – for example, where there is a mix of zoning (residential and business zoned land) or a mix of land use controls (variation in maximum floor space ratio control).

The testing of a viable affordable housing contribution rate is considered in three parts.

Figure 9 outlines the steps to testing a viable affordable housing contribution rate

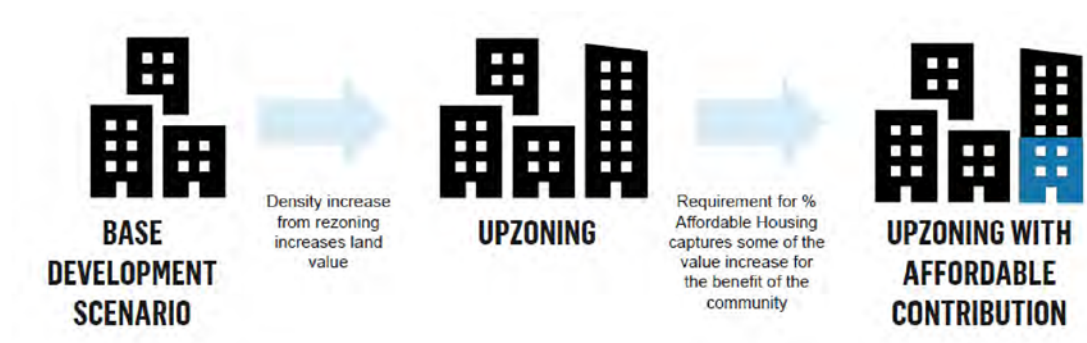


Figure 9: Steps to testing a viable affordable housing contribution rate

### 1. Base development value

In the first part a council collects data and assumptions that create a base development value. The residual land value of a site if it were developed to its full potential is considered.

This includes information on existing development controls, highest and best

use development type, and development considerations including development costs, project length, built form considerations including average unit size and mix, and the quality of the finishes.

In collating assumptions, a council must also source sales data from comparable new constructions projects; and associated developer considerations

including selling commissions, marketing costs and legal fees; typical developer margins for profit and risk; site preparation and construction costs; professional fees, contingency, financing costs, land finance costs, and land tax.

With the above data collated, council can make an informed assumption regarding the base development value, if the site was developed to its full potential.

Alternatively, the base development value could be determined with the existing use of the site, regardless of maximum development potential, with the collation of comparable land sales. For example, comparable sales data of dwelling houses of a similar age and lot size. Determining the base site value through comparable sales data is especially relevant on sites which do not allow for residential development. Sales data can be obtained by a real estate agent or property value, or property sales data and site area measurements can be found within the free NSW Globe Google Earth data set.

## **2. Site value with upzoning**

Once a council has determined the base site value, council can calculate the residual land value of the site with an upzoning. This is to determine if there is the potential for it to be viable to redevelop the site.

In this assessment, council can amend the proposed built form and previous assumptions if the proposed upzoning changes these inputs, for example originally the site could be developed for apartment under three storeys and the

proposed upzoning will enable apartment over three storeys. Council must also include local infrastructure contributions and Special Infrastructure Contributions which will be applied to the development.

Once these inputs have been finalised, council can make an informed assessment on whether the proposed upzoning results in the potential for it to be viable to redevelop the site.

## **3. Testing a viable affordable housing contribution rate**

If it is determined that there is potential for it to be viable to redevelop the site, councils can then test an affordable housing contribution rate that can be applied to the site in a development consent, without losing the potential for it to be viable to redevelop the site. The affordable housing contribution rate will be tested as a percentage of gross floor area that the developer of the site would be required to contribute to affordable housing units. The percentage of floor space could then be equivalised as a monetary contribution, if a council choose to levy affordable housing contributions as a monetary contribution or in part as a monetary contribution.

In testing a viable affordable housing contribution rate, there are key inputs or important variables that could be tested to understand and optimize the project outcomes. These are the affordable housing contribution rate, the local infrastructure contribution, Special Infrastructure Contribution and maximum floor space ratio.

The above variables will enable councils to consider that if additional density was permissible on the site, would it be possible to increase the affordable housing contribution rate? Alternatively, if a local infrastructure or Special Infrastructure Contribution rate is increased, would this require a smaller contribution for

affordable housing? It is important that any testing of increased density with a greater maximum floor space ratio control is in line with council's strategic work; and is feasible with the surrounding development and market conditions.

