Councillors,

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

**DATE:** Tuesday 27 February 2018

**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

16 February 2018

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ITEM-3 NOM 27/02/18 - OFFSHORE COAL, OIL AND GAS EXPLORATION AND MINING

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CONFIDENTIAL REPORTS

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NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 5 DECEMBER 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 121205 Public Voice Committee Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
PRESENT
The Deputy Lord Mayor (Councillor D Clausen), Councillors M Byrne, J Church, K Elliott, B Luke, J Mackenzie and A Robinson.

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), A Baxter (Interim Director Corporate Services), K Liddell (Director Infrastructure), P Chrystal (Director Planning and Regulatory), M Blackburn-Smith (Manager Development and Building), P Nelson (Manager Property Services), M Murray (Policy Officer), D Fischetti (Communications), K Sullivan (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Byrne, seconded by Cr Mackenzie

The apologies submitted on behalf of Lord Mayor, Cr Nelmes, Councillors Duncan, Dunn, Rufo, White and Winney-Baartz be received and leave of absence granted. Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Clausen
Councillor Clausen declared a less than significant non-pecuniary interest in Item 1 - DA 2014/1214.01 - 10/569 and 11/569 Hunter Street Newcastle stating that he had been contacted by a number of people in relation to the DA who had made donations to the Labor Party in the past. Councillor Clausen stated that the DA Applicant was not a political donor nor a member of any political party and he would remain in the Chamber for discussion on the item.
PUBLIC VOICE SESSIONS

ITEM-1 PV 5/12/17 - DA2014/1214.01 - 10/569 AND 11/569 HUNTER STREET NEWCASTLE WEST

A Section 96(1A) application has been received to modify the approved operating hours at the Star Hotel to allow trading to extend to 1:00am from Monday to Saturday on a permanent basis. The current DA stipulates a closing time of 12.00am.

An all Councillor memo was tabled by the Director Planning and Regulatory in respect of this item. For the information of Councillors attention was drawn to an incorrect attachment that had been included in the report and the correct attachment, a response from NSW Police, was tabled at the meeting.

Ms Prue Perram addressed Council in relation to the Development Application and outlined her objections to the proposed extension to trading hours.

Mr Chris Mills, DA Applicant, addressed Council in support of the Development Application.

Councillors were given the opportunity to ask questions and raise issues of concern.

The meeting concluded at 6.10pm.
MINUTES - ORDINARY COUNCIL MEETING 12 DECEMBER 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 171212 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
Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 12 December 2017 at 5.52pm.

PRESENT

IN ATTENDANCE
J Bath (Chief Executive Officer), A Baxter (Interim Director Corporate Services), K Liddell (Director Infrastructure), P Chrystal (Director Planning and Regulatory), M Blackburn-Smith (Manager Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), J Gaynor (Manager Strategic Planning), F Leatham (Acting Manager Human Resources), D Sullivan (Learning and Organisational Development Manager), S Turkington (Acting Urban Planning Co-ordinator), K Hyland (Manager Communications and Engagement), B Johnson (Media Officer), M Murray (Policy Officer), K Sullivan (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Rufo

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Dunn
In relation to Confidential Item 16 - Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T, Councillor Dunn noted that he was a member of the Joint Regional Planning Panel (Panel) and that particular development was before the Panel. He stated that he did not partake in any decisions or discussions on the Panel regarding the matter when it came before the Panel and had absolved himself due to taking part in part in previous Council decisions on the matter. He did not consider there to be a conflict.

Councillor Mackenzie
In relation to Confidential Item 16 - Confidential Item 16 Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T, Councillor Mackenzie advised that he was a member of Joint Regional Panel and had excluded himself
from the matter when it came before the Panel. He was of the view he could partake in discussion on the matter in the Chamber.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 21 NOVEMBER 2017

MOTION
Moved by Cr Clausen, seconded by Cr Mackenzie

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

MINUTES - ORDINARY COUNCIL MEETING 28 NOVEMBER 2017

MOTION
Moved by Cr Clausen, seconded by Cr Mackenzie

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

Councillor Luke requested he be recorded as having voted against the motion

LORD MAYORAL MINUTE

PROCEDURAL MOTION
Moved by Cr White, seconded by Cr Clausen

Council adjourn for a five minute recess to read the tabled Lord Mayoral Minutes. Carried

Council reconvened at 6.05pm.

ITEM-23 LMM 12/12/17 - DRAFT GREATER NEWCASTLE METROPOLITAN PLAN

MOTION
Moved by Lord Mayor, Cr Nelmes

That:

1 Council notes the release of the draft Greater Newcastle Metropolitan Plan 2036, which complements the Hunter Regional Plan 2036 as a collaborative framework to outlining the outcomes and policies needed to develop integrated metropolitan city across Greater Newcastle.
2 Prepares a draft submission for endorsement at the February 2018 Ordinary Council meeting providing feedback on the draft Plan, noting that final submissions are due 28 February 2018.

Carried unanimously

ITEM-24 LMM 12/12/17 - DISABILITY EMPLOYMENT STRATEGY

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1 Affirms our strong belief that there is strength in diverse and inclusive workplaces, recognising that our workplaces are far stronger with a diverse range of viewpoints and perspectives;

2 Notes that Newcastle City Council has adopted a Disability Inclusion Action Plan 2016 - 2019, with a focus area of 'supporting access to meaningful employment' aimed at creating long term change for people living with disability, and that a key action item in the Action Plan is to develop employment opportunities for people with a disability, including opportunities at Newcastle City Council;

3 Notes that despite this, and the efforts of Council officers to date, the fact remains that with 18.3 per cent of all people in Australia reporting disability, and 5.9 per cent of Novocastrians needing assistance with their day-to-day lives, approximately only 1 per cent of Newcastle City Council identify as disabled;

4 Develops a Disability Employment Strategy specifically aimed at increasing diversity and inclusiveness at Newcastle City Council by exploring options available to employ more people with a disability.

Carried unanimously

ITEM-25 LMM 12/12/17 - CONFIDENTIAL - APPOINTMENT OF CHIEF EXECUTIVE OFFICER

PROCEDURAL MOTION
Moved by Cr White, seconded by Cr Winney-Baartz

Council move into confidential session for the following reasons:

a) the matter relates to section 10(2)(a) of the Act - personnel matters concerning particular individuals.

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

c) Council is satisfied that discussion of the matter in an open meeting would on the balance be contrary to public interest; and

d) The appointment of a Chief Executive Officer will be discussed during the closed session.
The press, gallery and Council staff were requested to leave the Chamber.

Council moved into confidential session at 6.25pm.

Council staff present during confidential session were the Interim Human Resources Manager, Interim Manager Legal and Governance, Learning and Organisational Development Manager and Council Services Staff (K Sullivan and J Redriff).

Mr Stephen Blackadder, Recruitment Consultant and Managing Director Blackadder Associates, was present for discussion on this item.

During confidential session:
- The confidential Lord Mayoral Minute - Appointment of Chief Executive Officer was distributed to Councillors.
- Councillors were given time to read the Lord Mayoral Minute.
- A procedural motion was moved by Councillors White and Winney-Baartz to vote on the recommendations seriatim and carried.
- Councillor Clausen declared a less than significant non-pecuniary interest in Lord Mayoral Minute Item 25 - Confidential - Appointment of Chief Executive Officer stating that his declaration was consistent with his previous declaration in respect to this matter. Councillor Clausen indicated that he had a previous employment relationship with a candidate and he further stated that he had sought legal advice on the matter and would remain in the Chamber for determination of the item.
- A procedural motion was moved by Councillors Clausen and White to reconvene open Council and carried.

Council reconvened at 6.50pm and the Lord Mayor stated that she would report on Council's resolution at the end of the meeting following confidential session.

REPORTS BY COUNCIL OFFICERS

ITEM-134 CCL 12/12/17 - TABLING OF PECUNIARY INTEREST RETURNS - PERIOD BETWEEN 1 AUGUST AND 31 OCTOBER 2017

MOTION
Moved by Cr Mackenzie, seconded by Cr Dunn

Council to note the pecuniary interest returns as tabled by the Interim Chief Executive Officer received from designated persons between 1 August 2017 and 31 October 2017.

Carried
ITEM-136 CCL 12/12/17 - CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

MOTION
Moved by Cr Robinson, seconded by Cr Winney-Baartz

Council receives and notes Council's Code of Conduct Statistics Complaints Report for the period 1 September 2016 to 31 August 2017 at Attachment A.

Carried

ITEM-139 CCL 12/12/17 - ADOPTION OF THE CODE OF CONDUCT AND ITS ASSOCIATED PROCEDURES AND THE CODE OF CONDUCT PANEL

MOTION
Moved by Cr Robinson, seconded by Cr White

That Council adopts:

(a) the Code of Conduct at Attachment A;
(b) the Procedures for the administration of the Code of Conduct at Attachment B; and
(c) the Conduct Review Panel at Attachment C.

Carried

ITEM-143 CCL 12/12/17 - REVIEW OF COMMUNITY GRANT AND SPONSORSHIP PROGRAM POLICIES - RELEASE FOR EXHIBITION

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

Council resolves to place the draft Events Sponsorship Program policy, the draft Economic Development Sponsorship policy and the draft Community Place Making Project policy on public exhibition to the end of February 2018.

Carried

PROCEDURAL MOTION
Moved by Cr Rufo, seconded by Cr Clausen

Item 145 - Rail Corridor Land - Adoption of Amendment to Newcastle Local Environmental Plan 2012, Development Control Plan 2012 and Planning Agreement be brought forward for discussion.

Carried
MOTION
Moved by Lord Mayor, Cr Nelmes, seconded by Cr Dunn

PART A

Council resolves to:

i) Endorse the attached planning proposal, pursuant to section 55 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act), in order to amend Newcastle Local Environmental Plan 2012 (LEP) and rezone land at:

<table>
<thead>
<tr>
<th>Title</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 2 DP1226145</td>
<td>430 Hunter Street, Newcastle</td>
<td>Rail Corridor (Worth Place to Merewether Street)</td>
</tr>
<tr>
<td>Lot 1 DP1192409</td>
<td>1R Merewether Street, Newcastle</td>
<td>Road (Merewether Street)</td>
</tr>
<tr>
<td>Part Lot 3 DP1111305</td>
<td>6 Workshop Way, Newcastle</td>
<td>Land adjoining corridor (open space at rear of Newcastle Museum)</td>
</tr>
<tr>
<td>Lots 1 &amp; 2 DP1226551</td>
<td>280 Hunter Street, Newcastle</td>
<td>Rail Corridor</td>
</tr>
<tr>
<td>Lot 3 &amp; part Lot 4 DP 1226551</td>
<td>150 Scott Street, Newcastle</td>
<td>Rail Corridor</td>
</tr>
<tr>
<td>Lots 5 &amp; 6 DP1226551</td>
<td>110 Scott Street, Newcastle</td>
<td>Rail Corridor and Newcastle Station and surrounds</td>
</tr>
<tr>
<td>SP21188</td>
<td>342 Hunter Street, Newcastle</td>
<td>Land adjoining corridor (Building)</td>
</tr>
<tr>
<td>Lot 1 DP1008183</td>
<td>336 Hunter Street, Newcastle</td>
<td>Land adjoining corridor (Building)</td>
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ii) Forward the planning proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made pursuant to section 59(1) of the EP&A Act.

iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act.

iv) Adopt the amendments to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan (DCP) and provide public notice advising that this development control take effect on the business day following the date upon which the abovementioned amendment to the LEP is made.
v) Endorse the Newcastle Urban Rail Transformation Program Planning Agreement.

vi) Authorise the Interim Chief Executive Officer to execute the Planning Agreement.

**PART B**

Council notes the NSW Government's commitment that land surrounding Civic Station will be used for educational and associated purposes, and that an option exists for the land to be acquired by the University of Newcastle to further consolidate their inner city campus precinct.

Should the University choose to not exercise this option, Council will seek to rezone this parcel to SP2 (Educational Establishment), and work with HDC/UrbanGrowth to ensure that the land is preserved for educational purposes.

Councillor Mackenzie gave notice of a foreshadowed motion.

_Council rejects the recommendation as printed on page 165 of the business paper and resolves:_

1. **Not to proceed with the amendment to Newcastle Local Environmental Plan 2012 – Rail Corridor Land, as outlined in the recommendation from council officers;**

2. **That Council Officers be requested to draft a new proposal, for the zoning of the relevant land in such a way that provision is made for sufficient land to be allocated and preserved within the rail corridor land from Worth Place to Watt Street to allow for a separated cycleway to be included immediately, and for rail, or some equivalent public transport, to be reinstated at some time in the future should that become required.**

3. **Council will confer with the State Government, Hunter Development Corporation and the Department of Planning and Environment, where relevant to ensure that the community’s express wishes for urban revitalisation in Newcastle, including the open space, University expansion and affordable housing components, are implemented in the vicinity of the corridor lands while ensuring that essential transport corridors are preserved.**
The motion moved by Lord Mayor, Cr Nelmes and seconded by Councillor Dunn was put to the meeting.

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

Against the Motion: Councillor Mackenzie.  

Carried

ITEM-133 CCL 12/12/17 - ADOPTION OF 2018 MEETING CYCLE

MOTION
Moved by Cr Clausen, seconded by Cr Winney-Baartz

1 That Council:

Adopts the following meeting cycle for 2018 with meetings to commence at 5.30pm:

(a) For the period February and March 2018, May to November 2018:

<table>
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<th>Week 1 – Tuesday</th>
<th>No scheduled meetings</th>
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<td>Week 2 – Tuesday</td>
<td>Councillor Workshops</td>
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| Week 3 – Tuesday  | Committee Meetings (as required):
|                   | • Public Voice Committee       |
|                   | • Briefings Committee         |
|                   | • Development Applications Committee |
| Week 4 – Tuesday  | Ordinary Council Meeting      |
| Week 5 – Tuesday  | No scheduled meetings         |

(b) For April 2018

<table>
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<tr>
<th>Week 1 – Tuesday 3 April 2018</th>
<th>Councillor Workshop</th>
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| Week 2 – Tuesday 10 April 2018 | Committee Meetings (as required):
|                              | • Public Voice Committee       |
|                              | • Briefings Committee         |
|                              | • Development Applications Committee |
| Week 3 – Tuesday 17 April 2018 | No scheduled meeting - School Holidays |
| Week 4 – Tuesday 24 April 2017 | No scheduled meeting - ANZAC Day (following Day) |
(c) For December 2018:

| Week 1 – Tuesday (4 December 2018) | Committee Meetings (as required):  
|                                  | • Public Voice Committee  
|                                  | • Briefings Committee  
|                                  | • Development Applications Committee |
| Week 2 – Tuesday (11 December 2018) | Ordinary Council Meeting |
| Week 3 – Tuesday (18 December 2018) | No scheduled meetings |
| Week 4 – Tuesday (25 December 2018) | No scheduled meetings |

2 For the purposes of the Instruments of Delegation to the Lord Mayor and Chief Executive Officer, Council's 'Recess Period' commences at midnight on Tuesday 11 December 2018 and ceases at midnight Monday 11 February 2019.

Carried

ITEM-135 CCL 12/12/17 - ADOPTION OF FEES FOR LORD MAYOR AND COUNCILLORS

MOTION
Moved by Cr Dunn, seconded by Cr Byrne

Council approves the fees payable to the Lord Mayor and Councillors to be the maximum fee payable to the Lord Mayor and Councillors as set down in the Local Government Remuneration Tribunal's annual report with increases applied from 1 July each year.

Councillor Rufo gave notice of a foreshadowed motion.

The motion moved by Councillors Dunn and seconded by Councillor Byrne was put to the meeting.

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

Against the Motion: Councillors Elliott, Luke, Mackenzie, Robinson and Rufo.

Carried
ITEM-137  CCL 12/12/17 - ADOPTION OF THE OPEN AND TRANSPARENT GOVERNANCE STRATEGY

The Interim Director Corporate Services distributed an all Councillor memo in respect to Item 137 - Adoption of the Open and Transparent Governance Strategy.

The memo drew Council's attention to minor corrections within Attachment A. The current reference to Advisory Committees was as follows:

3.6 - “At the time of the development of this strategy Council has in place seven Strategic Advisory Committees set out in annexure C'.

‘Appendix C - Advisory Committees (as at date of the adoption of this strategy)
1. Asset Advisory Committee
2. Guraki Aboriginal Advisory Committee
3. Youth Council
4. Floodplain Risk Management Committee
5. Coastal Revitalisation Advisory Working Party
7. Environment Advisory Committee’

The required amendments were:

3.6 - 'At the time of the development of this strategy Council has in place nine Advisory Committees set out in appendix C'.

‘Appendix C - Advisory Committees (as at date of the adoption of this strategy)
1. Asset Advisory Committee
2. Coastal Revitalisation Consultative Committee
3. Disability Inclusion Advisory Committee
4. Environmental Advisory Committee
5. Guraki Aboriginal Advisory Committee
6. Newcastle Cycling Advisory Committee
7. Newcastle Floodplain Risk Management Advisory Committee
8. Newcastle Youth Council Committee
9. Smart and Innovative Cities Committee’

MOTION
Moved by Cr Clausen, seconded by Cr White

A  That Council adopts the Open and Transparent Governance Strategy at Attachment A.

B  That Council notes the submission from the President of the Hamilton Chamber of Commerce (Hamilton NOW BIA) regarding the need for improved
transparency in the operation of BIA's and that the Chief Executive Officer conducts a review of best practice for BIA's and reports back to Council in March 2018 outlining recommended improvements for the delivery of Economic Development and the use of Special Rate Variations for commercial centres throughout the Local Government Area (LGA).

AMENDMENT
Moved by Cr Mackenzie, seconded by Cr Elliott

That Council

1 Prepares a costed proposal to establish and appropriately resource a network of council-supported, community-based groups or committees who represent the interests of residents in the local communities, including restoring the status of groups such as the previous local Forums and Precinct Committees, and

2 Presents this proposal, including identified issues or opportunities, for consideration in a workshop with Councillors.

Defeated

The motion moved by Councillor Clausen and seconded by Councillor White was put to the meeting.

Carried

ITEM-138 CCL 12/12/17 - ADOPTION OF INSTRUMENTS OF DELEGATION

The Interim Director Corporate Services distributed an all Councillor memo in respect to Item 138 - Adoption of Instruments of Delegation.

Two minor administration corrections were identified regarding point 3(a) and point 4(c) within Attachment A.

1 The current wording of point 3a) was:

   to act as the official spokesperson of the elected Council;

The amended wording to be:

   to act as an official spokesperson of Council (the Chief Executive Officer is also an official spokesperson of Council);

2 The current wording of point 4c) was:

   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;

The amended wording to be:
to negotiate and settle terms of a contract of employment with the Chief Executive Officer including determining the appropriate remuneration package in accordance with relevant Council resolutions (as required), the Chief Executive Officer’s Contract of Employment and relevant Council policies:

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

1 That Council adopts

(a) Instrument of Delegation to the Lord Mayor at Attachment A with amendments as outlined in the Memos from the Interim Director Corporate Services both dated 12 December 2017.

(b) Instrument of Delegation to the Chief Executive Officer at Attachment B.

(c) Instrument of Delegation to the Development Applications Committee at Attachment C with the following addition:

"1.3 Council Officers recommend approval of a development application that involves a variation to a development standard of an environmental planning instrument, where the extent of the proposed variation is assessed to be greater than 10%"

2 For the purposes of the Instruments of Delegations, Council's Recess Period commences at midnight on Tuesday 12 December 2017 and ceases at midnight on Monday 12 February 2018.

Carried

Councillor Luke requested he be recorded as voting against the motion

ITEM-140 CCL 12/12/17 - LOCAL AND NEIGHBOURHOOD CENTRES FACADE IMPROVEMENT SCHEME

MOTION
Moved by Cr Dunn, seconded by Cr White

Endorse the establishment of a Local and Neighbourhood Centres Facade Improvement Scheme Grant Panel comprising at least the Lord Mayor (or nominee), one Ward Councillor (or nominee) and the Director Infrastructure (or nominee), to approve grants up to $4,000 per property from a maximum budget of $60,000 initially for the Carrington and Beresfield local centres. The $60,000 budget is derived from the Local Centres Program budget. The scheme will be reviewed at the end of the first round of funding with a report to be provided back to stakeholders and Council.

Carried unanimously
ITEM-141 CCL 12/12/17 - UNION STREET, MEREWETHER - PROPOSED KERB EXTENSIONS AND RAISED PEDESTRIAN CROSSING FRONTING THE JUNCTION PUBLIC SCHOOL

MOTION
Moved by Cr Duncan, seconded by Cr White

Approve the proposed upgrade of the existing pedestrian crossing on Union Street, Merewether as shown at Attachment A.

Carried unanimously

ITEM-142 CCL 12/12/17 - UNIVERSITY TO NEWCASTLE CITY CENTRE CYCLEWAY - MAUD STREET MID-BLOCK SIGNALS

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

1 Approve the installation of mid-block traffic signals on Maud Street, Waratah, between Prince Street and Vera Street, no exit from Vera Street at Maud Street and no right turn from Maud Street to Vera Street, as shown at Attachment A.

2 Write to the Australian Rail Track Corporation, requesting formal approval for shared use of the maintenance track in the rail corridor under Maud Street.

Carried

ITEM-144 CCL 12/12/17 - ADOPTION OF SECTION 5.03 TREE AND VEGETATION MANAGEMENT OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2017

MOTION
Moved by Cr Mackenzie, seconded by Cr White

That Council

1 Adopts the amendments to Section 5.03 Tree and Vegetation Management;

2 Receives a briefing on how the current Street Tree Masterplan requirement for community consultation where tree replacement occurs in “high profile and special areas” is currently fulfilled; and

3 Establishes a working committee comprising relevant council officers, councillors and community members to develop a draft process for effective community consultation before any decisions to remove significant local assets including significant trees, consistent with the Council’s Open and Transparent Governance Strategy.
PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Luke

Council vote on Parts 1 to 3 seriatim.

Carried

PART 1

MOTION
Moved by Cr Mackenzie, seconded by Cr White

That Council adopts the amendments to Section 5.03 Tree and Vegetation Management.

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

Against the Motion: Nil.

Carried
PART 2

MOTION
Moved by Cr Mackenzie, seconded by Cr White

That Council receives a briefing on how the current Street Tree Masterplan requirement for community consultation where tree replacement occurs in “high profile and special areas” is currently fulfilled.

The Lord Mayor proposed that Parts 2 and 3 combine to read as follows:

2 That Council receives a workshop on how the current Street Tree Masterplan requirement for community consultation where tree replacement occurs in “high profile and special areas” is currently fulfilled and processes for effective community consultation before any decisions to remove significant local assets including significant trees, consistent with the Council’s Open and Transparent Governance Strategy.

Councillors Mackenzie and White accepted the Lord Mayor's proposal as Part 2.

The Lord Mayor stated that the amendment to Part 2 would result in Part 3 becoming redundant and that Part 3 would need to be withdrawn.

Part two of the motion, as amended, was put to the meeting. Carried

Councillors Mackenzie and White withdrew part three of the motion.

NOTICES OF MOTION

ITEM-36 NOM 12/12/17 - MAYFIELD ROAD PEDESTRIAN REFUGES

MOTION
Moved by Cr White, seconded by Cr Winney-Baartz

That:

1 Council notes the significant new development and increased density in Mayfield, and Council’s transportation hierarchy which prioritises safe and active transport for local journeys.
2 Council works with RMS, the Mayfield BIA and community groups to undertake an assessment of the following intersections along Maitland Road in Mayfield to determine what pedestrian features if any exist, the suitability of those features for each of the intersections and potential improvements for these intersections to ensure pedestrian safety and movement across the intersection:

   a. Baker Street
   b. Elizabeth Street
   c. Woodstock Street
   d. Edmund Street
   e. Gamack Street
   f. Wind eyes Street
   g. Tourle Street

3 Council report back to councillors on their findings and any potential issues and/or improvements identified out of the assessment

   Carried

ITEM-37 NOM 12/12/17 - REVIEW OF SPECIAL LICENCE CONDITIONS IN NEWCASTLE CBD

In moving the motion, Councillor Mackenzie advised he would move the recommendation as outlined in the Directors Comment as contained in the Business Papers.

ORIGINAL MOTION - CR MACKENZIE

That Council prepare a submission to the review of licence conditions in Newcastle’s CBD being undertaken by the NSW Independent Liquor & Gaming Authority, for approval by the Lord Mayor and Interim CEO, which:

- Supports the retention of the special licence conditions as part of the suite of measures to reduce rates of alcohol-related violence in the city;
- Supports an ongoing role for Council in the delivery of strategic alcohol management initiatives, including the special licence conditions, as a strategic priority in the achievement of a vibrant and safe night-time economy; and
- Demonstrates Council’s commitment to a thriving and safe night time economy in Newcastle, with reference to Councils plans, strategies and policies to this objective, including: Newcastle After Dark: Safe and Vibrant Night Time Economy Plan (2017-2021); Newcastle Council’s Safe City Plan (2017-2020); Safe Newcastle: Alcohol Management Strategy (2010-2013); and the safety and security elements of the Newcastle Development Control Plan.

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

Council delegates authority to the Interim Chief Executive Officer, in consultation with the Lord Mayor, to lodge a submission to the NSW Independent Liquor and
Gaming Authority's Review of licence conditions for Newcastle CBD venues; and that Council's submission reference:

a. Support for appropriate evidence based special license conditions as part of the suite of measures to reduce rates of alcohol-related violence in the city.

b. Support for an ongoing role for Council in the delivery of strategic alcohol management initiatives for the achievement of a vibrant and safe night-time economy.

c. Outlines Council's on-going commitment to a thriving and safe night time economy in Newcastle.

Carried unanimously

ITEM-38 NOM 12/12/17 - OUTDOOR FITNESS EQUIPMENT STRATEGY

MOTION
Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Newcastle City Council:

1 Recognises the significant benefits attributed to the provision of community recreational spaces and facilities and their contribution to community well-being, in accordance with the City of Newcastle Parkland and Recreation Strategy;

2 Notes that a key initiative, identified in the Parkland and Recreation Strategy is the continued provision of fitness equipment to cater for population changes and community demand across Newcastle;

3 Develops an outdoor fitness equipment strategy, to build upon outdoor fitness options available to people in Newcastle, by providing outdoor fitness trails and outdoor gym equipment, at parks and public recreation areas in key strategic growth locations within each of the four Wards of the Newcastle LGA.

Carried unanimously

CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Duncan, seconded by Cr Byrne

Council resolve into confidential session for the reasons outlined in the Business Papers.

Carried

Council moved into confidential session at 8.44pm.

During confidential session:
The Interim Director Corporate Services distributed an all Councillor memo that contained a revised recommendation in respect to Confidential Item 16 - Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T.

In moving the motion on Confidential Item 16 - Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T, Councillor Clausen stated he was moving the revised recommendation as circulated.

A division was called on Confidential Item 16 Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T.

A procedural motion was moved by Councillors Duncan and Byrne to reconvene open Council and carried.

Council reconvened at 9.35pm and the Interim Chief Executive Officer reported the resolution of confidential session with regard to Item 16 - Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T.

The Lord Mayor reported on the resolution of confidential session Confidential Lord Mayoral Minute Item 25 - Appointment of Chief Executive Officer.

ITEM-16 CON 12/12/17 - SUMMERHILL SOLAR FARM TENDER

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

Council

1  The tender of the EMC and Lendlease Joint Venture for the Summerhill Solar Farm - Design and Construction Contract No. 2018/132T subject to external funding and includes the operation and maintenance of the facility for a 3 year initial term;

2  Approves up to 80% of the project costs of the Summerhill Solar Farm project be funded via new borrowings from Clean Energy Finance Corporation (CEFC) Local Government fund to undertake the project design and construction;

3  Delegates authority to the Interim Chief Executive Officer to review and execute the Clean Energy Finance Corporation (CEFC) Local Government Fund Borrowing Contract subject to a detailed assessment of the financial impact of the project satisfying Council's Long Term Financial Plan; and

4  This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.
ITEM-25 LMM 12/12/17 - CONFIDENTIAL - APPOINTMENT OF CHIEF EXECUTIVE OFFICER

MOTION
Moved by Cr White, seconded by Cr Winney-Baartz

Council receive the Chief Executive Officer Recruitment Panel report at attachment A.

Carried unanimously

MOTION
Moved by Cr Robinson, seconded by Cr Winney-Baartz

Council offer the position to the recommended candidate as set out in the Chief Executive Officer Recruitment Panel report at attachment A and authorise the Lord Mayor to negotiate and enter into a contract of employment based on the standard contract of employment issued by the Office of Local Government.

Carried unanimously

MOTION
Moved by Cr Duncan, seconded by Cr Mackenzie

The recommended candidate's name to remain confidential until the position is accepted by the recommended candidate and the Lord Mayor announces the appointment of the Chief Executive Officer. All other information presented and discussed in closed session to remain confidential.

Carried unanimously

The meeting concluded at 8.54pm.
MINUTES - EXTRAORDINARY COUNCIL MEETING 23 JANUARY 2018

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 180123 Extraordinary 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
Minutes of the Extraordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on 23 January 2018 at 5.32pm.

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

IN ATTENDANCE
J Bath (Chief Executive Officer), A Baxter (Interim Director Corporate Services), K Liddell (Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), B Johnson (Media Officer), M Murray (Policy Officer), J Gaynor (Manager Strategic Planning), J Marshal (Lawyer), K Hyland (Manager Communications and Engagement), A Knowles (Council Services/Minutes) and J Redriff (Council Services/Webcast)

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 Rufo, seconded by Cr Luke

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
The Lord Mayor called for declarations of pecuniary and non-pecuniary interests.
There were no declarations tabled at the meeting.
ITEM-1  LMM 23/01/18 - AUTONOMOUS VEHICLE TRIAL FOR NEWCASTLE EXPRESSION OF INTEREST

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1. Reaffirms our commitment to ensuring that Newcastle becomes a smart, liveable and sustainable city;
2. Notes that key to this vision, is the continued implementation of the Newcastle Smart City Program, of which the delivery of Smart City Infrastructure is a key component;
3. Notes that the Parliamentary Secretary for Regional Roads, Maritime and Transport recently wrote to Council, encouraging the City of Newcastle to engage with the NSW Smart Innovation Centre regarding the trial of autonomous vehicle technology in the Newcastle Local Government Area (LGA);
4. Submits an Expression of Interest (EOI) for seed funding from Transport for NSW, via the NSW Smart Innovation Centre, to develop and co-deliver, with our partners, a connected or automated vehicle trial in the Newcastle LGA.

The motion moved by Lord Mayor, Cr Nelmes was put to the meeting.

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

Against the Motion:  Councillor Rufo

Carried
NOTICES OF MOTION

ITEM-1 NOM 23/1/18 - NOTICE OF MOTION TO RESCIND A COUNCIL RESOLUTION - ITEM 135 - CCL 12/12/17 - ADOPTION OF FEES FOR LORD MAYOR AND COUNCILLORS

MOTION
Moved by Cr Church, seconded by Cr Rufo

That the resolution arising from Item 135 - CCL 12/12/17 - Adoption of Fees for Lord Mayor and Councillors at the 12 December 2017 Ordinary Meeting resolving that Council approves the fees payable to the Lord Mayor and Councillors to be the maximum fee payable to the Lord Mayor and Councillors as set down in the Local Government Remuneration Tribunals annual report with increases applied from 1 July each year be rescinded, and the resolution of 27 June 2017, relating to the same subject, remain in operation.

Cr Rufo raised a point of order in relation to Cr Dunn's comments regarding Cr Elliot.

The Lord Mayor stated she was unable to rule on the point of order raised, as it did not reference a specific part of the Code of Meeting Practice.

The motion moved by Cr Church and seconded by Cr Rufo was put to the meeting. Defeated

PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Byrne

That the Confidential Report be heard before the late items of business in accordance with Section 20 of the Code of Meeting Practice. Carried

PROCEDURAL MOTION
Moved by Cr White, seconded by Cr Mackenzie

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

Council entered into Confidential Session at 6.13pm and reconvened at 6.16pm and the Chief Executive Officer reported the resolutions of the Confidential Session.
CONFIDENTIAL REPORTS

ITEM-1 CON 23/01/18 - STAGES 2 AND 3 OF AEROSPACE EAST CARPARK AT NEWCASTLE AIRPORT

MOTION
Moved by Cr Winney-Baartz, seconded by Cr Luke

1 Council accept the tender of Daracon Group for Stages 2 and 3 of the Aerospace Easts Carpark Project at Newcastle Airport based on the information contained within this report.

2 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried
Unanimously

LATE ITEMS OF BUSINESS

ITEM-1 CCL 23/01/18 NEXT CITY’S WORLD STAGE: WORLD URBAN FORUM 9

MOTION
Moved by Cr Clausen, seconded by Cr Mackenzie

1. That Council:

   i) Approves the Lord Mayor to attend Next City’s World Stage: World Urban Forum 9 in Kuala Lumpur from 7 to 13 February 2018.

   ii) Notes that Next City will cover the costs of airfares, accommodation and daily expenses for the Lord Mayor through a grant received from the Institute of International Education's Global Travel and Learning.

PROCEDURAL MOTION
Moved by Cr Duncan, seconded by Cr Byrne

That Council adjourn the meeting and enter into a 10 minute recess to allow Councillors time to review the report.

Carried
Council entered into recess at 6.20pm and reconvened the Council meeting at 6.34pm.

The motion before the Chair was put to the meeting.

Carried Unanimously

ITEM 2 CCL 23/01/18 REVIEW OF NEWCASTLE CBD LIQUOR LICENCE CONDITIONS

MOTION
Moved by Lord Mayor Cr Nelmes, seconded by Cr Duncan

Council endorse the attached submission as contained within the report.

Carried Unanimously

The meeting concluded at 6.44pm
REPORTS BY COUNCIL OFFICERS

ITEM-4  CCL 27/02/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT - JANUARY 2018

REPORT BY: CORPORATE SERVICES
CONTACT: INTERIM DIRECTOR CORPORATE SERVICES / INTERIM MANAGER FINANCE

PURPOSE

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

a) Monthly financial position and year to date (YTD) performance against the 2017/18 Operational Plan as at the end of January 2018.

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

1 The report be received.

KEY ISSUES

2 At the end of January 2018 the consolidated YTD actual operating position is a deficit of $3.1m which represents a negative variance of $1.9m against the budgeted YTD deficit of $1.2m. 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 2017/18 is an operating surplus of $4.9m.

3 The January YTD position includes $6.1m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($3.4m 2012 Special Rate Variation revenue, $1.1m consolidation of Newcastle Airport result, $1.1m stormwater management service charge, and $0.5m local road grants which fund capital works). When these items are removed Council’s sustainable underlying operating position at the end of January is a deficit of $9.2m.

4 The net funds generated as at the end of January 2018 is a surplus of $1.4m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted deficit of $1m. 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.
### CITY OF NEWCASTLE

Ordinary Council Meeting 27 February 2018  

#### FINANCIAL IMPACT

5. The variance between YTD budget and YTD actual results at the end of January 2018 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<th></th>
<th>Full Year Revised Budget</th>
<th>YTD Revised Budget</th>
<th>YTD Actual Result</th>
<th>Variance</th>
<th>Variance</th>
<th>Financial Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>%</td>
<td>+ve / -ve</td>
</tr>
<tr>
<td>268,197 Total Operating Revenue</td>
<td>155,182</td>
<td>160,160</td>
<td>4,978</td>
<td>3%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>263,298 Total Operating Expenses</td>
<td>156,425</td>
<td>163,298</td>
<td>6,873</td>
<td>4%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>4,899</td>
<td>(1,243)</td>
<td>(1,138)</td>
<td>(1,895)</td>
<td>152%</td>
<td>-</td>
</tr>
<tr>
<td>18,627 Total Capital Raising revenue</td>
<td>10,866</td>
<td>15,080</td>
<td>4,215</td>
<td>39%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>41,188 Add Back Non Cash Items</td>
<td>23,552</td>
<td>23,471</td>
<td>9</td>
<td></td>
<td>+</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding available for capital</td>
<td>64,714</td>
<td>33,174</td>
<td>35,413</td>
<td>2,239</td>
<td>7%</td>
<td>+</td>
</tr>
<tr>
<td>65,257 Total capital spend</td>
<td>32,482</td>
<td>32,346</td>
<td>(136)</td>
<td>0%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>2,882 Loan Principal Repayment</td>
<td>1,681</td>
<td>1,681</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3,425) Net Funds Generated / (Used)</td>
<td>(989)</td>
<td>1,386</td>
<td>2,375</td>
<td>-240%</td>
<td>+</td>
<td></td>
</tr>
</tbody>
</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport
6 **Factors favourably impacting Financial Position**

   **i User charges and fees – increase of $2.9m**
   The Summerhill Waste Management Centre has generated above budget income of $2m which is partially offset by an increased State Waste Levy expense ($1.8m). Council is also earning higher revenue through development applications.

   **ii Other operating revenues – increase of $2m**
   Council has generated higher fine revenue than anticipated in addition to receiving a reimbursement from the State Government for costs incurred cleaning up from the April 2015 storm event.

   **iii Employee costs – decrease of $2.5m**
   Lower than forecast staff costs due to general vacancies.

7 **Factors unfavourably impacting Financial Position**

   **i Materials & contracts – increase of $7.8m**
   Works undertaken as part of the Newcastle East End Renewal Program are generating a higher level of operational expenditure and less capital expenditure than Council's typical roads project. The types of work being
expensed include moving existing services and disposing of contaminated soil.

ii Other operating expenses – increase of $1.6m
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 ($2m).

<table>
<thead>
<tr>
<th>Full Year</th>
<th>YTD Revised Budget</th>
<th>YTD Actual Result</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Revenues</td>
<td>16,079</td>
<td>13,465</td>
<td>4,086</td>
<td>44%</td>
<td>+</td>
</tr>
<tr>
<td>Grants &amp; contributions - Capital</td>
<td>9,379</td>
<td>13,465</td>
<td>4,086</td>
<td>44%</td>
<td>+</td>
</tr>
<tr>
<td>2,548 Proceeds from the sale of Assets</td>
<td>1,486</td>
<td>1,615</td>
<td>129</td>
<td>9%</td>
<td>+</td>
</tr>
<tr>
<td><strong>18,627</strong> Total Capital Raising revenue</td>
<td><strong>10,866</strong></td>
<td><strong>15,080</strong></td>
<td><strong>4,215</strong></td>
<td><strong>39%</strong></td>
<td>+</td>
</tr>
</tbody>
</table>

Net Surplus/(deficit) after capital revenue 9,623 11,942 2,319 24% +

| Adjustments for Non Cash Items | 41,422 Add back Depreciation | 23,925 | 23,934 | 9 0% |
|                               | 4,366 Add back loss on Disposal | 2,310 | 2,220 | (90) -4% |
|                               | (4,600) Less land & infrastructure donations | (2,683) | (2,683) | 0 0% |

<table>
<thead>
<tr>
<th>Funding available for capital expenditure</th>
<th>64,714</th>
<th>33,174</th>
<th>35,413</th>
<th>2,239</th>
<th>7%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenses</td>
<td>35,579 Asset renewals</td>
<td>18,824</td>
<td>18,094</td>
<td>(730)</td>
<td>-4%</td>
</tr>
<tr>
<td></td>
<td>8,408 2012 SRV Priority Projects</td>
<td>4,899</td>
<td>7,361</td>
<td>2,462</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>8,483 New / upgrade</td>
<td>3,147</td>
<td>2,660</td>
<td>(487)</td>
<td>-15%</td>
</tr>
<tr>
<td></td>
<td>12,787 Non-Infrastructure Projects</td>
<td>5,612</td>
<td>4,231</td>
<td>(1,381)</td>
<td>-25%</td>
</tr>
<tr>
<td><strong>65,257</strong> Total capital spend</td>
<td><strong>32,482</strong></td>
<td><strong>32,346</strong></td>
<td><strong>(136)</strong></td>
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<td><strong>2,375</strong></td>
<td><strong>-240%</strong></td>
<td>+</td>
</tr>
</tbody>
</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport.

8 At the end of January Council has received $4m more capital grants and contributions than budgeted. This is a timing variance as the main driver is section 94 contributions from on-going development in the city centre which are included in the full year budget.

9 Council’s total capital spend at the end of January is $32.3m. This result is in-line with the YTD budget. The total project spend inclusive of operational and capital expenditure is $56m at the end of January compared with a budget of $47.7m.
10 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).

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 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

12 The distribution of the report and the information contained therein is consistent with:

i) Council’s resolution to receive monthly financial position and performance result on a monthly basis;

ii) Council’s Investment Policy and Strategy; and

iii) Clause 212 of the Regulation and s. 625 of the Act.

RISK ASSESSMENT AND MITIGATION

13 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

14 Council resolved to receive a report containing Council’s financial performance on a monthly basis.

15 At the Ordinary Council Meeting held on 26 April 2016 Council resolved the following:

*The report be received with the addition of a compliance report on Council’s adopted clauses on ethical and social responsibility set out in Council’s Investment Policy to be included under the section “Investment Policy Compliance Report”.*

16 The Investment Policy Compliance Report included in the Executive Monthly Performance Report has been amended to include a specific confirmation in regard to compliance with part E of the Investment Policy.
CONSULTATION

17 A monthly workshop is conducted with the Councillors to provide detailed information and a forum to ask questions. In circumstances where a workshop cannot be scheduled the information is distributed under separate cover.

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

20 Previous resolutions of Council and the Audit Committee identified the need for careful monitoring of Council’s financial strategy and operational budget result. The presentation of a monthly Executive Performance Report to Council and a workshop addresses this need and exceeds the requirements of the Act.

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - January 2018
Distributed under separate cover
ITEM-5  CCL 27/02/18 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO EXTERNAL COMMITTEES

REPORT BY: CORPORATE SERVICES
CONTACT: INTERIM DIRECTOR CORPORATE SERVICES / INTERIM MANAGER LEGAL AND GOVERNANCE

PURPOSE

To appoint Councillor representatives to a number of external committees.

RECOMMENDATION

1 That Council appoints representatives as follows:

<table>
<thead>
<tr>
<th>Councillor/s appointed</th>
<th>External Committee</th>
<th>Term of membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Insert name of one Councillor]</td>
<td>Hunter Sports Centre Incorporated</td>
<td>27 February 2018 to 11 September 2020</td>
</tr>
<tr>
<td>[Insert name of one Councillor]</td>
<td>Newcastle Bush Fire Coordinating Committee</td>
<td>27 February 2018 to 11 September 2020</td>
</tr>
<tr>
<td>[Insert names of two Councillors]</td>
<td>Lower Hunter Councils Transport Group</td>
<td>27 February 2018 to 11 September 2020</td>
</tr>
</tbody>
</table>

2 That the Chief Executive Officer appoints staff representatives to the Newcastle Bushfire Coordinating Committee and the Lower Hunter Councils Transport Group (in addition to the Councillor representative/s) for the period 27 February 2018 to 11 September 2020.

3 Council staff write to the chairperson of each of the above advising of the new Councillor members/representative(s) and the term of their membership.

4 Council does not appoint a Councillor member to the NSW Association of Mining Related Councils.

KEY ISSUES

5 Detailed information about each of the external committees is set out at Attachment A.

6 It is recommended that Council does not appoint a Councillor member to the NSW Association of Mining Related Councils (Association) for the following reasons:

   i) The purpose of the Association is to advocate mining related issues and ensure mining activity is conducted in accordance with the principles of ecologically sustainable development.
ii) Council incurred the cost of $7,630 for the last financial year and it is anticipated a similar cost will be incurred for future years.

iii) The Association meets four times each year at various locations across NSW, none being in the Newcastle or Hunter area. The next meeting held on 23 February 2018 was in Sydney with further meetings scheduled to occur in Cobar (Central West NSW) and Upper Lachlan Shire (Southern Tableland).

iv) Membership of the committee has not provided significant benefit to Council to date.

7 The following Committees no longer exist or do not require Councillor representation:

i) Newcastle Catchment Committee Management Forum (no longer exists);

ii) Hunter Community Reference Group of the Hunter Central Rivers Catchment Management Authority (no longer exists); and

iii) Hexham and Kooragang Project Steering Committee (Councillor representation not required).

8 The Rural Fires Regulation 2013 provides for a Councillor and staff member to be appointed to the Newcastle Bush Fire Coordinating Committee as follows:

(a) a person nominated by each local authority whose area comprises land in the Bush Fire Management Committee’s area, being (in the case of a local authority that is a council) the Mayor, or a councillor or senior representative of the council…..

(c) a person nominated by each local authority for the Bush Fire Management Committee’s area as having responsibilities for the performance of the local authority’s functions in relation to the environment or bush fire management.

FINANCIAL IMPACT

9 Council is required to pay a membership fee of $7,630 per annum to the NSW Association of Mining Councils, as detailed in Attachment A.

10 Councillor attendance at some committee meetings may also involve expenses (such as travel and accommodation). Such expenses are covered by Council’s Payment of Expenses and Provision of Facilities Policy and will be deducted from the individual Councillor’s budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 Open and Collaborative Leadership:

a) Considered decision-making based on collaborative, transparent and accountable leadership.
b) Active citizen engagement in local planning and decision-making processes and a shared responsibility for achieving our goals.

IMPLEMENTATION PLAN/IMPLICATIONS

12 Councillor membership on the committees listed in the recommendation paragraph will cease on 11 September 2020, being the day before the scheduled local government election of the current term (or any such later date as determined by the Minister for Local Government) or if a Councillor resigns or otherwise ceases to be a Councillor. Council will appoint new members as soon as possible in or around October 2020. In addition, Councillor membership is subject to the terms of each external committee's constituting/governing document.

RISK ASSESSMENT AND MITIGATION

13 Council's representation on external committees fosters relationships with stakeholders as well as being a means of consultation with the community.

RELATED PREVIOUS DECISIONS

14 At the Ordinary Council Meeting held on 24 October 2017, Council appointed Councillor representatives to a number of external committees. At that time Council was waiting for further information regarding the committees outlined in the recommendation.

CONSULTATION

15 N/A.

OPTIONS

Option 1

16 The recommendation as at paragraphs 1-4. This is the recommended option.

Option 2

17 Councillors resolve to not continue membership of some or all of the external committees listed at Attachment A. This is not the recommended option as Council will not be represented on these committees, group or association.
BACKGROUND

18 N/A.

REFERENCES

ATTACHMENTS

Attachment A: Summary of information relating to external committees
A. HUNTER REGION SPORTS CENTRE INCORPORATED

Background:
Lake Macquarie City Council (LMCC) owns the Hunter Sports Centre and its assets and appoints the Hunter Region Sports Centre Incorporated (Association) as its agent to carry out the management and administration of the Centre.

Purpose:
The Association aims to promote the growth and development of the Hunter Sports Centre and to manage it in a cost effective and efficient manner, including:
- performing its responsibilities under a service agreement with LMCC;
- assisting relevant sporting organisations in the development of their sports in the Hunter Region; and
- considering the impact of the Centre and its operations on the local community.

Meeting Cycle:
The Committee meets bi-monthly on the third Thursday.

Next meeting: 19 April 2018

Other members:
Representatives from:
- LMCC (including the Mayor, Councillors and the General Manager)
- Hunter Academy of Sport
- Athletics New South Wales
- Lake Macquarie Zone of Little Athletics NSW
- Hunter Region Gymnastics
- Gymnastics NSW
- Community member representing Sportspeople with Disabilities
- Community member representing sportswomen in the Hunter Region
- Community members of the Hunter Region.

Councillor Representation:
One Councillor

Relevant Council area:
Facilities and Recreation
B. NEWCASTLE BUSHFIRE COORDINATING COMMITTEE

Background:
Under the Rural Fires Act 1997, the Bushfire Coordinating Committee must constitute a Bush Fire Management Committee (Committee) for each area in the State, which is subject to the risk of bush fires.

Purpose:
The purpose of the Committee is to prepare and submit to the Bush Fire Coordinating Committee a draft Bush Fire Risk Management Plan which sets out a five-year program of coordinated multi-agency treatments to reduce the risk of bush fire to assets in the Newcastle area.

Meeting Cycle:
The Committee meets at the beginning and end of the official bush fire season, in September/October and February/March.

Next meeting: 28 March 2018.

Other members:
Representatives from:
- Fire Rescue NSW
- NSW Police
- Crown Lands
- National Parks and Wildlife Service
- Hunter Medical Research Institute
- State Rail
- Rural Fire Service
- Ausgrid
- Hunter New England Health
- John Hunter Hospital
- University of Newcastle
- Glencore
- Jemena
- Hunter Water
- Yancoal (Coal & Allied).

Councillor Representation:
One Councillor (and one staff member).

Relevant Council area:
Development and Building Services
C. LOWER HUNTER COUNCILS TRANSPORT GROUP

**Background:**
The Lower Hunter Councils Transport Group's (Group) aim is to facilitate increased use of sustainable transport in the Lower Hunter Region.

**Purpose:**
The purpose of the Group is to facilitate greater modal share to sustainable transport and to promote the ready exchange and sharing of information relating to transport issues between Lower Hunter Councils.

**Meeting Cycle:**
The Group meets on the third Thursday of the month (meeting dates scheduled at the meeting).

Next meeting: 15 March 2018

**Other Members:**
Representatives from the following Councils:
- Cessnock City Council
- Lake Macquarie City Council
- Maitland City Council
- Port Stephens Council.

Membership of the Group may be extended to include transport professional(s), subject to agreement of the council representatives.

**Councillor Representation:**
Two Councillors (and two staff members).

**Relevant Council area:**
Infrastructure Planning
D. NSW ASSOCIATION OF MINING RELATED COUNCILS

Background:
The NSW Association of Mining Related Councils (Association) advocates on behalf of member councils and their communities on mining related issues ensuring Commonwealth and State Governments are aware of emerging issues in mining and related developments.

Purpose:
The purpose of the Association is to ensure mining activity is conducted in accordance with the principles of ecologically sustainable development, pursues' sources of financial assistance and resources for member councils and strengthens the impact of Local Government in relation to the mining industry and development with relevant agencies of the New South Wales and Commonwealth Governments.

Meeting Cycle:
The Association meets four times per year at various locations across the state.

Next meeting: May 2018 (yet to be confirmed).

Other members:
Representatives from the following Councils:
- Bland Shire Council
- Blayney Shire Council
- Broken Hill City Council
- Cabonne Shire Council
- Cessnock City Council
- Cobar Shire Council
- Gunnedah Shire Council
- Lachlan Shire Council
- Lithgow City Council
- Mid-Western Regional Council
- Orange City Council
- Parkes Shire Council
- Singleton Shire Council
- Warrumbungle Shire Council
- Wentworth Shire Council
- Woolondilly Shire Council
- Wollongong City Council.

Councillor Representation:
One Councillor

Membership Fees:
Council will incur a membership fee of $7,630 per annum.

Relevant Council area:
Infrastructure Planning
ITEM-6  CCL 27/02/18 - TABLING OF PECUNIARY INTEREST RETURNS FOR THE PERIOD OF 1 NOVEMBER 2017 TO 31 JANUARY 2018

REPORT BY:  CORPORATE SERVICES
CONTACT:  INTERIM DIRECTOR CORPORATE SERVICES / INTERIM MANAGER LEGAL AND GOVERNANCE

PURPOSE

For the Chief Executive Officer (CEO) to table the pecuniary interest returns received from designated persons between 1 November 2017 and 31 January 2018.

RECOMMENDATION

1 Council to note the pecuniary interest returns as tabled by the Chief Executive Officer received from designated persons between 1 November 2017 and 31 January 2018.

KEY ISSUES

2 Section 449(1) of the Local Government Act 1993 (NSW) (Act) requires Councillors and designated persons to lodge a pecuniary interest return in the form prescribed by the Local Government (General) Regulation 2005 (NSW) within three months after becoming a councillor or a designated person.

3 Section 441 of the Act provides that designated persons are:

(a) the general manager;
(b) other senior staff of the council;
(c) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest; and

(d) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest.
4 Section 450A of the Act requires the General Manager to keep a register of pecuniary interest returns (Register of Returns) lodged and to table it at a meeting of Council.

5 In accordance with section 739 of the Act, Council has amended the Register of Returns to omit information that discloses a designated person’s place of living where:

(a) the designated person requested such information be deleted on the grounds that it would place their personal safety or their family’s safety at risk; and

(b) the CEO was satisfied that disclosing the information would place the designated person’s safety or their family’s safety at risk.

FINANCIAL IMPACT

6 Not applicable.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

8 On the day following the meeting, the Register of Returns may be accessed by members of the public (at Council’s Administrative Centre) during business hours without an appointment.

9 At all other times, the Register of Returns is available for inspection in accordance with the Government Information (Public Access) Act 2009 (NSW). Council requires a person to make an appointment to view the Register of Returns during business hours.

RISK ASSESSMENT AND MITIGATION

10 Completing and tabling pecuniary interest returns is required by legislation and it is a crucial component of Council’s open and collaborative leadership strategic direction.

RELATED PREVIOUS DECISIONS

11 Pecuniary interest returns were last tabled at Council’s meeting on 12 December 2017.

CONSULTATION

12 Not applicable.
OPTIONS

Option 1

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

Option 2

14 Council does not adopt the recommendation. This is not recommended because failure to table the Register of Returns at a Council meeting would constitute a breach of section 450A of the Act.

BACKGROUND

15 Not Applicable.

REFERENCES

ATTACHMENTS

Nil.
ITEM-7 CCL 27/02/18 - ANNUAL AUDIT COMMITTEE AND INTERNAL AUDIT REPORT

REPORT BY: OFFICE OF THE CEO
CONTACT: CEO / AUDIT COMMITTEE CHAIR

PURPOSE

To provide an annual report to Council on the Audit Committee’s oversight of the internal audit function, the management of risk and the effectiveness of internal controls.

RECOMMENDATION

1 That Council:
   (a) receives the Audit Committee and internal audit annual report for the 2016/17 financial year; and
   (b) adopts the revised Audit Committee Charter, as shown at Attachment A.

KEY ISSUES

2 The Audit Committee “plays a pivotal role in the governance framework to provide Council with independent oversight and monitoring of Council’s audit processes, including Council’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).

3 Reporting to Council is required by the Audit Committee Charter.

4 The Audit Committee Charter has been reviewed, giving consideration to amendments pending to the Local Government Act 1993 which are expected to impact Audit Committees and the Internal Audit function of Council in the future.

5 Other key changes provide clearer alignment with the Office of Local Government sample Audit Committee Charter and Council's committee charter template.

6 A revised final version Audit Committee Charter is shown at Attachment A. A marked up version is shown at Attachment B, indicating all proposed changes.

FINANCIAL IMPACT

7 The payment of external Audit Committee members has a moderate financial impact on Council. The total annual payment to Audit Committee external
members was $20,500 for the 2016/17 financial year. This was $958 less than budgeted.

8 The amount of $26,324 was approved in the 2017/18 budget for the Audit Committee. Councillor members of the Audit Committee are not paid.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 Maintaining an Audit Committee supports the strategic direction of Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

10 Internal Audit and the Audit Committee support Council's Chief Executive Officer to oversee Council's risk management and controls. Both functions are referenced in Council’s enterprise risk management framework.

RISK ASSESSMENT AND MITIGATION

11 Maintaining an Audit Committee and internal audit function reduces risks to Council. When internal audit functions are maintained, instances of fraud, corruption, misappropriation, reputational and financial damage are more likely to be identified. Internal audit also identifies opportunities to improve the efficiency and effectiveness of Council operations.

12 The implementation of audit actions must be balanced against the urgency of other projects and available resources. Risk levels are considered in determining audit priorities and how audit recommendations are addressed.

RELATED PREVIOUS DECISIONS

13 At the Ordinary Council Meeting held on 19 May 2009, Council established the Audit Committee.

14 At the Ordinary Council Meeting held on 9 October 2012, Council adopted the Audit Committee Charter to replace the previous Audit Committee Constitution.

15 At the Ordinary Council Meeting held on 26 September 2017, Cr Jason Dunn and Cr John Mackenzie were appointed as Councillor Members of the Audit Committee, representing the newly elected Council.

CONSULTATION

16 This report was approved by the Audit Committee on 1 February 2018.
OPTIONS

Option 1

17 The recommendation as at Paragraph 1 (a) - (b). This is the recommended option.

Option 2

18 Council resolves not to adopt the recommendation at Paragraph 1 (a) - (b). This is not the recommended option.

BACKGROUND

19 The report is being submitted in accordance with the Audit Committee Charter and Office of Local Government Internal Audit Guidelines. It is for information purposes only.

20 The Audit Committee is made up of three external, independent members and two Councillor Members. This membership is in accordance with the Office of Local Government Internal Audit Guidelines, (September 2010) and the Audit Committee Charter.

21 The Audit Committee Charter contains Audit Committee responsibilities. Broadly, these include oversight of Council's risk management, control framework, legislative compliance and internal audit. The Audit Committee also reviews the external audit opinion and recommendations and other aspects of financial governance and reporting.

22 The Committee has no power of direction over the external audit or the manner in which the external audit is planned or undertaken.

23 The Committee has no executive powers. It cannot make decisions on behalf of Council or direct Council officers in the performance of their duties.

ADDITIONAL INFORMATION

The Audit Committee

24 The current status of external members is:

(a) Dr Col Gellatly (Chair) was appointed on 3 September 2013 for an initial 12 month term and his contract has been extended until 3 September 2018.

(b) The contract of Martin Matthews ceased on 30 June 2017. Mr Matthews served on the Audit Committee from its inception in July 2010.

(c) Micah Jenkins was initially appointed until 30 June 2015 and had his contract extended to 31 December 2017.
(d) As the result of an open tender process, Mr Stephen Coates was appointed to replace Mr Matthews from 1 July 2017 for a period of three years and Mr Stephen Horne was appointed for a period of three years, commencing on 1 January 2018 to replace Mr Jenkins.

25 Audit Committee activity during the 2016/17 financial year has included:

(a) Conducting five ordinary meetings.
(b) Approval of the 2018-2020 three-year Forward Internal Audit Plan.
(c) Endorsement of completed internal audits and implementation actions.
(d) Receipt of briefings from PricewaterhouseCoopers and the Audit Office of NSW on Council’s annual external financial audit plan and draft audit report.
(e) Receipt at each meeting of the most recent Monthly Financial Performance Report.
(f) Receipt of progress reporting at each meeting on the implementation of Enterprise Resource Planning (OneCouncil).
(g) Participating in a performance self-assessment.

26 A number of standing items are included in the Audit Committee business cycle. These are:

(a) Annual insurance report.
(b) Bi-annual review of Work Health & Safety statistics.
(c) Risk management report at each meeting.
(d) Annual report on large write-offs.
(e) Review of the annual external audit plan and briefing on the draft external audit report.
(f) Bi-annual report on the performance and financial statements for Business Improvement Associations.

27 Audit Committee Member attendance for the 2016/17 financial year meetings are shown in the following Table 1.

<table>
<thead>
<tr>
<th>Members</th>
<th>Meeting Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>18 August 2016</td>
</tr>
<tr>
<td>Col Gellatly</td>
<td>✓</td>
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<td>Cr Dunn</td>
<td>Apology</td>
</tr>
<tr>
<td>Cr Waterhouse</td>
<td>✓</td>
</tr>
</tbody>
</table>
Risk Management

28 Risk management key activities are reported at each meeting of the Audit Committee. The Committee maintains interest in the implementation status of Council's enterprise risk management framework and clarification of risk data to inform business planning and decision-making, including the internal audit plan.

Performance Self-assessment

29 The Audit Committee performance self-assessment was conducted during August 2017. A questionnaire was used with the objectives to:

a) determine the extent to which the Audit Committee is achieving its overall objective to provide independent assurance and assistance to Council on risk management, control, governance, and legal and regulatory obligations; and

b) assess the performance of Council's Internal Audit.

30 All five Audit Committee members responded to the questionnaire.

31 Members were asked to provide a rating in response to a total of 37 statements. 25 of the statements related to the function of the Audit Committee and 12 related to the function of Internal Audit.

32 Performance rating options were either 'strongly disagree', 'disagree', 'agree' or 'strongly agree'.

33 According to survey results, the area reviewed by the Audit Committee which requires the most improvement is Council's risk management framework. Survey comments about other areas for improvement were in relation to the timeliness of implementing agreed audit actions; ensuring clarity in management responses to audit recommendations; and ensuring consultation with the committee prior to changes being made to the audit plan.

34 All responses strongly agreed that, overall, internal audit has made a valuable contribution to the achievement of Council's objectives.

Internal Audit

35 Council outsources most of the internal audit function. Outsourcing ensures a high level of independence and autonomy from Council's management and that specialised knowledge and skills can be procured to conduct audits of those high risk areas which could impact the achievement of Council’s objectives.

36 Internal resources were allocated to complete two audit engagements in the 2016/17 internal audit program.

37 On 16 June 2015, Council accepted the schedule of hourly rates tender of O'Connor Marsden & Associates Pty Limited to perform internal audit services
from July 2015 for a period of three years with an option for Council to extend the period of the agreement for one year by written agreement.

38 This is a non-exclusive agreement that allows Council to appoint other, specialist audit providers as necessary.

39 The Audit Committee and internal audit provider are supported by an Internal Audit Coordinator.

40 The 10 internal audits completed for the 2016/17 program were:

(a) RMS DRIVES audit.
(b) Swimming pool safety compliance.
(c) National Heavy Vehicle Accreditation Scheme.
(d) Fire safety compliance management.
(e) Development assessment and disclosure of political donations.
(f) Cultural, historical and art collection management.
(g) Data management.
(h) Digital Print Services.
(i) s. 355 committees.
(j) Payroll.

**Forward Internal Audit Plan**

41 Management takes a risk-based approach to formulate a three year, rolling forward internal audit plan. The 2018-2020 forward internal audit plan was approved by the Audit Committee on 8 June 2017 and is shown at Attachment C.

42 The audit planning process requires management to periodically consider risk levels, strategic objectives, audit history and other factors to determine audit priorities. These criteria are weighted to provide a scoring method so that audit priorities can be ranked.

43 Completion of the audit program will be subject to the management of audit costs within the budget allocated. The allocated total budget for internal audit for 2017/18 is $285,126.

44 Management and the Audit Committee review the forward internal audit plan periodically, to ensure it continues to align with Council's risk priorities. Any proposed changes will continue to be referred to the Audit Committee for approval.
External Audit

45 The Audit Committee has continued to review Council's financial position and commitment towards achieving financial sustainability.

46 At a meeting held on 8 June 2017, the Audit Committee was provided with a briefing on the External Auditor's plan for the annual external audit, along with comments on interim findings.

47 The Audit Committee met on 12 October 2017 to receive briefings on the draft audit opinion and Council's financial statements in respect of the year ended 30 June 2017. A management report of significant financial matters for the year ended 30 June 2017 was reviewed. The report provided summary comparative information on key financial indicators and provided an update on Council's implementation of the Audit Committee financial sustainability recommendations made in March 2013.

48 The Audit Committee noted Council's positive financial position.

REFERENCES

ATTACHMENTS

Attachment A: Audit Committee Charter - final version without mark-up
Attachment B: Audit Committee Charter - final version with mark-up
Attachment C: 2018-2020 Forward Internal Audit Plan
The City of Newcastle
Charter

Audit & Risk Committee

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Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au
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<table>
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<tr>
<th>Charter title</th>
<th>Audit and Risk Committee Charter</th>
</tr>
</thead>
<tbody>
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<td>CEO</td>
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<td>Internal Audit Coordinator</td>
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<td>Version 3 (Audit and Risk Committee Charter) adopted by Council 25 November 2014</td>
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<td>Relevant strategic direction</td>
<td>Open and Collaborative Leadership</td>
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<td>Relevant legislation/codes</td>
<td>Local Government Act 1993 (NSW)</td>
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<td></td>
<td>Local Government Amendment (Governance and Planning) Act 2016 (s.428A)</td>
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<td>Division of Local Government Internal Audit Guidelines (September 2010)</td>
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<td>Related policies/documents</td>
<td>Enterprise Risk Management Framework and related documents</td>
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<td>Review of Charter</td>
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<td>Review of membership</td>
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</table>
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.


2.5 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 The 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
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.
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| **Amendments**       | Version 1 (Audit and Risk Committee Constitution) adopted by Council on 16 March 2019  
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** | Local Government Act 1993 (NSW)  
Local Government Amendment (Governance and Planning) Act 2016 (s.428A)  
Division of Local Government Internal Audit Guidelines (September 2019) |
| **Related policies/documents** | Enterprise Risk Management Framework and related documents  
Code of Conduct  
Media Policy  
Deed of Confidentiality register |
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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 legal and regulatory obligations, external accountability and 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.


2.5 Audit Committee 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.

2.7 Council means the City of 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 Auditor General 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 Local Government Act, 1993.

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 Committee 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 Committee Audit and Risk Committee meeting who is not a Voting Councillor member of the Audit Committee 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 arrangements 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 Committee 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

The Council authorises the Committee within the scope of its roles and responsibilities, the Committee has the following authority:

4.1 In carrying out its responsibilities, 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 305 of the Act and it is not a special committee as per section 209 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.

Comment [a5]: Deletion added

Comment [a6]: Deletion added

Comment [a7]: Deletion added

Comment [a8]: Wording aligns more with DLG sample AC Charter
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 also to provide information to the Council for the purpose of improving the Council’s performance of its functions.

The responsibilities of the Committee in detail are as follows:

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
task of managing and exercising 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 Audits

5.3.1 Act as a forum for communication between the Council, the General
Manager/CEO, senior management, internal audit, and the 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 the 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
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5.3.7 Satisfy itself there is a performance management framework linked to
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5.4.1 Determine whether management has appropriately considered legal and
compliance risks as part of risk assessment and management
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5.4.2 Review the effectiveness of the system for monitoring compliance risks
which form part of risk assessment and management arrangements,
with relevant legislation.

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 Audit Committee Selection Panel.

6.1.2 The Chair is one of the three Independent Members, appointed by the Audit Committee 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 The Lord Mayor may not be a Member of the Committee.

Members may not transfer their membership to any other person or to attend on their behalf.

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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 either Council resolution or 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 The 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 Committee 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 Committee Selection Panel.

6.3.4 External members, including the Chair, may be eligible for re-appointment by approval of the Committee 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 Committee Selection Panel will nominate a replacement external member to the Committee.

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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.

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6.4.6 If re-elected to Council, retiring Councillor members are entitled to nominate for re-appointment.

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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) Invites 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

The Committee Selection Panel is responsible for reviewing the performance, tenure and other matters which relate to the 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 management of risk and internal control 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 consultation with the CEO and 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 that 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 authorise resolve for the draft confirmed minutes to be signed by the Committee Chair.

8 Conduct by members

8.1 Code of Conduct

8.1.1 All Committee Members are expected to act in accordance with 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 insufficient.

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 should 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 not the time of their appointment to assist them to meet their Committee responsibilities.

11 Review of Audit 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.

43 Review of membership

43.1 The Audit Committee Selection Panel is responsible for reviewing the performance, tenure and other aspects of the external members.

Comment [a32]: Added so that Charter can be aligned with legislative changes when they occur.

Comment [a33]: Moved up to Membership.
### 2017-2020 Forward Internal Audit Plan

<table>
<thead>
<tr>
<th>No.</th>
<th>Audit Area</th>
<th>Audit Planning Methodology</th>
<th>When Scheduled</th>
<th>Key Objectives / Reason for Selecting Now Methodology</th>
<th>Resource</th>
<th>Audit Type</th>
<th>Enforced Audit Days</th>
<th>Reporting Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>NSW CRM/ICS</td>
<td>Q1 Planning &amp; Regulatory - Major Change</td>
<td>NSW require a mandatory internal audit to be performed for Council to maintain access to the NSW CRM/ICS database. It is due by 15 July 2018, in tenens.</td>
<td>Internal</td>
<td>Compliance</td>
<td>5</td>
<td>Nov-17</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Superannuation</td>
<td>Q1 Corporate Services - Finance</td>
<td>The audit will examine arrangements for aspects of superannuation such as calculations, provision, payment and valuation of posts, (Council/ Superannuation) implementation. This follows the audit of payroll conducted during May 2012.</td>
<td>External</td>
<td>Operational</td>
<td>12</td>
<td>Nov-17</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Councillors' expenses</td>
<td>Q1 Corporate Services - Finance</td>
<td>The objective of the audit will be to examine the consistency of Councillors' expenses with legislative requirements and Council policies and determine the adequacy of controls in spending processes.</td>
<td>External</td>
<td>Operational</td>
<td>12</td>
<td>Mar-18</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>National Roads Infrastructures - Accreditation Scheme</td>
<td>Q1 Infrastructure and Traffic Infrastructure and Traffic Audit</td>
<td>An internal and external audit are required to maintain access to the audit. The audit is limited to the Maintenance Management System.</td>
<td>Internal</td>
<td>Compliance</td>
<td>6</td>
<td>Mar-18</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Infrastructure program delivery</td>
<td>Q1-Q2</td>
<td>Infrastructure and Traffic Infrastructure and Traffic Audit</td>
<td>Strategic review of infrastructure programs, management and delivery. External audits such as financial audits and evaluations, alignment to GDF, database checking, governance arrangements and reporting.</td>
<td>External</td>
<td>Strategic</td>
<td>4Q</td>
<td>Jun-18</td>
</tr>
<tr>
<td>6</td>
<td>User management</td>
<td>Q1-Q2</td>
<td>Infrastructure and Traffic Infrastructure and Traffic Audit</td>
<td>The objective of the audit will be to review the design, implementation and effectiveness of systems and controls to manage and record staff leave.</td>
<td>External</td>
<td>Operational</td>
<td>12</td>
<td>Aug-18</td>
</tr>
<tr>
<td>7</td>
<td>Review new terms and conditions of contract or TWH</td>
<td>Q1-Q2</td>
<td>Infrastructure and Traffic Infrastructure and Traffic Audit</td>
<td>The objective of the audit will be to review the adequacy of arrangements for conditions of contracts at Sommerville Town Council Management Centre.</td>
<td>Internal</td>
<td>Compliance</td>
<td>20</td>
<td>Aug-18</td>
</tr>
<tr>
<td>No.</td>
<td>Audit Area</td>
<td>Audit Planning Methodology</td>
<td>When Scheduled</td>
<td>Who Responsible</td>
<td>Key Objectives / Reason for deviation from Methodology</td>
<td>Resource Type</td>
<td>Audit Type</td>
<td>Estimated Audit Days</td>
</tr>
<tr>
<td>-----</td>
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<td>--------------------</td>
</tr>
<tr>
<td>1</td>
<td>&quot;HRIS&quot; Drives</td>
<td>Q1 Planning &amp; Repository - Repository</td>
<td>Q1</td>
<td>Q1</td>
<td>RIMS require mandatory internal audits be performed for Council to retain access to the RIMS database. It is due by 31 July annually, in person.</td>
<td>Internal</td>
<td>Compliance</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Sewerage and Waste</td>
<td>Q1 Infrastructure Waste Management</td>
<td>Q1</td>
<td>Q1</td>
<td>New weighbridge software to be implemented July 2018. Test cash handling and invoicing controls, post implementation as well as commercial contract reviews.</td>
<td>Internal</td>
<td>Operations</td>
<td>10</td>
</tr>
<tr>
<td>3</td>
<td>Debt Management - Environmental Management Systems</td>
<td>Q1 Infrastructure - Civil Works</td>
<td>Q1</td>
<td>Q1</td>
<td>The objective of the review will be to test the design, implementation and effectiveness of environmental management systems at the Council’s works depots.</td>
<td>External</td>
<td>Operations</td>
<td>13</td>
</tr>
<tr>
<td>4</td>
<td>IT Vendor &amp; Relationship Management</td>
<td>Q2 Corporate Services - IT</td>
<td>Q2</td>
<td>Q2</td>
<td>The review would focus on the management of IT vendor contracts and supply arrangements, aside from OneCouncil.</td>
<td>External</td>
<td>Operations</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>Open Space Services, Landscaping and Parks and Gardens</td>
<td>Q2 Infrastructure - Public &amp; Recreational</td>
<td>Q2</td>
<td>Q2</td>
<td>The audit will review the adequacy of leasing, licensing and other arrangements for the permanent use of Council structures and facilities on Council controlled land. Aspects such as revenue remittance, entry of tenancy, asset management and maintenance will be examined.</td>
<td>External</td>
<td>Operations</td>
<td>15</td>
</tr>
<tr>
<td>6</td>
<td>Events Management</td>
<td>Q2 Planning &amp; Repository - Strategic Planning</td>
<td>Q2</td>
<td>Q2</td>
<td>The objective of the audit will be to review governance and compliance related to the management of events.</td>
<td>External</td>
<td>Operations</td>
<td>10</td>
</tr>
<tr>
<td>7</td>
<td>Customer Relationship Management, No Compliances</td>
<td>Q3 Corporate Services - Customer Service</td>
<td>Q3</td>
<td>Q3</td>
<td>Complaints management process is currently under review. Request tracking and accountability measures are now established in Customer Request Management module of OneCouncil.</td>
<td>External</td>
<td>Strategic</td>
<td>12</td>
</tr>
<tr>
<td>8</td>
<td>Treasury Management and Trust Funds</td>
<td>Q3 Corporate Services - Finance</td>
<td>Q3</td>
<td>Q3</td>
<td>The review will test Council’s approach to the management of a new investment policy and whether Council’s investments are within agreed risk parameters.</td>
<td>External</td>
<td>Operations</td>
<td>10</td>
</tr>
<tr>
<td>9</td>
<td>Water / Sewer / Waste Water Accreditation Scheme</td>
<td>Q3 Infrastructure - Civil Works</td>
<td>Q3</td>
<td>Q3</td>
<td>An annual internal audit and bi-annual external audit are required to maintain a clean water accreditation.</td>
<td>Internal</td>
<td>Compliance</td>
<td>4</td>
</tr>
<tr>
<td>10</td>
<td>Rents, Billings and Collections</td>
<td>Q4 Corporate Services - Finance</td>
<td>Q4</td>
<td>Q4</td>
<td>The objective of the audit is to test reasonable assurance that Council’s policies and procedures support compliance with relevant legislation that rents are set in accordance with authorized pricing levels and that the processing and review of rates and billings is adequately controlled to prevent errors, misstatement or fraud.</td>
<td>External</td>
<td>Operations</td>
<td>10</td>
</tr>
<tr>
<td>11</td>
<td>Rates and Developer Contributions - Application and Assessment</td>
<td>Q4 Planning &amp; Regulatory - Strategic Planning</td>
<td>Q4</td>
<td>Q4</td>
<td>Review processes, calculations and application of s. 54 and other developer contributions.</td>
<td>External</td>
<td>Operations</td>
<td>10</td>
</tr>
</tbody>
</table>
### Audit Schedule 2019-2020

<table>
<thead>
<tr>
<th>No.</th>
<th>Audit Areas</th>
<th>Audit Planning Methodology</th>
<th>When Scheduled</th>
<th>Who Responsible</th>
<th>Key Objectives / Reason for deviation from Methodology</th>
<th>Resource</th>
<th>Audit Type</th>
<th>CapEx by Required</th>
<th>Reporting Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EMS DRIVS</td>
<td>G1</td>
<td>10</td>
<td>G1 Planning &amp; Regulatory - strategic Planning</td>
<td>IMS requires a mandatory, internal audit be performed for Council to ensure access to the IMS DRIVS database. It is due by 30 June annually, in practice.</td>
<td>Internal</td>
<td>Compliance</td>
<td>5</td>
<td>Aug-19</td>
</tr>
<tr>
<td>2</td>
<td>Henneyed Community Children’s Education Centre</td>
<td>G1</td>
<td>27</td>
<td>G1 Planning &amp; Regulatory - Strategic Planning</td>
<td>Follow-up audit of cost handling, procurement and fund raising processes.</td>
<td>Internal</td>
<td>Operations</td>
<td>10</td>
<td>Nov-19</td>
</tr>
<tr>
<td>3</td>
<td>Supply, chattel and procurement including use of corporate cards</td>
<td>G1</td>
<td>28</td>
<td>G1 Corporate Services - Procurement</td>
<td>Review general supply and procurement controls against IJC recommendations and best practice (e.g., review of corporate card use).</td>
<td>External</td>
<td>Operations</td>
<td>15</td>
<td>Nov-19</td>
</tr>
<tr>
<td>4</td>
<td>Insurance management</td>
<td>G2</td>
<td>38</td>
<td>G2 Corporate Services - Legal &amp; Governance</td>
<td>Follow-up review of the internal audit conducted early 2013 on the implementation of the Onecouncil II insurance claims module.</td>
<td>External</td>
<td>Operations</td>
<td>8</td>
<td>Mar-20</td>
</tr>
<tr>
<td>5</td>
<td>Planning and development</td>
<td>G3</td>
<td>76</td>
<td>G3 Corporate Services - HR</td>
<td>Review alignment to the workforce management plan (HRD) requirement and allocation of workload priorities which will enhance the required workforce capability of Council, including projects in development.</td>
<td>External</td>
<td>Operations</td>
<td>12</td>
<td>Mar-20</td>
</tr>
<tr>
<td>6</td>
<td>Cloud based systems</td>
<td>G3</td>
<td>96</td>
<td>G3 Corporate Services - IT</td>
<td>Increasing on-line subscription to cloud based software solutions, cross over risks of unbudgeted IT costs which may not represent real value, poor procurement practices, inaccurate treatment of corporate information, documented from Corporate IT resulting in lack of system availability and under-utilisation of approved and recognised corporate systems.</td>
<td>External</td>
<td>Operations</td>
<td>12</td>
<td>Mar-30</td>
</tr>
<tr>
<td>7</td>
<td>Admin Building Asset Management</td>
<td>G3</td>
<td>26</td>
<td>G3 Infrastructure Facilities &amp; Resources</td>
<td>Aspects of Council’s current building asset management model will be reviewed to determine the adequacy of the planning, construction, maintenance scheduling and the allocation of relevant responsibilities and budget. Review against best practice facilities management.</td>
<td>Internal</td>
<td>Operations</td>
<td>15</td>
<td>Jun-20</td>
</tr>
<tr>
<td>8</td>
<td>Volunteer Management</td>
<td>G3</td>
<td>11</td>
<td>G3 Corporate Services - HR</td>
<td>Follow-up audit from that completed during 2017 to confirm that volunteers in framework documents are engaged and managed appropriately.</td>
<td>Internal</td>
<td>Operations</td>
<td>5</td>
<td>Jun-20</td>
</tr>
<tr>
<td>9</td>
<td>Maritime Vehicle Accreditation Scheme</td>
<td>G3</td>
<td>63</td>
<td>G3 Infrastructure Civil Works</td>
<td>As annual internal audit and bi-annual external audit are required to maintain vehicle accreditation. The audit is limited to the Marine Service Management System.</td>
<td>Internal</td>
<td>Compliance</td>
<td>6</td>
<td>Jun-20</td>
</tr>
<tr>
<td>10</td>
<td>Chargeable works</td>
<td>G4</td>
<td>71</td>
<td>G4 Infrastructure Civil Works</td>
<td>The review will consider processes related to initiation, engagement, agreement terms, costing and invoicing, work done with chargeable works for which Council is engaged, (such as residential drainage, utility, repair interventions, inner city street).</td>
<td>Internal</td>
<td>Operations</td>
<td>10</td>
<td>Aug-20</td>
</tr>
<tr>
<td>11</td>
<td>Contractor performance management</td>
<td>G4</td>
<td>10</td>
<td>G4 Infrastructure Projects &amp; Contracts</td>
<td>The audit will seek assurance that Council has designed and implemented adequate controls to manage various aspects of contractor performance.</td>
<td>External</td>
<td>Operations</td>
<td>15</td>
<td>Aug-20</td>
</tr>
</tbody>
</table>
ITEM-8 CCL 27/02/18 - AFFIXING COUNCIL'S SEAL TO DEEDS OF INDEMNITY FOR LOUISE HICKS (NAPLS SECRETARY)

REPORT BY: CORPORATE SERVICES
CONTACT: INTERIM DIRECTOR CORPORATE SERVICES / INTERIM MANAGER LEGAL AND GOVERNANCE

PURPOSE

To approve and authorise the affixation of Council's seal to four copies of a tripartite Deed of Indemnity (Deed).

RECOMMENDATION

1 In accordance with Clause 400(4) of the Local Government (General) Regulation 2005 (NSW), Council approves and authorises:

   (a) the affixation of Council's seal to the Deed of Indemnity to be entered into between Newcastle City Council, Port Stephens Council and Ms. Louise Hicks; and

   (b) The witnessing of the affixation of Council's seal to the Deed of Indemnity in the presence of:

       (i) The Lord Mayor and the Chief Executive Officer (CEO), or

       (ii) at least one Councillor (other than the Lord Mayor) and the Chief Executive Officer, or

       (iii) the Lord Mayor and at least one Councillor, or

       (iv) at least two Councillors other than the Lord Mayor,

on the grounds that the Deed of Indemnity relates to the business of Council.

KEY ISSUES

2 Ms. Louise Hicks was appointed as a Company Secretary Newcastle Airport Pty Ltd (NAPL) on 25 August 2017. Upon execution by all parties, the Deed provides that both Council and Port Stephens Council (PSC) shall indemnify Ms Hicks in respect of claims. The applicability of indemnity is subject to a claim arising from Ms Hicks's failure to comply with the duties and obligations imposed on her by NAPL's corporate governance charter, its construction or any laws.
3 The existence of a deed is a common practice in relation to companies that seek to appoint company secretaries and is permissible under the Corporations Act 2001 (Cth).

4 The Deed was prepared by Herbert Smith Freehills (NAPL’s solicitors) and has already been executed by Louise Hicks and Port Stephens Council.

FINANCIAL IMPACT

5 There is no financial cost associated with Council’s execution of the Deed. In the event that a legal claim was ever made against Ms Hicks, it is expected that NAPL’s Directors and Officers Indemnity Insurance Policy would fully cover the financial costs of the claim as per its terms and conditions. Such indemnity protects Council and PSC from any financial costs associated with any particular claim and the Deed being called upon except for when:

(i) the claim arises in connection with a failure by Ms Hicks to comply with the duties and obligations imposed on her by NAPL’s corporate governance charter, NAPL’s constitution or any laws; or

(ii) proceeds are payable to Ms. Hicks for the relevant claim "under a policy of insurance".

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

7 No further action is required in order to enable the Deed coming into legal effect.

RISK ASSESSMENT AND MITIGATION

8 Delays in executing the Deed, including affixing the Council seal, exposes Council to litigation and financial costs associated with it. To ensure such a risk is eliminated, it is recommended that Council executes the Deed as a matter of priority.