For example, is there a demand for the proposed housing type in the area?



## Appendix 3 – Template for affordable housing contributions schemes

### Section 1 – Strategic context and background

#### 1.1 Objectives of the affordable housing contribution scheme

This section must outline the objectives of the affordable housing contribution scheme.

#### 1.2 Where does the affordable housing contribution scheme apply?

This section must show the proposed areas within the LGA that the affordable housing contribution scheme covers. It must also provide maps with sufficient detail to identify specific lots to which the affordable housing contribution scheme applies.

#### 1.3 What types of development does the scheme apply to?

This section outlines the types of development that are subject to the proposed affordable housing contributions. Detailed explanations of the types of developments that are exempt from an affordable housing contribution scheme, along with justification and examples, must be provided in section 2.4.

#### 1.4 Overview - Affordable housing need

An overview of the housing affordability issues that the affordable housing contribution scheme aims to address, is outlined in this section. More detailed analyses of demographics and housing needs must be provided at Appendix A.

This must include an overview of evidence base which informed the development of the affordable housing contribution scheme, including the affordable housing needs analysis in the LGA. It must also draw on a Local Housing Strategy, if one is available, as outlined in section 2.1 of the document.

#### 1.5 Legislative basis for affordable housing contributions

This section must explain the legislative framework for affordable housing contributions, including the relevant references to the LEP, the State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes), and powers under the Act.

#### 1.6 Relationship to other affordable housing provisions in the LGA

This explains the relationship between the affordable housing contribution scheme



and any other affordable housing mechanisms in the LGA, and how the affordable housing contribution scheme could impact future voluntary planning agreements.

**1.7 Affordable housing principles**

This outlines the principles which inform the affordable housing contribution

scheme. These must be consistent with the principles for affordable housing in Schedule 2 of the SEPP.

**1.8 Definitions**

This section must define all relevant terms.

## Section 2 – Affordable housing contributions

### 2.1 Contribution rates

This section must provide the affordable housing contribution scheme's contributions rates.

Rates may differ between residential and commercial floorspace, between areas, or between development types. They must be tested for viability and councils must provide justification when rates differ. More detailed justification and viability testing must be provided in Appendix B.

### 2.2 Dedication of dwellings

How the contribution rate can be fulfilled by dedicating completed affordable rental dwellings, is outlined in this section. This includes any requirements for dwellings and their provision, such as whether:

- dwellings will be owned by government or a recommended community housing provider
- dwellings will be provided in perpetuity
- dwellings will align with the affordable housing principles in 1.7
- there are any design or construction requirements
- there are any ongoing requirements for rental arrangements or use of rent.

Councils must provide worked examples of how they calculate contribution rates for each development type were calculated.

### 2.3 Equivalent monetary contribution

How the contributions rate can be fulfilled by a monetary contribution, is outlined in this section. This will be an equivalent monetary contribution and be expressed as an amount in dollars per square metre.

Councils must provide worked examples of how they calculate contribution rates for each development type.

### 2.4 Development that is exempt from the affordable housing contribution scheme

This section must clearly state which types of development are exempt from affordable housing contributions.

Exemption of any development must be justified to provide transparency and certainty. Examples may provide clarity to the community and development industry.

### 2.5 Conditions of consent for affordable housing

This section outlines how council will impose conditions of consent for affordable housing contributions, and what the conditions will include. This section must cover conditions of consent for the dedication of dwellings as well as conditions of consent for monetary contributions.

The conditions of consent must detail:

- the total floor area of dwellings to be dedicated, or the monetary contribution required
- the different floor areas that can contribute to the total contribution amount (this only applies in instances where rates differ between development types or between commercial and residential floor space)
- the relevant contribution rates
- the indexation period at time of determination
- a requirement to demonstrate that the title of any dwellings will be transferred to a community housing provider or council
- a requirement to make any monetary payment at a specified time or stage in the development application process
- a requirement that any dwellings that will be dedicated are shown on approved plans in the same development application.

## Section 3 – Administration and implementation

### 3.1 How to make a contribution

This must outline how to make a contribution, including the process for the dedication of units, and the payment process for monetary contributions.