RELATED PREVIOUS DECISIONS

9 At the Ordinary Council Meeting held on 22 August 2017 - Approval of affixation of Council Seal to a Deed of Indemnity in respect of Mr Jeremy Bath as a Director of NAPL.

10 At the Ordinary Council Meeting held on 14 February 2017 - Approval of affixation of Council Seal to a Deed of Indemnity in respect of Ms Anne Peters as Company Secretary of NAPL.
11 At the Ordinary Council Meeting held 27 September 2016 - Approval of affixation of Council Seal to a Deed of Indemnity in respect of Mr Cameron Macphee as a non-executive Director of NAPL.

12 At the Ordinary Council Meeting held 23 February 2016 - Approval of affixation of Council Seal to a Deed of Indemnity in respect of Mr Frank Cordingley as a Director of NAPL.

13 At the Ordinary Council Meeting held 28 July 2015 - Approval of affixation of Council Seal to three Deeds of Indemnity in respect to Mr Kirby Clark and Ms June Munro as Directors of NAPL, and Mr Peter Cock as CEO of NAPL.

14 At the Ordinary Council Meeting held on 31 March 2015 - Approval of execution of the Deed in respect of Mr Wayne Wallis as a Director of NAPL.

15 At the Ordinary Council Meeting held on 8 October 2013 - Approval of execution of NAPL corporate restructure legal documents.

16 At the Ordinary Council Meeting held on 24 September 2013 - Adoption of Instrument of Delegation to Newcastle Airport Ltd.

17 At the Ordinary Council Meeting held on 7 August 2012 - Adoption of Newcastle Airport Ownership Restructure.

CONSULTATION

18 NAPL provided the Deed to Council and no additional consultation is required.

OPTIONS

Option 1

19 The recommendation as at Paragraph 1 (a) - (b). This is the recommended option.

Option 2

20 Council does not adopt the recommendation as at Paragraph 1 (a) - (b). This is not the recommended option because it exposes Council to litigation and associated costs.

BACKGROUND

21 Council is a 50% shareholder of NAPL, the other 50% shareholder being PSC. Council is the 100% shareholder of Newcastle Airport Partnership Company 1 Pty Ltd (NAPC1) and Newcastle Airport Partnership Company 2 Pty Ltd (NAPC2), which respectively act as the corporate trustees of the Newcastle Airport Partnership Trust 1 and Newcastle Airport Partnership Trust 2.
22 Council is the sole unit holder in each of the two unit trusts. The two companies are two of the four partners that constitute the Newcastle Airport Partnership (NAP). The other two partners are Newcastle Airport Partnership Company 3 Pty Ltd (NAPC3) Newcastle Airport Partnership Company Pty Ltd (NAPC4) which similarly act as the corporate trustees of the Newcastle Airport Partnership Trust 3 and Newcastle Airport Partnership Trust 4. These latter two companies are wholly-owned by PSC. The four companies comprise all of the four partners of NAP.

ATTACHMENTS

Nil
ITEM-9  CCL 27/02/18 - CROWN LAND MANAGEMENT IN THE
NEWCASTLE LOCAL GOVERNMENT AREA

REPORT BY:  INFRASTRUCTURE
CONTACT:  DIRECTOR INFRASTRUCTURE / MANAGER FACILITIES
AND RECREATION

PURPOSE

To report on the outcome of Council's Expression of Interest (EOI) to the Department of Industry's Land Negotiation Program and to provide an update on the enactment of the balance of the Crown Land Management Act 2016.

RECOMMENDATION

1 Council notes the outcome of the Expression of Interest to the Department of Industry's Land Negotiation Program and the proposed program of work in relation to Crown Land categorisation and Plan of Management revisions.

KEY ISSUES

2 The NSW Department of Industry formerly advised Council in a letter dated 24 November 2017 that Council's EOI to the Land Negotiation Program was unsuccessful, shown at Attachment A. Crown Lands received 83 applications from Councils and Local Aboriginal Land Councils, six areas were successful. No future rounds of the program beyond 2020 have been confirmed.

3 Crown Lands has advised that vesting of land to Councils will generally not occur other than through participation in the Land Negotiation Program. While there are mechanisms for unique and limited negotiations on a case by case basis outside of the program, these generally relate to exceptional circumstances only, that are linked to State priorities.

4 Upon enactment of the balance of the Crown Land Management Act 2016 (CLMA), Crown Land for which Council is the appointed Trust Manager will be managed under the provisions of the Local Government Act 1993 (Act). On current advise from the Department of Industry this is likely to occur sometime in the first half of 2018.

5 Section 22 of the CLMA requires Council to categorise the Crown Land it manages and prepare Plans of Management (PoMs) in accordance with the provisions of the Act.

6 It is proposed to commence categorisation of Crown Land for inclusion within existing PoMs in 2018. The revised PoMs will be publicly exhibited in accordance with the provisions of the Act and adopted by Council.
7 On preliminary assessment the majority of Crown Land will likely be categorised as Parkland, Sportsground or General Community Use and included within the draft Community Lands PoM.

8 The draft Community Lands PoM was exhibited in mid-2017 and has not yet been adopted by Council. It is proposed to include Crown Land within the draft and re-exhibit this document, pending Department of Industry Ministerial consent to the proposed categories.

FINANCIAL IMPACT

9 No financial impacts have been identified. Categorisation of Crown Land and the review of PoMs will be done within existing resources.

COMMUNITY STRATEGIC PLAN ALIGNMENT

10 Management of crown reserves achieves the Vibrant and Activated Public Spaces and Open and Collaborative Leadership objectives of the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

11 Categorisation of Crown Land will commence upon enactment of the balance of the CLMA.

RISK ASSESSMENT AND MITIGATION

12 Proceeding with land categorisation and PoM revisions is not considered to present a risk to Council.

13 Revision of the PoMs will involve community and stakeholder input and public exhibition. Clarity in relation to land categories and PoM status will reduce risk in relation to land management, in particular leasing and licensing and provide greater certainty to the community.

RELATED PREVIOUS DECISIONS

14 Council resolved at the Ordinary Council Meeting held on 28 November 2017 that:

1. Council notes that an Expression of Interest has been submitted to the Department of Industry’s Land Negotiation Program.

2. Council receive a report advising of the outcome of the application and future processes relevant to the program.

CONSULTATION

15 Community consultation will occur during subsequent revisions of the PoMs.
OPTIONS

Option 1

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

Option 2

17 Delay commencement of the land categorisation and PoM revision and await further rounds of the Land Negotiation Program. Under the CLMA, Council has three years from the date of enactment to revise PoMs without the requirement for a public hearing. After this time any revision of PoMs will require a public hearing as part of the process. The Department of Industry have given no assurances in relation to any future rounds of the Land Negotiation Program. This is not the recommended option.

BACKGROUND

18 The Department of Industry has commenced a three year Land Negotiation Program. The program involves voluntary, multi-party negotiations between the NSW Government, the NSW Aboriginal Land Council, Local Aboriginal Land Councils and Local Government to determine the most appropriate party to own Crown Land.

19 Council submitted an application to the program. The program will be reviewed in 2020 and a decision made at that time whether or not the program will be expanded across the State.

20 Council has prepared a draft Community Land PoM which is yet to be returned for adoption.

REFERENCES

ATTACHMENTS

Attachment A

NSW Government
Department of Industry

LBN17/942

Mr Frank Cordingley
General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Dear Mr Cordingley

Expression of Interest to participate in the Land Negotiation Program

On behalf of the Minister for Lands and Forestry, thank you for your Expression of Interest (EOI) to participate in the Land Negotiation Program (the program). After careful consideration, I regret to inform that your EOI was unsuccessful at this time.

The Department of Industry (DoI) – Crown Lands received great interest in the program, with 83 Councils and Local Aboriginal Land Councils (LALCs) submitting an application during the eight week period. A number of factors were taken into account in reviewing EOIs, including the capacity of all prospective parties, the current relationships between the parties and the need to geographically represent metropolitan, regional centre, coastal regional and inland rural areas.

The program is currently funded until 2020. On completion of a formal program evaluation after this time, a decision will be made to expand the program across the State. I will keep you informed of the outcome.

If you have any further queries or wish to discuss your EOI please contact Olivia West, Principal Policy and Program Manager in DoI Crown Lands, on (02) 6391 3170, or Karen Hearnden, A/Principal Policy and Program Manager in DoI Crown Lands, on (02) 4925 4126.

Yours sincerely

ALISON PEPPER
A/DEPUTY DIRECTOR GENERAL
DEPARTMENT OF INDUSTRY – CROWN LANDS

24 NOV 2017
ITEM-10 CCL 27/02/18 - MCCAFFREY DRIVE, RANKIN PARK - PROPOSED UPGRADE TO EXISTING ZEBRA / CHILDREN’S CROSSING NORTH OF SPENCER STREET

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR INFRASTRUCTURE / ACTING MANAGER INFRASTRUCTURE PLANNING

PURPOSE

To approve the proposed upgrade to the existing pedestrian crossing on McCaffrey Drive, Rankin Park north of Spencer Street.

RECOMMENDATION

1 Approve the proposed upgrade of the existing pedestrian crossing on McCaffrey Drive, Rankin Park as shown at Attachment A.

KEY ISSUES

2 The pedestrian crossing located north of Spencer Street caters for pedestrian movements to/from Wallsend South Public School. The crossing is supervised by a Roads and Maritime Services (RMS) school crossing supervisor during school peak hours.

3 This section of McCaffrey Drive is a two lane, two-way road with parking lanes provided on both sides. It is classified as a sub-arterial regional road with a posted speed limit of 60 km/h.

4 The northbound bus stop is located on the departure side of the crossing and the southbound bus stop is located on the approach side.

5 The RMS school crossing supervisor has reported that southbound through traffic occasionally overtakes on the left of stationary vehicles that are stopped to give way for pedestrians on the crossing, or turning right into Spencer Street. It was also reported that children are unable to see southbound traffic when a bus stops at the southbound bus stop on the approach to the crossing. Pedestrians therefore have a tendency to stand in the parking lane to see southbound traffic before crossing the road.

6 The existing crossing is non-compliant with the current RMS guidelines. It poses a safety risk for pedestrians and cyclists due to width of the road, and lack of appropriate street lighting.

7 Council undertook a manual traffic and pedestrian survey in March 2016. The survey results indicated two-way traffic volumes in the range of 1,300-1,450
vehicles and 80-90 pedestrians using the crossing during the morning and afternoon school peak hours.

8  The upgrade includes kerb extensions to narrow the road, an upgrade to street lighting, and drainage improvements. The upgraded crossing will be relocated midblock between Spencer Street and Dangerfield Drive to provide opportunity for through traffic to overtake stationery vehicles waiting to turn right into both side streets.

9  The proposal includes the relocation and upgrade of the adjoining two bus stops in accordance with Council standards, and altering No Stopping restrictions in accordance with RMS guidelines. The southbound bus stop is being relocated from its existing location to the departure side of the crossing to improve safety and visibility for pedestrians.

FINANCIAL IMPACT

10  The proposed works are funded through NSW Government's Pedestrian Infrastructure Around Schools Program to a value of $50,000. The remaining funding is from Council's 2017/2018 Pedestrian Access and Mobility Program (PAMP). The project will cost approximately $164,000 inclusive of the grant.

COMMUNITY STRATEGIC PLAN ALIGNMENT

11  The proposed work is aligned with the strategic direction of the Connected City whereby "transport networks and services will be well connected and convenient. Walking, cycling and public transport will be viable options for the majority of our trips". The proposal will increase safety for pedestrians in McCaffrey Drive due to improved pedestrian facilities.

IMPLEMENTATION PLAN/IMPLICATIONS

12  Approval of the kerb extensions and pedestrian crossing are not delegated to council officers and must be referred to Council for final determination. Approval of kerb extensions does not have any implications on existing or future planning policies. The proposal will support Council's mission to enhance the quality of life by improving the safety of road users.

RISK ASSESSMENT AND MITIGATION

13  The proposed pedestrian facility improvements are intended to reduce risk and increase safety for pedestrians. The proposal will provide improved pedestrian and cyclist accessibility, amenity and safety. The work will be undertaken in accordance with the relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

14  Nil.
CONSULTATION

15 Consultation has been conducted with leaflets distributed to residents, non-resident owners and the school from 1 November 2017 to 4 December 2017. An advertisement was published in the Newcastle Herald on 4 November 2017 seeking comments from the wider community by 4 December 2017. Leaflets were also posted to various stakeholders such as bus operators, police, fire brigade, ambulance services and utility providers. The consultation leaflet is shown at Attachment B.

16 Council has received seven responses, out of which two are in favour and five are against the proposal. The summary of consultation responses is shown at Attachment C.

17 Some residents have raised concerns that the proposed kerb extensions at the crossing would prevent through traffic from overtaking stationary vehicles waiting to turn right into both side streets.

Council Comment: The upgraded crossing has been relocated midblock between the two side streets, from the existing location nearer to Spencer Street, to provide opportunity for through traffic to overtake stationary right-turning vehicles.

18 Some residents have recommended that the upgraded crossing should be relocated south of Spencer Street adjoining the reserve. This would facilitate through traffic to overtake right-turning vehicles into Spencer Street and Dangerfield Drive without any interruptions.

Council Comment: The crossing primarily serves as a crossing point for children to/from Wallsend South Public School. Children currently have to cross one street (Grandview Road) to reach the existing crossing. If the crossing is relocated south of Spencer Street, children will have to cross three streets (Cranbrook Parade, Spencer Street and Grandview Road), which is considered a safety risk.

19 Some residents support the upgraded crossing however do not support relocation of the northbound bus stop opposite to Dangerfield Drive as it would potentially result in northbound through traffic having rear-end crashes with stationary right-turning vehicles. One resident requested installing right-turn bays and 'Keep Clear' pavement markings at the two side streets.

Council Comment: The bus stop is currently serviced by Route 26 and a few school routes. Route 26 has approximately 30 minute and 60 minute frequency during peak and off-peak periods respectively. A bus typically stops at a bus stop for around 20-30 seconds. The probability of a bus stopped at the bus stop and a stationary vehicle waiting to turn right into Dangerfield Drive simultaneously is considered low. The bus zone would act as a default No Stopping zone for other traffic and would provide maneuvering space for...
overtaking through traffic. Council does not support Installing right-turn bays at the side streets as it would result in additional loss of parking for residents and displace the bus stops further away.

20 Some residents have suggested combining the two southbound bus stops (north of Grandview Road and south of Dangerfield Drive) that are approximately 150 metres apart by moving the proposed relocated bus stop to the northern side of Dangerfield Drive in front of the reserve area.

Council Comment: Council does not support relocation of the proposed southbound bus stop from outside 214/216 McCaffrey Drive to the north of Dangerfield Drive as children would then have to cross Dangerfield Drive to access the upgraded crossing. The combined bus stop, if implemented, would be approximately 500 metres from the southbound bus stop near Rosedale Crescent, which exceeds the recommended maximum bus stop interval of 400 metres by Transport for NSW (TfNSW) guidelines.

21 Some residents have raised concerns with relocating the southbound bus stop outside 214/216 McCaffrey Drive. The key concerns are loss of on-street parking for visitors/deliveries, restricted sight lines while exiting driveways, people gathering and noise and air pollution.

Council Comment: The affected properties have ample off-street parking and on-street parking would still be available in close proximity. The buses are expected to stop at the bus stop for approximately 20-30 seconds. The bus zone will remain unoccupied the majority of the time thus improving sight lines for motorists exiting driveways. The building frontages of the affected properties are set back approximately seven metres from the front boundaries and Council does not consider that the bus stop would have a negative impact on the environment or health of the affected residents.

22 The signposting and linemarking plan, following community consultation, was tabled at the Newcastle City Traffic Committee (NCTC) meeting on 18 December 2017 (Item 280). A Council officer highlighted that the consultation plan inadvertently did not show the No Stopping restriction on the eastern side of McCaffrey Drive between the proposed kerb extension and the bus zone (right arrow) sign. This section currently has a No Stopping restriction associated with the existing crossing however, if it is not retained there is potential for vehicles to be parked in this section. This would defeat the purpose of relocating the crossing and the southbound bus stop to ensure that through traffic can overtake stationary vehicles turning right into Spencer Street. The NCTC recommended to update the signposting and linemarking plan to retain the No Stopping restriction along this section. The NCTC supported the proposal and recommended referral to Council for final determination.
OPTIONS

Option 1

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

Option 2

24 Do not approve the proposed works. This is not the recommended option.

BACKGROUND

25 The matter was tabled at the NCTC meeting on 21 September 2015 (Item 174). The Committee provided in-principle support for the proposed kerb extensions as well as relocation of the southbound bus stop on the departure side outside the residential properties. The proposed kerb extensions were listed in Council’s PAMP funding priority list.

26 The NCTC provided in-principle support for the concept proposal on 16 October 2017 (Item 226).

27 Further background information is presented in the Key Issues sections 2 to 9 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Signposting and linemarking plan
Attachment B: Consultation leaflet
Attachment C: Summary of consultation responses
Attachment D: Location plan - McCaffrey Drive Rankin Park
Community Consultation

To The Owner / Occupier

McCaffrey Drive, Rankin Park
Proposed Upgrade to Existing Zebra / Children's Crossing

1 November 2017

Council proposes to upgrade the existing zebra / children's crossing on McCaffrey Drive, north of Spencer Street, with kerb extensions to improve safety. The proposed upgrade will include kerb extensions on both sides of the crossing to narrow carriageway width as well as necessary street lighting and drainage improvements.

The upgraded crossing is proposed to be relocated midblock between Spencer Street and Dangerfield Drive to provide opportunity for through traffic to overtake stationary motorists waiting to turn right into both side streets. The proposal also includes relocating and upgrading the adjoining two bus stops in accordance with Council standards and altering No Stopping restrictions in accordance with Roads and Maritime Services (RMS) guidelines. The southbound bus stop is being relocated to the departure side of the crossing to improve safety and visibility for pedestrians in comparison to the existing location on the approach side of crossing.

A concept plan of the proposal is shown overleaf for reference. The plan and consultation responses will be tabled to the next available Newcastle City Traffic Committee for consideration. Council welcomes your comments on this proposal and your feedback will shape Council’s final decision. Council will assume that any resident / business choosing not to reply to this letter has no objection to the proposal.

Are you in favour of the proposal (please tick)?

YES ☐    NO ☐

Please forward written comments by 4 December 2017 to The Interim Chief Executive Officer, Newcastle City Council, Attention: Transport & Traffic, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au,
Phone: 4974 2000, Fax: 4974 2222. For further information please contact Dipen Nathwani, Traffic Engineer, on 4974 2665.

Name: ____________________________________________ Address (Mandatory): ____________________________________________

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 advised to release full details of the submission including the name and address under the relevant access to information legislation, even if those words are in the submission.
## SUMMARY OF THE CONSULTATION

**MCCAFFREY DRIVE, RANKIN PARK - PROPOSED UPGRADE TO EXISTING ZEBRA / CHILDREN'S CROSSING**

<table>
<thead>
<tr>
<th>Address of Respondent</th>
<th>Request No</th>
<th>Response</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dangerfield Drive, Elermore Vale</td>
<td>TR2017/0181 7</td>
<td>No</td>
<td>This proposed change will make it even slower going east up McCaffrey Drive. Cars are currently held up for lengthy periods not only by children crossing (which is ok) but also by cars turning right into Spencer Street. Currently cars bypass these right-turners by going into the parking lane (not a great solution but safe while no one is waiting to cross or crossing is being manned by traffic warden). Narrowing the road would be completely exasperating for drivers as they would be stuck behind turners as well as held up by multiple people crossings. This would be partially solved by moving the crossing further up (east) passed Spencer Street as the cars could then still bypass the right-turners by using the parking lane before getting to the proposed narrow crossing. McCaffrey Drive is an ever increasing nightmare - trying to turn right into Lookout Road at the top of McCaffrey Drive can take up to 3 or 4 traffic light changes. Turning right out of Dangerfield Drive into McCaffrey Drive is often frightening as gaps in traffic can be few and far between.</td>
</tr>
<tr>
<td>Wallsend South Public School</td>
<td>TR2017/0186 5</td>
<td>Yes</td>
<td>The school principal supports the proposal.</td>
</tr>
<tr>
<td>McCaffrey Drive</td>
<td>TR2017/0192 0</td>
<td>No</td>
<td>The resident does not support the proposal and has cited the following reasons: - The proposed southbound bus stop will make access/egress from the driveway dangerous especially during school days as the stopped bus would restrict visibility. The resident is currently unable to see vehicles exiting Spencer Street when large vehicles (4WD, etc) are parked north of their driveway. - The resident is concerned with the impact of relocated bus stop on the affected residents in terms of people gathering, engine noise, exhaust fumes, residue brake dust, littering and property damage.</td>
</tr>
</tbody>
</table>
- The resident has raised that visitors and delivery service drivers will have to park minimum 23 metres away from the property.
- The resident thinks that the relocated bus stop would be better located on the northern side of Dangerfield Drive and that no Council or Committee members have organised a site meeting to speak with the residents.

| McCaffrey Drive | TR2017/0193 4 TR2017/0205 6 | No | The resident is in favour of making changes to the crossing to make it safer. The resident agrees that it is a great idea on the new kerbs for the crossing. This will make the crossing a safer place to cross the road. The resident has lived at the property for nearly two decades and has observed that the traffic on McCaffrey Drive has increased significantly over the time. The resident also supports the option to have a raised crossing to slow traffic as sometimes motorists don’t even stop. The resident however does not support the proposed bus stop changes. The resident has highlighted that one of the properties on the road is a dual house residence, and with multiple cars at each house, parking for the visitors or family will be even less. At any time this house could have 1-3 cars parked on the road. If a bus zone is placed at the proposed location it will displace the vehicle parking in front of other residents. This has been an issue in the past with garbage bins not being collected as cars have parked across the bins to stop the truck's access.
The resident has suggested combining the two southbound bus stops (north of Grandview Road and south of Dangerfield Drive) that are approximately 150 metres apart by moving the proposed relocated bus stop to the northern side of Dangerfield Drive in front of the reserve area. This will be moving the original bus stop approximately 50-75 metres and almost opposite to the relocated northbound bus stop. |

| Allenwood Close | TR2017/0196 8 | No | Council's Traffic Engineer had earlier explained the proposal and addressed resident concerns on phone. Following the conversation, the resident has emailed to confirm that they are still not happy about the position of the northbound bus stop directly opposite Dangerfield Drive. They have raised that while the bus does not stop there often, but when it does (particularly at peak |
times) it would create a potentially hazardous situation for cars turning right into Dangerfield Drive. They have highlighted that some of years ago, they had suggested Council to place No Stopping signs on McCaffrey Drive opposite Dangerfield Drive, for exactly this reason, Council had very quickly implemented it.

The resident has also requested to consider constructing dedicated right turn bays for cars making a right hand turn into Dangerfield Drive and Spencer Street; implementing No Stopping restrictions on McCaffrey Drive opposite Spencer Street and also painting 'Keep Clear' pavement markings at both intersections.

<table>
<thead>
<tr>
<th>Location</th>
<th>Reference Number</th>
<th>Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>McCaffrey Drive</td>
<td>TR2017/0206-8</td>
<td>No</td>
<td>The resident has requested to combine the two southbound bus stops, the one which is about 150 metres north from Dangerfield Street and the one near Spencer Street into one stop near the vacant land (reserve) which would place the stop about midway between the two stops which currently exists. The resident has also raised concern that relocating the northbound bus stop opposite to Dangerfield Drive could cause more accidents, as the flow of cars turning into Dangerfield Street are already noticeable. Daily one hears the screeching of cars break as they stop abruptly and you just wait for the thud. The resident feels it would be better to move the bus stop up further north.</td>
</tr>
<tr>
<td>Slade Close</td>
<td>TR2017/0209-9</td>
<td>Yes</td>
<td>Due to the number of teenagers living in Rankin Park, there needs to be another crossing of McCaffrey Drive. The top of the hill at the lights and Spencer Street are the only ones. The road is very busy especially in the morning when students cross to get to the bus stop. A crossing near the speed camera would be excellent as traffic slows for the speed camera and the bus stop is just to the west.</td>
</tr>
</tbody>
</table>

| Total responses | 7 |
| Responses in favour of the proposal | 2 |
| Responses against the proposal | 5 |
Attachment D

Location Map of Existing Pedestrian Crossing McCaffrey Drive, Rankin Park
ITEM-11  CCL 27/02/18 - MAITLAND ROAD, MAYFIELD - INVESTIGATION INTO POTENTIAL PEDESTRIAN REFUGES AND INTERSECTION REALIGNMENTS AT SEVEN INTERSECTIONS

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR INFRASTRUCTURE / ACTING MANAGER INFRASTRUCTURE PLANNING

PURPOSE

To report on the investigation into potential pedestrian refuges and intersection realignments at seven intersections on Maitland Road, Mayfield.

RECOMMENDATION

1 Council refer proposals for a pedestrian refuge at the intersection of Woodstock Street with Maitland Road Mayfield and a raised pedestrian crossing at the intersection of Tourle Street with Maitland Road Mayfield to the Newcastle City Traffic Committee for consideration.

KEY ISSUES

2 Council considered the Notice of Motion - Mayfield Road Pedestrian Refuges at its meeting of 12 December 2017. It was resolved that officers work with Roads and Maritime Services, the Mayfield Business Improvement Association (BIA) and community groups to undertake an assessment of the above intersections, investigate options for improving pedestrian safety and access and report back to Council on findings.

3 Traffic and pedestrian surveys were undertaken in late 2017 and the nominated intersections inspected. Data on crash history was retrieved and analysed. Potential options to improve pedestrian safety were devised and a preliminary assessment of their associated costs and impacts undertaken. The process and findings are documented at Attachment A.

4 The investigation indicated that changes are warranted at some of the nominated intersections.

5 Consultation was undertaken with Mayfield business representatives at a meeting with Council officers on 18 January 2018.

6 Improvements to two key intersections are recommended in the near future. A pedestrian refuge at the intersection of Woodstock Street with Maitland Road and a raised pedestrian crossing with improved street lighting at the intersection of Tourle Street with Maitland Road. Based on the rating of the projects in Council's Pedestrian Access and Mobility Plan (PAMP) and current
commitments, design of the recommended proposal would likely commence in 2019.

FINANCIAL IMPACT

7 Design and construction costs of pedestrian facilities and intersection realignments at the intersections of both Tourle Street and Woodstock Street with Maitland Road are estimated at $450,000. These projects could be undertaken within program funding under the PAMP program. Officers would also likely submit the project for grant funding under Transport for NSW/Roads and Maritime Services Walking and Cycling Programs for 2019/20, should applications be requested. Based on current commitments and PAMP listing, these projects would commence design in 2019.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The proposed work is aligned with the strategic direction of the Connected City whereby "walking, cycling and public transport will be viable options for the majority of our trips". The recommendation supports the objective of "linked networks of cycle and pedestrian paths".

IMPLEMENTATION PLAN/IMPLICATIONS

9 Based on projected funding for pedestrian improvement works and current commitments, design of the recommended refuges is expected to commence in 2019.

RISK ASSESSMENT AND MITIGATION

10 The project will provide improved pedestrian and cyclist accessibility, amenity and safety. The work will be undertaken in accordance with the relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

11 At the Ordinary Council meeting of 12 December 2017, Council considered a Notice of Motion and resolved that:

1 Council notes the significant new development and increased density in Mayfield, and Council’s transportation hierarchy which prioritises safe and active transport for local journeys.

2 Council works with RMS, the Mayfield BIA and community groups to undertake an assessment of the following intersections along Maitland Road in Mayfield to determine what pedestrian features if any exist, the suitability of those features for each of the intersections and potential
improvements for these intersections to ensure pedestrian safety and movement across the intersection:

a. Baker Street  
b. Elizabeth Street  
c. Woodstock Street  
d. Edmund Street  
e. Gamack Street  
f. Windeyer Street  
g. Tourle Street

3 Council report back to Councillors on their findings and any potential issues and/or improvements identified out of the assessment."

CONSULTATION

12 Council officers participated in a meeting with Mayfield business representatives on 18 January 2018 to discuss survey results, potential improvements and to receive their feedback. Wider consultation would be undertaken as part of the design process, should the project proceed.

OPTIONS

Option 1

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

14 Under this option, design would commence in 2019. This would allow for the impacts of any changes arising from the imminent traffic model of Mayfield to be addressed in the design process.

Option 2

15 No further action be undertaken. This is not the recommended option.

Option 3

16 Proceed with design of all intersection realignments. This is not the recommended option.

BACKGROUND

17 Attachment A provides details of the existing conditions and pedestrian infrastructure provided at the nominated intersections in Mayfield, results of pedestrian and traffic surveys undertaken in late 2017, crash history and assessment and outcomes of consultation.

18 The current Cycleways Program (2017/18 financial year) includes initiation of a project for feasibility investigations of cycleways in the Mayfield area. As part of
this project, it is intended to develop a traffic model of the Mayfield area, to assess traffic implications of proposed cycleway works. Significant changes to traffic operations in Mayfield will have implications for pedestrian movements and design layout of future facilities.

REFERENCES

ATTACHMENTS

Attachment A: Maitland Road, Mayfield - Pedestrian Infrastructure Assessment
ATTACHMENT A

Maitland Road Mayfield - Pedestrian Infrastructure Assessment

1. Introduction

At its meeting of 12 December 2017, Council considered a Notice of Motion regarding pedestrian safety on Maitland Road, Mayfield (NOM 12/12/2017 - Mayfield Road Pedestrian Refuges). Council resolved that assessments of nominated intersections along Maitland Road be undertaken to determine what pedestrian features exist and potential improvements to ensure pedestrian safety and that outcomes of investigations be reported to Council. Intersections nominated for investigation and assessment include:

(a) Baker Street
(b) Elizabeth Street
(c) Woodstock Street
(d) Edmund Street
(e) Gamack Street
(f) Windeyer Street
(g) Tourle Street

This report outlines the investigations undertaken and includes summaries of:
- existing conditions and pedestrian infrastructure provided
- results of pedestrian and traffic surveys
- crash history
- intersection assessment
- consultation undertaken
- recommendations for future actions.

2. Existing Conditions

Site inspections were undertaken by the Acting Transport and Traffic Coordinator Dipen Nathwani and Infrastructure Project Officer Simon Gulliver in December 2017.

Maitland Road is classified as a sub-arterial regional road and has posted speed limits of 50km/h and 60 km/h along various sections. The subject section of Maitland Road between Baker Street and Tourle Street is approximately 620 metres in length and is a four lane two-way road with parking permitted on both sides along majority of its length. This section has varying land uses comprising residential, commercial, retail, social service, entertainment and religious properties. The northern side of the section has a higher concentration of residential properties compared to the southern side.

The seven side streets - Barton, Elizabeth, Woodstock, Edmund, Gamack, Windeyer and Tourle Streets - form angled intersections with Maitland Road, as shown in Figure 1. The configuration of these intersections may encourage traffic to enter or exit the side streets at speed. Speeding, and corner cutting, as has been reported, makes pedestrian access difficult and unsafe, particularly for less mobile residents.
The current speed limits and pedestrian crossing facilities along the section are shown in Table 1 below:

<table>
<thead>
<tr>
<th>Maitland Road Section</th>
<th>Speed Limit (km/h)</th>
<th>Pedestrian Crossing Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barton, Baker - Elizabeth</td>
<td>50</td>
<td>Pedestrian refuge on Barton Street; Hanbury Street traffic signals with four pedestrian legs located 100 metres east of Barton Street; painted refuge at Baker Street.</td>
</tr>
<tr>
<td>Elizabeth - Woodstock</td>
<td>50/60</td>
<td>None</td>
</tr>
<tr>
<td>Woodstock - Edmund</td>
<td>60</td>
<td>None</td>
</tr>
<tr>
<td>Edmund - Garack</td>
<td>80</td>
<td>None</td>
</tr>
<tr>
<td>Garack - Windeyer</td>
<td>80</td>
<td>None</td>
</tr>
<tr>
<td>Windeyer - Tourle</td>
<td>80</td>
<td>Zebra crossing on Tourle Street; midblock signalised pedestrian crossing located 50 metres east of Tourle Street; Maud Street traffic signals with four pedestrian legs located 500 metres west of Tourle Street.</td>
</tr>
</tbody>
</table>

Table 1: Speed Limits and Pedestrian Crossing Facilities, Maitland Road, Mayfield
At the intersections of Barton Street and Baker Street with Maitland Road, left out only onto Maitland Road is permitted whereas left and right movements into these side streets are permitted. The remaining intersections permit all movements to/from Maitland Road.

3. Data Collection and Crash History

Council officers conducted manual pedestrian and traffic surveys during AM and PM peak hours at the seven intersections in November - December 2017. The surveys included counts of pedestrian movements across side streets and across Maitland Road at the seven intersections. Two-way traffic flow along side streets at the intersections was also counted. Results are at Appendix 1 and are summarised in Table 2 below.

<table>
<thead>
<tr>
<th>Location</th>
<th>Pedestrians (Side Street)</th>
<th>Traffic (Side Street)</th>
<th>Pedestrians (Maitland Rd)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AM</td>
<td>PM</td>
<td>AM</td>
</tr>
<tr>
<td>Tourle Street</td>
<td>31</td>
<td>11</td>
<td>180</td>
</tr>
<tr>
<td>Windeyer Street</td>
<td>10</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Gasmack Street</td>
<td>13</td>
<td>8</td>
<td>29</td>
</tr>
<tr>
<td>Edmund Street</td>
<td>5</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>Woodstock Street</td>
<td>17</td>
<td>25</td>
<td>226</td>
</tr>
<tr>
<td>Elizabeth Street</td>
<td>28</td>
<td>22</td>
<td>108</td>
</tr>
<tr>
<td>Baker Street</td>
<td>16</td>
<td>24</td>
<td>215</td>
</tr>
</tbody>
</table>

Table 2: Pedestrian and Traffic Survey Results, Maitland Road, Mayfield

Council officers also sourced crash data for the five year period (January 2012 - December 2016) from Roads and Maritime Services (RMS). The review of crash data indicates that there are 11 crashes associated with intersection turning movements and two crashes involving pedestrians.

The crash history is shown in the Crash Collision Diagram at Appendix 1. It should be noted that the crash collision diagram only includes crashes that have occurred at the concerned intersections and are associated with intersection turning movements. Crashes involving through traffic movements along Maitland Road, such as rear-end crashes and head-on crashes, are not included. This approach has been adopted to de-clutter the diagram and highlight only intersection crashes, to assist in identifying improvements at the intersections in line with the investigation scope.

4. Assessment

The pedestrian and traffic survey results indicate that there are notable pedestrian movements across Baker, Elizabeth, Woodstock and Tourle Streets. These four side streets also carry higher traffic volume compared to the remaining three side streets. The pedestrian movements across Maitland Road are sporadic except for some concentrated movements near Tourle Street and Baker Street intersections.

---

1 Council officers received a request from Mr Tim Crakanthorp MP, on behalf of Mayfield ALP Branch, in mid-October 2017 to investigate pedestrian safety issues, following which manual pedestrian/traffic counts at the seven intersections were organised.
The survey results indicate that none of the locations would meet the RMS stipulated traffic and pedestrian volume warrants for installing new pedestrian (zebra) crossings. However, there are no RMS stipulated traffic and pedestrian volume warrants for installing pedestrian refuges. The installation of pedestrian refuges is therefore largely governed by available carriageway widths, reasonable pedestrian and traffic volumes, crash history and available funding.

Following analysis of data and site inspections, officers have proposed the following potential measures to enhance pedestrian safety at the nominated intersections.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Potential Modifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourie Street</td>
<td>Upgrade the current non-compliant zebra crossing into a 75mm high raised threshold with zebra crossing and compliant street lighting. A kerb extension would be provided on the eastern side to realign the intersection and reduce carriageway width.</td>
</tr>
<tr>
<td>Wendeley, Garack, Edmund, Woodstock and Elizabeth Streets</td>
<td>Install a minimum two metre wide pedestrian refuge with kerb extension on the eastern side. This would realign the intersection and reduce carriageway width. The Garack Street proposal is expected to be more expensive as it includes significant carriageway works and removal of a tree which is in the carriageway.</td>
</tr>
<tr>
<td>Baker Street</td>
<td>Install a minimum two metre wide pedestrian refuge with kerb extensions on both sides. This intersection does not need realignment and the left-out only restriction would be retained. This would, however, impact access by long delivery vehicles to adjacent premises.</td>
</tr>
<tr>
<td>Barton Street</td>
<td>Investigate installing a kerb extension on the eastern side and modifying the existing pedestrian refuge to realign the intersection. This would also necessitate relocation of the bus stops which are currently located on both sides of the street in relatively close proximity to the refuge. If relocated, these stops would have to be upgraded to DDA standards. The refuge has been installed recently and further improvements may not be feasible.</td>
</tr>
</tbody>
</table>

As noted above, there are significant pedestrian movements across Maitland Road west of Baker Street and near the intersection of Maitland Road and Tourie Street. Infrastructure for pedestrians could be installed at these locations, however, both are problematic and there are other options for safer crossing within a reasonable distance. For example a pedestrian refuge with kerb extensions could be installed on Maitland Road at Baker Street, however, this would require restricting right-turn movements for westbound traffic turning into Barton Street. This restriction would be necessary to ensure that stationary right-turning vehicles on Maitland Road do not obstruct sight lines of westbound traffic using the kerbside lane for pedestrians at the refuge. The right-turn restriction would also affect Newcastle Transport Route 47 buses which currently turn right and would necessitate changing the bus route. In addition, installation of the refuge and kerb extensions would result in a significant impact on adjacent businesses due to the resulting entry/exit restrictions on large delivery vehicles (see point 5 Consultation below for further details). Pedestrians have the option to use the existing, safer crossing facility at Hanbury Street traffic signals located approximately 100 metres east of this location.

Similarly, a pedestrian refuge with kerb extensions could be installed on Maitland Road west of Tourie Street to facilitate this pedestrian desire line. However, this would require relocation of bus stops and removal of parking where the bus stops are relocated. Pedestrians have the option to use the existing, safer crossing facility at mid-block pedestrian signals located approximately 50 metres east of this location.
Another option for investigation is to request RMS to consider removing existing westbound right-turn bans on Maitland Road at Hanbury Street and/or at Werribee Street traffic signals. This may address right-turn associated crashes that have occurred at Woodstock and Tourle Streets. Woodstock and Tourle Streets are used as a shortcut by drivers to access Werribee Street, Industrial Drive and Tourle Street Bridge. The removal of right-turn bans at either or both traffic signals is also expected to also reduce through traffic volume on these two residential streets.

All proposals would require associated drainage and street lighting improvements which have been budgeted in the estimated costs. Potential improvements, parking impacts and costs for all intersections are shown in the Table 3 below.

<table>
<thead>
<tr>
<th>Location</th>
<th>Potential Project</th>
<th>Loss of Parking Spaces</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourle Street</td>
<td>Raised zebra crossing with kerb extension</td>
<td>2 - 3 spaces</td>
<td>$300,000</td>
</tr>
<tr>
<td>Windenary Street</td>
<td>Pedestrian refuge with kerb extension</td>
<td>3 - 4 spaces</td>
<td>$150,000</td>
</tr>
<tr>
<td>Gamack Street</td>
<td>Pedestrian refuge with kerb extension</td>
<td>3 - 4 spaces</td>
<td>$500,000</td>
</tr>
<tr>
<td>Edmund Street</td>
<td>Pedestrian refuge with kerb extension</td>
<td>3 - 4 spaces</td>
<td>$150,000</td>
</tr>
<tr>
<td>Woodstock Street</td>
<td>Pedestrian refuge with kerb extension</td>
<td>3 - 4 spaces</td>
<td>$150,000</td>
</tr>
<tr>
<td>Elizabeth Street</td>
<td>Pedestrian refuge with kerb extension</td>
<td>3 - 4 spaces</td>
<td>$150,000</td>
</tr>
<tr>
<td>Baker Street</td>
<td>Pedestrian refuge with kerb extensions</td>
<td>2 spaces</td>
<td>$150,000</td>
</tr>
<tr>
<td>Barton Street</td>
<td>Kerb extensions and alterations to existing pedestrian refuge</td>
<td>2 - 3 spaces</td>
<td>$150,000</td>
</tr>
<tr>
<td><strong>Total Estimated Cost</strong></td>
<td></td>
<td></td>
<td><strong>$1,800,000</strong></td>
</tr>
</tbody>
</table>

Table 3: Potential Pedestrian and Traffic Improvements, Maitland Road

The proposed measures for each intersection have been rated using Council’s adopted Pedestrian Access and Mobility Plan (PAMP) rating system. The proposals for Woodstock Street, Elizabeth Street, Baker Street and Tourle Street all rate highly. Proposals for Windenary Street, Gamack Street and Edmund Street attract low scores and based on PAMP rating alone, are very unlikely to be undertaken in the next 10 years.

5. Consultation

Council officers participated in a meeting with representatives of Mayfield businesses on 18 January 2018 to discuss survey results and potential improvements, and to receive their feedback. The owners of the BP service station and Bridgestone Service Centre (businesses located on the southeast and southwest corners of the intersection of Baker Street and Maitland Road respectively) did not support installation of pedestrian refuges on Baker Street and Maitland Road. These businesses often receive delivery vehicles up to 32
metres long and pedestrian refuges will restrict their entry and exit from the properties. It is understood that they had been consulted regarding a similar pedestrian refuge proposal by Roads and Maritime Services in the past, when Maitland Road was classified as a State Road, however it was not pursued due to the impact on these businesses.

The attendees supported installing a pedestrian refuge on Woodstock Street due to its wide carriageway width, high pedestrian and traffic volumes and restricted visibility due to parked vehicles. They also supported upgrading the existing Tourse Street pedestrian crossing to a raised crossing with kerb extensions and improved drainage and lighting to make it compliant with current standards. A pedestrian refuge on Elizabeth Street was also supported due to the proximity to the child care. However, this proposal was not considered a high priority by the attendees due to the narrower carriageway width and lower traffic volumes of Elizabeth Street (as it does not directly connect to Industrial Drive).

Consultation has not been undertaken with Roads and Maritime Services or the wider community, at this stage. RMS is represented on the Newcastle City Traffic Committee and this would be the usual forum for review of proposals of this kind. Further consultation would be undertaken in the concept design phase, should design proceed.

6. Other Considerations

The current approach to provision of pedestrian infrastructure is somewhat reactive. Council officers are shortly to undertake a project to identify a principal pedestrian network and associated works program, which will effectively update the current Pedestrian Access and Mobility Plan listing. Completion of the project will facilitate a more proactive approach to provision of pedestrian infrastructure, through the identification of key pedestrian routes and assist with forward planning.

The Cycleways Program (2017/18 financial year) includes initiation of a project for feasibility investigations of cycleways in the Mayfield area. As part of this project, it is intended to develop a traffic model of the Mayfield area, to assess traffic implications of proposed cycleway works. Significant changes to traffic operations in Mayfield may have implications for pedestrian movements and the subject intersections.

7. Recommendation

The proposed works at Tourse Street and at Woodstock Street rate highly and are supported by the representatives in attendance at the meeting of 18 January 2018. Based on current prioritisation in the PAMP listing, design would commence in 2019. It is recommended that these proposals be referred to the Newcastle City Traffic Committee.

The existing refuge at Barton Street facilitates safe crossing of this intersection. Changes to Baker Street are not supported by business representatives, due primarily to the restrictions they would impose on delivery vehicles. It is recommended that further investigation of potential modifications to this intersection and their impacts be undertaken.
Works recommended to be progressed are as follows:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Proposed Improvement</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourle Street</td>
<td>Upgrade the current non-compliant zebra crossing into a 75mm high raised threshold with zebra crossing and compliant street lighting. A kerb extension would be provided on the eastern side to realign the intersection and reduce carriageway width.</td>
<td>$200,000</td>
</tr>
<tr>
<td>Woodstock Street</td>
<td>Install a minimum two metre wide pedestrian refuge with kerb extension on the eastern side. This would realign the intersection and reduce carriageway width.</td>
<td>$150,000</td>
</tr>
<tr>
<td>Baker Street</td>
<td>Further investigation.</td>
<td></td>
</tr>
</tbody>
</table>

The requirement for additional works in this area will be addressed through the proposed Mayfield traffic study and pedestrian network project.

Appendices:

Appendix 1 - Pedestrian and Traffic Survey Results
### Pedestrians and Traffic Counts

<table>
<thead>
<tr>
<th>Location</th>
<th>Pedestrians (Side Street)</th>
<th>Traffic (Side Street)</th>
<th>Pedestrians (Mainland Rd)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AM</td>
<td>PM</td>
<td>AM</td>
</tr>
<tr>
<td>Tane Street</td>
<td>31</td>
<td>11</td>
<td>130</td>
</tr>
<tr>
<td>Windsor Street</td>
<td>18</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Garwood Street</td>
<td>13</td>
<td>8</td>
<td>29</td>
</tr>
<tr>
<td>Edward Street</td>
<td>5</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>Woodstock Street</td>
<td>17</td>
<td>25</td>
<td>226</td>
</tr>
<tr>
<td>Elizabeth Street</td>
<td>28</td>
<td>22</td>
<td>108</td>
</tr>
<tr>
<td>Baker Street</td>
<td>16</td>
<td>24</td>
<td>215</td>
</tr>
</tbody>
</table>
ITEM-12  CCL 27/02/18 - SUBMISSION ON DRAFT GREATER NEWCASTLE METROPOLITAN PLAN

REPORT BY: PLANNING AND REGULATORY / STRATEGIC PLANNING
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

This report seeks Council endorsement of the draft submission on the Draft Greater Newcastle Metropolitan Plan (draft Plan).

RECOMMENDATION

1 Council endorses the draft submission at Attachment A on the Draft Greater Newcastle Metropolitan Plan for lodgment with the Department of Planning and Environment.

KEY ISSUES

2 The Department of Planning and Environment has prepared the draft Plan for community consultation. The draft Plan aims to capitalise on investment and sets out strategies and actions to drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities.

3 The draft Plan includes a vision and four long term outcomes for the metropolitan area, as well as, seven catalyst areas for Newcastle, which act as the short term focus for housing, employment and infrastructure investment. These catalyst areas are Newcastle City Centre, Beresfield-Black Hill, Broadmeadow, Callaghan, John Hunter Hospital, Kotara and Newcastle Port. A detailed review of the vision, outcomes and catalyst areas and Council’s recommendations are included in Attachment A.

4 The draft Plan also includes 141 actions for Council; a review of these actions has been undertaken and is provided as Attachment A.

5 Overall the draft Plan is generally consistent with Council’s Community Strategic Plan. The final Greater Newcastle Metropolitan Plan (final Plan) will trigger a review of Council’s Local Planning Strategy, Local Environmental Plan and Development Control Plan; to ensure consistency between the documents.

FINANCIAL IMPACT

6 The submission on this initial discussion document does not raise any financial impacts.
COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The draft Plan aligns with the seven strategic directions within the Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

8 Implementation implications for Council have been outlined in Council's submission.

RISK ASSESSMENT AND MITIGATION

9 No risks have been identified in the draft Plan.

RELATED PREVIOUS DECISIONS

10 At the Ordinary Council Meeting held on 12 December 2017, Council resolved through a Lord Mayoral Minute to note the release of the draft Greater Newcastle Metropolitan Plan 2036 and prepare a draft submission for endorsement at the February 2018 Ordinary Council Meeting.

CONSULTATION

11 The consultation of the draft Plan is being run by the Department of Planning and Environment. This submission has been prepared after internal consultation with relevant business units within Council. The consultation period closes on 28 February 2018.

OPTIONS

Option 1

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

Option 2

13 Council does not endorse the submission and Council's views on this matter are not placed on record. This is not the recommended option.

BACKGROUND

14 The Hunter Regional Plan 2036 (October 2016) set the vision for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. The delivery of the final Plan is an action of the Hunter Regional Plan.

15 The draft Plan includes the following four outcomes:

i) create a workforce skilled and ready for the new economy
16 These outcomes are delivered through specific strategies and actions to be completed by State Agencies and Local Government. The draft plan also contains site specific actions that will be achieved through amendment of Council’s planning documents and strategies.

ATTACHMENTS

Attachment A: Submission on the Draft Greater Newcastle Metropolitan Plan
Ms Monica Gibson
Director of Regions, Hunter and Central Coast
Department of Planning and Environment
PO Box 1226
NEWCASTLE NSW 2300

Dear Ms Gibson

SUBMISSION – DRAFT GREATER NEWCASTLE METROPOLITAN PLAN

Thank you for the opportunity to make a submission on the Draft Greater Newcastle Metropolitan Plan.

Newcastle City Council supports the creation of the draft Greater Newcastle Metropolitan Plan (draft Plan) to provide a collaborative framework to deliver on the outcomes of the Hunter Regional Plan 2036 and to set the direction for the Greater Newcastle Metropolitan area for the next 18 years.

The draft Plan supports the important role the Newcastle local government area plays in providing employment, health, education, recreation and tourism to the Hunter, as well as, promoting the Newcastle City Centre as the heart of the Greater Newcastle Metropolitan area.

The Newcastle Smart City Program is a key factor in improving Newcastle’s liveability, sustainability and economic diversity, as well as, developing local innovation, building an international profile and attracting talent and inward investment in our city.

The vision in the draft Plan needs to include a statement about building smart cities. A smart city is one that puts community at its centre, enjoys smart and digitally connected public and urban infrastructure and develops a thriving ecosystem to drive innovation and creativity. This will ensure the Greater Newcastle Metropolitan area is an inclusive, forward thinking city of the future.

The draft Plan includes four outcomes and 20 strategies to deliver the Hunter Regional Plan 2036 goals to be the leading regional economy in Australia with biodiversity-rich natural environment, thriving communities and greater housing choice. The draft Plan also provides a planned approach to growth and sustainability by identifying catalyst areas, which are places of metropolitan significance. A summary of Council’s suggested changes in relation to the outcomes is provided below as well as Council’s response to identified actions.

Outcome 1 – Create a Workforce Skill and Ready for the New Economy

Outcome 1 outlines the Economic Strengths of Greater Newcastle, being Defence and aerospace, knowledge and education, health and aged care, new economy, tourism and city centre.
These economic strengths include the Port of Newcastle and Newcastle Airport, The University of Newcastle and Unihon University, John Hunter Hospital and National sporting events like Supercars and Surfest. This aligns with Council’s adopted Economic Development Strategy (2016-2019).

While the draft Plan lists the above strengths it does not capitalise on the program of work outlined in Council’s Smart City Strategy. The Smart City Strategy includes an objective for the Smart Economy which is ‘a city that invests in innovation and provides a roadmap and infrastructure to support successful business outcomes and attract industry and investment in smart sectors’. Newcastle City Council has been successful in obtaining a total of $10M in State and Federal funding to implement a range of projects over the next 2 years.

Council’s Smart City Strategy will work to further encourage diversification of the city and regional economy towards the growth areas of the 21st century. Newcastle’s strengthening economy is a result of diligent collaboration between the government, local businesses and the community. This focus area will undertake to better understand and enable collaboration and growth in the innovation ecosystem, create a city environment conducive to the digital and technology-led sectors, and develop business attraction and promotional strategies to bring the industries of the future to Newcastle.

The Standard Instrument – Principle Local Environmental Plan is also limiting in the types of development it allows in the Business zones. It is recommended, that the M8 Metropolitan Centre zone be extended to the Newcastle local government area, or a mixed use employment zone is created that does not allow residential development but does allow a mixture of commercial, business, light industrial, education, tourism, creative industries and high tech manufacturing uses. This would allow these types of uses to be located in and around centres, particularly the Newcastle City Centre, while limiting residential development and protecting land for employment generating uses.

Outcome 2 – Enhance Environment, Amenity and Resilience for Quality of Life

As a significant regional NSW city, Newcastle City Council is a partner agency to CIFAL Newcastle, seeking to build the city’s capacity through education and training. Council works closely with CIFAL to ensure that the United Nations Sustainable Development goals inform our decision making.

The United Nations Sustainable Development goals (SDGs) were developed by the United Nations to provide a global roadmap for all countries to work toward a better world for current and future generations.

While the SDGs are not legally binding, governments are expected to take ownership and establish frameworks to achieve the goals. All stakeholders, including governments, civil society, the private sector, are expected to contribute to the realisation of these goals.

An action of Outcome 2 is to prevent intensive urban development in the Blue Green Grid. As the Standard Instrument – Principle Local Environmental Plan did not have an equivalent zone to Council’s 7(c) Environmental Investigation Zone (Newcastle Local Environmental Plan 2003), Council converted land that was previously zoned 7(c) Environmental Investigation to E4 Environmental Living, to be consistent with the Standard Instrument. Council always intended some of this land (mainly within Fletcher and Wallsend), has the potential to be used for residential and commercial development. As these sites are yet to be zoned for urban purposes they have not been included in the Newcastle and Lake Macquarie priority housing release area. Council is concerned that the action to prevent intensive urban development in the Blue Green Grid will prevent further investigation of these areas.
Outcome 3 – Deliver Housing Close to Jobs and Services

The draft Plan instructs Greater Newcastle Councils to prepare a local housing strategy within two years of the plan's adoption. Instead of a stand-alone housing strategy, Council suggests incorporating the requirements of the housing strategy into a Local Planning Strategy/ Settlement Strategy for each Council. Strategies and actions included in the draft Plan will likely trigger a review of Council land use planning strategies, LEP and DCPs. Incorporating the housing strategy into Council's existing planning documents would enable a more balanced approach to planning for future housing by integrating with other elements such as transport, infrastructure and environmental constraints to be considered. This would also allow Council's Local Planning Strategy to be endorsed by the Department of Planning and Environment rather, than just the housing component. Such a review by the Department would also provide the regional context that is being sought by the draft Plan.

Outcome 4 – Improve Connections to Jobs, Services and Recreation

Council's Connected Newcastle document advocates for an integrated transport network for Newcastle where buses, trains, cars and light rail co-exist with pedestrian, cyclists and other modes of self-powered transport such as skateboards and scooters. Council supports the outcome in the draft Plan regarding the increase of public transport options, as well as, improvements to active transport networks with the aim to providing unobstructed well connected pedestrian paths and a network of off-road separated cycleways to key destinations, included schools, employment hubs, shops and services. This correlates with Council's Connecting Newcastle vision, adopted in 2017.

Catalyst Areas and Actions

The catalyst areas have been reviewed and comments are provided in the table below. The draft Plan includes 141 actions for Council resulting in a significant amount of work for Council. The actions in the plan will trigger a large scale review of Council's Local Planning Study, Local Environmental Plan, Development Control Plan and Section 94 Plans. It would be useful if the draft Plan included an implementation plan that prioritised and allocated timeframes to the actions to assist with Council resourcing and programming.

Council looks forward to the opportunity to continue working with the Department of Planning and Environment on the finalisation of the Draft Plan.

Should you require any further information please contact Shannon Turkington, Acting Urban Planning Coordinator on (02) 4974 2274.

Yours faithfully

Peter Chryystal
DIRECTOR PLANNING AND REGULATORY
### CITY OF NEWCASTLE

**Ordinary Council Meeting 27 February 2018**

#### Outcome 1 – Create a Workforce Skilled and Ready for the New Economy

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
<th>Status / Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Reinforce the role of the city centre in providing professional,</td>
<td>Hunter Development Corporation/Newcastle City Council (NCC)</td>
<td>Land within the West End is zoned predominantly B4 Mixed Use and B3 Commercial</td>
</tr>
<tr>
<td>financial and office employment by increasing commercial floor space</td>
<td></td>
<td>Core. Both of these zones allow professional, financial and office</td>
</tr>
<tr>
<td>in the West End to enable growth and relocation of businesses.</td>
<td></td>
<td>employment.</td>
</tr>
<tr>
<td>2. Calibrate local plans to enable continued investment in Newcastle</td>
<td>Hunter Development Corporation/NCC</td>
<td>Noted</td>
</tr>
<tr>
<td>City Centre that is consistent with this draft Plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Promote the city centre as a university hub and location for</td>
<td>Hunter Development Corporation/NCC</td>
<td>Noted</td>
</tr>
<tr>
<td>institutions, business (including small business) and tourists.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Identify, catalogue and re-use opportunity sites and buildings</td>
<td>Hunter Development Corporation/NCC</td>
<td>Noted</td>
</tr>
<tr>
<td>to continue regeneration and revitalisation, promote creative industries,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>innovation and entrepreneurship, and attract additional anchor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>institutions and cultural facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Transport for NSW work with Port Stephens and Newcastle City Councils</td>
<td>Transport for NSW/NCC and Port Stephens Council</td>
<td>The cumulative impact on the operation of the road network.</td>
</tr>
<tr>
<td>to protect transport corridors through amended planning controls and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ensure proposed changes in land uses minimise the cumulative impact</td>
<td></td>
<td></td>
</tr>
<tr>
<td>on the operation of the road network.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Newcastle Airport, NSW Government and Port Stephens and Newcastle</td>
<td>Newcastle Airport, NSW Government, Port Stephens and NCC</td>
<td>NCC and PSC are working on a draft strategy for North Stockton, Fern Bay and</td>
</tr>
<tr>
<td>City Councils will investigate transport improvements between</td>
<td></td>
<td>Paterson Cove. The investigation of transport improvements between the</td>
</tr>
<tr>
<td>Williamtown and Newcastle City Centre.</td>
<td></td>
<td>city centre, Stockton and Williamtown is being considered as part of this</td>
</tr>
<tr>
<td></td>
<td></td>
<td>strategy. Broader public transport connections including high speed rail or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>light rail should be part of the investigation.</td>
</tr>
</tbody>
</table>

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**Newcastle City Council submission on the draft Greater Newcastle Metropolitan Plan**

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
<th>Status / Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. The NSW Department of Planning and Environment, working with the</td>
<td>Noted</td>
<td></td>
</tr>
<tr>
<td>Port of Newcastle and Newcastle City Council, will amend the Three</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ports State Environmental Planning Policy to facilitate the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>diversification of activities at Newcastle Port to adapt to changing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>global demand for trade and tourism.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-9 The Port of Newcastle will:</td>
<td>Need to investigate the possibility of the Cruise terminal becoming a supply</td>
<td>Cruise is currently bringing in 20-30k of tourists per annum which is 1% of our</td>
</tr>
<tr>
<td>• work with Newcastle City Council to enhance visitor experiences</td>
<td>point for Cruise ships rather than just a source for tourists. Cruise is</td>
<td>annual cruise ship visitors.</td>
</tr>
<tr>
<td>and build the popularity of the cruise ship terminal by improving the</td>
<td>currently bringing in 20-30k of tourists per annum which is 1% of our annual</td>
<td></td>
</tr>
<tr>
<td>amenity of the port land near the terminal.</td>
<td>cruise ship visitors.</td>
<td></td>
</tr>
<tr>
<td>• work with Transport for NSW to provide public transport</td>
<td>Emphasis on tourism over trade is not the right balance.</td>
<td></td>
</tr>
<tr>
<td>connections between Newcastle Port and Newcastle City Centre to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>service visitors and workers of the cruise ship terminal.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Newcastle City Council will amend local plans to facilitate</td>
<td>Emphasis on tourism over trade is not the right balance.</td>
<td></td>
</tr>
<tr>
<td>tourist and visitor accommodation opportunities in Newcastle City</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Centre to support visitors and workers from the cruise ship terminal</td>
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<td>and the growing tourism market.</td>
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<tr>
<td>11. Amend local plans to facilitate complementary land uses within</td>
<td>All Metro Councils</td>
<td>The State Environmental Planning</td>
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<tr>
<td>proximity of health precincts.</td>
<td></td>
<td>Policy (Housing for Seniors or People with a Disability) encourages the</td>
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<tr>
<td>12. Amend local plans to prioritise planning for seniors housing and</td>
<td>All Metro Councils</td>
<td>provision of Seniors Housing and provides guidance on development</td>
</tr>
<tr>
<td>aged care services close to frequent public transport, within centres</td>
<td></td>
<td>standards and design requirements.</td>
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<tr>
<td>or planned or existing health precincts.</td>
<td></td>
<td>Seniors Housing is permissible in the majority of Council’s residential and</td>
</tr>
<tr>
<td>13. Newcastle City Council will amend local plans to facilitate</td>
<td>NCC</td>
<td>business zones.</td>
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<td>complementary land uses that diversify existing educational clusters</td>
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<tr>
<td>at Callaghan and Newcastle City Centre, including research</td>
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<tr>
<td>institutions, related business and student housing.</td>
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</table>
**Outcome 1 – Create a Workforce Skilled and Ready for the New Economy**

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| 14-16  | Greater Newcastle councils will align local plans to:  
Build capacity for new economy jobs in areas well serviced by public transport and close to established centres by:  
- existing a greater range of employment generating uses in appropriate industrial and business areas;  
- Encouraging more home-based business, home-based industries and small business (under two employees plus residents) in residential areas. | All Metro Councils | Council officers will undertake a review of Council’s LEP to ensure the current zoning is appropriate to preserve and enhance employment opportunities. |
| 17     | Encourage initiatives to re-use power generating sites for renewable energy generation and re-purposing of electricity distribution infrastructure. | All Metro Councils | Noted |
| 18     | Focus heavy industries in the employment precincts at Tomago and Beroofield Black Hill. | All Metro Councils | Noted |
| 19     | Ensure an adequate supply of employment land, including industrial zoned land, to cater for demand of urban services in accessible locations. | All Metro Councils | Noted |
| 20-21  | NSW Department of Planning and Environment, working with Newcastle City and Lake Macquarie councils, will:  
- review the role of former manufacturing land in the city core to determine potential uses such as new business, housing or open space  
- encourage the relocation of heavy industries away from urban areas to industrial precincts and other locations consistent with employment land principles. | NCC and Lake Macquarie Council | Point 2 will require careful analysis to ensure there is sufficient industrial land to support the Port of Newcastle. |
| 22     | Greater Newcastle councils will work with infrastructure providers to amend local plans to facilitate the delivery of telecommunications infrastructure, including the NBN, early in the development of catalyst areas. | All Metro Councils | Noted |
| 23     | Newcastle City Council will amend local plans to promote more shared workspaces for start-ups in the city centre. | NCC | The zones within Council’s LEP allow for these types of uses. |

Newcastle City Council submission on the draft Greater Newcastle Metropolitan Plan

**Outcome 2 – Enhance Environmental Amenity and Resilience for Quality of Life**

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| 24-27  | Greater Newcastle councils will:  
- Improve amenity of strategic and local centres, catalyst areas and urban renewal corridors through place-making initiatives that strengthen the connection between people and places they share  
- Enhance the design quality of the built environment by implementing the Design Objectives for NSW in local plans  
- Promote innovative approaches to the creative re-use of heritage places, ensuring good urban design preserves and renews historic buildings and places. | All Metro Councils | Noted |
| 28-30  | Greater Newcastle councils will:  
- Identify and promote new parks, natural areas and urban renewal projects that provide a range of benefits to local residents and businesses  
- Promote and develop alternative modes of transport such as cycling and walking. | All Metro Councils | Council has a Local and Neighbourhood Centres Public Domain Program that guides the infrastructure renewal works within Local and Neighbourhood Centres throughout the Newcastle LGA. The public domain plan will address streetscape, access and traffic issues and inform infrastructure renewal in the local centre. The Design Objectives for NSW can be considered during the preparation of public domain plans. |
| 31     | Greater Newcastle councils with the support of DPE will create and activate public spaces in the strategic centres that are suitable for community events like markets, festivals, commemorations and assemblies. | All Metro Councils | Further guidance is required from the DPE on how this action will be delivered. |
| 32-33  | Greater Newcastle councils with the support of DPE will implement a Public Art Strategy for strategic centres that addresses:  
- The history of place, storytelling, interpretation and cultural expression  
- How art and culture can be used to improve economic growth and community cohesion. | All Metro Councils | Council’s Public Art Policy is currently being reviewed. |
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<tbody>
<tr>
<td>34</td>
<td>Greater Newcastle councils with the support of DPE will promote public lookout places to maintain views to iconic buildings and vistas.</td>
<td>All Metro Councils with support from the DPE</td>
</tr>
<tr>
<td>35</td>
<td>Greater Newcastle councils with the support of DPE will protect and enhance waterfront parkland areas.</td>
<td>All Metro councils with support from the DPE</td>
</tr>
<tr>
<td>36</td>
<td>Greater Newcastle councils with the support of DPE identify, protect and celebrate Aboriginal cultural heritage.</td>
<td>All Metro councils with support from the DPE</td>
</tr>
<tr>
<td>37</td>
<td>Greater Newcastle councils with the support of DPE improve local access to open space, recreation areas and waterways so that 60% of houses are within a 10-minute walk of open space.</td>
<td>All Metro Councils with support from the DPE</td>
</tr>
<tr>
<td>38</td>
<td>Greater Newcastle councils with the support of DPE enhance Greater Newcastle's Blue and Green Grid by implementing the Green Infrastructure Outcomes of the Greater Places policy in local plans.</td>
<td>All Metro Councils with support from the DPE</td>
</tr>
<tr>
<td>39</td>
<td>Greater Newcastle councils with the support of DPE Make a cooler Greater Newcastle by greening urban areas, building, transport corridors and open spaces to enhance the urban forest.</td>
<td>All Metro councils with support from the DPE</td>
</tr>
<tr>
<td>40</td>
<td>Greater Newcastle councils will align local plans to enable the growth of the agricultural sector by directing urban development away from the rural area.</td>
<td>All Metro councils</td>
</tr>
<tr>
<td>41</td>
<td>Greater Newcastle councils will align local plan to encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector’s capacity to adapt to changing circumstances.</td>
<td>All Metro councils</td>
</tr>
<tr>
<td>42</td>
<td>Greater Newcastle councils will align local plan to protect and preserve productive agricultural land to keep fresh food available locally.</td>
<td>All Metro Councils</td>
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Outcome 2 – Enhance Environmental Amenity and Resilience for Quality of Life

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| 43-46  | Greater Newcastle councils will apply the following principles to land use planning and development assessment decisions:  
- employ risk-responsive land use controls so that new development does not occur in high risk areas, including by appropriate use of environmental zones  
- ensure coastal dependent development mitigates natural hazards and incorporates resilience measures that have triple bottom line benefits  
- prevent intensive urban development in the Blue and Green Grid  
- ensure the planning for urban development adjoining or interfacing with the Blue and Green Grid addresses the impact of extreme events. | All Metro Councils with support from the DPE | Noted |
| 47-50  | NSW Department of Planning and Environment will work with Greater Newcastle councils to plan for a changing climate by:  
- ensuring opportunity sites in the Newcastle City Centre include a natural hazard risk assessment that incorporates climate change parameters and mitigation/adaptation measures  
- ensuring planning for road upgrades of critical linkages considers sea level rise and flooding, and incorporates resilient design and materials to reduce reconstruction and recovery costs  
- developing a methodology to incorporate evacuation considerations into strategic, precinct and site based planning  
- develop policies to achieve the NSW aspirational target of net zero emissions by 2050. | NSW Department of Planning and Environment with support from the DPE | Noted |

Outcome 3 – Deliver Housing Close to Jobs and Services

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<tbody>
<tr>
<td>51</td>
<td>Greater Newcastle councils will focus new housing in strategic centres, urban renewal corridors and priority housing release areas.</td>
<td>All Metro Councils with support from the DPE</td>
</tr>
</tbody>
</table>
| 52-53  | For the Stage 1 urban renewal corridors, Newcastle City Council with assistance from the NSW Department of Planning and Environment will:  
- amend local plans based on feasibility testing of housing types, built form, and infrastructure capacity  
- achieve population densities of 50-75 people per hectare leading to improved viability of major public transport upgrades such as rapid bus or light rail extensions. | NCC with support from the DPE | Council seeks assistance from the DPE by allowing access to the Urban Feasibility Model. |
### Outcome 3 – Deliver Housing Close to Jobs and Services

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<tr>
<td>54</td>
<td>For the Stage 2 urban renewal corridors, Newcastle City Council and Lake Macquarie City Council will ensure proposals do not prevent future redevelopment opportunities.</td>
<td>NCC and LMCC</td>
</tr>
</tbody>
</table>
| 55-56  | For priority housing release areas, Greater Newcastle councils and NSW Department of Planning and Environment will:  
- coordinate the timely delivery of housing and infrastructure to enable revitalisation and redevelopment  
- amend minimum lot sizes and density controls to enable a greater diversity of housing types  
- monitor housing delivery and review infrastructure requirements  
- promote access and enhancement of the Blue and Green Grid. | All Metro councils  
Council supports a reduction in the minimum lot size for priority areas to encourage greater diversity through small lot housing. This would require an amendment to Council’s LEP and DCP.  
DPE and Metro councils |
| 59     | NSW Department of Planning and Environment and Greater Newcastle councils will identify future growth areas every five years as part of the review and update of this Plan, or as required to meet demand. | DPE and Metro councils |
| 60     | Greater Newcastle councils will align section 9.4 plans for local infrastructure to support the development of priority housing release areas and strategic centres with the Urban Development Program. | All Metro councils |
| 61-66  | Greater Newcastle councils will prepare a local housing strategy within two years that:  
- addresses this Plan’s strategies  
- identifies new residential release areas if there is less than 15-year supply of land to meet dwelling projections  
- achieves a minimum residential density of 15 dwellings per hectare in priority housing release areas, with 20% of lots capable of providing small lot and multi-dwelling housing types  
- delivers the overall 40% greenfield and 60% infill housing split across Greater Newcastle by 2036  
- ensures social and affordable housing requirements for Aboriginal people, and low and very low-income households are met (in consultation with Department of Family and Community Services). | All Metro councils  
As previously stated, Council would prefer to amend the Local Planning Strategy, rather than preparing a standalone housing strategy.  
Council is currently preparing a draft Affordable Living Plan and would welcome the input and assistance of the Department. |

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### Outcome 3 – Deliver Housing Close to Jobs and Services

- focuses settlement in locations that:  
  - maximise existing infrastructure and services and minimise the need for new services  
  - prioritise increased densities within existing urban areas and close to public transport  
  - prioritise new release areas that are an extension of existing strategic and local centres  
  - focus new housing within an 800m walk of a strategic centre, railway station, or within an urban renewal corridor.

#### Greater Newcastle councils will amend local plans to:

- focus land in residential, primary production small lots, or environmental living zones and/or minimum lots sizes greater than 2000m² in locations where:  
  - the land is unlikely to be required for more intensive urban purposes in the future due to physical constraints such as slope, environmental characteristics or natural hazards  
  - less intensive development will result in better management of the land  
  - the delivery of infrastructure required to service the development is physically and economically feasible  
  - the above criteria has been demonstrated through a local planning strategy endorsed by the NSW Department of Planning and Environment

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<tr>
<th>Outcome 4 – Improve Connections to Jobs, Services and Recreation</th>
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- Greater Newcastle councils will align local plans to:

  - project freight corridors between the Port, Airport, Breezefield-Black Hill  
  - and interchanges on the National Road Freight Network  
  - ensure that incompatible uses do not encroach on the proposed Lower Hunter Freight Corridor  
  - require development along key transport corridors to demonstrate that access can be provided through existing interchanges  
  - ensure rezoning of land within the Hunter Expressway corridor is consistent with the Hunter Expressway Corridor Principles and proposed Hunter Expressway land use strategy.

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| 67     | Greater Newcastle councils will amend local plans:  
- focus land to residential, primary production small lots, or environmental living zones and/or minimum lots sizes greater than 2000m² in locations where:  
  - the land is unlikely to be required for more intensive urban purposes in the future due to physical constraints such as slope, environmental characteristics or natural hazards  
  - less intensive development will result in better management of the land  
  - the delivery of infrastructure required to service the development is physically and economically feasible  
  - the above criteria has been demonstrated through a local planning strategy endorsed by the NSW Department of Planning and Environment. | All Metro Councils |
| 68-72  | Greater Newcastle councils will align local plans to:  
- project freight corridors between the Port, Airport, Breezefield-Black Hill  
- and interchanges on the National Road Freight Network  
- ensure that incompatible uses do not encroach on the proposed Lower Hunter Freight Corridor  
- require development along key transport corridors to demonstrate that access can be provided through existing interchanges  
- ensure rezoning of land within the Hunter Expressway corridor is consistent with the Hunter Expressway Corridor Principles and proposed Hunter Expressway land use strategy. | All Metro Councils  
Noted |
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<tr>
<td><strong>Catalyst Areas for Greater Newcastle</strong></td>
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<tr>
<td><strong>Newcastle City Centre</strong></td>
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</table>
| 73-75 Wickham Precinct | Align Plans to:  
- facilitate the long-term expansion of the city centre towards Wickham  
- increase opportunities for transit-oriented development around Newcastle Interchange respond to development constraints including mine subsidence and flooding  
- provide floor space for emerging new economy industries and businesses. | NCC | These actions have been investigated during the preparation of the Wickham Masterplan, adopted by Council in 2017. Council will continue to work on implementing the recommendations of the masterplan through amendments to Council’s LEP and DCP. |
| 76 West End Precinct | Align Plans to increase commercial and accommodation floor space surrounding Newcastle Interchange | NCC | Noted. The B4 Mixed Use zone and the B3 Commercial Core zone both allow commercial and accommodation uses. |
| 77 Civic Precinct | Hunter Development Corporation and Newcastle City Council will:  
- promote the Civic Precinct as an education and research hub leveraging from the University of Newcastle NW Space campus  
- encourage additional civic and cultural activities that reinforce the cultural axis from Civic Park to the waterfront. | NCC | Noted |
| 79-81 East End Precinct | Hunter Development Corporation and Newcastle City Council will:  
- transform spaces for public open space, new shops and residential opportunities, and connecting the city to the waterfront  
- retain and repurpose heritage buildings that contribute to character and history of the city centre  
- continue to revitalise Hunter Street Mall. | NCC | The draft Planning Agreement with HDC endorsed by Council as part of the Planning Proposal for the surplus rail corridor includes the transformation of public open space, adaptive reuse of heritage buildings and connections to the waterfront. The rezoning also provides opportunities for new commercial and residential development. |

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<tr>
<td><strong>Newcastle City Centre</strong></td>
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</table>
| 82-83 Newcastle East Precinct | Newcastle City Council will:  
- plan for additional tourists by enabling new and revitalised accommodation and tourism options  
- work with Destination NSW to stage major events and promote Newcastle East, including the harbour, headland and beaches, to support the growth of tourism. | NCC | The East End is predominately zoned B4 Mixed Use, R3 Medium Density Residential and R4 High Density Residential. All these zones allow tourist and visitor accommodation and/or hotel and motel accommodation. |
| **Beresfield-Black Hill** | | |
| 84-86 Beresfield Precinct | Newcastle City Council will align local plans to:  
- promote freight and logistics, manufacturing and other light industrial uses  
- protect the freight transport corridor and integrate new freight and logistics related technologies to improve efficiency. | NCC | Further advice is required from Transport for NSW on the final location of the freight transport corridor. |
| 87 Emerging Black Hill Precinct | Cessnock City Council and Newcastle City Council will work with Transport for NSW to prepare a master plan for the emerging Black Hill Precinct that considers freight and logistics uses, the adjoining mine site, and includes an internal road network and access points to John Renshaw Drive. | Cessnock City Council, NCC and Transport for NSW | Council has prepared a draft Development Control Plan/Design guidelines for the Black Hill Employment Lands in 2017 as a requirement of the concept approval for this site. The draft DCP is awaiting approval from the DPE. |
| 88 Potential Beresfield Expansion Precinct | Newcastle City Council will investigate development of an expansion to the Beresfield Precinct, considering environmental suitability, connection to the transport network and location of transport corridors. | NCC | This action will be investigated as part of the review of Council’s Local Planning Strategy. |
| **Breadmeadow** | | |
| 89-93 Hunter Sports and Entertainment Precinct | Newcastle City Council will:  
- adopt and implement Venues NSW Hunter Sports and Entertainment Precinct Concept Plan that sets a vision for the precinct as ‘A first choice sporting, leisure and entertainment destination that is diverse, vibrant, sustainable and commercially viable’ | NCC | Council will consider these actions following finalisation of Venues NSW Concept Plan. As Council is not the land owner of the majority of land within the Hunter Sports and Entertainment Precinct, many of these actions are better managed by the Office of Sport and Venues NSW. |
### Broadmeadow

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<tr>
<td>84-96</td>
<td><strong>Kiteways Precinct</strong></td>
<td>NCC</td>
</tr>
<tr>
<td>97</td>
<td><strong>Lambton Road Precinct</strong></td>
<td>NCC</td>
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<tr>
<td>98-99</td>
<td><strong>Broadmeadow Station Precinct</strong></td>
<td>NCC</td>
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</table>

**Broadmeadow Road Precinct**
- Newcastle City Council will align local plans to facilitate light industrial and business uses to support the growth of surrounding areas.
- NCC

**Lambton Road Precinct**
- Newcastle City Council will align local plans to promote light industrial and business uses.
- NCC

**Broadmeadow Station Precinct**
- Newcastle City Council will align local plans to facilitate medium density housing that transitions to surrounding residential areas.
- NCC

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**Callaghan**

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<tr>
<td>100-101</td>
<td><strong>Callaghan Campus Precinct</strong></td>
<td>NCC</td>
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<tr>
<td>102</td>
<td><strong>Lasseters Depot Precinct</strong></td>
<td>NCC and HDC</td>
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<tr>
<td>103-104</td>
<td><strong>Former Gasworks Precinct</strong></td>
<td>NCC</td>
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</table>

**Callaghan Campus Precinct**
- Newcastle City Council, working with the University of Newcastle, will align local plans to grow an education cluster within and surrounding the Callaghan Campus, including student accommodation, research and business.
- NCC and UoN

**Lasseters Depot Precinct**
- Hunter Development Incorporation and Newcastle City Council will investigate potential for medium density housing and business uses which do not impact on heritage values.
- NCC and HDC

**Former Gasworks Precinct**
- Newcastle City Council will investigate potential for business and light industrial uses and open space to service nearby residential areas.
- NCC

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**Wardsbrook Station Precinct**

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<tr>
<td>108-109</td>
<td><strong>Wardsbrook Station Precinct</strong></td>
<td>NCC, UoN and HDC</td>
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**Wardsbrook Station Precinct**
- Newcastle City Council, working with the University of Newcastle and Hunter Development Incorporation, will align local plans to facilitate accommodation, residential and business uses that do not impact the viability of business in surrounding centres.
- NCC, UoN and HDC

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*Newcastle City Council submission on the draft Greater Newcastle Metropolitan Plan*
### City of Newcastle

#### City of Newcastle Council Meeting 27 February 2018

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<td>110</td>
<td><strong>Warrsbrook Business Park Precinct</strong></td>
<td>NCC</td>
</tr>
<tr>
<td>111</td>
<td><strong>Student Accommodation Precinct</strong></td>
<td>NCC and UoN</td>
</tr>
<tr>
<td>112</td>
<td><strong>Warrah West Public Utility Precinct</strong></td>
<td>NCC and TransGrid</td>
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<tr>
<td>113- 115</td>
<td><strong>Jesmond, Warrsbrook and Warrah Centres</strong></td>
<td>NCC</td>
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#### John Hunter Hospital Precinct

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<tr>
<td>116- 119</td>
<td><strong>Hunter New England Health, working with Newcastle City Council will:</strong></td>
<td>Hunter New England Health and NCC</td>
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**Newcastle City Council submission on the draft Greater Newcastle Metropolitan Plan**

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<td><strong>John Hunter Hospital Precinct</strong></td>
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<tr>
<td>120- 121</td>
<td><strong>Transport for NSW, working with Hunter New England Health and Newcastle City Council, will:</strong></td>
<td>Transport for NSW, Hunter New England Health and NCC</td>
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#### Kotara

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<th>Action</th>
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<tr>
<td>122- 127</td>
<td><strong>New Kotara Town Precinct</strong></td>
<td>NCC</td>
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<tr>
<td>128- 130</td>
<td><strong>Kotara Shopping Centre Precinct</strong></td>
<td>NCC</td>
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**Newcastle City Council submission on the draft Greater Newcastle Metropolitan Plan**

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### Kotara

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<tr>
<td>131</td>
<td><strong>Park Avenue Employment Precinct</strong>&lt;br&gt;Newcastle City Council will align local plans to retain existing business development and industrial land uses to service the surrounding communities of Adamstown and New Lambton.</td>
<td>NCC</td>
</tr>
<tr>
<td>132</td>
<td><strong>Kotara Residential Precinct</strong>&lt;br&gt;Newcastle City Council will align local plans to increase the potential for medium density housing with local services, and improve pedestrian and cycle connectivity to surrounding precincts within Kotara and the Fernleigh Track.</td>
<td>NCC Council Local and Neighbourhood Centres program is reviewing the connectivity of Kotara with surrounding areas.</td>
</tr>
<tr>
<td>133</td>
<td><strong>Sealie Street Employment Precinct</strong>&lt;br&gt;Newcastle City Council will align local plans to intensify light industrial and office uses, and improve internal street layout and integration with surrounding residential and commercial areas and Kotara Railway Station.</td>
<td>NCC</td>
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### Newcastle Port

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<tr>
<td>134-136</td>
<td><strong>Carrington Precinct</strong>&lt;br&gt;The Port of Newcastle, working with Newcastle City Council and NSW Department of Planning and Environment, will:&lt;br&gt;- investigate the potential to relocate coal export facilities and bulk fuel storages away from residential areas and explore options to renew the Carrington Precinct for alternative uses (including tourism)&lt;br&gt;- in consultation with Transport for NSW, protect heavy vehicle and freight rail access and infrastructure to the Port&lt;br&gt;- support the establishment and operation of a cruise ship terminal, and improve amenity of port land near the cruise ship terminal to enhance visitor experience.</td>
<td>Port of Newcastle, NCC and DPE The relocation of the coal export facility is not a decision for Council and will need to be made by the Port of Newcastle in consultation with DPE. Council's Employment Lands Strategy notes the significant importance of this land for major industrial and port related uses. If the coal export facilities and bulk fuel storages were relocated, it is likely this area would still be needed as employment land. Further investigation will be undertaken by Council, if the Port of Newcastle decides the land is surplus to their needs.</td>
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### Newcastle Port

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<tr>
<td>137</td>
<td><strong>Steel River Precinct</strong>&lt;br&gt;Newcastle City Council will align local plans to facilitate engineering, research and high-tech manufacturing uses.</td>
<td>NCC The permissible uses included in the Steel River Precinct will be reviewed as part of the update of the Local Planning Strategy.</td>
</tr>
<tr>
<td>138-141</td>
<td><strong>Throsby Precinct</strong>&lt;br&gt;Newcastle City Council will align local plans to:&lt;br&gt;- accommodate light industrial and new economy uses to enable a transition from port-related uses to reduce potential impacts on surrounding residential areas&lt;br&gt;- leverage the developing tourism role associated with the establishment of a cruise ship terminal in the Carrington Precinct, and support the development of further tourism opportunities in the surrounding communities of Stockton, Carrington and Tighes Hill&lt;br&gt;- plan for relocation of bulk fuels to the Mayfield Port Precinct and investigate renewal opportunities including creative industries and potential medium density housing in the former wastelands and surrounding sites&lt;br&gt;- protect and expand the recreational reserve along the Throsby Creek foreshore.</td>
<td>NCC A review of industrial employment lands in the Throsby Area was completed in 2010 by the DPE. The recommendations of this study informed the zones in the Newcastle LEP 2013. The study found that the employment lands are of strategic importance to support Port related uses as well as other emerging industries. The study also found that there was insufficient planning justification to zone employment lands to permit residential development in the Newcastle Inner Suburbs. Are the recommendations of this study being superseded by the draft Metro Plan and will the Metro Plan repeal the employment lands study?</td>
</tr>
</tbody>
</table>
ITEM-13  CCL 27/02/18 - ADOPTION OF COMMUNITY GRANT AND SPONSORSHIP POLICIES

REPORT BY:  PLANNING AND REGULATORY
CONTACT:  DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

To adopt the revised Events Sponsorship, Economic Development Sponsorship and Community Place Making Project policies following public exhibition.