To ensure contributions are received promptly, it may be appropriate to place a condition of consent requiring that any affordable housing contribution payments are paid before the relevant construction certificate or occupation certificate is issued.

### 3.2 Indexing of payments

How payments are indexed, including how often this must happen, the formula for indexing payments, and where the data for this calculation will be sourced from, is outlined in this section.

All monetary contributions must be indexed at the time of payment to ensure funds received will cover the full costs of delivering the required affordable housing contributions.

### 3.3 Processes for the distribution and management of funds

How councils and other agencies will manage funds in waiting (funds which are yet to be transferred to the nominated community housing provider), and how they must transfer the funds to registered community housing providers, is outlined in this section.

### 3.4 Registered community housing providers and delivery program

This section must identify a process to nominate a registered community housing provider that can manage and operate the affordable rental housing and monetary contributions in line with the affordable housing contribution scheme. An affordable housing contribution scheme may have more than one registered community housing provider. However, in that instance the affordable housing contribution scheme must identify how funds will be split between providers.

Council must provide registered community housing providers with a delivery program that outlines how funds raised or dwellings dedicated under the program will be used to provide affordable housing. The program must refer to the costs of providing affordable housing in the area.

This section must also establish what registered community housing providers are required to do in relation to using the funds, which may include reporting or transparency requirements.

### 3.5 Monitoring and review of scheme

This section must establish the monitoring and review program for the affordable housing contribution scheme.

Under this program, councils must review evidence related to the affordable housing

contribution scheme at least once a year. Evidence must be reviewed more regularly when monitoring identifies issues or considerable changes in market conditions.

Under the program, councils must also review the project's outcomes. This will

### **Appendix A – Local housing needs assessment**

See Section 2.1A of the guideline. This must be included as an appendix to an affordable housing contribution scheme.

The local housing needs assessment will provide the evidence base and the analysis of the evidence base used to determine the affordable housing needs in the local government area. Data sources, analysis and recommendations will be included in the assessment.

An overview of the affordable housing issues will be provided in the affordable housing contribution scheme, as shown in section 1.4 of the template. The appendix will provide more detail and the supporting data and analysis.

### **Appendix B – Viability assessment**

See Section 2.1C and Appendix 2 of the guideline. This must be included as an Appendix to an affordable housing contribution scheme.

The viability assessment must include worked examples, as well as providing spreadsheets of the assumptions and data used to determine the affordable housing

help ensure the contributions collected are being used to deliver affordable housing in line with the affordable housing contribution scheme. A council's monitoring and review of its affordable housing contributions schemes must be made publicly available on its website.

contribution rate. This will enable the assessment and review of the proposed affordable housing contribution rates to ensure that the rates are viable and would not impact on development feasibility and overall housing supply.

The evidence must include the data sources for determining the contribution rate, including comparable sales, building finishes, site preparations and construction costs. As well as data on any local infrastructure contributions and Special Infrastructure Contributions, which are in place or will be in place. This information is necessary to determine if proposed affordable housing contribution rate is viable.

The determination of an affordable housing contribution rate must be consistently and transparently applied and be made publicly available to be assessed and examined.

### **Appendix C - Information Sources**

This must provide references for all information cited in the affordable housing contribution scheme. This must be included as an appendix to an affordable housing contribution scheme.





## Appendix 4 – Information Sources

### **Establishing an evidence base**

City Futures Research Centre, 2013. Implementing metropolitan strategies: taking into account housing local demand, Technical Report, UNSW

Department of Planning and Environment's Local Housing Strategy and Template - <https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Local-Housing-Strategy-Guideline-and-Template>

Department of Planning and Environment's Strategic Planning Toolkit - <https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Strategic-Planning-Toolkit>

Department of Planning and Environment's population projections - <https://www.planning.nsw.gov.au/Research-and-Demography/Demography/Population-projections>

Family and Community Services (FACs) NSW Local Government Housing Toolkit - <https://www.facs.nsw.gov.au/resources/nsw-local-government-housing-kit>

Family and Community Services (FACs) Future Directions for Social Housing <https://www.facs.nsw.gov.au/about/reforms/future-directions>

Family and Community Services (FACs) Rent and Sales Report - <https://www.facs.nsw.gov.au/resources/statistics/rent-and-sales/dashboard>

Sydney Housing Supply Forecast - <https://www.planning.nsw.gov.au/Research-and-Demography/Sydney-housing-supply-forecast/Forecast-data>