RECOMMENDATION

1 Council adopts the Events Sponsorship Program policy, the Economic Development Sponsorship policy and the Community Place Making policy.

2 Council rescinds the existing Place Making Grant and Community Assistance Grant policies.

KEY ISSUES

3 Council administers a range of grant and sponsorship programs annually, guided by policies that define the purpose, scope, assessment process and acquittal requirements of each program. Following a review of the programs which included analysis of the types of projects funded over the last three years, revised policies are attached for:

i) Events Sponsorship (Attachment A)

ii) Economic Development Sponsorship (Attachment B)

iii) Community Place Making Grants (Attachment C)

4 The key changes advertised for comment were:

i) Introducing a tiered approach for event sponsorship, with new, clear criteria for each category.

ii) Removing the focus on 'destination' events and increasing opportunities for large and small scale community events, that draw a local to regional audience.

iii) Recognising business events as potential catalysts for economic uplift.

iv) Narrowing the focus of the economic development sponsorship program to sponsor local organisations who provide specialist services to local...
businesses in the areas of training or promotion of Newcastle nationally or internationally.

v) Combining the former Make Your Place and Community Assistance programs into a single community-based project fund, with a maximum limit per project of $4,000.

5 In the consultation period one submission was received. The key points in the submission are:

i) Suggested further clarification of the event categories.

ii) The Economic Development Sponsorship Policy includes cultural events and should reference the Cultural Strategy.

6 In relation to issue 5 i), the policy is a guide to classifying events. Applicants will nominate a category on the application form which will be ratified by the Event Sponsorship Policy. On point 5 ii), applicants seeking funding for any kind of event will be encouraged to apply under the Events Sponsorship Program. The revised Economic Development Program specifies in clause 1.2, the program will operate through sponsoring trade, industry or interest-based organisations.

7 The following refinements have also been made to the Events Sponsorship policy to clarify Council requirements:

i) Clause 5.7 specifies sponsorship for multiple years will be determined by Council. A new clause 5.8 identifies applications will be at the invitation of Council and will apply to Major Community, Destination and Mega events only.

ii) Applications for mega events will be approved up to two years in advance unless endorsed by Council.

iii) Criteria for community events added on a new clause 8.1, consistent with the Newcastle 2030 Community Strategic Plan.

iv) A new clause 11.1 has been added for sponsorships exceeding $20,000, that Council may split the payment with the final instalment paid on receipt of an acceptable acquittal report.
FINANCIAL IMPACT

8 The amount allocated to each program will be determined by Council as part of the annual budget process. Based on current year budgets, the proposed program budgets are in Table 1.

Table 1 Revised programs, suggested budget allocations:

<table>
<thead>
<tr>
<th>Program</th>
<th>Proposed Funding *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Place Making Project Grants</td>
<td>$60,000</td>
</tr>
<tr>
<td>Event Sponsorship</td>
<td>$280,000</td>
</tr>
<tr>
<td>Major Event Sponsorship (discretionary)</td>
<td>$250,000</td>
</tr>
<tr>
<td>Economic Development Sponsorship</td>
<td>$70,000</td>
</tr>
<tr>
<td>Total funding</td>
<td>$660,000</td>
</tr>
</tbody>
</table>

*based on existing levels of funding - to be determined annually as part of Council's annual budget process

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 Sponsorship and grants from Council assist many sectors of the community and helping Newcastle to be a caring and inclusive community, create vibrant and activated public places and be a smart and innovative city.

IMPLEMENTATION PLAN/IMPLICATIONS

10 The policies ensure that open and transparent processes and clear criteria to allocate grants and sponsorships will be implemented.

RISK ASSESSMENT AND MITIGATION

11 A framework for outgoing grants and sponsorships is required under the Local Government Act 1993 (NSW) regarding the giving of 'financial assistance' by Council. Section 356 which deals with provision of 'financial assistance', requires the elected Council to adopt a policy, program or framework for the giving of financial assistance. Our existing policy suite and the proposed changes meet legislative requirements.

RELATED PREVIOUS DECISIONS

12 At the Ordinary Council Meeting held on 12 December 2017, Council resolved as follows:

1 Council resolves to place the draft Events Sponsorship Program policy, the draft Economic Development Sponsorship policy and the draft Community Place Making Project policy on public exhibition to the end of January 2018.
CONSULTATION

13 The draft policies were on public exhibition between 14 December 2017 and 5 February 2018. Previous grant and sponsorship recipients were invited to comment. An advert was placed in the Newcastle Herald on 14 December 2017, information uploaded to Council's website and hard copies of the draft policies placed at the Council Administration Centre.

OPTIONS

Option 1

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

Option 2

15 Council not accept the proposed amendments and retain the existing policies. This is not the recommended option.

BACKGROUND

16 A review of the grant and sponsorship programs undertaken in 2017 identified the following:

i) The majority of applications received in the Community Assistance, Place Making and Economic Development programs are for events.

ii) The majority of applications received are for events designed for the local market that do not meet the existing Events Sponsorship criteria (to bring in overnight visitors and promote Newcastle as a tourism destination and event city). A new category and criteria recognising major community events should be introduced.

iii) Numerous applications are received annually for business events / conferences which have significant positive economic impact for Newcastle, however, neither the Event or Economic Development policy contain relevant criteria.

iv) Part of Council's role should be to foster financially sustainable events. Hence the expectation of event organisers for annual increases in funding levels needs to be justified through appropriate criteria and their applications (eg. by demonstrating significant new components to their event and / or attracting significant new audiences), or their funding should be reduced over time.
17 It is also suggested Council identify events of a purely commercial nature, where sponsorship funding is used as an incentive to attract an event to Newcastle (and Newcastle benefits from the economic impact of the event).

REFERENCES

ATTACHMENTS

Attachment A: Event Sponsorship Policy
Attachment B: Economic Development Sponsorship Policy
Attachment C: Community Place Making Grants
Event Sponsorship

<table>
<thead>
<tr>
<th>Policy title</th>
<th>Event Sponsorship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy owner</td>
<td>Manager Strategic Planning Services</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Strategic Planning Services</td>
</tr>
<tr>
<td>Approved by</td>
<td>To be completed by Governance</td>
</tr>
<tr>
<td>Date approved</td>
<td>To be completed by Governance</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>To be completed by Governance</td>
</tr>
<tr>
<td>Version</td>
<td>1</td>
</tr>
<tr>
<td>Category</td>
<td>Community development, economic development and Tourism</td>
</tr>
<tr>
<td>Keywords</td>
<td>Sponsorship, event, tourism, development, community, economic</td>
</tr>
<tr>
<td>Revision date</td>
<td>Date the policy is due for revision</td>
</tr>
<tr>
<td>Amendments</td>
<td>Dates of approved policy revisions (list all previous approved versions of the policy including title and ECM number)</td>
</tr>
<tr>
<td>Relevant strategic direction</td>
<td>Vibrant and activated public places</td>
</tr>
<tr>
<td></td>
<td>Caring and Inclusive community</td>
</tr>
<tr>
<td></td>
<td>Smart and Innovative City</td>
</tr>
<tr>
<td></td>
<td>Open and Collaborative Leadership</td>
</tr>
<tr>
<td>Relevant legislation/codes</td>
<td>Local Government Act 1993 (NSW)</td>
</tr>
<tr>
<td>Related policies/documents</td>
<td>Standard Letter of Agreement for Event Sponsorship and any applicable guidelines.</td>
</tr>
<tr>
<td>Related forms</td>
<td>Event Sponsorship Application Form</td>
</tr>
<tr>
<td>Authorisations</td>
<td>Functions authorised under this policy including Council Officers authorised to perform the function.</td>
</tr>
</tbody>
</table>
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Part A Preliminary

1 Purpose

1.1 The purpose of this policy is to provide a framework for Council to sponsor suitable events through an established program known as the Event Sponsorship Program.

1.2 Suitable events to be sponsored under the Events Sponsorship Program include those that:

1.2.1 Demonstrate a welcoming community that looks after each other;

1.2.2 Contribute to active and healthy communities with physical, mental and spiritual wellbeing;

1.2.3 Contribute to a creative, culturally rich and vibrant community;

1.2.4 Demonstrate public places that provide for diverse activity and strengthen our social connections;

1.2.5 Celebrate culture, heritage and place;

1.2.6 Contribute to safe and activated places that are used by people day and night;

1.2.7 Provide positive promotional exposure for Newcastle;

1.2.8 Provide economic benefit through increased tourist visitation and spending;

1.2.9 Enhance the City’s image and profile as a visitor destination and event city; and

2 Scope

2.1 The policy applies to all applications for Event Sponsorship.

3 Principles

3.1 Council commits itself to the following principles:

3.1.1 Accountability and transparency – The policy provides a framework for the transparent and merit-based provision of support and a system of accountability for the recipient.

3.1.2 Alignment with Council strategies – The policy aligns with Council priorities outlined in the Newcastle 2030 Strategic Plan and Council’s Event Plan (2016) and Destination Management Plan (2016).

3.1.3 Value for Money – The policy ensures Council considers the value for money received in return for Council’s investment.

4 Definitions

4.1 Agreement means the agreement entered into by Council and an applicant whose application for Event Sponsorship has been successful.
4.2 **Business event** in this context is a private or public activity consisting of a minimum of 250 persons with a common interest or vocation, held in a specific venue or venues, and hosted by an organisation(s). This may include (but not limited to): conferences, conventions, symposia, congresses, with a minimum two night stay in Newcastle.

4.3 **Commercial event** is a ticketed event, and in this context will attract more than 10,000 people and have state-wide promotion and audience attraction.

4.4 **Community event** suburb or interest based group event, with free or minimal entry charges and attendance around 5,000 people.

4.5 **Council** means The City of Newcastle Council.

4.6 **Destination event** will attract national promotion and audience exceeding 15,000 people, drive overnight visitation and promote Newcastle as a destination and event city.

4.7 **Event** is an organised and themed activity designed to attract a public audience.

4.8 **Event Sponsorship** means a business transaction in which Council provides a financial contribution or Value in-Kind, to support an Event, in return for negotiated commercial benefits to the City.

4.9 **Event Sponsorship Panel** means the panel comprising:
   (a) Lord Mayor (or nominee)
   (b) Director Planning and Regulatory (or nominee)
   (c) Business Unit Manager (or nominee)
   (d) Two Council Officers who have relevant experience selected by the Business Unit Manager.

4.10 **Executive Management Team** means Council’s Executive Management Team comprising Chief Executive Officer and directors.

4.11 **Financial Assistance** means payments given to individuals or organisations that are not commensurate with a reciprocal benefit received by Council.

4.12 **Guidelines** means any guidelines published in connection with Council’s Event Sponsorship program in any year.

4.13 **Major community event** will attract people from the LGA and region, must include a free entry component and will attract up to 20,000 people.

4.14 **Mega event** is an event attracting national and international promotion and audience exceeding 20,000 people, drive overnight visitation and promote Newcastle as a destination and event city.

4.15 **Relevant Council Officer** means the Council employee responsible for administering the Event Sponsorship Program.

4.16 **Value in Kind** means goods or services supplied by Council in connection with an Event sponsorship, including the waiver or discounting of fees and charges for Council facilities or services. For the avoidance of doubt, the waiver or reduction of fees and charges in accordance with this policy are fees or charges that Council determined payment should be so waived or reduced in accordance with s.610E of the Local Government Act 1993.
Part B  Scope of Program

5  Amount of sponsorship available

5.1 The total amount available under the Event Sponsorship Program will be determined annually by the elected Council in connection with the Operational Plan and Delivery Program.

5.2 The maximum amount of Event Sponsorship available in a competitive round under the Event Sponsorship Program will be set by the Director Planning and Regulatory. Support may comprise cash and/or Value-in-Kind.

5.3 Council may decide to offer to an applicant Event Sponsorship in an amount less, or in a combination different to, what is applied for.

5.4 A monetary figure will be allocated to all Value in Kind awarded under the Event Sponsorship Program, in accordance with its true cost to Council. This amount will be included in the total amount of Event Sponsorship allocated to any successful applicant.

5.5 If awarded Sponsorship under the Event Sponsorship Program, applicants are prohibited from seeking additional support from other business units, services or committee of Council for the same Event.

5.6 Any amendments to the total budget allocated the Event Sponsorship Program must be approved by the elected Council.

5.7 Only single year commitments may be approved under this policy. Multi-year commitments require elected Council approval.

5.8 Multi-year applications will be at the invitation of Council and will apply to Major Community, Destination and Mega Events only. Council will encourage events to be financially self-sustaining after the period of the Council sponsorship.

6  Program structure

6.1 Council recognises the following event categories:

<table>
<thead>
<tr>
<th>Event Category</th>
<th>Attendance and/or Spectators (indicative)</th>
<th>Promotion plus Audience/spectator</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community event</td>
<td>Around 5,000 people Free/token entry</td>
<td>Newcastle/interest group</td>
<td>Community building, wellbeing, lifestyle</td>
</tr>
<tr>
<td>Major Community Event</td>
<td>&gt;5,000 people Free/token entry</td>
<td>Regional to statewide</td>
<td>Community building, wellbeing, lifestyle</td>
</tr>
<tr>
<td>Commercial Event</td>
<td>&gt;10,000</td>
<td>Regional to statewide</td>
<td>Community building, wellbeing, lifestyle Promote Newcastle as an event and destination city Unique element to</td>
</tr>
<tr>
<td>Business Events</td>
<td>Regional, state, national, 50% delegates requiring overnight accommodation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>250 delegates</td>
<td>Promote Newcastle as an event and destination city</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three day/two night minimum</td>
<td>Formal sponsorship prospects where benefits to the host organisation are clearly articulated and measurable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Destination Event</th>
<th>Regional, state, national</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt;15,000 people</td>
<td>Promote Newcastle as an event and destination city</td>
</tr>
<tr>
<td>Must have free entry component</td>
<td>Unique element to calendar of events</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mega Event</th>
<th>National and international</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt;20,000 people</td>
<td>Promote Newcastle as an event and destination city</td>
</tr>
<tr>
<td></td>
<td>Unique element to calendar of events</td>
</tr>
</tbody>
</table>

6.2 For Community to Destination Events Council may hold up to two competitive rounds for Event Sponsorship each financial year. The number of rounds will be determined by the Director Planning and Regulatory according to the amount of funds and resources available to support the program.

6.3 Council will advertise the details of each round of the Events Sponsorship Program on Council’s website and in the Newcastle Herald.

6.4 Council may decide to host a public information session in connection with a competitive round to provide information to prospective applicants about the program.

6.5 The Director Planning and Regulatory may determine to allocate a portion of the total funding available each financial year (along with any unexpended or returned funds) for ad hoc applications outside the competitive round(s) described in clause 6.1. If such funding is allocated it will be advised on Council’s website annually.

6.6 Otherwise, applications for ad hoc funding:

6.6.1 can be made at any time.

6.6.2 must be made on the standard application form.

6.6.3 will be reviewed by the Relevant Council Officer (in accordance with clause 9.1 and 9.2) and assessed (against the criteria outlined in sections 7 and 8) and approved by the Director Planning and Regulatory.

6.7 Successful applications in this category will be recorded with successful applicants from competitive rounds on Council’s website.

6.8 For Mega Events applications will be accepted throughout the year and will be determined by Council’s Executive Management Team in accordance with the this policy.
6.9 Applications for mega events will be approved up to two years in advance unless endorsed by Council.

Part C – Eligibility and assessment

7 Eligibility Criteria

Council will not support applications that do not meet all of the following criteria:

7.1 Applicant must be a registered organisation with an ABN (or ACN) or a Not for Profit organisation. Council will not fund individuals or government agencies.

7.2 Applicants acting for financial gain must provide complete information about the company structure, management and shareholders.

7.3 Applicants must lodge a completed application using Council’s standard Event Sponsorship Program Application Form in accordance with any published Guidelines.

7.4 Applications must be received on or before the advertised due date (with the exception of ad hoc applications).

7.5 Applicants must provide evidence that they have appropriate insurances in place.

7.6 The Event must be scheduled to occur within the same financial year as the support is (likely to be) received (unless otherwise agreed).

7.7 Applicants may not have received any other sponsorship support from Council within the same financial year, regardless of whether it was for a different event.

7.8 Applicants must have complied with, to Council’s satisfaction, the conditions of any previous grant, support or Event Sponsorship received from Council.

7.9 The Event must take place in the Newcastle Local Government Area.

7.10 The Event must be consistent with the community values defined in the 2030 Community Strategic Plan.

7.11 The applicant must be capable of obtaining all regulatory approvals for the Event.

7.12 Applications for Event Sponsorship to fund the purchase of capital equipment will be rejected.

7.13 If a public information session is scheduled in connection with a round of Event Sponsorship funding, a representative of the applicant must attend, or otherwise meet with the relevant Council Officer in advance of the application deadline. This criterion does not apply to ad hoc applications.

8 Assessment Criteria

Applications that satisfy the Eligibility Criteria set out in clause 7 will then be assessed against the following Assessment Criteria.

<table>
<thead>
<tr>
<th>Event Category</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community event</td>
<td>• Low impact, around 5,000 people drawn from Newcastle, OR a specific interest group</td>
</tr>
<tr>
<td></td>
<td>• Consistency with Newcastle 2030 Community Strategy Plan objectives</td>
</tr>
<tr>
<td>Category</td>
<td>Criteria</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Major Community Event    | • Medium to high impact event, exceeding 5,000 people, drawn from LGA and region  
                          • Consistency with Newcastle 2030 Community Strategy Plan objectives  
                          • Enhancement of Community wellbeing, creativity or healthy lifestyle through no. and range of participants, skill and knowledge development  
                          • Recognition of Newcastle's identity and community through celebration of our history, stories and culture assessed by type of activity, linking groups in the community and complementary activities  
                          • Free or token entry  
                          • Unique element to calendar of events |
| Commercial Event          | • Medium to high impact event, exceeding 5,000 people, drawn from LGA, region and state  
                          • Economic impact to exceed $1m through overnight visitation and spending and local suppliers  
                          • Promote Newcastle as an event and destination city through coverage and promotion at regional and state level  
                          • For repeat event funding applicants, new programming and/or increased benefits to the community or economy will need to be demonstrated |
| Business Event            | • Applicable to events of three day, two night minimum  
                          • Minimum 250 delegates with majority of delegates (minimum 80%) requiring overnight accommodation  
                          • Demonstrated use of local suppliers  
                          • Promote Newcastle as an event and visitor destination through exposure and promotion at a regional, state, national and international level (as applicable)  
                          • Formal sponsorship prospectus |
| Destination Event | • Medium to high impact event, exceeding 10,000 people, drawn from LGA, region and state  
• Economic impact to exceed $1m through overnight visitation and spending and local suppliers  
• Promote Newcastle as an event and destination city through coverage and promotion at regional state and national level  
• For repeat event funding applicants, new programming and/or increased benefits to the or economy will need to be demonstrated  
• Marketing plan required as part of application  
• Unique element to calendar of events |
|-------------------|---|
| Mega Event | • High impact event, exceeding 20,000 people, drawn from LGA, state and international  
• Often one off event  
• Brings international competition or exhibition to Newcastle  
• Economic impact to exceed $2m through overnight visitation and spending and local suppliers  
• Promote Newcastle as an event and destination city through coverage and promotion at state and international level  
• Marketing plan required as part of application  
• Unique element to calendar of events |

*Note: applicants may not meet all criteria and the criteria serve as a guide to NCC expectations.*

**All Applications**

8.1 Applicant’s experience and track record (Note: Council may assess all information available to Council about the applicant when making this assessment including data from previous events)

8.2 Adequacy of budget proposal

8.3 The Event must be open to the general public to attend.
9 Assessment of applications

9.1 The Relevant Council Officer will conduct a preliminary assessment against the Eligibility and Assessment Criteria set out in sections 7 and 8.

9.2 It is open to the Relevant Council Officer to amend estimates and projections included in the application prior to assessment, based on information available to Council or Council's past experience. Any changes should be notified to the applicant with the reasoning documented.

9.3 If the applicant does not agree with amendments suggested by the Relevant Council Officer, the application will still be presented to the Event Sponsorship Panel for assessment with information from the Relevant Council Officer as to why amendments are recommended.

9.4 The weighting allocated to each assessment criterion will be determined annually and approved by the Manager - Strategic Planning Services, prior to applications being called. These weightings must be made available to applicants upon request.

9.5 Following a preliminary assessment, the Relevant Council Officer will present all applications to the Event Sponsorship Panel with a recommendation on eligibility.

9.6 The Event Sponsorship Panel will be convened to assess applications. The Event Sponsorship Panel's assessment must be recorded on an evaluation form and retained in Council's records management system. The evaluation form will be signed by all members of the Event Sponsorship Panel.

9.7 Any deviation from the approach set out in clauses 9.1 - 9.6 must be approved by the Chief Executive Officer with the reasoning documented.

9.8 Each Councillor and Council Officer involved in the assessment and approval of applications under this Section must comply with Council's Code of Conduct, in particular, the provisions covering Conflicts of Interest.

9.9 This section does not apply to ad hoc applications. Ad hoc applications must be assessed and approved in accordance with clause 6.4.
Part D  Agreements, payments and acquittals

10 Agreement

10.1 Successful applicants and Council must sign an Agreement, containing Council’s terms and conditions of Event Sponsorship, prior to any monies being released.

10.2 Council may terminate the Agreement at any time but will pay for commitments made, subject to milestones being met, to the date of termination.

10.3 The Agreement will provide that Council is able to withhold the final payment under the Agreement pending receipt of a satisfactory acquittal report.

10.4 The Agreement may include a statement relating to how Council will conduct any regulatory activities with the applicant.

10.5 The Agreement will require the applicant to comply with Council’s Statement of Business Ethics.

11 Payments

11.1 For sponsorships exceeding $20,000 Council may split the payment with the final instalment paid on receipt of an acceptable acquittal report.

11.2 Payments will be made to applicants in accordance with the milestones agreed with the applicant and documented in the Agreement.

11.3 All payments under the Agreement must be invoiced to Council in accordance with achievement of the milestones documented in the Agreement.

11.4 All invoices must be received before the end of the financial year in which the Event Sponsorship was awarded and the Event held.

11.5 Council will not be liable for any amounts over and above the Event Sponsorship amount as set out in the Agreement.

12 Acquittal Report

12.1 Successful applicants must provide a final acquittal report to Council within the timeframe specified in the Agreement.

12.2 The information required will be specified in the Agreement and may include:

12.2.1 final accounts (audited, if appropriate);

12.2.2 evidence of how Council was acknowledged during the event

12.2.3 an assessment of the benefits realised against the benefits anticipated or estimated in the application form;

12.2.4 evidence of compliance with the Agreement;

12.2.5 where Events are ticketed, details of the number of tickets sold and, if possible, the demographic information of participants.

12.2.6 formal advice of funds not spent (funds not expended for the purpose outlined in the application must be returned to Council).
## Schedule 1 Authorisations

<table>
<thead>
<tr>
<th>Authority</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assess and determine applications</td>
<td>Event Sponsorship Panel</td>
</tr>
<tr>
<td>Determine number of application rounds to be held, maximum amount that</td>
<td>Director Planning and Regulatory</td>
</tr>
<tr>
<td>can be applied for during any one round, and amount to be set aside for</td>
<td></td>
</tr>
<tr>
<td>ad hoc applications</td>
<td></td>
</tr>
<tr>
<td>Execute Agreements to allocate Sponsorship consistent with the Event</td>
<td>Business Unit Manager</td>
</tr>
<tr>
<td>Sponsorship Panel’s recommendation and in accordance with this policy</td>
<td></td>
</tr>
<tr>
<td>Assess and approve ad hoc applications</td>
<td>Director Planning and Regulatory</td>
</tr>
<tr>
<td>Determine and approve weightings for assessment criteria</td>
<td>Business Unit Manager</td>
</tr>
</tbody>
</table>

Approved: ___________________________  Date: ________________  
Chief Executive Officer
Attachment B

The City of Newcastle
Policy

Economic Development Sponsorship

PO Box 489 (182 King Street)
NEWCASTLE NSW 2300
Ph: 02 4974 2000
Fax: 02 4974 2222
Email: mail@co.new.nsw.gov.au
www.newcastle.nsw.gov.au
## Economic Development Sponsorship Policy

<table>
<thead>
<tr>
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<th>Economic Development Sponsorship</th>
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<td>Manager Strategic Planning Services</td>
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Part A  Preliminary

1 Purpose

1.1 The purpose of this policy is to provide a framework for Council to sponsor suitable economic development activities that provide economic benefit through one or more of the following areas:

1.1.1 Our role as the capital of the Hunter Region
1.1.2 The development of key infrastructure
1.1.3 Supporting business growth and employment;
1.1.4 Encouragement of innovation and creativity;
1.1.5 Developing the visitor economy of Newcastle

1.2 This program will operate through sponsorship of trade, industry or interest based organisations (incorporated) that provide shared resources, education, support programs, collaborative marketing or promotion (e.g. award programs) of Newcastle based industries and enterprises to achieve the Purpose.

2 Scope

2.1 The policy applies to all applications for Economic Development Sponsorship.

3 Principles

3.1 Council commits itself to the following principles:

3.1.1 Accountability and transparency – The policy provides a framework for the transparent and merit-based provision of support and a system of accountability for the recipient.


3.1.3 Value for Money – The policy ensures Council considers the value for money received in return for Council’s investment.

4 Definitions

4.1 Agreement means the agreement entered into by Council and an applicant whose application for Economic Development Sponsorship has been successful.

4.2 Council means The City of Newcastle Council.

4.3 Economic Development Sponsorship means a business transaction in which Council provides a financial contribution or Value in-Kind, to support an event, project, service or activity, in return for negotiated economic benefits to the City.

4.4 Economic Development Sponsorship Panel means the panel comprising:

(a) Lord Mayor
(b) Business Unit Manager (or nominee)
(c) Two Council Officers with relevant experience approved by the Business Unit Manager.

4.5 **Financial Assistance** means payments given to individuals or organisations that are not commensurate with a reciprocal benefit received by Council.


4.7 **Relevant Council Officer** means the Council employee responsible for administering the Economic Development Sponsorship Program.

4.8 **Value in Kind** means goods or services supplied by Council in connection with an Economic Development sponsorship, including the waiver or discounting of fees and charges for Council facilities or services. For the avoidance of doubt, the waiver or reduction of fees and charges in accordance with this policy are fees or charges that Council determined payment should be so waived or reduced in accordance with s.610E of the *Local Government Act 1993*. 
Part B  Scope of Program

5 Amount of sponsorship available

5.1 The total amount available under the Economic Development Sponsorship Program will be determined annually by the elected Council in connection with the Operational Plan and Delivery Program.

5.2 The maximum amount of Economic Development Sponsorship available in a competitive round under the Economic Development Sponsorship Program will be set by the Director Planning & Regulatory. Support may comprise cash and/or Value-in-Kind.

5.3 Council may decide to offer to an applicant Economic Development Sponsorship in an amount less, or in a combination different to, what is applied for.

5.4 A monetary figure will be allocated to all Value in Kind awarded under the Economic Development Sponsorship Program, in accordance with its true cost to Council. This amount will be included in the total amount of Economic Development Sponsorship allocated to any successful applicant.

5.5 If awarded Sponsorship under the Economic Development Sponsorship Program, applicants are prohibited from seeking additional support from other business units, services or committee of Council for the same Economic Development activity.

5.6 Any amendments to the total budget allocated the Economic Development Sponsorship Program must be approved by the elected Council.

5.7 Only single year commitments may be approved under this policy. Multi-year commitments require elected Council approval.

6 Program structure

6.1 Council will hold one round of Economic Development Sponsorship applications each financial year.

6.2 Council will advertise the details of the Economic Development Sponsorship Program on Council’s website and in the Newcastle Herald.

6.3 Council may decide to host a public information session in connection with a competitive round to provide information to prospective applicants about the program.

6.4 The Director Planning and Regulatory may determine to allocate a portion of the total funding available each financial year (along with any unexpended or returned funds) for ad hoc applications outside the competitive round(s) described in clause 6.1. If such funding is allocated it will be advised on Council’s website annually.

6.5 Otherwise, applications for ad hoc funding:

6.5.1 can be made at any time.

6.5.2 must be made on the standard application form.

6.5.3 will be reviewed by the relevant Council Officer (in accordance with clause 9.1 and 9.2) and assessed (against the criteria outlined in sections 7 and 8) and approved by the Director Planning and Regulatory.

6.6 Successful applications in this category will be recorded with successful applicants from competitive rounds on Council’s website.
6.7 Council will liaise with applicants if it is felt a more appropriate sponsorship or grant program is available and will transfer the application if the applicant agrees.

6.8 Application forms and funding agreements will contain information relating to the acknowledgement of funding/in kind support from Council. The recipient of funding/in kind support must abide by the following set of principles:

6.8.1 Acknowledge Council's contribution in written material relating to the project;

6.8.2 Use Council's logo and name in accordance with the requirements of the funding agreement;

6.8.3 Issue an invitation to the Lord Mayor, or representative, to any announcement or public event associated with the funding, and whether they are able to attend, be acknowledged as official guests. Where practicable, they should be afforded the courtesy of publicly addressing the event.

6.8.4 Successful applicants will be required to provide evidence in acquittal reporting.
Part C – Eligibility and assessment

7 Eligibility Criteria

Council will not support applications that do not meet all of the following criteria:

7.1 Applicant must be a registered organisation with an ABN (or ACN) or a Not for Profit organisation. Council will not fund individuals or government agencies.

7.2 Applicants acting for financial gain must provide complete information about company structure, management and shareholders.

7.3 Applicants must lodge a completed application using Council’s standard Economic Development Sponsorship Program Application Form in accordance with any published Guidelines.

7.4 Applications must be received on or before the advertised due date.

7.5 Applicants must provide evidence that they have appropriate insurances in place if requested by Council.

7.6 The activity must be scheduled to occur within the same financial year as the support is (likely to be) received (unless otherwise agreed).

7.7 Applicants may not have received any other sponsorship support from Council within the same financial year 12 month period, regardless of whether it was for a different activity.

7.8 Applicants must have complied with, to Council’s satisfaction, the conditions of any previous grant, support or sponsorship received from Council.

7.9 The sponsorship activity must be consistent with the community values and the relevant objectives defined in the 2030 Community Strategic Plan.

7.10 Applications for Financial Assistance are not eligible for support.

7.11 The applicant must be capable of obtaining all regulatory approvals for the activity(ies).

7.12 Applications for Economic Development Sponsorship to fund the purchase of capital equipment, furniture/fittings, travel, salaries or private expenses will be rejected.

7.13 If a public information session is scheduled in connection with a round of Economic Development Sponsorship funding, a representative of the applicant must attend, or otherwise meet with the Relevant Council Officer in advance of the application deadline. This criterion does not apply to ad hoc applications.

7.15 Applicants may be required to submit a preliminary risk assessment for any activities with potential high risk. Applicants will be notified of the requirement prior to the assessment process commencing.

8 Assessment Criteria

Applications that satisfy the Eligibility Criteria set out in clause 7 will then be assessed against the following Assessment Criteria, which will be weighted according to Council’s strategies:

8.1 Economic benefit in one or more of the following areas (as per Council’s Economic Development Strategy 2016-2019):

a. Promoting our role as the capital of the Hunter Region

b. The development of key infrastructure

c. Supporting business growth and employment;
d. Encouragement of innovation and creativity

e. Developing the visitor economy of Newcastle

8.2 Acknowledge Council’s support as part of the project. Applicants may submit a business plan as well as a marketing or communications plan with their application (no more than three pages).

8.3 Other

a. Applicant’s experience and track record (Note: Council may assess all information available to Council about the applicant when making this assessment including data from sponsorships.)

b. Adequacy of budget proposal

9 Assessment of applications

9.1 The Relevant Council Officer will conduct a preliminary assessment against the Eligibility and Assessment Criteria set out in sections 7 and 8.

9.2 It is open to the Relevant Council Officer to amend estimates and projections included in the application prior to assessment, based on information available to Council or Council’s past experience. Any changes should be notified to the applicant with the reasoning documented.

9.3 If the applicant does not agree with amendments suggested by the Relevant Council Officer, the application will still be presented to the Economic Development Sponsorship Panel for assessment with information from the Relevant Council Officer as to why amendments are recommended.

9.4 The weighting allocated to each assessment criterion will be determined annually and approved by the Manager - Strategic Planning Services, prior to applications being called. These weightings must be made available to applicants upon request.

9.5 Following a preliminary assessment, the Relevant Council Officer will present all applications to the Economic Development Sponsorship Panel with a recommendation on eligibility including those assessed as ineligible.

9.6 The Economic Development Sponsorship Panel will be convened to assess applications. The Economic Development Sponsorship Panel’s assessment must be recorded on an evaluation form and retained in Council’s records management system. The evaluation form will be signed by all members of the Economic Development Sponsorship Panel.

9.7 Any deviation from the approach set out in clauses 9.1 - 9.6 must be approved by the Chief Executive Officer with the reasoning documented.

9.8 Each Councillor and Council Officer involved in the assessment and approval of applications under this Section must comply with Council’s Code of Conduct, in particular, the provisions covering Conflicts of Interest.

9.9 This section does not apply to ad hoc applications. Ad hoc applications must be assessed and approved in accordance with clause 6.4.

9.10 In the event the panel cannot reach agreement, the panel recommendations will be forwarded to the Council for determination.
d. Encouragement of innovation and creativity

e. Developing the visitor economy of Newcastle

8.2 Acknowledge Council’s support as part of the project. Applicants may submit a business plan as well as a marketing or communications plan with their application (no more than three pages).

8.3 Other

a. Applicant’s experience and track record (Note: Council may assess all information available to Council about the applicant when making this assessment including data from sponsorships.)

b. Adequacy of budget proposal

9 Assessment of applications

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9.3 If the applicant does not agree with amendments suggested by the Relevant Council Officer, the application will still be presented to the Economic Development Sponsorship Panel for assessment with information from the Relevant Council Officer as to why amendments are recommended.

9.4 The weighting allocated to each assessment criterion will be determined annually and approved by the Manager - Strategic Planning Services, prior to applications being called. These weightings must be made available to applicants upon request.

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9.9 This section does not apply to ad hoc applications. Ad hoc applications must be assessed and approved in accordance with clause 6.4.

9.10 In the event the panel cannot reach agreement, the panel recommendations will be forwarded to the Council for determination.
Part D  Agreements, payments and acquittals

10 Agreement

10.1 Successful applicants and Council must sign an Agreement, containing Council’s terms and conditions of Economic Development Sponsorship, prior to any monies being released.

10.2 Council may terminate the Agreement at any time but will pay for commitments made, subject to milestones being met, to the date of termination.

10.3 The Agreement will provide that Council is able to withhold the final payment under the Agreement pending receipt of a satisfactory acquittal report.

10.4 The Agreement may include a statement relating to how Council will conduct any regulatory activities with the applicant.

10.5 The Agreement will require the applicant to comply with Council’s Statement of Business Ethics and Code of Conduct.

10.6 The agreement will specify that applicants are required to obtain all necessary approvals for their activity. In the event that approval is not granted, the sponsorship will be returned to Council.

11 Payments

11.1 Payments will be made to applicants in accordance with the milestones agreed with the applicant and documented in the Agreement.

11.2 All payments under the Agreement must be invoiced to Council in accordance with achievement of the milestones documented in the Agreement.

11.3 All invoices must be received before the end of the financial year in which the Economic Development Sponsorship was awarded and the activity held.

11.4 Council will not be liable for any amounts over and above the Economic Development Sponsorship amount as set out in the Agreement.

12 Acquittal Report

12.1 Successful applicants must provide a final acquittal report to Council within the timeframe specified in the Agreement.

12.2 The information required will be specified in the Agreement and may include:

12.2.1 final accounts (audited, if appropriate);

12.2.2 evidence of how Council was acknowledged during the activity;

12.2.3 an assessment of the benefits realised against the benefits anticipated or estimated in the application form;

12.2.4 evidence of compliance with the Agreement;

12.2.5 where activities are ticketed, details of the number of tickets sold and, if possible, the demographic information of participants.

12.2.6 formal advice of funds not spent (funds not expended for the purpose outlined in the application must be returned to Council).
## Schedule 1 Authorisations

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<td>Assess and determine applications</td>
<td>Economic Development Sponsorship Panel</td>
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<tr>
<td>Determine number of application rounds to be held, maximum amount that can be applied for during any one round, and amount to be set aside for ad hoc applications</td>
<td>Director Planning and Regulatory</td>
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<td>Execute Agreements to allocate Sponsorship consistent with the Panel’s recommendation and in accordance with this policy</td>
<td>Business Unit Manager</td>
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<tr>
<td>Assess and approve ad hoc applications</td>
<td>Director Planning and Regulatory</td>
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<tr>
<td>Determine and approve weightings for assessment criteria</td>
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Approved: __________________________ Date: ________________  

Chief Executive Officer
### Place Making Grant Policy

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Part A Preliminary

1 Purpose

1.1. The purpose of this policy is to provide a framework for Council to provide grants for place making initiatives for local community projects to achieve safe, vibrant and welcoming places.

2 Scope

2.1 The policy applies to all applications for ‘Make Your Place’ Community Place Making Project Grants.

3 Principles

3.1 Council commits itself to the following principles:

3.1.1 Creating safe, vibrant and welcoming Public Places and neighbourhoods where people feel a strong sense of ownership in their community and a commitment to making things better.

3.1.2 Facilitating active participation by Community Stakeholders in the use and development of Public Places at the early planning stages of projects.

3.1.3 Developing Public Places that reflect community and cultural values, needs and aspirations and that work well for people.

3.1.4 Creating Public Places that feel safe for all including the most vulnerable in the community.

3.1.5 Accountability and transparency - The policy provides a framework for the transparent and merit-based provision of support and a system of accountability for the recipient.

3.1.6 Alignment with Council strategies - The policy aligns with Council priorities outlined in the Newcastle 2030 Community Strategic Plan and Council’s Social Plan (2015), (currently in development).

3.1.7 Value for Money - The policy ensures Council considers the value for money received in return for Council’s investment.

4 Definitions

4.1 Agreement means the letter of agreement entered into by Council and an applicant whose application for a Place Making Grant has been successful.

4.2 Community Stakeholder means any person or organisation that operates, lives, works or undertakes recreation in a particular place including residents, property owners, businesses, not for profit organisations and government agencies.

4.3 Council means the City of Newcastle City Council.

4.4 Community Place Making Project grant Grant means financial assistance provided by Council as a financial contribution or value in-kind, to support an event, a project, service or activity.

4.5 Community Place Making Project Grant Panel means the panel comprising:

(a) Lord Mayor
(b) One Councillor from each ward

(c) Director Planning and Regulatory (or nominee)

(d) Director Infrastructure (or nominee)

(e) Community Planning Team Coordinator.

4.6 Financial Assistance means payments given to individuals or organisations that are not commensurate with a reciprocal benefit received by Council.

4.7 Guidelines means any guidelines published in connection with Council’s Place Making Grant program in any year.

4.8 Place Making means the active participation of Community Stakeholders in the planning and management of Public Places to achieve safe, vibrant and welcoming places and long term community benefit.

4.9 Public Places means

1) Community land owned by Council;
2) Land over which Council has care and control; or
3) Publicly accessible land owned by another government body or not for profit agency where written permission has been granted for a community project.

4.10 Relevant Council Officer means the Council employee responsible for administering the Community Place Making Project Grant Program.

4.11 Value in Kind means goods or services supplied by Council in connection with a Place Making Grant, including the waiver or discounting of fees and charges for Council facilities. For the avoidance of doubt, the waiver or reduction of fees and charges in accordance with this policy are fees or charges that Council determined payment should be so waived or reduced in accordance with s.610E of the Local Government Act 1993.
Part B  Scope of Program

5 Amount of sponsorship available

5.1 The total amount available under the Community Place Making Project Grant Program is determined annually by the elected Council in connection with the Operational Plan and Delivery Program.

5.2 The maximum amount of support available to an applicant under the Place Making Grant Program is $2,000 - $4,000.

5.3 Council may decide to offer to an applicant an amount less than what is applied for.

5.4 A monetary figure will be allocated to all Value in Kind awarded under the Community Place Making Project Grant Program, in accordance with its true cost to Council. This amount will be included in the total amount of Community Place Making Project Grant allocated to any successful applicant.

5.5 If awarded a Community Place Making Project Grant under the Community Place Making Project Grant Program, applicants are prohibited from seeking additional support from other business units, services or committee of Council for the same expense relating to the event/project/service/activity.

5.6 Any amendments to the total budget allocated the Community Place Making Project Program must be approved by the elected Council.

5.7 Only single year commitments may be approved under this policy.

6 Program structure

6.1 Council will hold two competitive rounds for Community Place Making Project Grant each financial year.

6.2 All information will be made available on Council’s website.

6.3 Council will require your event/project/service/activity to publicly acknowledge Council’s support. The application form will require information on how this will be achieved (including, for example, the inclusion of Council’s logo on advertising and collateral, invitations to events and functions for Council representative to present awards). For successful applicants, this requirement will be included in the formal agreement and you will be required to provide evidence in the acquittal reporting.

7 Role of the Community Place Making Project Panel

7.1 Assess and approve proposals lodged for Community Place Making Project Grants;

7.2 Authorise the payment of Community Place Making Project Grants to successful applicants;

7.3 Assist in the implementation of the Policy;

7.4 Advocate and assist with the application of Place Making principles as well as other relevant Council strategies and plans and processes at Council and amongst Community Stakeholders, and

7.5 Assist Council Officers to identify opportunities for community participation in Council projects in Public Places.
8 Quorum and attendance at Community Place Making Panel meetings

8.1 A quorum of the Community Place Making Panel meetings will comprise three of the members provided in clause 4.5.

8.2 The Relevant Council Officer will convene meetings of the Community Place Making Project Grant Panel and other Council officers may attend as necessary. Only the Community Place Making Project Grant Panel members listed in Clause 4.5 will have voting capacity.

8.3 All Community Place Making Project Grant Panel members and Council officers in attendance must ensure they meet their obligations under the Code of Conduct at all times as well as obligations under other relevant legislation.
Part C – Eligibility and assessment

9 Eligibility Criteria

Council will not support applications that do not meet all of the following criteria:

9.1 Applicant must comprise a minimum of three individuals or a registered organisation with an ABN (or ACN) or Not for Profit organisation.

9.2 Applications from groups of individuals and businesses who can’t demonstrate partnership with the community will not be accepted.

9.3 Applicants must lodge a completed application using Council’s standard Community Place Making Project Grant Program Application Form in accordance with any published Guidelines.

9.4 Applications must be received on or before the advertised due.

9.5 The event/project/service/activity must be scheduled to occur within three months of receiving funding or as agreed with the Council.

9.6 Applications for a repeat project in the same location, in consecutive grant rounds will not be supported.

9.7 Applications requiring development approval are not able to be funded.

9.8 Applicants must have complied with, to Council’s satisfaction, the conditions of any previous grant, or sponsorship received from Council.

9.9 The event/project/service/activity must occur in a publically accessible place in the Newcastle Local Government Area.

9.10 The event/project/service/activity must be consistent with the community values defined in the Newcastle 2030 Community Strategic Plan.

9.11 The Applicant must be capable of obtaining all regulatory approvals for the event/project/service/activity.

9.12 Applications for support to fund the purchase of furniture/fittings, travel, salaries or private expenses will not be supported.

9.13 Applications for profit generating activities by individuals or companies.

9.14 Applications assessed by Council to hold unacceptable risk will be rejected.

10 Assessment Criteria

Applications that satisfy the Eligibility Criteria set out in section 9 will then be assessed against the following Assessment Criteria:

10.1 Show evidence of local community involvement, interest group and/or local business partnership, assessed through range of groups involved.

10.2 Deliver place activation, increases safety and/or amenity, assessed through number, age range and diversity of participants.

10.3 Deliver community benefit to those who live, work and/or recreate in the place through enhancement of community wellbeing, innovation and creativity, healthy lifestyles or community infrastructure assessed through opportunity for community members to be involved or new/refreshed infrastructure provided.

10.4 Recognition of Newcastle’s identity and community capacity assessed through celebration of Newcastle’s history, culture and stories assessed through evidence of community capacity building, skills and/or knowledge developed.
11 Assessment of applications

11.1 The Relevant Council Officer will conduct a preliminary assessment against the Eligibility and Assessment Criteria set out in sections 9 and 10 of this policy.

11.2 It is open to the Relevant Council Officer to amend estimates and projections included in the application prior to assessment, based on information available to Council or Council’s past experience. Any significant changes should be notified to the applicant with the reasoning documented.

11.3 If the applicant does not agree with amendments suggested by the Relevant Council Officer, the application will still be presented to the Community Place Making Project Grant Panel for assessment with information from the Relevant Council Officer as to why amendments are recommended.

11.4 The Community Place Making Project Grant Panel will be convened to assess applications. The Community Place Making Project Grant Panel’s assessment must be recorded on an evaluation form and retained in Council’s records management system.

11.5 Recommendations on allocation of support will be made in accordance with the results of the Panel’s assessment.

11.6 Any deviation from the approach set out in clauses 11.1 – 11.5 must be approved by the Chief Executive Officer General Manager with the reasoning documented.

11.7 Each Council Officer involved in the assessment and approval of applications under this Section must comply with Council’s Code of Conduct, in particular, the provisions covering Conflicts of Interest.
Part D  Agreements, payments and acquittals

12 Agreement

12.1 Successful applicants and Council must sign an Agreement, containing Council’s terms and conditions for a Community Place Making Project Grant, prior to any monies being released.

12.2 Council may terminate the Agreement at any time but will pay for commitments made, subject to milestones being met, to the date of termination.

12.3 The Agreement may provide that Council is able to withhold the final payment under the Agreement pending receipt of a satisfactory acquittal report.

12.4 The Agreement may include a statement relating to how Council will conduct any regulatory activities with the applicant.

13 Payments

13.1 No payments will be made before the Agreement is signed by both parties.

13.2 Payment will be in accordance with the Agreement.

13.3 Council officers as outlined in schedule 1 can authorise payment of grant money.

13.4 All invoices must be received before the end of the financial year in which the Place Making Grant was awarded and the event/project/service/activity held (unless otherwise agreed).

13.5 Council will not be liable for any amounts over and above the Place Making Grant amount as set out in the Agreement.

14 Acquittal

14.1 Successful applicants must provide a final report to Council within the timeframe specified in the Agreement.

14.2 The information required will be specified in the Agreement and may include:

14.2.1 final accounts (audited, if appropriate);

14.2.2 evidence of how Council was acknowledged during the event/project/service/activity;

14.2.3 an assessment of the benefits realised against the benefits anticipated or estimated in the application form;

14.2.4 formal advice of funds not spent (funds not expended for the purpose outlined in the application should be returned to Council).
## Schedule 1 Authorisations

<table>
<thead>
<tr>
<th>Authority</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary assessment of applications</td>
<td>Relevant Council Officer</td>
</tr>
<tr>
<td>Assess and approve applications</td>
<td>Place Making Grant Panel</td>
</tr>
<tr>
<td>Sign Agreement on behalf of Council</td>
<td>Manager Strategic Planning Services</td>
</tr>
<tr>
<td></td>
<td>Community Planning Coordinator</td>
</tr>
<tr>
<td>Authorise payments</td>
<td>Manager Strategic Planning Services</td>
</tr>
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<td></td>
<td>Community Planning Coordinator</td>
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Approved: __________________________ Date: __________________

General Manager: Chief Executive Officer
ITEM-14  CCL 27/02/18 - EXHIBITION OF DRAFT SECTION 6.03 WICKHAM OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

REPORT BY: PLANNING AND REGULATORY / STRATEGIC PLANNING
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

The purpose of this report is to outline draft amendments to Newcastle Development Control Plan 2012 (DCP) comprising a replacement to the current Section 6.03 Wickham and part of the West End Character Area within Section 6.01 Newcastle City Centre.

Furthermore this report seeks a resolution of Council to place the draft DCP on public exhibition.

RECOMMENDATION

1 Council resolves to:

   i) Publicly exhibit the draft DCP for 28 days in accordance with the requirements of Clause 18 of the Environmental Planning and Assessment Regulation 2000.

   ii) Receive a report on written feedback provided by stakeholders during the public exhibition period and any further amendments arising from these as per Clause 21 of the Environmental Planning and Assessment Regulation 2000.

KEY ISSUES

2 Draft Section 6.03 Wickham (Attachment A) of Newcastle DCP 2012 will guide future redevelopment consistent with the envisaged outcomes of the adopted Wickham Master Plan (WMP). The controls seek to implement the Vision and Actions of the WMP with respect to the following:

   i) Building setbacks to enable opportunities for landscaping and activation along the street edge consistent with the envisaged purpose and character of the urban precincts.

   ii) Articulation of built form to reflect existing pattern of development and provide further opportunities for greening of streetscapes and creation of urban activation areas.
iii) Requirements for the provision and design of on-site car parking reflecting Wickham's position within the Newcastle City Centre and proximity to the Newcastle Transport Interchange.

3 The proposed amendment will replace existing Section 6.03 Wickham, which was based on the Wickham Urban Village Urban Design Guidelines (2006), now superseded by WMP.

4 The land to which draft Section 6.03 Wickham applies has been extended to reflect the WMP area and incorporates part of the West End Character Area within existing Section 6.01 Newcastle City Centre (Attachment B). Hence the proposed amendments to the DCP include updated maps within Section 6.01 Newcastle City Centre to reflect the change.

5 Exhibition of the draft DCP will provide an opportunity for the community and development industry to provide feedback on the proposed controls.

FINANCIAL IMPACT

6 The cost associated with the preparation and exhibition of the draft DCP is funded under Council's operational budget.

7 The DCP will guide the design of development on private land and associated works carried out in the public domain. Good quality design and material reduces future financial impacts associated asset maintenance or replacement.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The proposed amendments align with the Connected City direction of the Community Strategic Plan, in particular to maintain and enhance safe local road networks.

9 The proposed amendments also align with the Liveable and Distinctive Built Environment direction of the Community Strategic Plan, in particular to ensure good quality, publicly accessible development with active street frontages.

10 The amendments are also consistent with the strategic directions of Council's Local Planning Strategy by facilitating integrated land use and transport.

IMPLEMENTATION PLAN/IMPLICATIONS

11 The process for preparing and amending DCPs and the matters that a DCP may deal with are specified in the Environmental Planning and Assessment Act 1979 (the Act) and associated Regulation.

12 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed.
RISK ASSESSMENT AND MITIGATION

13 There are no risks to Council in the proposed amendments to the DCP. The process as detailed in the Act is being followed. This includes the recommended public exhibition period of 28 days.

RELATED PREVIOUS DECISIONS

14 Council adopted the WMP at its Ordinary Council Meeting held on 28 November 2017. The WMP identified a number of actions involving amendments to the provisions in the DCP for Wickham.

CONSULTATION

15 The WMP was prepared and reviewed through a formal exhibition period of eight weeks that include an extensive stakeholder engagement program of landowner and community workshop, state agency workshop, a drop in session, briefings to business groups, written notification, and an online survey.

16 Exhibition of the draft DCP will provide another opportunity for stakeholders, including the community, to provide their feedback to Council to ensure the successful implementation of the WMP.

17 The draft DCP is proposed to be exhibited for a period of no less than 28 days, in order to meet the requirements of Clause 18 of the Environmental Planning and Assessment Regulation 2000.

OPTIONS

Option 1

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

Option 2

19 Council not proceed with the exhibition of the draft DCP. This is not the recommended option.

BACKGROUND

20 Development controls applying to Wickham are currently included in part of Section 6.01 Newcastle City Centre and Section 6.03 Wickham of the DCP.

21 The current controls are based on urban design guidelines prepared in 2006 that are no longer applicable, given the changing role of Wickham from a semi-industrial suburb, at the fringe of the city, to a high density mixed use urban neighborhood adjacent to the commercial core of Newcastle City Centre.
22 On 28 November 2017 Council unanimously resolved to adopt the WMP, which provides a vision of how Wickham will evolve within the next 25 years and beyond. The WMP also identified strategies and actions to implement the vision, which will be realised through the introduction of new development controls as proposed by this report.

ATTACHMENTS

Attachment A: Draft Section 6.03 Wickham

Attachment B: Draft amendment to land application of Section 6.01 Newcastle City Centre
Attachment A

6.03 Wickham

Amendment history

<table>
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<th>Version Number</th>
<th>Date Adopted by Council</th>
<th>Commencement Date</th>
<th>Amendment Type</th>
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<td>1</td>
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<td>15/06/2012</td>
<td>New</td>
</tr>
<tr>
<td>2</td>
<td>27/06/2017</td>
<td>10/07/2017</td>
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</tr>
<tr>
<td>3</td>
<td>TBC</td>
<td>TBC</td>
<td>Amended</td>
</tr>
</tbody>
</table>

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land within the heavy black line marked on Figure 6.03-1 - Wickham

*Figure 6.03 - 1 - Wickham*

Development (type/s) to which this section applies

This section applies to all development consisting:
- New buildings or structures
- Additions or alterations to existing buildings or structures
- Subdivision

Draft Newcastle Development Control Plan 2012

6.03 Wickham 1
Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 apply to development applications to which this section applies.

Additional environmental planning instruments, including relevant State Environmental Planning Policies may also apply. In the event of any inconsistency between this section and an applicable environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

The following sections of this DCP will also apply to development to which this section applies:
- Any applicable land use specific provision under Part 3.00
- 4.04 Safety and Security
- 7.02 Landscape, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.06 Stormwater
- 7.08 Waste Management

The following sections of this DCP may also apply to development to which this section applies:
- 3.01 Subdivision - where subdivision of land is proposed
- 4.01 Flood Management - all land which is identified as flood prone under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.03 Mine Subsidence - within a mine subsidence area
- 4.05 Social Impact - where required under 'Social Impact Assessment Policy for Development Applications', 1999
- 5.01 Soil Management - works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination - land on register or where risk from previous use
- 5.03 Vegetation Management - declared vegetation within 5m of a development footprint or likely to be affected by a development
- 5.04 Aboriginal Heritage - known/likely Aboriginal heritage item and/or place of significance and/or potential soil disturbance
- 5.05 Heritage Items - known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management - known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks - where new roads, pedestrian or cycle paths are required
- 7.06 Energy Efficiency
- 7.07 Water Efficiency
- 7.09 Advertising and Signage
- 7.10 Street Awnings and Balconies - awnings or balconies located over public land.

In the event of an inconsistency between provisions within this section and any other section of the Newcastle Development Control Plan 2012, the provisions of this section will apply to the extent of the inconsistency.

Associated technical manuals
- Wickham Master Plan
- City Centre Public Domain Technical Manual
Additional information

This section of the Newcastle Development Control Plan provides detailed standards and guidance for development in order to implement the Wickham Master Plan (2017).

It integrates place based planning for Wickham and contains a comprehensive set of planning and design guidelines to inform future redevelopment, public domain and infrastructure plans. The design guidelines are derived from the vision of the area set out in the Wickham Master Plan, in particular the characteristic features of each of the five identified interconnecting precincts (Key Precincts) within Wickham.

This section provides performance criteria that explain the planning outcomes to be achieved. Accompanying the performance criteria are acceptable solutions that illustrate the preferred way of complying with the performance criteria. There may be other ways of meeting the performance criteria and it is up to the applicant to demonstrate how the performance criteria have been met.

Note: Development application forms, checklists and other explanatory information are available on Council’s website to assist with the use of this section of the Development Control Plan.

Urban Design Consultative Group

Council has established an Urban Design Consultative Group (UDCG) to provide independent urban design and architectural advice on major development proposals. The UDCG is recognised by the Minister for Planning as a SEPP 65 Design Review Panel. In addition to providing advice on SEPP 65 matters, the UDCG may consider any development matters in accordance with the approved Charter for the UDCG.

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Urban activation space** - a small public space that acts as a ‘micro-scale’ neighbourhood park that contributes to the public domain through plantings and/or specific use or functions (e.g. small playground, community garden, or gathering space). Urban activation space is usually provided on corner sites within the development setback to the street and is incorporated into the road reserve.

Vision statement

Wickham will continue to evolve from a semi-industrial area at the outer fringe of Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West.

Urban renewal is envisaged to build on the existing urban structure to deliver greater connectivity, improved public domain amenity and built form with reflects the function and character of the area.

6.03.01 Key Precincts
Five key precincts have been identified within Wickham and are shown in Figure 6.03 - 2.

The key precincts each have their own character statement and performance criteria designed to achieve specific outcomes related to particular development and public domain opportunities associated with that precinct.

*Figure 6.03 - 2 - Key precincts*
A. Rail Edge

*Figure 6.03 - 3 - Potential future built form of the Rail Edge precinct*

*Existing character*

The Rail Edge precinct contains a mix of uses and building types and provides an interface to the emerging commercial core of Newcastle West.

*Future character*

The precinct is envisaged to support high density residential development that capitalises on its location adjacent to Newcastle Transport Interchange and provides ground level commercial uses, with neighbourhood level retail and services activating street corners. Building form integrates with the lower scale Village Hub precinct fronting Bishopsgate Street.

*Performance criteria*

P1. Ground level uses provide pedestrian activation and natural surveillance of the public domain along Station and Union Streets.

P2. Building form integrates with the lower scale Village Hub precinct facing Bishopsgate Street.

*Acceptable solutions*

A1. Commercial uses are located on the ground level fronting Station Street and include:

   (a) individual entries to each business unit with street frontage

   (b) openings and/or windows to at least 50% of street facing facades.

A2. Development on corner sites incorporates ground level retail, services or food and drink premises with openings and/or windows to at least 50% each façade.

A3. Large scale development incorporates building articulation such that the building form is broken into smaller elements that relate to the fine grain pattern of development along Bishopsgate Street.
A4. Development fronting Bishopsgate Street has an upper level setback of 6m from the street boundary for parts of the building above 9m.

B. Village Hub

*Figure 6.03 - 4 - Potential future built form of the Village Hub precinct*

![Image of Village Hub precinct]

**Existing character**

The Village Hub retains much of the original residential subdivision patterns established in the 1800s, which is characterised by narrow streets and a mix of lower scale residential building typologies. Buildings are set back from the front boundary and the front setback typically contains landscaping and forecourts.

**Future character**

Redevelopment and infill development is envisaged to include terrace style housing, shop top housing and smaller residential apartment buildings up to three storeys in height which incorporate design elements complementary to existing housing stock. Opportunities for onsite car parking and driveway access are limited to ensure pedestrian amenity and safety.

Union Street provides the main north-south pedestrian connection with wide footpaths and street trees, linking the predominantly residential precinct the Newcastle Transport Interchange. Retail and commercial activity are focused on Union Street and the east west orientated streets maintain a residential focus.

**Performance criteria**

P1. Building form integrates with the scale and character of existing residential buildings and reflects the existing pattern of development.

**Acceptable solutions**

A1. Development incorporates landscape design elements and building articulation along the street frontage.
A2. For development consisting of 2 or more dwellings, on-site car parking is consolidated to minimise the number of driveways.

A3. Driveway access is single vehicle width at the footpath crossover.

C. Harbour Edge

*Figure 6.03 - 5 - Potential future built form of the Harbour Edge precinct*

*Existing character*

The precinct is characterised by predominately three storey high buildings with uses that reflect the mixed residential, maritime, tourism and entertainment activities along the water edge.

*Future character*

The Harbour Edge Precinct builds on the recreational and economic opportunities on offer within this prime waterfront location, by supporting intensification of use while retaining views and connections between Hennell Street and Throsby Creek.

*Performance criteria*

P1. Redevelopment provides for public access and views the Throsby Creek.

*Acceptable solutions*

A1. Existing pedestrian and cycling links are maintained and new links are established between Newcastle Transport Interchange and the foreshore.

A2. Development maintains view lines to Throsby Creek.
D. Emerging Industry Quarter

Figure 6.03 - 6 - Potential future built form of the Emerging Industry Quarter precinct

Existing character

The Emerging Industry Quarter is characterised by larger development sites and wider streets. The Precinct predominately accommodates employment uses including service industries, small scale niche manufacturing and research and development technologies.

Future character

Redevelopment is envisaged to provide opportunities for fostering business and employment generation uses.

The former Bullock Island corridor is adapted as open space and embellished to form a publicly accessible landscape element within the redevelopment site.

Performance criteria

P1. Ground level floor plates are sized to support business and employment uses.

Acceptable solutions

A1. Ground level floor plates and/or unit sizes cater for a mix of business and employment uses, including small scale manufacturing, service industries and research and development technologies.

A2. Ground level development has minimum 4m ceiling heights.
E. Park Edge

*Figure 6.03 - 7 - Potential future built form of the Park Edge precinct*

![Diagram of Park Edge precinct]

**Existing character**

The Park Edge precinct is characterised by large sites containing commercial, light industrial, storage and warehouse uses backing onto the eastern side of Wickham Park.

**Future character**

The Park Edge precinct will provide activation and natural surveillance to Wickham Park from a mix of uses. The precinct may also contain public parking.

The precinct will provide key connections for pedestrians and cyclists through the extension to Holland Street and the opening of the former Bullock Island rail corridor for public access. The precinct will include the creation of a new development parcel in the former railway lands, and the construction of a new one way street extending along the southern boundary of Wickham Park from Marland Road to Railway Lane.

Overland flow of stormwater will need to be managed between Railway Street and Wickham Park.

**Performance criteria**

P1. Development on land bounded by the former Bullock Island rail corridor, Railway and Holland Streets does not adversely impact on the local hydrology or increase the risk of localised flooding on adjoining land in a stormwater event.

**Acceptable solutions**

A1. Where the area to be filled and/or built upon exceeds 20% of the land, development includes and overland flow path (designed and certified by a suitably qualified engineer) for the relief of stormwater from Railway Street to Wickham Park.
6.03.02 General Controls

A. Building street setbacks

Performance criteria

P1. Building street setbacks improve the interface between buildings and the public domain.

P2. Building street setbacks define and address the street and public domain and respond to adjoining buildings.

Acceptable solutions

A1. Building setbacks to the street are as shown in Figure 6.03-8

A2. Building street setbacks incorporate gardens and/or landscaped forecourts.

A3. Buildings built to the street edge (zero setback) incorporate commercial / retail uses at ground level and include:
   (a) direct access to associated commercial or retail uses from the footpath; and
   (b) windows and/or other openings; or
   (c) covered outdoor areas; or
   (d) green walls or street art (e.g., murals).

A4. Upper level setbacks are:

<table>
<thead>
<tr>
<th>Precinct</th>
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<tbody>
<tr>
<td>Rail Edge</td>
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<tr>
<td>Village Hub</td>
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<tr>
<td>Harbour Edge</td>
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<tr>
<td>Emerging Industry Quarter</td>
<td>6m</td>
</tr>
<tr>
<td>Park Edge</td>
<td>6m</td>
</tr>
</tbody>
</table>
B. Side setbacks

Performance criteria

P1. Side setbacks maintain the amenity of adjoining buildings and public spaces and support intensive landscaping.

Acceptable solutions

A1. Within the first 6m from the front boundary, development is setback at least 3m from the side boundary. Beyond this, development may be built to the side boundary (zero setback) for a height not exceeding 8.5m as shown in Figure 6.03 - 09.

A2. The side setback is landscaped with suitable trees, shrubs and groundcovers.
Figure 6.03 - 9 - Side setbacks

Where building envelopes have no setback to street front (zero setback)

Where building envelopes are setback from street front
C. Property access and driveway crossings

**Performance criteria**

P1. Vehicle and service entry points improve the safety and amenity of pedestrians.

**Acceptable solutions**

A1. Locations of vehicle and service entry points are consistent with Figure 6.03-10.

A2. Driveway crossings are consolidated or eliminated along the primary frontage of new developments.

*Figure 6.03 - 10 - Vehicle and service entry points*

D. Design of parking structures

**Performance criteria**

P1. Parking structures are integrated into new buildings and are not visually prominent from the public domain.

P2. The ceiling heights of at grade and above ground car parking areas enable adaptable reuse in the future for residential or commercial uses.
P3. Basement car parks minimise the entry of flood water and include information on emergency egress.

**Acceptable solutions**

A1. All parking is within the building footprint, either within a basement or integrated into the building design using materials and façade treatments that are common to the whole development.

A2. Ground or above ground parking areas are screened from the public domain by:
   
   (a) being located behind other uses; or
   
   (b) using green walls and roofs; or
   
   (c) using architecturally designed façade treatment that incorporates artwork.

A3. Car parking at ground level has a minimum ceiling height of 4m and car parking on upper levels has a minimum ceiling height of 3m.

A4. Entry ramps, ventilation points and pedestrian exits prevent flood water entering the basement carpark until the last possible moment in a flood event as shown in Figure 6.03-11

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**Figure 6.03-11 - Basement ramp design to minimise inundation**

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E. Car parking demand management

**Performance criteria**

P1. Car parking areas are used efficiently to cater for the different demands at different times of both local residents and visitors to Wickham.

P2. Consumer choice and affordability is provided in the ownership of car parking spaces.

P3. Car parking spaces is adaptable for changing forms of transport.
Acceptable solutions

A1. For residential development, car parking spaces are decoupled from individual units and are created as separate lots in the strata plan.

Note: Residential parking permits are not available to owners or occupants of new developments and this information is required to be provided by the developer to all potential owners and occupants.

A2. Designated car sharing spaces are retained as common property in the strata plan and are:

   (a) clearly marked and sign-posted as car share spaces; and
   (b) located so that they accessible to the public at all times.

F. Addressing the street

Performance criteria

P1. Buildings positively address the street and other public spaces.

Acceptable solutions

A1. Development incorporates:

   (a) ground floor internal uses visible from the street;
   (b) easily identifiable building name and/or street number signage;
   (c) well-lit building entries;
   (d) efficient external lighting to non-residential buildings;
   (e) finished floor levels not greater than 500mm above or below the adjacent footpath or public domain;
   (f) opportunities for direct surveillance from the building to the street;
   (g) ground floor residential uses elevated a maximum of 1m aboveground level for privacy.

G. Landscaping

Performance criteria

P1. New development incorporates landscaping and communal space that respects desired character, building setbacks and relationship to public open space.

Acceptable solutions

A1. Setbacks from the front and side boundaries are landscaped with trees, shrubs and groundcovers appropriate to the space.

A2. Upper levels incorporate green roofs and walls.
H. Urban activation spaces

Performance criteria

P1. Development incorporates space that provides relief from the hard surfaces of the urban environment and for residents and the local community to gather or participate in activities.

Acceptable solutions

A1. Urban activation spaces are provided in developments and located:

(a) In central locations along identified pedestrian and cycle routes and at street corners as shown in Figure 6.03 - 13; and

(b) Within the front setback of larger development sites and partly incorporated into the road reserve; and

(c) Adjoining supporting retail or community activities that provide natural surveillance, but do not commercialise the space for their own business.

A2. Urban activation spaces incorporate uses or facilities such as:

(a) shade and tree plantings;
(b) community gardens;
(c) rain gardens;
(d) furnishings such as seats, bins and drinking fountains.
(e) play equipment;
(f) lawns and paved areas;
(g) small stage areas with plug-in facilities for open air music, performance or screenings;
(h) lighting;
(i) Wi-Fi;
(j) public facilities

Figure 6.03 - 12 - Urban activation space
Figure 6.03 - 13 - Location of Urban activation spaces
Attachment B: Draft amendment to land application of Section 6.01
Newcastle City Centre

Introduction

The purpose of this attachment is to identify the proposed changes required to the Section
6.01 - Newcastle City Centre of Newcastle DCP 2012 as a result of preparing a new Section
6.03 - Wickham (included as Attachment A) which includes land within part of the current
West End character area of the Newcastle City Centre.

Proposed amendment to Section 6.01 - Newcastle City Centre of Newcastle DCP 2012

The proposed new draft Section 6.03 - Wickham applies to all land to which the Wickham
Master Plan (November 2017) applies. Part of this land is currently included in the West
End character area of Section 6.01 - Newcastle City Centre of Newcastle DCP 2012.

To avoid duplication and potential conflicting development controls, an amendment is
required to all relevant maps and figures within Section 6.01 - Newcastle City Centre of
Newcastle DCP 2012 to reflect the removal of all land located north of the Newcastle
Transport Interchange within Wickham from the current Newcastle City Centre controls.

The figures below illustrate the proposed area to be excluded from Section 6.01 - Newcastle
City Centre of Newcastle DCP 2012 due to the introduction of Section 6.03 - Wickham, to
eliminate any potential overlaps of controls.

Figure 1 Existing character areas and special precincts within Newcastle City Centre (below)
shows the current extent of Section 6.01 - Newcastle City Centre of Newcastle DCP 2012.
Figure 2 Part of West End character area within Newcastle City Centre to which proposed draft Section 6.03 Wickham applies identifies the land currently within the West End character area (coloured mustard yellow) to which the proposed draft Section 6.03 - Wickham will apply.

Figure 2 Part of West End character area within Newcastle City Centre to which proposed draft Section 6.03 Wickham applies
Figure 3 Proposed character areas and special precincts within Newcastle City Centre shows the proposed West End character area, which excludes any land to which the proposed new draft Section 6.03 - Wickham.

Conclusion

In order to implement the above, staff will arrange for all impacted maps and figures within Section 6.01 - Newcastle City Centre to be amended prior to public exhibition of the draft DCP to reflect the exclusion of the area to which draft section 8.03 Wickham is proposed to apply.
ITEM-15 CCL 27/02/18 - EXHIBITION OF THE DRAFT ABORIGINAL HERITAGE MANAGEMENT STRATEGY

REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

The purpose of this report is to advise Council of the development of a draft Aboriginal Heritage Management Strategy and seek endorsement to place the document on public exhibition.

RECOMMENDATION

1 Council resolves to:
   i) Place the draft Aboriginal Heritage Management Strategy Attachment A on public exhibition for 4 weeks.
   ii) Receive a report back on the outcomes of the public exhibition.

KEY ISSUES

2 The draft Aboriginal Heritage Management Strategy (draft AHMS) is being prepared to provide greater understanding of the Aboriginal heritage of the Newcastle Local Government Area (LGA), including both social / cultural values and the physical evidence of past occupation. The document provides guidance to Council staff and the community for the respectful and effective management of Aboriginal heritage, including identified cultural values. It also incorporates guidelines for the conservation of known Aboriginal heritage, objects and places of significance and draws on two key studies:
   i) Aboriginal Heritage Study, Australian Museum Business Services 2005
   ii) Aboriginal Heritage Management Strategy, Umwelt Australia Pty Ltd 2016.

3 Importantly, the draft AHMS also provides information to the Aboriginal community about heritage values and places for their own purposes. To achieve these outcomes, the draft AHMS will be used with an archaeological sensitivity mapping database for storing and accessing sites / place information in consultation with the local Aboriginal land councils, Aboriginal organisations, Traditional Owners and community groups.
FINANCIAL IMPACT

4 Exhibition of the draft AHMS will be undertaken within the existing operational budget. A budget allocation for the implementation of the adopted AHMS will be sought through the usual budget processes.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 The draft AHMS focuses on raising awareness of the value of Aboriginal heritage and sets out achievable actions which will deliver against the strategic objectives of Newcastle 2030.

Caring and Inclusive Community

- A welcoming community that cares and looks after each other
- Active and healthy communities with physical, mental and spiritual wellbeing
- A creative, culturally rich and vibrant community

Vibrant and Activated Public Places

- Public places that provide for diverse activity and strengthen our social connections
- Culture, heritage and place are valued, shared and celebrated

Smart and Innovative City

- A culture that supports and encourages innovation and creativity at all levels
- A thriving city that attracts people to live, work and visit

Open and Collaborative Leadership

- Active citizen engagement in local planning and decision making processes and a shared responsibility for achieving our goals.

IMPLEMENTATION PLAN/IMPLICATIONS

6 The draft AHMS has been developed within the allocated project budget of $25,000. It is envisaged that the implementation of the strategy will be allied with a range of Aboriginal cultural awareness training opportunities for Council staff that intersect with cultural heritage management as part of Council development assessment and/or delivery of works programs. Implementation of the AHMS actions will be reported back to Council annually under the terms of the NSW Integrated Planning and Reporting Framework.
RISK ASSESSMENT AND MITIGATION

7 There is no risk to Council in placing the draft AHMS on public exhibition. The strategy will guide Council to effectively meet its responsibilities under the terms of NSW National Parks and Wildlife Regulation 2009 (Regulation 80B).

RELATED PREVIOUS DECISIONS

8 **ITEM-7 NOM 24/02/15 - ABORIGINAL HERITAGE**

**MOTION**

Moved by Cr Osborne, seconded by Cr Osborne

1. That Council develop an Aboriginal Heritage Management Strategy for the sustainable management and protection of Aboriginal cultural heritage in the Newcastle Local Government Area.

2. That this Strategy be developed by a committee comprising appropriate representatives of the local Aboriginal community, Councillors, Council staff, and representatives of the NSW Office of Environment and Heritage, and

3. That the General Manager provide a report outlining a strategy for how this resolution can be most effectively implemented.

CONSULTATION

9 Council's Guraki Aboriginal Advisory Committee was engaged to provide feedback on the draft AHMS. Positive comments were received for Council's initiative in preparing the draft AHMS, however, no written feedback on the draft AHMS was received from Guraki committee members during the document's development to draft form.

10 During the proposed exhibition period, Guraki members will be contacted for comment with an opportunity provided to meet and discuss feedback. The same invitation will be extended to Local Aboriginal Land Councils and Traditional Owners. The draft AHMS will also be provided to the NSW Office of Environment and Heritage for feedback. Promotion of the draft AHMS will be achieved through the placement of newspaper advertisements, Council's website and targeted correspondence with the relevant groups noted above.
OPTIONS

Option 1

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

Option 2

12 Council resolve not to exhibit the draft AHMS. This is not the recommended option.

BACKGROUND

13 The development of this strategy will permit Council to achieve the requirements of the NSW National Parks and Wildlife Regulation 2009 (Regulation 80B) as well as meeting Council’s Environmental Planning and Assessment Act and Integrated Planning and Reporting obligations. Community consultation will guide and inform the finalisation of the draft plan and annual operating plans over the next 4 years.

14 The strategy will promote greater awareness in the development sector of the need to integrate Aboriginal cultural heritage into decision making early in the preparation of development and infrastructure concept planning. This will result in improved design outcomes, story-telling when appropriate and greatly reduced risks associated with construction delays if heritage places are encountered during the demolition construction phase of development.

15 The NSW State Government has committed to reforming the way Aboriginal cultural heritage is managed through the creation of a stand-alone Aboriginal Cultural Heritage Act. At the time of writing this report the draft Bill to Parliament on this matter is being developed. Council has been advised by the NSW Office of Environment and Heritage to continue with the development and implementation of draft AHMS with a view to amending the document as required when the new legal framework is in place.

REFERENCES

ATTACHMENTS

Attachment A: Draft Aboriginal Heritage Management Strategy
Newcastle City Council
Draft Aboriginal Heritage Management Strategy
2018-2021

www.newcastle.nsw.gov.au
Newcastle City Council acknowledges the traditional country of the Awabakal and Worimi peoples.

We recognize 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.

Council reiterates its commitment to addressing disadvantages and attaining justice for Aboriginal and Torres Strait Islander peoples of this community.
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1.0 Executive Summary

The Awabakal and Worimi peoples are acknowledged as the traditional custodians of the land and waters of Newcastle. Aboriginal people lived a very rich and vibrant existence around Mulobimbaba (Newcastle) and Cogquin (the Hunter River) before white settlement. Marine life and bush tucker ensured food was abundant. Ceremonies and feasting were times for meeting new people, sharing resources and trading implements with inland clans. Shell middens at Meekariba (Honeysuckle) and tool making site at Pillapay Kullaitran (Glenrock Lagoon) are fragments of those gatherings.

The cultural heritage of the Awabakal and Worimi peoples continues to enrich and inform contemporary Aboriginal and non-Aboriginal communities of Newcastle and the Hunter region. At the time of the 2016 Census there were 5,474 people living in Newcastle that identified as Aboriginal or Torres Strait Islander. This equates to 3.5% of the estimated resident Newcastle population of 160,919 and is an increase of 28% since 2011 (profile.id.com.au).

Newcastle's natural landscape features known cultural heritage sites including Whibayganba (Nobby's Headland). The dreaming tells of a notorious kangaroo that jumped from Thalibihm Point, also known as Fort Scratchley, to the safety of Whibayganba (Nobby's Headland). That kangaroo remains hidden in the island, occasionally thumping its tail and making the land tremble, explaining the area's earthquake activity.

Aboriginal cultural heritage refers to both the material evidence of Aboriginal occupation (archaeological sites), and intangible expressions of Aboriginal culture (social and cultural values). Archaeological evidence of Aboriginal occupation is a finite and irreplaceable resource, providing crucial information on past occupation in Australia and providing a link for modern communities to the past. Intangible expressions of culture link generations of Aboriginal people over time, and can include places of spiritual, traditional, historical or contemporary cultural significance. These locations do not need to contain material evidence.

This strategy summarises previous work completed by Council to understand Aboriginal peoples' association with the land around Newcastle; the current legislative framework around management of Aboriginal sites; current initiatives underway across Newcastle Council to raise awareness and celebrate Aboriginal culture and strategies to ensure ongoing management of that culture. It includes an action table that will guide Council and community decision making over the next three years by which time the NSW State government will have implemented a new legal framework for the management for the management of Aboriginal cultural heritage based on a respectful vision for the world's oldest living culture.

Draft Aboriginal Heritage Management Strategy 2018-2021
2.0 Introduction - why we need an Aboriginal Cultural Heritage Management Strategy

In New South Wales, the responsibility for managing and regulating cultural heritage is split between local and State government. Local government has the responsibility for local heritage, through environmental planning instruments, regulatory services and community engagement activities.

This Aboriginal Heritage Management Strategy (AHMS) outlines Council's specific objectives, strategies and actions to ensure this is achieved. The AHMS draws on two key studies:


The key priority in the assessment of Aboriginal cultural heritage should be to identify all practicable measures to 'avoid harm and conserve the significant Aboriginal objects and declared Aboriginal places, along with their cultural heritage values' (as specified in the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW).

The management framework outlined in this strategy sets out a range of strategies and actions whereby Council will meet community expectations and relevant legislative requirements, guidelines and codes.

This strategy summarises previous work completed to understand Aboriginal peoples' association with the land around Newcastle, the current legislative framework around management of Aboriginal sites; current initiatives underway across Newcastle Council to raise awareness and celebrate Aboriginal culture; and strategies and actions to ensure ongoing management of that culture.

Aboriginal cultural heritage is a term that is broadly used to refer to places and items that are of significance to Aboriginal people because of their traditions, observances, lore, customs, belief and history. OEH (NSW Office of Environment and Heritage 2016). It encompasses both tangible and intangible values associated with sites, places, landscapes, stories, language and objects. These locations do not need to contain material evidence. It provides a dynamic and ongoing link between contemporary Aboriginal people and their ancestors, with continuity of many cultural values and obligations despite the significant impact of non-Aboriginal settlement of Australia. The importance of appropriately managing Aboriginal cultural heritage within the Newcastle Local Government Area (LGA) is recognised by the Newcastle City Council (NCC).
3.0 Background

In 2005, Australian Museum Business Services (AMBS) completed an Aboriginal Heritage Study for Newcastle City Council. The study explored the Aboriginal Heritage of the Newcastle LGA, targeting key issues including:

- Environmental resources and characteristics
- Land use history and terrain integrity; and
- Patterning in archaeological site distribution

The Newcastle Aboriginal community was consulted as part of the study's development through Council's Guraki Aboriginal Advisory Committee and through a reference group specifically established for this project. The community engagement phase of this study also included meetings with interested stakeholders to obtain Aboriginal community input on the project before it commenced.

The key elements and learnings of the AMBS study are outlined below.

3.1 Environmental Resources and Characteristics

Research was undertaken to investigate the environmental resources, characteristics and terrain integrity of the Newcastle LGA, to understand past Aboriginal land use and possible archaeological site distribution. Research demonstrated that resources influencing Aboriginal occupation of the region including water, stone, flora and fauna, were found throughout all areas of the LGA. Areas where a wide range of available subsistence resources or stone materials occurred, such as the Hunter estuary delta, the Hexham Swamp, the Stockton Bight, and the Black Hill Spur were found to be key locations in Aboriginal occupation of the region.

Key learning: Locations for Aboriginal occupation are likely to be found in areas including the Hunter estuary delta, the Hexham Swamp, the Stockton Bight, and the Black Hill Spur.

3.2 History of Occupation and Landscape Modification

Ethno-historical records from the contact period were reviewed to summarise known information on the Aboriginal people, culture and material traditions of the Newcastle region of that time. This review refined understanding of the Aboriginal cultural heritage values of the Newcastle LGA, and also indicated the range of materials likely to be identified in surviving/extant archaeological sites. The history of colonial occupation of the region was also reviewed, to identify areas where archaeological materials may have been removed as part of industrial/residential development. This research found that although colonial settlement and land use was widespread in the region, the spatial and stratigraphic impact of that settlement is not adequately understood, and that areas with terrain integrity may be found throughout 'developed' landscape areas, including the Newcastle City Centre.