### **Administration and implementation – community housing providers**

Family and Community Services (FACs), Community housing providers - <https://www.facs.nsw.gov.au/providers/housing/community>

National Regulatory System Community Housing - <http://www.nrsch.gov.au/>

ProcurePoint - <https://www.procurepoint.nsw.gov.au/scm4421>

### **Preparing a local environmental plan amendment**

Department of Planning and Environment's Guide to preparing local environmental plans – <https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/guide-to-preparing-local-environmental-plans-2019-02-05.pdf?la=en>

Department of Planning and Environment's Guide to preparing a planning proposal – <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/guide-to-preparing-planning-proposals-2019-02-05.pdf?la=en>

**ITEM-13                    NOM 26/03/19 - BEAUMONT STREET CARNIVALE**

**COUNCILLORS:    K ELLIOTT, J CHURCH, A ROBINSON AND A RUFO**

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**PURPOSE**

*The following Notice of Motion was received on 14 March 2019 from the abovenamed Councillors.*

**MOTION**

That Council acknowledges the diligent work undertaken by a range of groups and individuals to conduct Carnivale in Beaumont Street, Hamilton on Sunday, 10 March 2019.

More than 30000 people attended Carnivale and the event was an outstanding success.

This is testament to the partnership between City of Newcastle and the Hamilton Business Chamber and its member businesses.

This team also included a number of Council support staff who worked hard to make the event possible.

Council thanks all of those people and organisations concerned.

**ATTACHMENTS**

Nil.



**ITEM-14                    NOM 26/03/19 - COWPER STREET BRIDGE LIGHTING**

**COUNCILLORS:        J MACKENZIE AND J CHURCH**

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**PURPOSE**

*The following Notice of Motion was received on Thursday 15 March 2019 from the abovenamed Councillors.*

**RECOMMENDATION**

That the City of Newcastle:

1. Notes the proposal from the Throsby Villages Alliance regarding the installation of LED strip lighting under the Cowper St Bridge as the first step in providing a strong visual connection between Honeysuckle, Wickham and Carrington.
2. Notes the support of this proposal from the Committees and Volunteers working for Throsby Basin Villages, Newcastle MP Tim Crackanthorp, Thales, HCCDC, Port of Newcastle, Hunter Business Chamber and the Throsby Basin Business Chamber.
3. Investigates this proposal, including detailed lighting design and associated costs.
4. Prepare a costed, detailed report for the installation of underbridge LED for the consideration of Council as part of the preparation of the 2019/20 Budget.

**BACKGROUND**

The purpose of this motion is to reinstate entryway landmark lighting on the Cowper St Bridge, acknowledging that the previous iteration of bridge lighting has been removed and not replaced. The Cowper St Bridge Lighting Committee of the Throsby Village Alliance has undertaken significant research and consultation regarding options for appropriate replacements, and this motion represents the culmination of significant, detailed investigation in consultation with Council staff and other stakeholders.

The current proposal recommends the installation of strip LED lighting under the bridge on both sides and spanning the full length of the bridge. The lighting would be installed underneath the outside edges of the bridge deck, spanning the length of the bridge along both sides, to highlight the angled panels that define the gentle arch of the bridge.

The purpose of the lighting is:

- to restore the bridge to its rightful place as a source of civic pride and as an elegant and connecting link between the suburbs at an iconic location for the revitalisation of the city; and
- to create a bold lighting landmark that will be visible from a distance by both land and air using LED and smart lighting. This makes possible lighting effects for events on the harbour, adding aesthetic and visual appeal.