Key learning: the spatial and stratigraphic impact of colonial settlement is not adequately understood, hence archaeological sites may be found throughout 'developed' landscape areas, including the City Centre.

3.3 Archaeological Knowledge of the Region

Previous archaeological investigations conducted throughout the Newcastle LGA were reviewed, to identify recorded patterning in archaeological site distribution and composition. Case studies were identified for detailed review, based on relevance of study area,
investigation type and date completed. This review demonstrated that Aboriginal archaeological materials may occur in all landscape contexts within the Newcastle LGA. The density of sites varies between different landscape contexts, with sites more frequently identified around wetlands and watercourses within the Newcastle area. However, no landscape area within the Newcastle LGA should be considered archaeologically sterile unless determined so by an archaeological and/or cultural assessment.

**Key learning:** Aboriginal archaeological materials may occur in all landscape contexts within the Newcastle LGA

### 3.4 Analysis of the Newcastle LGA: Landscape Model of Archaeological Sensitivity

The environmental and archaeological data was used to develop a landscape model of archaeological sensitivity for the Newcastle LGA. This model indicates the probability (low, moderate, high or very high) of archaeological materials occurring within specific landforms and environmental areas. This probability was determined on two primary criteria: known site patterning and terrain integrity. This sensitivity analysis provides a broad assessment of archaeological site distribution within the Newcastle LGA, which can be used to develop strategies for the conservation and management of Aboriginal heritage. It does not however, replace the need for individual site investigation during the development process.

**Key learning:** previous finds and the degree of landscape disturbance can suggest the probability of archaeological materials being found.

### 3.5 Cultural Sensitivity of the Newcastle LGA

Cultural heritage places and objects within the landscape have significance to the contemporary Aboriginal community, and only Aboriginal community members can determine aspects of cultural significance. For the 2005 study, preliminary consultation was undertaken to discuss the social and cultural values of the Newcastle LGA.

**Key learning:** Ongoing consultation between Council and the local Aboriginal community is required to ensure respectful management of Aboriginal cultural heritage.

### 3.6 Principles for Newcastle Aboriginal Heritage Management

An important set of principles were established in the 2005 Heritage Study and carry though into this strategy:

- i  Aboriginal cultural heritage is to be recognised as a finite and valuable resource of the Newcastle LGA.
- ii Aboriginal community members are to be pivotal in the identification, assessment, and management of Aboriginal cultural heritage, as it is primarily Aboriginal people who should determine the significance of their heritage.
- iii Places of Aboriginal cultural value within the Newcastle LGA are to be actively conserved and managed to retain those cultural values. Appropriate conservation action will vary according to the level of significance.
- iv Aboriginal cultural heritage is to be actively managed during the development process, to ensure appropriate conservation and impact mitigation outcomes are achieved.
- v Compliance with relevant statutory controls, specifically the National Parks and Wildlife Act (1974) and the Environmental Planning and Assessment Act (1979), is to be required for all development and heritage programs.
Sustainable, ongoing management strategies for Aboriginal cultural heritage should be promoted within Council and the broader community, through heritage training for Council personnel and public interpretation programs.

Key learning: The principles outlined above have informed the preparation of this strategy.
4.0 Legislation and Policy Framework

The focus of current legislative controls across all levels of government relates to archaeological sites. All Aboriginal archaeological sites are protected by Commonwealth and State statutory controls, as detailed below. All controls need to be considered by Council when determining development applications and other heritage works.

In this section we also introduce other relevant strategies of Council that help define Council’s approach to Aboriginal heritage management.

4.1 Commonwealth Legislation

The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 is the principal Commonwealth legislation protecting Aboriginal heritage. The Act complements State legislation and is intended to be used only as a ‘last resort’ where State laws and processes prove to be ineffective. Under this Act the responsible Minister can make temporary or long-term declarations to protect areas and objects of significance under threat of injury or desecration. The Act also encourages heritage protection through mediated negotiation and agreement between land users, developers and Aboriginal people. On 17 December 1998, responsibility for administration of the Heritage Protection Act was transferred by Administrative Arrangement Orders from the former Aboriginal and Torres Strait Islander Commission (ATSIC) to the Environment and Energy portfolio and the Act is now administered by the Australian Government’s Department of Environment and Energy.

The Burra Charter (International Council of Monuments and Sites (ICOMOS) Australia 1999) also provides guidance for the conservation and management of places of cultural significance (cultural heritage places). The Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) in 1979 with recent revisions adopted in 1999. The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

4.2 State Legislation

The primary piece of legislation relating to the management of Aboriginal heritage in New South Wales is the National Parks and Wildlife Act 1974. It is accompanied by the National Parks and Wildlife Regulation 2009 and a number of key codes of practice, guidelines and requirements; namely:

- the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales
- Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants
- the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales which is a technical guideline for the preparation of the archaeological component of the report
- the Guide to Investigating, Assessing and reporting on Aboriginal Cultural Heritage in NSW which includes specifications on report contents
- the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 which provides further information and background to the consultation requirements specified in Section 80C of the NPW Regulation

All development activities in New South Wales are also subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).
The NSW State government has committed to reforming the way Aboriginal cultural heritage is managed through the creation of a standalone Aboriginal Cultural Heritage Act (ACH). At the time of writing this draft strategy the government is planning to introduce a draft Bill to Parliament that will present a contemporary and respectful vision for the management of Aboriginal cultural heritage in New South Wales.

Full implementation of the reforms including the ACH Act itself, schedules, regulations, policies and guidelines will not be completed until 2021. Council has been advised by the NSW Office of Environment and Heritage to continue with the development and implementation of the draft Aboriginal Heritage Management Strategy with a view to amending the document as required when the new legal framework is in place.

4.3 Newcastle City Council Framework

Council’s existing strategies and plans, guide our current approach to Aboriginal heritage management.

4.3.1 Newcastle 2030 Community Strategic Plan

Through Newcastle 2030, our Community Strategic Plan (adopted 2010 and updated in 2013), the Newcastle community has strongly expressed its aspiration that in 2030, culture, heritage and place are valued, shared and celebrated (Objective 3.2). Also, that we will be a creative, culturally rich and vibrant community (Objective 4.3). A specific strategy to achieve this is to acknowledge and respect local Aboriginal history, cultural heritage and peoples.

4.3.2 Newcastle Local Environmental Plan 2012

The Newcastle Local Environmental Plan (NLEP) was revised in 2012. The LEP is established under the provisions of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act). It provides guidance for development activities within the LGA, including criteria for development to be considered exempt or complying (and therefore not required to be subject to development consent) and provisions relating to heritage conservation.

Part 3 (Clause 3.3 (2)(g)) of the Newcastle LEP specifies that exempt or complying development must not be carried out on any environmentally sensitive area, with this clause including ‘land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance.’

Clause 5.10 establishes the requirements for development consent in relation to heritage conservation. The objectives of this clause include conservation of Aboriginal objects or Aboriginal places of heritage significance. In accordance with these provisions, development consent is required for any activity that will involve:

- demolishing or moving an Aboriginal object
- disturbing or excavating an Aboriginal place of significance
- erecting a building on land on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance
- or subdividing land containing an Aboriginal object or Aboriginal place of heritage significance.

There are exceptions to these provisions, including activities that meet the requirements for exempt development.

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With reference to consideration of the effects of development, Sub-clause 8 of Clause 5.10 specifies that, for developments in an Aboriginal place of significance, the consent authority must consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment and notify the local Aboriginal communities about the application and take into consideration any response received within 28 days.

4.3.3 Local Planning Strategy

The Local Planning Strategy, (LPS) is a comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The Strategy implements the land use directions from Newcastle 2030 and underpins the NLEP 2012, providing a land use planning platform to move towards a smarter, more liveable and sustainable Newcastle.

4.3.4 Heritage Strategy 2013-2017

In 2014, Newcastle City Council adopted the Heritage Strategy 2013-2017 to guide Council’s approach to the management of heritage in the Newcastle. The Heritage Strategy draws from both the Community Strategy Plan (Newcastle 2030) and the Newcastle Heritage Policy 2013. The Heritage Strategy provides detailed actions and an implementation framework based on the key strategic directions of Newcastle 2030 and the Heritage Policy.

Importantly, the Heritage Strategy adopted the following strategies which will provide the framework for this document:

1. Knowing our heritage - enhancing our community's knowledge of and regard for local heritage items and places.
2. Protecting our heritage - Council will protect and conserve the City's heritage places for the benefit of everyone.
3. Supporting our heritage - Council protect the integrity of heritage places by ensuring consistent and sympathetic uses, physical and aesthetic treatments and outstanding interpretations.
4. Protecting our heritage - Newcastle’s significant heritage places area unique historical resource and represent an asset for the continuing educational, cultural and economic enrichment of the region. Council will invest in the promotion and care of these assets as part of the City’s economic and cultural development.

4.3.5 Cultural Strategy 2016-2019

Council's Cultural Strategy 2016-19 was adopted in 2015. Strategy Number 12 in this document seeks to increase engagement with the local Aboriginal community in consultation with Council’s Guraki Aboriginal Advisory Committee. Specific actions relate to establishing an indigenous reference group, increase programming by Aboriginal and Torres Strait Islander people, establishing a permanent display with Newcastle Museum telling local Aboriginal history and investigating an indigenous garden or trail embracing community, learning and reconciliation.

In addition to these initiatives, Council's Newcastle Art Gallery owns a broad range of artwork art by Indigenous Australians. The Aboriginal art collection was started in the 1960s with the donation of Arnhem Land barks from Dr Stuart McDougall and developed over subsequent decades through donation and specific purchase to incorporate works of art including barks, sculptural poles, paintings, works on paper and drawings.
The collection has been developed to incorporate works by artists from diverse language groups and communities that include the foundations of the Western Desert Art Movement from Papunya Tula in the 1970s, to the expansion of art communities and practice in art centres from states including WA, SA, QLD and the NT, through to contemporary practitioners working in photography, video and multimedia. The collection aims to further grow and to reflect Aboriginal and Torres Strait Islander art as a contemporary Australian art form.

The Cultural Strategy also contains an action to establish local stories and cultural identity, including Aboriginal identity as criteria for the selection of cultural programming across Council.
5.0 Planning and Assessment Process

In practical terms, the provisions of the NSW National Parks and Wildlife Act 1974 (NPW Act) do not differentiate the requirement for an evaluation of potential impacts to Aboriginal cultural heritage based on the nature of planning approval. That is, all activities involving ground surface disturbance should be subject to some level of assessment under the NPW Act.

There are, however, two key types of assessment:

i) due diligence
ii) Aboriginal Cultural Heritage Assessment

5.1 Planning Approval Flowchart

Figure 1 summarises the Aboriginal cultural heritage assessment process and should be owners as well as Council officers undertaking project work.

The flowchart references, that in some circumstances, it will be necessary to undertake further Aboriginal cultural heritage evaluation. Depending on circumstances, this evaluation could involve further assessment under the due diligence code (potentially involving input from cultural heritage specialists and/or Aboriginal parties) or may involve the completion of an Aboriginal Cultural Heritage Assessment. In circumstances where harm cannot be avoided and an AHIP is required, the application for an AHIP must be informed by an Aboriginal Cultural Heritage Assessment. This would then trigger an Integrated Development process.

In relation to exempt/complying development, the due diligence code specifies that an activity on land that has been disturbed that comprises exempt development or was the subject to a complying development certificate issued under the NSW EP&A Act is a low impact activity. However, the defence of carrying out a low impact activity does not authorise harm to known Aboriginal objects. That is, even if the activity is exempt or complying development on disturbed land, it is necessary to confirm that the activity will not result in harm to a previously recorded site. Hence, it is necessary that a search of the Aboriginal Heritage Information Management System (AHIMS) database be conducted to ensure that there are no recorded sites in the vicinity, as specified in the flowchart. (refer Section 7.1.1)

It is critical that all aspects of any assessment process undertaken are documented in writing and that the results of any AHIMS searches are retained and can be produced on request. It is also recommended that any approvals issued by Newcastle City Council specify that, if an Aboriginal object is identified over the course of approved development activities and is not the subject of an AHIP, the object should not be harmed until such time as an AHIP has been obtained.

5.2 Due diligence assessment

The completion of a due diligence assessment in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales or another relevant code as specified in the NPW Regulation, is critical to determining whether an activity may result in harm to an Aboriginal object. The NPW Act establishes that a person who demonstrates due diligence in assessing that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they unknowingly harm an Aboriginal object. The key steps in the due diligence code are not replicated here however this can be accessed via the following link.

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Under the due diligence code, a due diligence assessment can be relatively simple (consisting of desktop components only and not requiring specialist input) or may be a relatively detailed assessment (including the completion of site inspections and provision of specialist input). The scale of the assessment is closely linked to the presence or absence of previously recorded archaeological sites, the level of disturbance within the activity area, the nature of the activity and the potential sensitivity of the activity area. Further information regarding the due diligence code is provided as notes to the Aboriginal Heritage Assessment flowchart discussed in Figure 1.

5.3 Aboriginal Cultural Heritage Assessment

The completion of an Aboriginal Cultural Heritage Assessment is typically undertaken where it is known or considered likely that the proposed activity will impact on Aboriginal heritage and will require the proponent to obtain an Aboriginal Heritage Impact Permit (AHIP). Section 80D of the NPW Regulation specifies the requirements for the completion of a cultural heritage assessment report and Section 80C describes the consultation process to be undertaken prior to lodging an AHIP application. As noted above, NSW Office of Environment and Heritage has also produced a number of codes of practice/guidelines including:

- The Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010a), which is a technical guideline for the preparation of the archaeological component of the report.
- The Guide to Investigating, Assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), which includes specifications on report contents.
- The Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010b), which provides further information and background to the consultation requirements specified in Section 80C of the NPW Regulation.

An Aboriginal Cultural Heritage Assessment is a far more comprehensive document that a due diligence assessment and typically undertaken by an archaeologist or anthropologist, in consultation with Aboriginal parties. The required process for consultation with Aboriginal parties as part of an Aboriginal Party Consultation is summarised in Figure 2.
Figure 1 Aboriginal Heritage Assessment Flowchart

Aboriginal Heritage Assessment Flowchart

Does the activity involve ground surface disturbance?

- **No**
  - No requirement for further Aboriginal cultural heritage evaluation

- **Yes**
  - Does a search of the ANHMS registers identify any registered sites or Aboriginal places within 100m of the proposed activity?
    - **No**
      - Is the activity a low impact activity as defined in Clause 80B of the NPW regulation?
        - **Yes**
          - No requirement for further Aboriginal cultural heritage evaluation
        - **No**
          - What level of mapped archaeological sensitivity does the activity area have?
            - Low
            - Medium
            - High
            - No/Unknown
            - No requirement for further Aboriginal cultural heritage evaluation
            - Further Aboriginal cultural heritage evaluation is required to assess the likelihood of harm to Aboriginal object(s): if harm to Aboriginal object(s) cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) will be required, as issued by OEH.
As previously discussed, the archaeological sensitivity mapping that accompanies this strategy is prepared at a broad scale and does not give direct consideration to localised conditions and disturbance. The due diligence code of practice (as described in Section 5.0) identifies that disturbance affects archaeological sensitivity and specifies that disturbance is identified if it has been the subject of a human activity that has changed the land surface, or if changes that remain clear and observable. The areas identified as having medium or high archaeological sensitivity therefore may include areas that, with more detailed consideration, may have been disturbed in a manner that has impacted on their archaeological potential.

In accordance with the provisions of the due diligence code, assessment of proposed works with areas of medium to high archaeological sensitivity should therefore include consideration of the extent and nature of previous disturbance (including but not limited to the construction/maintenance of existing or former infrastructure, construction/maintenance of access roads, construction and maintenance of buildings, vegetation clearance and landscaping) with reference to the extent of proposed works.

For example, if the proposed works are limited to an area that is known to be fit and all aspects are to be within the filled area, then the proposed activity is located within an area that has been previously excavated to establish existing building footings and services, that area has been subject to clear and observable disturbance and does not require further Aboriginal cultural heritage evaluation. However, if the proposed works extend beyond the known or likely depth of previous excavation in a landform that has been identified as being of medium or high archaeological sensitivity, then further assessment will be required. This is particularly relevant for developments in areas with deep soft profiles (such as sand dunes) where intact deposits may remain substantially below the depth of the current ground surface.

Due diligence assessments can be completed as a desktop exercise however in many circumstances it will be necessary to undertake a visual inspection to ensure that the outcomes of the assessment are specific and supportable. Where it is necessary to undertake an inspection of the area to clarify its archaeological potential, the inspection must be done by a person with expertise in locating and identifying Aboriginal objects.

Where the due diligence assessment identifies that there are no Aboriginal objects and that the area has been subject to clear and observable disturbance, resulting in a low likelihood of harm to Aboriginal objects, there is no requirement for further Aboriginal cultural heritage evaluation.

Note 2:
Where insufficient information is available to demonstrate that the proposed works will not impact on any identified Aboriginal object and are located within an archaeologically significant landscape that has not been subject to disturbance, it will be necessary to undertake further Aboriginal cultural heritage evaluation. This can take the form of more detailed advice from a suitably qualified person (such as specified in the assessment of Aboriginal cultural heritage) regarding the likelihood that Aboriginal objects may be present and subject to disturbance by the proposed works. This may include the requirement to undertake test excavations (noting that test excavations must be in accordance with relevant codes, guides and requirements as discussed in Section 5.0).

Where the assessment identifies that the proposed works will result in harm to Aboriginal objects and the proposed works cannot be altered to avoid this harm, it will be necessary to seek an Aboriginal Heritage Impact Permit (AHIP) from DEN (noting that AHIPs are not required for activities approved as State Significant Development or State Significant Infrastructure). Prior to seeking an AHIP, it will be necessary to undertake an Aboriginal Cultural Heritage Assessment in accordance with the codes, guides and requirements detailed in Section 5.0.
Figure 3 Aboriginal Party Consultation Flowchart

Aboriginal Party Consultation
(In accordance with Section 86C of NPW Regulations)

1. Provide notification to specified agencies
2. Minimum 14 day period

3. Contact all parties identified by agencies
4. Minimum 14 day period

5. Compile list of registered parties

6. Provide project information to registered Aboriginal parties

7. Develop and provide methodology for cultural heritage assessment to registered Aboriginal parties
8. Minimum 20 days

9. Develop and address all feedback provided by registered Aboriginal parties regarding draft methodology

10. Undertake detailed cultural heritage assessment in accordance with agreed methodology, including documenting and addressing all feedback/comments from registered Aboriginal parties regarding Aboriginal cultural values associated with area subject to assessment

11. Provide draft assessment report to registered Aboriginal parties for review and comment

12. Minimum 25 days

13. Address all comments/feedback prior to finalisation of assessment report

86C (2, 4 & 5)

86C (6 & 7)

86C (7 & 8)

86C (10)
6.0 Current Initiatives

Newcastle City Council has commenced a range of engagement actions that seek to promote awareness and respect of Aboriginal culture and heritage. Elements of our approach are outlined below:

6.1 Commitment to Aboriginal and Torres Strait Islander Peoples

On 14 April 1998 Newcastle City Council signed a commitment acknowledging the right of Aboriginal and Torres Strait Islander peoples of Newcastle to live according to their own values and cultures. This document was co-signed by the then Aboriginal and Torres Strait Islander Commissioner as well as local Aboriginal community leaders.

6.2 Guraki Aboriginal Advisory Committee

Council's Guraki Committee is a formal committee of Council created for the purpose of providing advice to Council on Aboriginal and Torres Strait Islander culture and heritage. The Committee gives life to Council's 1998 Commitment to Aboriginal and Torres Strait Islander Peoples and seeks to engage indigenous people in local government decision making. The Guraki Committee was engaged to provide guidance and feedback during the document's development.

Guraki Aboriginal Advisory Committee - Newcastle City Council

6.3 Guidelines for Acknowledgement of Country

Newcastle City Council developed its first Reconciliation Action Plan (RAP) in 2013, made under the auspices of Reconciliation Australia. This document outlines actions that Council will take to promote reconciliation in the workplace such as cultural awareness training for non-indigenous employees and the employment of indigenous people. Council's second iteration of its RAP includes a community toolkit which provides information on Acknowledgement of Country. Refer link below:

http://intranet/Business-Units/Corporate-Services/Council-Legal-services/Wiki/Acknowledgement-of-Country

6.4 Aboriginal Dual Naming of Landforms

The Aboriginal Dual Naming of Landforms project was developed in 2012 by Council's Guraki Committee. The dual naming of eight landforms in the Newcastle LGA was endorsed by the NSW Geographical Names Board in 2016. Council has allocated funding for the installation of interpretative signage at the eight dual named locations with work scheduled to be completed in early 2018. Details of the names and their pronunciation can be found at the link listed below:

Dual naming - Geographical Names Board of NSW
7.0 Developing a Management Framework

The general statements provided by the AMBS (2005, Section 10) regarding the Aboriginal heritage framework remain broadly applicable. This document also provides clear and specific strategies to allow Newcastle City Council to further develop and implement this management framework. Section 8 then outlines key actions to implement the framework.

The key priority in the assessment of Aboriginal cultural heritage should be to identify all practicable measures to "avoid harm and conserve the significant Aboriginal objects and declared Aboriginal places, along with their cultural heritage values" (as specified in the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW). The management framework provided below sets out a process by which this can be achieved in accordance with relevant legislative requirements, guidelines and codes.

7.1 Consideration to establishing and maintaining a database of Aboriginal archaeological sensitivity and sites

This section provides guidance regarding obtaining and managing information key to informing Newcastle City Council regarding the location of Aboriginal archaeological sites and areas of sensitivity.

7.1.1 AHIMS Data

The Aboriginal Heritage Information Management System (AHIMS) database is maintained by the NSW Office of Environment and Heritage (OEH) and includes information on all registered Aboriginal archaeological sites in New South Wales. Reviewing the results of an AHIMS search is a critical step in considering whether a proposed activity may result in harm to Aboriginal objects and therefore is a key component in evaluating proposed development activities. In addition (as will be discussed below), considering the location of known archaeological sites should be a critical step in maintenance planning activities for Newcastle City Council.

Any individual, company or entity can request a search of the AHIMS database for any sites that may have been recorded within a specific parcel or area of land. Searches can be undertaken as a basic search (identifies if there are any sites present within the search area but does not provide details) or an extensive search (includes information on sites including specific site locations, site type, site status). In order to protect sensitive information, sites may be restricted such that detailed information is not available without further consultation. In addition, if the search results for an extensive search include a high number of sites, search results will not be released.

It is possible to obtain detailed site data for an unlimited number of sites but this must be done under an Aboriginal Heritage Information Licence Agreement (AHILA) issued by OEH. An AHILA specifies the conditions under which the data will be held by the applicant and will typically require the applicant to consult with Aboriginal parties prior to seeking the AHILA.

Newcastle City Council may wish to consider obtaining an AHILA for the Newcastle LGA. Any site data obtained under an AHILA would have restrictions on its use but could be available to specified representatives of the Newcastle City Council for the purposes of managing Council activities and informing planning assessments and evaluations. Alternatively, Newcastle City Council can undertake individual site searches for its activities and require applicants to undertake searches to inform any planning approvals.

7.1.2 Archaeological sensitivity mapping
The archaeological sensitivity mapping undertaken by AMBS (2005) and reviewed as part of the current strategy also forms a key component in the Newcastle City Council's strategy for managing Aboriginal cultural heritage. Newcastle City Council will retain this information as part of its spatial data system and access to the information will be provided to staff for planning and assessment purposes. The sensitivity mapping should be subject to periodic review. In addition, where specific development priorities are identified (such as strategic land release areas), it may be valuable to review the sensitivity mapping at the refined scale of the specified area to allow for more detailed mapping that takes into account localised disturbance and environmental conditions. In such situations, engagement with Aboriginal parties will also allow for consideration of Aboriginal cultural sensitivity.

It is also recommended that consideration should be given to including the sensitivity mapping as part of planning instrument to ensure that this information is utilised by proponents as part of the planning approvals process. This is particularly relevant with reference to exempt and complying development, which currently does not require specific consideration of Aboriginal heritage.

7.2 Planning Proposals

The completion of a planning proposal has different implications for the management of Aboriginal cultural heritage. A planning proposal does not necessarily involve direct impacts to Aboriginal cultural heritage (and therefore it is not possible to assess that the proposal will involve harm) but may provide a framework whereby activities that may result in harm to Aboriginal objects may be proposed. For example, the rezoning of an area of land to make it suitable for residential sub-division does not directly result in harm to Aboriginal objects within the rezoned area. However, the subsequent construction of infrastructure and housing may have direct impacts. For this reason, the requirements for Aboriginal cultural heritage assessment for a planning proposal are slightly different from those identified in the flowchart.

NSW OEH advise that the information provided to support a planning proposal should identify whether Aboriginal cultural heritage values are known or likely to occur within the area subject to the planning proposal. As a minimum, the planning proposal should be prepared by a suitably qualified person (as defined in the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010a) and should include:

- The results of a search of the AHIMS database
- An evaluation of whether the area subject to the planning proposal contains areas of Aboriginal cultural sensitivity (noting the outcomes of the archaeological sensitivity mapping undertaken as part of this strategy)
- The completion of a site inspection to identify any Aboriginal objects that may be present within the area and to further assess the archaeological potential of the area based on factors including levels of disturbance and types of landforms present.
- Consultation with Aboriginal parties. NSW OEH specify that this consultation should be undertaken in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
- Provision of recommendations for future management of Aboriginal cultural heritage within the area subject to the planning proposal including any mechanisms for conservation of Aboriginal heritage and any requirements for additional assessment or archaeological investigation, potentially including obtaining AHIPs if required.
It is noted that it is rare for proponents to seek an AHIP for a planning proposal and that NSW OEH will generally not issue AHIPs for activities until the specific activity is the subject of a valid planning approval.

7.3 Management of Council Activities

In order to ensure that maintenance and land management activities undertaken by or on behalf of Newcastle City Council are conducted with reference to the requirements of the NPWD Act, the activities must be considered as specified in the flowchart provided.

It is noted that the majority of maintenance activities will typically fall within the definition of low impact activities, with includes, for example maintenance of existing roads, utilities and other services. However, it is important to recognise that the defence of carrying out a low impact activity does not authorise harm to known Aboriginal objects and should only be applied when there are no previously recorded archaeological sites in the vicinity of the proposed activity.

Similarly, where Newcastle City Council is obliged to undertake a Review of Environmental Factors (REF) for proposed works, the REF must incorporate an assessment of Aboriginal cultural heritage undertaken following the steps outlined in the flowchart.
8.0 Looking to the future: actions and evaluation

As we learn more about Aboriginal cultural heritage, each action listed below will be evaluated in its contribution to the overall delivery of the strategy. It is recommended that this strategy be reviewed when the proposed new legal framework being developed by the NSW State Government is implemented. Furthermore, Newcastle City Council may elect to review this strategy at a shorter timeframe should monitoring of its implementation identify a significant need for review.

**Action Table**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action</th>
<th>Responsibility</th>
<th>Performance Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Recognise, document and present indigenous heritage in the Newcastle LGA</td>
<td>1.1.1 Facilitate the Gurakari Aboriginal Advisory Committee to provide advice to Council on matters relating to culture and heritage</td>
<td>Manager Strategic Planning</td>
<td>Hold four to six Gurakari meetings per calendar year. Table relevant Council projects and programs with the committee for advice. Publish Committee Minutes on Council’s website</td>
</tr>
<tr>
<td></td>
<td>1.1.2 Conserve, exhibit and interpret Aboriginal artefacts and art held in the Newcastle Gallery and Museum collections</td>
<td>Manager Cultural Facilities</td>
<td>Collections appropriated, conserved and curated</td>
</tr>
<tr>
<td>1.2 Re-launch Council’s 1999 Commitment to Aboriginal and Torres Strait Islander Peoples of Newcastle</td>
<td>1.2.1 Develop launch concept with Gurakari Committee, prepare media strategy and deliver launch in April 2018</td>
<td>Manager Strategic Planning</td>
<td>Launch event held and online content published</td>
</tr>
</tbody>
</table>

---

2. Protecting our Heritage: Council will protect the City’s Aboriginal heritage place for the benefit of everyone.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action</th>
<th>Responsibility</th>
<th>Performance Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Provide decision making tools with respect to Aboriginal cultural heritage protection</td>
<td>2.1.1 Develop more detailed sensitivity mapping for use in decision making. Engage Aboriginal communities in this process</td>
<td>Manager Strategic Planning</td>
<td>Sensitivity mapping developed and published to reflect Aboriginal cultural requirements</td>
</tr>
<tr>
<td>2.2 Improved awareness of Aboriginal culture</td>
<td>2.2.1 Develop and deliver awareness training for Council staff</td>
<td>Manager Human Resources Manager Development Assessment, Manager Facilities and Recreation Manager Civil Works</td>
<td>Training delivered in a prioritised manner to Council staff working within Aboriginal cultural heritage field</td>
</tr>
<tr>
<td>2.3 Ensure due diligence practices observed in Council operations</td>
<td>2.3.1 Incorporate Aboriginal Heritage Assessment Flowchart into Council Review of Environment Factors (REF)</td>
<td>Manager Infrastructure Planning Manager Facilities and Recreation Manager Civil Works</td>
<td>REF document amended and followed in works planning and maintenance activities</td>
</tr>
</tbody>
</table>

3. Supporting our Heritage: Council protects the integrity of heritage places by ensuring consistent and sympathetic treatments of cultural heritage artefacts and places.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action</th>
<th>Responsibility</th>
<th>Performance Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Nomination of Aboriginal places</td>
<td>3.1.1 Council commits to working with Aboriginal communities and stakeholders to explore suitable areas for nomination</td>
<td>Manager Strategic Planning</td>
<td>Nominations consistent with NSW OEH Aboriginal Place Policy</td>
</tr>
</tbody>
</table>
4. Respecting our Heritage: Newcastle’s significant Aboriginal heritage places represent an asset for the continuing educational, cultural and economic enrichment of the region. Council will invest in the promotion and care of these assets as the City evolves.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action</th>
<th>Responsibility</th>
<th>Performance Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Increase engagement with local Aboriginal community in consultation with Council’s Gurski Committee</td>
<td>4.1.1 Establish an indigenous reference group to advise on cultural programming development</td>
<td>Manager Cultural Facilities</td>
<td>Group formed in 2016 and meets regularly</td>
</tr>
<tr>
<td></td>
<td>4.1.2 Increase programming of works by Aboriginal and Torres Strait Islander Peoples</td>
<td>Manager Cultural Facilities</td>
<td>Advice received from reference group to inform programs</td>
</tr>
<tr>
<td></td>
<td>4.1.3 Establish a permanent display within Newcastle Museum telling local Aboriginal stories</td>
<td>Manager Cultural Facilities</td>
<td>Advice received from reference group to inform programs</td>
</tr>
<tr>
<td></td>
<td>4.1.4 Investigate the development of an Indigenous garden or trail as a cultural site embracing the community and contributing to positive reconciliation outcomes</td>
<td>Manager Cultural Facilities, Manager Strategic Planning</td>
<td>Advice received from reference group to inform design</td>
</tr>
</tbody>
</table>
9.0 References

Guraki Aboriginal Advisory Committee - Newcastle City Council
Dual naming - Geographical Names Board of NSW
Aboriginal Heritage Study - March 2005
ITEM-16  CCL 27/02/18 - HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN (NOVEMBER 2017)

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR INFRASTRUCTURE / ACTING MANAGER INFRASTRUCTURE PLANNING

PURPOSE

To adopt the Draft Hunter Estuary Coastal Zone Management Plan 2017 (2017 Plan) and to seek endorsement to submit the Plan to the Minister for Environment for certification.

RECOMMENDATION

1. Adopt the Draft Hunter Estuary Coastal Zone Management Plan 2017 (Attachment A) and endorse submission of the Plan to the Minister for Environment for the purposes of certification.

KEY ISSUES

2. In December 2016 Maitland, Port Stephens and Newcastle Councils adopted the updated Draft Hunter Estuary Coastal Zone Management Plan 2016. This 2016 Plan was subsequently sent to the Minister for Planning for certification to comply with the then December 2016 timeframe.

3. In November 2017 Council received advice from the Office of Environment and Heritage (OEH), on behalf of the Coastal Panel, that issues raised by the Department of Industry - Crown Lands and Water were required to be resolved before the Plan could be certified. Prior to providing the document to the Coastal Panel for review, the OEH also requested an additional action. The 2016 Plan was therefore amended in consultation with the Department of Industry - Crown Lands and Water, and in December 2017 Council received a letter from the agency expressing ‘in principle’ agreement with the amended Plan. A summary of the amendments is provided in Attachment B.

4. The 2017 Plan outlines the proposed actions that Newcastle, Port Stephens and Maitland Councils (as well as other relevant stakeholders) will undertake to manage priority issues in the Hunter Estuary.

5. The 2017 Plan has now received support from all appropriate agencies. The 2017 Plan is proposed for adoption again by all three Councils. Once adopted by Council, the 2017 Plan can be submitted to the Minister for certification.

6. Council will work in partnership with Maitland and Port Stephens Councils to implement management actions as funding and resources allow. Certification
of the 2017 Plan will enable the Councils to apply for funding for estuary management activities under OEH's Estuary Grants Program.

FINANCIAL IMPACT

7 The proposed actions in the 2017 Plan will be undertaken as funding and resources allow. In 2016, the NSW Government announced that $83.6 million would be made available in funding over the next five years for coastal/estuary grants. Adoption and certification of the 2017 Plan would allow Council to apply for funding under the NSW Government's Estuary Grants Program.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The 2017 Plan is consistent with the Community Strategic Plan strategies: Protected and Enhanced Environment, Vibrant and Activated Public Places, and Liveable and Distinctive Built Environment.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Management actions requiring funding will be identified in Council's Delivery Program and annual Operational Plans, allowing Council to undertake the actions as funding/resources allow.

RISK ASSESSMENT AND MITIGATION

10 Council is seeking Ministerial certification of the 2017 Plan, in partnership with Maitland and Port Stephens Councils. Council will implement management actions as funding and resources allow.

RELATED PREVIOUS DECISIONS

11 On 6 October 2009, Council adopted the Hunter Estuary Coastal Zone Management Plan and accompanying Hunter Estuary Management Study. The Plan was also adopted by Port Stephens and Maitland Councils as the three councils share management of the Hunter Estuary.

12 On 20 December 2016, Council adopted a revised Hunter Estuary Coastal Zone Management Plan (2016) after extensive consultation with relevant stakeholders and public consultation process. The 2016 Plan was then forwarded to the Minister for certification under the Coastal Protection Act 1979 in December 2016.

CONSULTATION

13 Significant public consultation was undertaken over a number of years to develop the Hunter Estuary Processes Study, Management Study and Management Plan. Consultation undertaken during the 2016 revision of the Plan was largely facilitated through the Hunter Estuary Technical Working Group.
Further consultation with the OEH and the Department of Industry - Crown Lands and Water, has resulted in minor amendment of the 2016 Plan as outlined in Attachment B.

OPTIONS

Option 1

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

Option 2

Council does not adopt the 2017 Plan. This is not the recommended option and is not in line with recommendations from Maitland and Port Stephens Councils.

BACKGROUND

As outlined in Related Previous Decisions.

REFERENCES

ATTACHMENTS

Attachment A: Hunter Estuary Coastal Zone Management Plan 2017
Attachment B: Summary of Government Agency Advice Received 2017

Attachments distributed under separate cover
ITEM-17 CCL 27/02/18 - BUILDING BETTER CITIES HOUSING AND DEVELOPMENT COMMITTEE BUSINESS PLAN 2016/2017

REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

To provide a report to Council on the performance of the Building Better Cities (BBC) Housing and Development Committee during 2016/17.

RECOMMENDATION

1 Council receives the BBC Housing and Development Committee Business Plan 2016/17 (incorporating the Annual Report).

KEY ISSUES

2 The primary aim of the program is to demonstrate and maintain innovative approaches to the development of urban housing in Inner Newcastle. Projects funded under the program will demonstrate how urban housing can be concurrently well designed, environmentally sensitive, cost effective, and enjoyable to live in.

3 In accordance with the BBC Committee Constitution 1994, the Committee is required to submit an Annual Report to the NSW Director of the Department Planning and Environment on the past activities of the Committee and planned expenditure. Attachment A incorporates the BBC Housing and Development Committee Business Plan 2016/17.

4 2016/17 BBC Housing and Development Committee expenditure was directed at the development of an affordable housing Expression of Interest (EOI) with Tier One community housing providers and for the sponsorship of the 2016 Housing Industry Association (HIA) Awards Sponsorship (adaptable and affordable housing category).
5 In 2016/17 the BBC Housing and Development Committee had an opening balance of $3,082,077. The Committee's income and expenditure for that year is described in the table below.

<table>
<thead>
<tr>
<th>Income</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening balance 1/7/16</td>
<td>3,082,077</td>
</tr>
<tr>
<td></td>
<td>Includes former Wickham School sinking fund</td>
</tr>
<tr>
<td>Interest</td>
<td>41,186</td>
</tr>
<tr>
<td></td>
<td>This Way Home Project</td>
</tr>
<tr>
<td>BBC Committee</td>
<td>6,830</td>
</tr>
<tr>
<td></td>
<td>(includes expenditure on community housing EOI development and HIA award sponsorship)</td>
</tr>
<tr>
<td>Former Wickham School</td>
<td>-</td>
</tr>
<tr>
<td>Balance unexpended 30/6/17</td>
<td>3,116,433</td>
</tr>
<tr>
<td>Total</td>
<td>3,123,262</td>
</tr>
<tr>
<td>Total</td>
<td>3,123,262</td>
</tr>
</tbody>
</table>

Source: Business Plan 2016/17 Appendix E: Statement of income and expenditure (year ended 30 June 2016)

6 BBC activities aligned with Newcastle 2030 Community Strategic Plan key strategic directions:

i) Vibrant and activated public places
ii) Caring and inclusive community
iii) Open and collaborative leadership

7 There are no adverse implications in Council receiving the BBC Housing and Development Committee Business Plan 2016/17.

8 The BBC Housing and Development Committee's focus on the development and delivery of the affordable housing through Expression of Interest (EOI)
followed the protocols described in *Hunter Councils Conditions of Registration (edition 5; October 2008)*. These protocols ensure that such projects are carried out in an open and transparent manner and include appropriate assessment of risk and use of mitigation measures.

**RELATED PREVIOUS DECISIONS**

9  Nil

**CONSULTATION**

10 The BBC Housing and Development Committee Business Plan 2016/17 was endorsed by the BBC Housing and Development Committee at its AGM held on 9 November 2017.

**OPTIONS**

**Option 1**

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

**Option 2**

12 Council not adopt the annual report. This is not the recommended option.

**BACKGROUND**

13 Following the 2015/16 financial year the BBC Housing and Development Committee did not hold an Annual General Meeting (AGM) as all Council advisory committee AGMs and reports to Council for same were placed on hold pending the outcome of the NSW State Government's Council amalgamation process.

**REFERENCES**

**ATTACHMENTS**

Attachment A: Building Better Cities Housing and Development Committee Business Plan 2016/17 - *distributed under separate cover*
ITEM-18  CCL 27/02/2018 - GLOBAL COVENANT OF MAYORS FOR CLIMATE AND ENERGY INCLUDING COUNCIL MEASURES UPDATE - RESPONSE TO LMM 24 OCTOBER 2017

REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

To respond to the Lord Mayoral Minute adopted by Council on 24 October 2017 regarding the Global Covenant of Mayors for Climate and Energy.

RECOMMENDATION

1. That Council applies to become a member of the International Council for Local Environmental Initiatives, and commit to the requirements of the Global Covenant of Mayors for Climate and Energy.

2. That Council notes the positive results of ongoing measures that Council is undertaking to measure and reduce greenhouse gas emissions.

3. That Council receives an annual update on the City's commitments to the Global Covenant of Mayors for Climate and Energy.

KEY ISSUES

4. This report provides information and outlines the requirements for Council if it commits to the Covenant, including the associated costs of achieving the requirements and joining ICLEI.

5. A summary of proposed and ongoing measures that Council is undertaking to measure and reduce greenhouse gas emissions and adapt to ongoing climate change.

6. While Council is not currently a member, Council has a long history of involvement with the International Council for Local Environmental Initiatives (ICLEI). Council was one of the original Australian member Councils and a key contributor in the former Cities for Climate Protection program. As a membership network, ICLEI offers local Councils the opportunity to share in the resources of its international network and become involved in sustainability programs worldwide, including the Global Covenant of Mayors for Climate and Energy (Covenant). Further information regarding the benefits of becoming a member of ICLEI is provided in Attachment B.
7 The Covenant is an international alliance of cities and local governments with a shared long-term vision of promoting and supporting voluntary action to combat climate change and move to a low emission, resilient society.

8 The Covenant merges the world’s two primary city-led climate change and energy initiatives, the EU Covenant of Mayors and the Compact of Mayors. To date, the Covenant is made up of over 7,400 cities committed to reducing greenhouse gas emissions, preparing for the impacts of climate change, increasing access to sustainable energy, and tracking and reporting their progress toward these objectives.