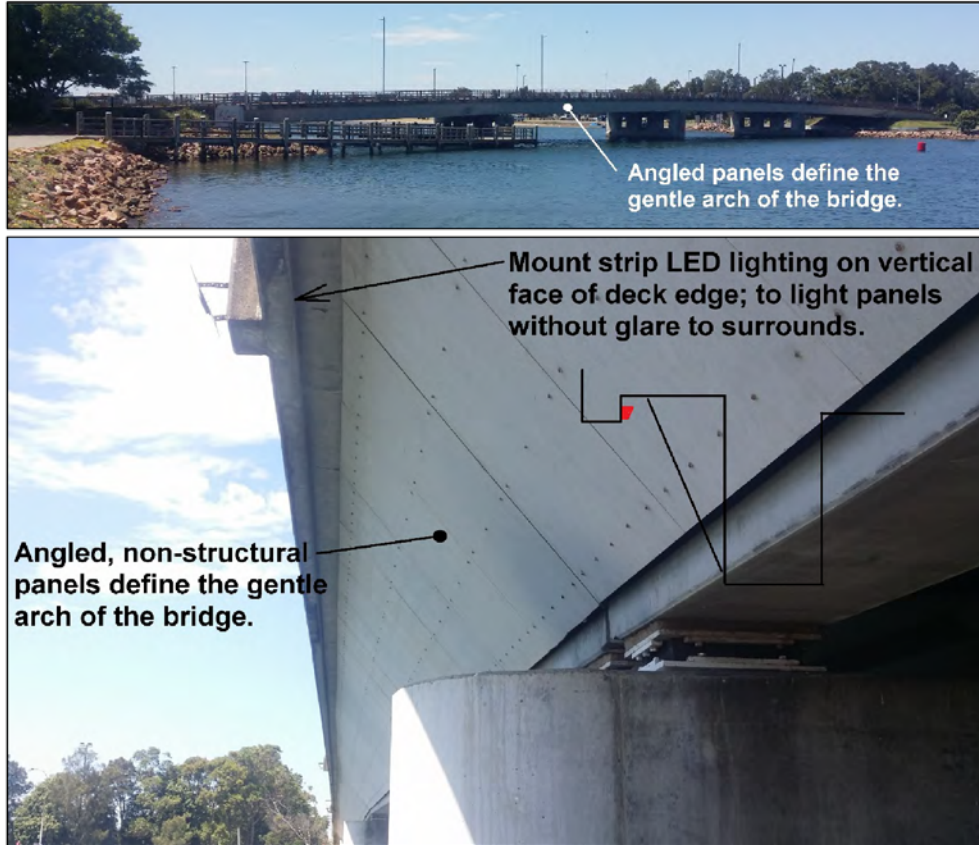
Lighting under the bridge is an initial step in providing a strong connection between Honeysuckle, Wickham and Carrington via public domain improvements. This proposal notes that the current lights on the bridge are satisfactory and the walkways are adequate from a safety perspective, however both will require future upgrades. Lights under the bridge are proposed as an interim step towards the longer term upgrades of lighting as a safety measure and other improvements along Cowper Street to the Pump House.

## **ATTACHMENTS**

**Attachment A:** CSBL Committee correspondence to Mr Liddell 8 March 2019

**Attachment A**

We, the Committee CSBL representing the communities of TBV and other stakeholders and friends of Carrington, would like LED strip lighting installed underneath the outside edges of the bridge deck, spanning the length of the bridge along both sides, to highlight the angled panels that define the gentle arch of the bridge. These panels and the location of the LED strip lighting are shown in the following two figures.



We are asking for this to be done:

- To restore the bridge to its rightful place as an elegant pathway connecting the suburbs and inner city
- To light up the arch of the bridge with improved aesthetics.
- To showcase the city of Newcastle by making it an attractive landmark, visible from a distance.
- To provide the ability to support community initiatives and events by installing multi-colored LEDs with smart controllers. This will add to the Projecting Newcastle project recently funded through the Newcastle Port Community Contribution Fund which uses state-of-the-art laser technology to project images and video onto Newcastle's iconic grain silos as shown in the following figure.

John Phelan Electrical Engineer  
Member of CSBL

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- To provide a visual connecting link to Carrington to enable active transport (i.e. pedestrian and cyclist movement) and to support the night time economy. Using smart controllers, the LED lighting can be turned on at dusk and turned off, or dimmed, at, say, midnight; or even later on weekends.

We request CoN staff be directed to investigate this proposal, including a detailed lighting design and associated costs. CoN have already provided an estimate to install LED hand rail lighting in its response to a Council resolution to review the lighting choice for the Cowper St Bridge; refer Ordinary Council Meeting 26 April 2017, Item 44. These costs are:

New LED hand rail lighting (hardware)	\$29,000
Installation of hand rail lighting	<u>\$20,000</u>
Total	\$49,000

Adding smart lighting options may increase this cost slightly.

John Phelan Electrical Engineer  
Member of CSBL

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