9 In becoming a member of the Covenant, Council will pledge to publicly report on the following within the next three years:
   i) The greenhouse gas emissions inventory for our city, consistent with the Global Protocol for Community-Scale Greenhouse Gas Emission Inventories (GPC), within one year or less.
   ii) The climate hazards faced by our city, within one year or less.
   iii) Our target to reduce greenhouse gas emissions, within two years or less.
   iv) The climate vulnerabilities faced by our city, within two years or less.
   v) Our plans to address climate change mitigation and adaptation within three years or less.

10 The Covenant information pack provides greater detail and is provided in Attachment C. It is noted that commitment to the program is consistent with the adopted Newcastle 2020 Carbon and Water Management Action Plan, 2030 Community Strategic Plan, Newcastle Environmental Management Strategy 2013 and other associated policies and actions that Council is already undertaking to mitigate and adapt to climate change. The two main areas which will require additional work to ensure compliance are, the development of annual Greenhouse Gas inventories for the city, and development of a Climate Change Adaptation Plan.

FINANCIAL IMPACT

11 The financial impact of joining the International Council for Local Environmental Initiatives is currently $2,760.00 per year, whilst meeting the independently certified reporting requirements of the Global Covenant of Mayors for Climate and Energy is estimated at $5,000 annually. This will fund the annual ICLEI membership and certified emissions inventory.

12 In addition to this, staff time will be required to resource the delivery of commitments and ongoing initiatives. The cost of implementing actions to adapt to climate change is difficult to estimate until the action plan is developed, however, it is noted that Council is already implementing many actions in this
regard. Taking steps to mitigate and adapt to climate change will reduce Council's long-term exposure to the financial impacts of climate change.

COMMUNITY STRATEGIC PLAN ALIGNMENT

13 In the Newcastle 2030 Community Strategic Plan, the recommendation aligns with the following strategies and objectives:

i) Protected and Enhanced Environment - Greater efficiency in the use of resources (2.1b, 2.1c, 2.1d); environment and climate change risks and impacts are understood and managed (2.3a, 2.3b, 2.3c).

ii) Liveable and Distinctive Built Environment - Best practice energy and water efficient infrastructure (5.4b).

iii) Smart and Innovative City - A vibrant, diverse and resilient green economy built on educational excellence and research (6.1a, 6.1b); A culture that supports innovation and creativity at all levels (6.2a).

IMPLEMENTATION PLAN/IMPLICATIONS

14 The recommendation in this report supports achievement of Council's current goals and strategies in the 2020 Carbon and Water Management Action Plan, Newcastle Environmental Management Strategy 2013, Strategic Climate Change Policy, the Smart City Strategy 2017-2021 and Delivery Program 2013-2018. The current operational plan and approved budget does not reflect action on this item.

RISK ASSESSMENT AND MITIGATION

15 Joining ICLEI and pledging to report on the key areas of the Covenant does not of itself create any risks. Council's risk assessment framework would be followed when engaging contractors to deliver projects to meet the commitments. There is potential reputational risk to Council of "green-washing" by committing to report on climate mitigation and adaptation targets and not implementing them.

RELATED PREVIOUS DECISIONS

16 At the Ordinary Council Meeting held on 14 December 2010 Council adopted the Strategic Climate Change Policy (2010), revised (2012).

17 At the Ordinary Council Meeting held on 18 October 2011, the revised draft Newcastle 2020 Carbon and Water Management Action Plan (Carbon and Water MAP) was adopted by Council.

18 At the Ordinary Council Meeting held on 28 June 2016 Council reiterated its commitment to generating 30% of electricity from low carbon sources and reducing overall electricity usage by 30% by 2020 and investigates
opportunities to utilise the Clean Energy Finance Corporation’s Local Government Finance Program to deliver on Council’s commitment.

19 At the Ordinary Council Meeting held on 28 February 2017 Council resolved to receive a report on how Council can achieve its existing 2020 targets in the CWMAP, how Council can fast track 100% renewable energy use and zero net emissions, and to prepare a draft policy and associated management plan to address the urgent need for action on climate change and to complement the NSW State Government’s Climate Change Policy Framework.

20 At the Ordinary Council Meeting held on 13 June 2017 Council resolved to become a partner with the Climate Council’s City Power Partnership and commit to five key actions to address climate change.

21 At the Ordinary Council Meeting held on 22 August 2017 Council adopted the Smart City Strategy 2017-2021 which includes a key strategy of a Smart Environment with the objective of a city that applies technology and innovation to create a cleaner and more sustainable future.

CONSULTATION

22 Extensive consultation with the community and key stakeholders was undertaken in development of the Newcastle 2020 Carbon and Water Management Action Plan and the Newcastle Smart City Strategy 2017-2021.

23 In addition to this, consultation has also occurred with ICLEI regarding joining and the Covenant. Ironbark Sustainability was also consulted in relation to their community inventory program and costs associated with undertaking an inventory.

OPTIONS

Option 1

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

Option 2

25 That Council does not become a member of the International Council for Local Environmental Initiatives or the Global Covenant of Mayors for Climate and Energy. This is not the recommended option.

BACKGROUND

26 Council has a long history of involvement in International Council for Local Environmental Initiatives (ICLEI) as one of the original Australian member Councils and a key contributor in the former Cities for Climate Protection program. The opportunity to rejoin ICLEI and also become a member of the Global Covenant of Mayors for Climate and Energy is one which will assist
Council in gaining recognition for its current and ongoing actions to reduce its emissions.

27 In addition, Council has two years remaining to achieve its operational targets under the Newcastle 2020 Carbon and Water Management Action Plan. Both ICLEI and the Covenant are a collaboration of cities working together to achieve mitigation and adaptation projects. As part of Council becoming a member of each it will have the support of these networks to assess and revise current targets if necessary and take advantage of the knowledge sharing and experience available from these networks and national and international member cities.

ATTACHMENTS

Attachment A: Summary of Current and Future Measures
Attachment B: ICLEI Membership Flyer
Attachment C: Global Covenant of Mayors Information Pack
Summary of proposed and ongoing measures Council is undertaking to measure and reduce greenhouse gas emissions and adapt to ongoing climate change.

1. Introduction

A key plan that guides Council’s measurement and reduction in greenhouse gas emissions is the Newcastle 2020 Carbon and Water Management Action Plan (or Carbon MAP) that was adopted by Council on 18 October 2011. The plan covers action across Council operations, the business sector, residential sector and education sector. Focusing on Council Operations, by 2020 The City of Newcastle is aiming for:

**Council Operations Aspirational Goals**

- 30% reduction* in Council’s carbon footprint
- 50% reduction* in Council’s potable water usage
- 30% reduction* in Council’s electricity usage
- 20% reduction* in Council’s fossil-based liquid fuels usage
- 80% reduction* in Council’s operational waste going to landfill

* over 2009-09 levels
* over 2010 levels

Figure 1 - Council targets 2020 Carbon MAP

The summary and analysis below excludes fugitive emissions from residential waste deposited at Summerhill Waste Management Centre (63% of Council emissions or 38,973 CO2-e tonnes) as action requires broader initiatives and education beyond Council’s own operational impacts.
Figure 2 - Council Scope 1, 2 & 3 Emissions in 2008/09 excluding Summerhill WMC

Of the remaining 22,589 CO2-e tonnes, electricity in both Council buildings and street lighting accounts for 77.6% of these remaining carbon emissions.

Therefore, actions related to reducing electricity use and increasing renewable energy will have the greatest overall impact on reducing Council’s operational carbon emissions.

2. Measuring Progress

With over 360 small and large electricity accounts, a number which fluctuates year to year, it can be difficult to normalise the data and account for changes to both operational and reporting boundaries. With this in mind and order to track progress, Council has implemented Council wide utility management systems that track electricity, water, gas usage and renewable energy generation.

Figure 3 - Council’s Utility Management System
Attachment A

The system also allows the prioritisation of projects based on utility consumption and tariff information for individual sites and to track and report on the implemented savings.

3. Current Progress

Over the last five years, Council has continued to identify and implement energy efficiency measures to create significant electricity savings for Council and aim to achieve the 2020 30% energy reduction target. Annually Council uses around 14GWh of electricity and half of this is from Street lighting. Of the remaining electricity use, 65% is used by Council Large sites (for example the Art Gallery, City Administration Centre, City Hall etc) and the rest by our 350 small sites. By focusing on upgrades primarily at Council’s large sites we have managed to reduce consumption by approximately 20% which is two-thirds towards the 2020 30% reduction target. This reduction has been achieved through projects such as:

- Replacing over 1000 light fittings with LED
- Upgrades to HVAC (Heating, Ventilation, Air-Conditioning) at City Hall and the City Administration Centre
- Double Glazing windows and additional insulation at the City Library
- Power factor correction at the Depot, City Library and Lambton Pool
- Replacement of Ausgrid Street lights with council-owned Smart lighting poles in the East End with LED and lighting controls.

Council has also worked towards meeting the 30% renewable energy target by 2020 through installation of 450kW (kilowatt) of rooftop solar PV that generates approximately 640MWh (megawatt hours) annually. Starting with the first installation in 2012 at the City works Depot, Council has completed a further 7 installations at:

- The Art Gallery
- City Library
- Wallsend Library
- New Lambton Library
- No 1 Sportsground (which includes battery storage)
- No 2 Sportsground (which includes battery storage)

These installations have enabled council to offset around 5% of our total Council electricity consumption (including street lighting).
4. Proposed Measures

To support our progress towards Council’s 2020 CarbonMAP targets, Newcastle Council became one of the first to join the Cities Power Partnership (http://citiespowerpartnership.org.au/partners/the-city-of-newcastle/) which now includes 70 Councils across Australia. Through this program, Council identified five key actions to work towards that complement our current targets.

They include:

- Developing unused landfill for renewable energy and powering Council operations from renewables
- Rolling out LED Streetlighting across the LGA
- Providing adequate cycleways in road design and providing end of trip facilities
- Providing Fast Charging Electric vehicle infrastructure throughout the city; and
- Installing Solar PV and battery storage on Council buildings

To achieve these key actions and our targets under the 2020 Carbon MAP, Council is currently developing the following projects:

- A 5MW Solar Farm on landfill at Summerhill Waste Management Centre which will increase our renewable energy output ten-fold, providing ongoing electricity savings and significant carbon emission reductions;
Attachment A

- Installation of over 150 Smart Lighting Poles in the CBD that provide smart lighting controls to reduce energy consumption and provide city-wifi and other smart city benefits. Council is also working with Ausgrid to assess the opportunity for an accelerated replacement of over 10,000 Streetlights to LED;

- Installation of EV Fast Chargers across the city in combination with the NRMA and also as part of the $5m Smart Moves Federal Grant. Council is also starting an electric vehicle trial for Council vehicles with the aim of transitioning all Council fleet to electric vehicles as more options become available and costs decline;

- As part of the Smart Moves grant, Council is also creating an E-transit hub at No2 Sportsground which will include solar carpark covers, additional battery storage, EV chargers, Smart lighting and E-Bike stations;

- Developing additional cycleways throughout the city and working on the installation of an electric bike stations network in the CBD to provide last mile transport solutions.

- Planning the installation of electric vehicle charging, smart-metering, solar and energy efficient equipment for Council’s new administration centre.

5. Impact of Major projects toward 2020 targets

Through the implementation of two key projects between now and 2020, Council is able to meet or exceed the following key 2020 Carbon MAP targets:

- 30% reduction in Council's Electricity usage;
- 30% of Council electricity supplied from low carbon sources
- 80% of Streetlights using LED technology
- 30% reduction in Council’s carbon emissions

In combination, the Summerhill Solar farm and the upgrade of Street lighting to LED, along with providing significant operational savings, is able to:

- produce a renewable energy offset of 81.4% and;
- reduce Council emissions by 68.7% (excluding Summerhill fugitive emissions)

Project 1 - 5MW Summerhill Solar Farm

Objective: Cost effectively achieve both renewable energy targets and carbon emission reduction targets.
Attachment A

**Project description:** 5MW Midscale Solar farm (with potential for future expansion and battery storage)

**Project Implementation:**
- Q3- Q4 2018 (Cal)

![Diagram showing impact of solar farm against key 2020 targets]

**Figure 5 - Impact of Solar farm against key 2020 targets**

<table>
<thead>
<tr>
<th>Starting point</th>
<th>16.5 GWh p.a.</th>
<th>14,196 lights</th>
<th>14.6 GWh p.a. (current electricity use)</th>
<th>22,589 (t) of carbon emissions p.a.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Updated progress after Project 1 Impact</td>
<td>14 GWh p.a. (-2.5 GWh)</td>
<td>1,767 LED lights</td>
<td>8.3 GWh p.a. in renewable energy</td>
<td>11,138 (t) p.a. (-11,451t)</td>
</tr>
<tr>
<td>% Change</td>
<td>15.14% reduction</td>
<td>12.45% increase</td>
<td>56.53% increase</td>
<td>50.69% reduction</td>
</tr>
</tbody>
</table>

**2020 Targets**
- 30% Electricity reduction (Reduction of 4.95 GWh)
- 80% LED Streetlights (11,357)
- 30% Renewable Energy (4.44 GWh of renewable energy)
- 30% Carbon emission reduction (Reduction of 6,777t)

**Table 1 - Impact of Solar farm against key 2020 targets**

**Project benefits:**
- Achieve up to 50% renewable energy target.
- Opportunity to source renewable energy at a lower Levelised Cost of Energy (LCOE) than Council currently pays for grid electricity.
Attachment A

- Dedicated Clean energy fund by CEFC provides opportunity for self-funding and cash-flow positive project from day 1.

Project 2 - Upgrade Streetlighting to LED

**Objective:** Cost effectively achieve energy reduction, LED street lighting and carbon emission reduction targets. Will additionally increase the percentage of Council's renewable energy generation by reducing overall electricity usage.

**Project Description:** Upgrading Council Street lighting to LED in collaboration with Ausgrid (Council operates approximately 14,000 Street lights) beginning with residential roads and then main roads.

**Project Readiness:**
- Ausgrid has approved new LED lighting for residential and is developing a tender for main roads.
- SSROC is undertaking work on behalf of Councils state-wide to finalise each Council business case.

![Figure 6 - Impact of both Solar farm and Street lighting upgrade against key 2020 targets](image)

<table>
<thead>
<tr>
<th>Starting point</th>
<th>16.5 GWh p.a.</th>
<th>14,196 lights</th>
<th>10.2 GWh p.a. (New electricity use p.a.)</th>
<th>22,589 (t) of carbon emissions p.a.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Updated progress (after Project 1 &amp; Project 2 Impact)</strong></td>
<td>10.2 GWh p.a. (-2.5 GWh)</td>
<td>11,417 LED lights</td>
<td>8.3 GWh p.a. in renewable energy</td>
<td>7,063 (t) p.a. (-15,526 t)</td>
</tr>
<tr>
<td><strong>% Change</strong></td>
<td>38.39%</td>
<td>80.4%</td>
<td>81.43% increase</td>
<td>68.73% reduction</td>
</tr>
</tbody>
</table>
### Attachment A

<table>
<thead>
<tr>
<th>2020 Targets</th>
<th>reduction</th>
<th>increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>30% Electricity reduction</td>
<td>80% LED Streetlights (11,357)</td>
<td>30% Renewable Energy (4.44 GWh of renewable energy)</td>
</tr>
</tbody>
</table>

**Table 2 - Impact of both Solar farm and Street lighting upgrade against key 2020 targets**

**Project benefits:**
- Achieve 2020 target of 80% street lighting to be LED by 2020.
- Exceed Council's 30% electricity reduction target.
- Exceed Council's 30% Carbon footprint reduction target.

**Timeframe to implementation:** 12 to 24 months dependent on Ausgrid program.

### 6. Future measures and targets

In line with previous Council direction to investigate options to fast track 100% renewable energy and zero net emissions, a number of potential actions have been identified that Council could undertake. These include:

- Investigating waste to energy opportunities and reducing landfill emissions;
- Completing a roll out of behind the meter battery storage and solar PV systems across all sites where this is appropriate;
- Ensuring all new lighting installed by Council is LED and complete a change out of all lighting to LED within two years;
- Investigate power purchase opportunities for evening renewable generation from wind power and other sources.
Attachment A

Figure 7 - Pathway to achieving 100% renewable offset for Council operations

With electricity accounting for 77.6% of emissions (excluding Summerhill waste), reducing electricity usage and increasing the use of renewable energy has the greatest overall impact in reducing Council emissions.

The next biggest contributor to Council emissions is transport fuels. Transitioning Council vehicles, equipment and machinery to electric (from a renewable source) will provide the next step towards zero net emissions. While less work has been undertaken in this area due to the focus on energy efficiency and renewables, there are opportunities available to reduce Council's emissions from transport fuel use. These include:

- Begin the roll out of electric vehicle charging stations for both council owned and public electric vehicles;
- Transitioning council fleet including light vehicles and garbage trucks to electric as more options become available and costs decline;
- Installing future battery storage at the Summerhill solar farm and using behind the meter generation to charge electric fleet;
- Transition small fleet to electric vehicles or petrol/electric hybrid as older petrol fleet are disposed of and renewed;
- Transition light fleet and garbage vehicles to electric as costs come down and options start to become available;

Further work is required to assess the feasibility and cost-effectiveness of the above opportunities but this provides a pathway towards achieving a future 100% renewable target and further reduction in Council carbon emissions.
ICLEI Membership

ICLEI is the leading global network of more than 1,500 cities, towns and regions committed to building a sustainable future.

Why join ICLEI?

- ICLEI is a dedicated membership organization for local government and an effective partner in implementing local and global sustainability actions.
- ICLEI strengthens local government capacity by providing access to knowledge, people and solutions.
- ICLEI works with national, regional and international networks, driving performance-based programs and exchanging experiences and solutions.
- With one low joining fee everyone in your council gets access to our news, programs and resources.

How we work

ICLEI connects leaders

We connect leader councillors, mayors, councils and officers to promote mutual learning and generate synergies and to interact with United Nations and National outcomes.

ICLEI accelerates action

By advocating better performance-based frameworks. We run programs and campaigns to help councils achieve effective solutions and to advance sustainability rapidly. We provide councils and leaders with the right tools and training.

ICLEI serves as a gateway to solutions

We have a knowledge base developed over 20 years of solutions and practical pathways and we encourage partnerships with other industry leaders, researchers, technical experts, finance and businesses.

As chair of the Regional Executive Committee and a Melbourne City Councillor, I encourage you to consider joining the ICLEI network and to contribute towards accelerated action for sustainability, locally, in our region and globally.

Councillor Cathy Oke
Chair ICLEI Oceania

Benefits & opportunities

- Participation in the world’s largest Local Government Network covering 1500 cities, towns and regions
- Connections to national, regional and international networks
- Invitation to join ICLEI networks, communities of interest and programs
- Access to E-news and resource materials
- Invitations to ICLEI events, local and international—often with travel subsidy
- Invitation to participate in study tours and field trips
- Participation in advocacy initiatives locally and internationally
- Access to workshops and webinars in specialist areas
- Ability to nominate for Regional and Global executive positions
- Members’ actions and achievements featured in publications
- Access to emissions and reporting software specific to local government
- Access to exclusive grants and funding opportunities
- Membership benefits are open to all councillors and council staff
- Access to Members only website
Become a Role Model Council

Your council can be designated a Role Model Council. This is a great way to provide leadership to the sector and to receive additional benefits. A role model city will make a further negotiated membership contribution and will:

- get priority status for selection for pilot programs, benchmarking, invitations to high level events
- participate and contribute your staff and councillors’ time in relevant networks and events at local, state, national and international levels
- share your council’s experiences, expertise and good practice with the international network
- receive special recognition in ICLEI media and publications

Join ICLEI initiatives and programs

ICLEI offers a range of internationally recognised programs, networks and initiatives that align with specific local government functions and interests.

Programs and networks

- Global Covenant of Mayors for Climate and Energy - “Compact of Mayors”
- 100% Renewable Energy Network
- Sustainable Public Procurement
- Sustainable Transport - Ecomobility Alliance
- Cities With Nature (Biodiversity City initiative)
- Resilient Cities Conference Series
- Disaster Risk Reduction
- Sustainable Development Goals
- Pacific Islands Climate Program

Forum, events, groups (subject to availability)

- Mayors Climate Forum
- Councillor information sessions
- Staff technical working groups
- Field trips and study tours
- International conferences and UN sponsored events
- Guest speaker programs
- Senior managers discussion forum

Global Covenant of Mayors support package

Through the Global Covenant of Mayors for Climate and Energy, we offer a 3-year Global Covenant of Mayors support packages.

The package supports councils to achieve full compliance of mitigation and adaptation commitments. ICLEI offers all the tools and resources for you to meet those commitments over three years or sooner. It includes verification of your work in terms of inventories, targets and plan development. It provides recognition badges and recognition events for each climate partner.

The price is normally $2500 but reduced to $1500 for ICLEI members.

For more information go to http://mayors.oceania.iclei.org

Other bundled packages for emission profiles and adaptation can be negotiated

Pacific Islands Climate Program

ICLEI Oceania is increasing momentum in supporting Pacific Island towns and cities to become more resilient. ICLEI invites councils and other partners to become financial contributors to enable us to expand our support. Partner councils may select which island they would like to support, or may choose to contribute to the overall program. All Partnership contributions will be quarantined for Pacific-only activity and an annual Pacific Activity Report provided to all contributors. All contributions are tax deductible.

For more information go to https://pacific.oceania.iclei.org
Welcome to the new Global Covenant of Mayors for Climate & Energy, a newly merged initiative between the Compact of Mayors and the Covenant of Mayors.

Six months after the successful Paris Climate Agreement, two of the world’s primary city-led climate change and energy initiatives, the EU Covenant of Mayors and the Compact of Mayors, announced the formation of a new, first-of-its-kind global initiative of cities and local governments leading in the fight against climate change. This single initiative will create the largest global coalition of cities committed to climate leadership, building on the commitments of more than 7,100 cities from 119 countries and six continents, representing more than 600 million inhabitants, over 8% of the world’s population.
Letterhead for your Council

Template letter of intent

Global Covenant of Mayors
c/-ICLEI Oceania Secretariat
PO Box 24263 Melbourne 3001
Victoria Australia
oceania@iclei.org

Letter of Intent

Global Covenant of Mayors for climate and energy

I hereby declare the intent of <insert city name> to comply with the Global Covenant of Mayors, the world’s largest cooperative effort among mayors and city leaders to reduce greenhouse gas emissions, track progress, and prepare for the impacts of climate change.

The Global Covenant of Mayors for climate and energy is the new partnership between the Compact of Mayors and the Covenant of Mayors. We commit to a series of requirements to meet over time.

We commit to advancing the <insert City name> along the stages of the Global Covenant of Mayors, with the goal of becoming fully compliant with all the requirements within three years. Specifically, I pledge to publicly report on the following within the next three years:

- The greenhouse gas emissions inventory for our city consistent with the Global Protocol for Community-Scale Greenhouse Gas Emission Inventories (GPC), within one year or less
- The climate hazards faced by our city, within one year or less
- Our target to reduce greenhouse gas emissions, within two years or less
- The climate vulnerabilities faced by our city, within two years or less
- Our plans to address climate change mitigation and adaptation within three years or less

Yours Faithfully,

Signed by Mayor
WHAT IS THE COMPACT OF MAYORS?

The Compact of Mayors is a global coalition of mayors and city officials committing to reduce local greenhouse gas emissions, enhance resilience to climate change and track their progress publicly. It is an agreement by city networks – and then by their members – to fight climate change in a consistent and complimentary manner to national efforts.

- The Compact collects the significant climate action data that cities are already reporting in a consistent, transparent manner and makes that data available in a single place.
- The Compact builds on existing cooperative efforts, partnering with other initiatives to better measure and communicate the impact of city action.
- The Compact represents the greatest opportunity to bring attention to, and quantify, city action, both in the lead-up to Paris and beyond.

WHY COMMIT TO THE COMPACT OF MAYORS?

Compact of Mayors benefits:

- New and widespread recognition of innovative and impactful city action already underway for years
- Platform to demonstrate commitment to be part of the global solution
- Consistent, standardized and reliable assessment of city impact and progress toward meeting commitments
- Evidence of the greenhouse gas impact of city action
- Increased investor confidence and capital flows into cities
- Mechanism for national governments to recognize and resource local commitments
WHAT MAKES THE COMPACT OF MAYORS UNIQUE?

BUILDING ON INITIATIVES FOR GREATER IMPACT AND RECOGNITION: The Compact is the broadest coalition to unite cities, networks and other global partners with a common aim—to support more climate action in cities, and share the impact of city action with the international community.

STANDARDS MEASUREMENT AND REPORTING: For the first time, the Compact will standardize the way city climate data is reported, establishing a universal approach to data collection. The data can be aggregated to highlight the collective impact of city actions, which will increase global and investor confidence.

MAKES DATA AVAILABLE TO THE PUBLIC: Cities primarily report their climate data/actions through two major platforms—CDP (www.cdp.net) and carbonn Climate Registry (carbonn.org)—both of which are partners to the Compact. The Compact will make this data centrally and publicly available through the carbonn Climate Registry to highlight commitments and allow for easy searchability.

“If you can’t measure it, you can’t manage it.”
—MICHAEL R. BLOOMBERG

MEASUREMENT

Measurement, planning and reporting are critical to achieving climate goals, and Bloomberg’s guiding maxim underscores the mission of the Compact of Mayors.

With the use of consistent, transparent measurements, the Compact aims to get cities around the world on a common platform so that the impact of their collective actions on greenhouse gas emissions can be accurately captured.
HOW TO PARTICIPATE IN THE COMPACT OF MAYORS

Any city or town in the world may commit to the Compact of Mayors—regardless of size or location. A city has up to three years to meet a series of requirements and fully comply, culminating in the creation of a full climate action and adaptation plan, and it will be recognized as each step is met. Many cities have already completed some of the activities and can be compliant in fewer than three years.

To commit to the Compact, a city must:

**REGISTER COMMITMENT.**
A mayor may register on either of the Compacts standard reporting platforms—carbon Climate Registry or COP—or email a letter of intent to info@compactofmayors.org. Following its submission, a city will be contacted by the Compact support team.

**TAKE INVENTORY.**
Within one year, a mayor must assess the current impacts of climate change in his/her city. To do so, the city must: (1) Build and complete a community-wide GHG inventory with a breakdown of emissions for buildings and transport sectors, using the GPC standard; (2) Identify climate hazards; and (3) Report on both via the COP or carbon Climate Registry questionnaires.

**CREATE REDUCTION TARGETS AND ESTABLISH A SYSTEM OF MEASUREMENT.**
Within two years, the registered city must update its GHG inventory to also include a breakdown of emissions from waste sector; set a target to reduce its GHG emissions, conduct a climate change vulnerability assessment consistent with Compact guidance; and report in its chosen platform.

**ESTABLISH AN ACTION PLAN.**
Within three years, a city’s strategic action plan must show how it will deliver on its commitment to reduce greenhouse gas emissions and adapt to climate change.

COMMITTED AND COMPLIANT BADGES

To join the Compact, a city leader must engage in the following four phases over a 3 year period. Each phase has a 2 step process: Mitigation and Adaptation.

**Phase 1**

**Phase 2**

**Phase 3**

**Phase 4**

**Compliant**

Upon registering its commitment to the Compact of Mayors, a city will receive an official “Committed” badge.

Upon completing all requirements, a city will receive a “Compliant” badge. A new “Compliant” badge will be issued each year that compliance is maintained through annual reporting.

These badges may be publicly displayed online and in print materials.
STEP 1 — COMMITMENT

**REGISTER COMMITMENT.**

**MITIGATION**
- Cities commit to:
  - Develop climate action plans to deliver on city targets.

**ADAPTATION**
- Cities commit to:

A city may register at compactofmayors.org or email a letter of intent to join to info@compactofmayors.org. (A template letter is available for download on www.compactofmayors.org.)

STEP 2 — INVENTORY

**TAKE INVENTORY.**

**MITIGATION**
- Build and complete a community-wide GHG inventory using the GPC Standard.
- Report on GHG emissions.

In year one, cities only need to report on emissions in two sectors: stationary energy and in-boundary travel. In year two, they must report on all sectors.

**ADAPTATION**
- Identify climate hazards.
- Report hazards via the COMPACT inventory questionnaire.
STEP 3 — TARGET

SET REDUCTION TARGETS.

**MITIGATION**
- Update GHG inventory to also include a breakdown of emissions from waste sector.
- Set GHG reduction target.
- Report on chosen platform.

**ADAPTATION**
- Assess climate change vulnerability using Compact of Mayors tool.
- Report on chosen platform.

STEP 4 — PLAN

CREATE EITHER A JOINT OR INDIVIDUAL ACTION PLAN TO ADDRESS CLIMATE MITIGATION AND ADAPTATION.

**MITIGATION**
- Develop climate action plan using PLAN A/W, detailing how city will achieve its commitments to reduce greenhouse gas emissions.
- Report on chosen platform.

**ADAPTATION**
- Develop a climate change adaptation plan using PLAN A/W, detailing how the city will reduce actual or expected climate change impacts.
- Report on chosen platform.

Once Step 4 has been completed, a city will have met all of the Compact of Mayors requirements and will be fully compliant. To maintain compliance, a city will report its progress on mitigation and adaptation annually.
HOW TO REPORT: REPORTING VIA CARBONN CLIMATE REGISTRY

1. Register your commitment.
2. Report your inventory and climate risk.
4. Upload your climate action plan.

Step 1: Go to www.carbonn.org
Step 2: Login or Register
Step 3: Tick box - intent to comply with Compact of Mayors, add date and upload commitment letter.

HOW DOES THE COMPACT OF MAYORS SHOWCASE CITY ACTION?

Once cities input their data into carbonn Climate Registry or CDP, data is:
- Consolidated in the Compact’s central database, the carbonn Climate Registry, accessible through...

A city profile: Including highlights around commitment status, key actions taken and a mayoral profile.

A searchable database: All city Compact data will be made available publicly through a consolidated database; every city will input the same data.

- Aggregated to show the collective impact of all Compact commitments:
  - A summary number of GHG impact of all city commitments, globally
  - A summary number of population covered by city commitments, globally

- Shared with the UNFCCC NAZCA (The Non-state Actor Zone for Climate Action) website via the carbonn Climate Registry database as an input into the official UN climate negotiation process.
RESOURCES FOR CITIES

Measurement and planning tools for cities at each step of process: GHG inventory, climate action planning, risk assessment framework and more.

Tools for compliance

Technical support and training

Materials and guidance documents covering GPC inventories, climate action planning, risk assessment, etc.

Direct support

info@compactofmayors.org

PARTNERS

Founding Partners

MICHAEL R. BLOOMBERG | UN Secretary-General’s Special Envoy for Cities and Climate Change

The C40 Cities Climate Leadership Group is a network of 90 of the world’s greatest cities, representing 500 million people and 1/6 of the global economy. Dedicated and led by cities, C40 is focused on tackling climate change and driving urban action that results in reducing greenhouse gas emissions and climate risks, while increasing social equity and economic development. C40 focuses on cities to lead the transition to a sustainable low-carbon future. C40's work is supported by over 250 partners, including UN agencies, international financial institutions, government agencies and leading businesses.

Created in 2005, United Cities and Local Governments (UCLG) is the world’s largest association of local and regional governments. Members of UCLG are present in 194 countries, and UCLG is organized into seven regional sections: a Forum of Regions, and a micronation section. UCLG’s membership includes over 1,000 cities and regions, as well as 170 local government associations.

Other Partners

Reporting Partners

Bloomberg Philanthropies

City, Local and Regional Government Networks

Endorsing partners
NOTICES OF MOTION

ITEM-3 NOM 27/02/18 - OFFSHORE COAL, OIL AND GAS EXPLORATION AND MINING

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 15 February 2018 from the abovenamed Councillor.

MOTION

That Council:

1. Reaffirms its opposition to both offshore exploration and mining activity due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.

2. Makes a formal submission to the NSW Government and the Federal Government to request:
   a. The current approval for exploration activity associated with Petroleum Exploration Permit 11 (PEP 11) be reviewed based on a full assessment of the environmental impact of both the exploration activity and the potential mining activity associated with this approval; and
   b. That future offshore oil and gas development on the NSW Coast from Illawarra to Port Stephens be prohibited.

3. Liaise with the Port Stephens, Lake Macquarie and Central Coast Councils to communicate this decision and identify opportunities for collaboration on this matter.

BACKGROUND

In October 2008, Newcastle Council agreed to oppose offshore coal gasification and to advocate for the prohibition of coal exploration off the Newcastle coastline. Through the “Protection of the Newcastle Coastline and Marine Environment Notice of Motion”, Council committed to actively engage with the Newcastle community on the impacts of such offshore mining proposals and to support any appropriate community campaign or event related to this issue.

This motion reaffirms Council’s agreed position on offshore exploration and mining activities, particularly in the context of recent approval of a seismic acquisition survey under the Petroleum Exploration Permit 11 (PEP 11). PEP 11 is located primarily in...
Commonwealth waters off the NSW coast between Newcastle and Wollongong, and covers over 8,200 km². On January 10 2018, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) approved a seismic survey to further understand the shallow subsurface geology and potential drilling hazards in the permit zone. The marine seismic survey is due to be undertaken between 15 March and 31 May 2018. In December 2010, the first offshore petroleum exploratory well off the coast of NSW was drilled in PEP 11 off the coast of Newcastle, but failed to locate any reserves.

Offshore oil and gas exploration and drilling puts at risk local fishing and tourism industries that rely on healthy oceans and a vibrant marine and coastal environment. Seismic exploration has been shown to negatively impact on marine habitat and biodiversity, with pronounced impacts on benthic invertebrates, which are the beginning of the marine food chain. These impacts will have flow-on effects for Newcastle’s commercial fishing industry.

There is no social license for offshore oil and gas development on Newcastle’s pristine coastline, and the risks associated with both exploration and mining activities are potentially catastrophic, unacceptable and cannot be effectively mitigated.

ATTACHMENTS

Nil.
ITEM-4 NOM 27/02/18 - HAMILTON CONCEPT MASTER PLAN FOR JAMES STREET PLAZA

COUNCILLORS: C DUNCAN AND D CLAUSEN

PURPOSE

The following Notice of Motion was received on 15 February 2018 from the abovenamed Councillors.

The purpose is improve the amenity and safety at James Street Plaza, Hamilton.

MOTION

That Newcastle City Council:

1. Develops a Hamilton Concept Masterplan, inclusive of James Street Plaza;

2. Explores the need for an assessment of Crime Prevention through Environmental Design (CPTED) techniques to improve amenity and safety at James Street Plaza; and

3. Formally writes to Hamilton Business Improvement Association (BIA) requesting matched funding for the development of a Hamilton Concept Masterplan, inclusive of James Street Plaza, and CPTED assessment.

BACKGROUND

Recently, a number of key stakeholders, residents and businesses in Hamilton have raised concerns regarding James Street Plaza.

Concerns include an increase in anti-social behaviour and the need for upgraded, modern amenity.

Hamilton Chamber of Commerce

Labor Councillors commend the Hamilton Chamber of Commerce and in particular, President Nathan Errington, for his ongoing advocacy and support for upgrades to Beaumont Street and James Street Plaza.

In April 2017, Hamilton Chamber of Commerce called on the community to provide ideas on the revitalisation of James Street Plaza.

Subsequently, NSW Police warned that the area in recent years has become a hot-spot for anti-social behaviour.
Hamilton Chamber of Commerce President Nathan Errington said at the time that the Chamber is hopeful that redevelopment of the site will transform the area and bring more families to Beaumont Street.

Consultation regarding James Street Plaza saw suggestions of a new playground, lighting upgrades, an amphitheatre and more pedestrian zones.

**ATTACHMENTS**

Nil.
ITEM-5 NOM 27/02/18 - NEWCASTLE CITY COUNCIL LIVE MUSIC STRATEGY

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

PURPOSE

The following Notice of Motion was received on 15 February 2018 from the abovenamed Councillors.

MOTION

That Newcastle City Council:

1. Notes that the City of Newcastle has a proud and rich history of celebrating and promoting live music;
2. Notes that the City of Newcastle's night time economy is now worth $1.4 billion and employs over 12,000 people, including many in the live music industry;
3. Supports the creation of a Newcastle Local Live Music Industry Advisory Group to advise all three tiers of government on policy development aimed at supporting the growth and sustainability of Newcastle's live music industry;
4. Embeds a commitment to a vibrant live music scene in the next iteration of the Community Strategic Plan (CSP) and works to finalise the draft Newcastle After Dark Night-time Economy Strategy, including a detailed Live Music Strategy, guided by best practice local government principles for live music policy as developed by the New South Wales Government's Live Music Office;
5. Implements actions to achieve the protection of the Newcastle live music industry and the Newcastle night-time economy including changes to S149 Certificates and consideration of Acoustic Privacy Conditions; and
6. Develops a process to make available Council owned venues like the Civic Playhouse and City Hall Banquet Room for in-kind use on certain days by live music providers catering for all-ages gigs.

BACKGROUND

Recently, live music industry professionals, artists, venue operators and music industry businesses have raised a number of concerns about the future of the live music industry in Newcastle.

The NSW Government's Live Music Office has identified a number of initiatives that can be implemented in the short, medium to long term to protect, support and grow the live music industry across Newcastle. The NSW Live Music Office has also identified a number of best practice local government live music strategy examples.
The Newcastle night-time economy is now worth $1.4 billion a year and employs more than 12,000 people, with a large number of these employees supported by the live music industry.

1. The Wollongong Approach

The NSW Live Music Office identifies the City of Wollongong's live music strategy and associated adopted strategies and policies as best practice in New South Wales.

Undertaken in 2013/14, the City of Wollongong Live Music Taskforce saw 42 Actions passed through Council in April 2014.

From this process, a range of better regulation approaches were delivered quickly, that also supported associated actions items in preparation at that time, and has been a solid foundation from which the music industry and events are doing well in the City of Wollongong. These measures can all be delivered within the existing regulatory frameworks and require no changes to legislation.

2. Planning Certificates – S149 Certificates.

Local councils require S149 certificates to be lodged when undertaking property development or transactions. These certificates require the applicant to acknowledge the zoning and other relevant conditions applicable to the property and existing land use. In Wollongong these may reference the evening economy, cultural businesses, noise, traffic, and longer hours of operation (see below).

The Wollongong City Centre and Town Centres, play a key role in accommodation, cultural, sporting and business uses. A key to the revitalisation of these centres’ is to build on these aspects through greater activation and investment beyond 5pm through an evening economy. Future residents should be aware that these uses may generate noise, odour, and traffic and have longer hours of operation, which is part of living in/near a commercial centre.

Acoustic Privacy Conditions have been required on residential development in the CBD to ensure residents who choose to live in the CBD have buildings that are actually designed for evening economy areas - this includes double glazing external sliding doors and windows for reducing traffic and other low frequency noise such as music from surrounding live music venues.

For example, the following conditions were required of a larger residential development on Crown St on the site of the former Oxford Tavern in the Wollongong CBD.

The double glazing from the facades specification is as follows:

a) Glazing for Acoustic requirement – Double glazing external sliding doors and windows:
b) 6mm glazing – 100mm air gap – 6 mm glazing set in a sealed metal or timber frame to achieve the sound insulation of a window and sliding door system (Rw40 – 45).

c) The apartments from 1st/2nd floor to 7th floor window and sliding door system should achieve sound insulation (Rw43 – 45).

d) The apartments from 8th floor and above window and sliding door system should achieve sound insulation (Rw40 – 45).

e) Frames should be well sealed internally and externally to provide acoustic, thermal and moisture protection. Awning windows are preferred to sliding windows as they are able to achieve a positive compression seal.

f) The air gap between the two panes should be at least 100mm that is good for reducing traffic and other low frequency noise such as music from surrounding night clubs.

3. Coordinated Noise Complaints Process

In the Wollongong LGA noise complaints against live music/licensed premises can be considered by the Community Safety Reference Group – where council and the Local Area Command convene on wider issues around licensed premises and public safety. This provides a greater context for these issues to be considered collectively, and importantly is decentralised and directly involves local cultural officers.

The purpose of the Community Safety Reference Group (CSRG) is to bring partners together (NSW Police; Local, State and Federal Government agencies; non-government agencies and the community) to identify and drive the development of specific strategies to improve and enhance community safety in the Wollongong Local Government Area.

4. Development Application Information Sessions

The Small to Medium Enterprise Planning advice team focus on applications such as new cafés, small bars, shops, service providers, or new industrial unit occupiers. Small businesses including creatives looking to establish in the Wollongong LGA can access guidance from Council prior to pre-lodgement meetings.
5. Streamlined Events Process – Event sites have standing DA’s in place, no DAs required

Council decided to lodge its own DAs for these sites to gain a generic approval for a range of events. These DAs were lodged by the economic development unit who are removed from the DA assessment team. The applications were peer reviewed (with public hearing) by their Independent Hearing and Assessment Panel for extra layer of independence/transparency. Before lodging each DA consideration was given to the size, scale, type of activity likely to be accommodated on site. Since the DA approvals there have been some modifications (under s96 application). This has helped refine/improve the controls in the DA.

The Events Team then set up another quicker/simpler approval system which just checks proposed events against the consent conditions, much like a certifier. If they are happy then they issue a license. It allows them to promote these sites as ‘ready to go’.


6. Advisory Groups

Convening a local industry advisory group will assist in connecting with the music sector for successful event planning or development of a live music industry support strategy.

An advisory group can be as simple as calling a meeting of local venues and artists.

This could be a larger open access forum or more targeted to representatives across specific areas of the sector who can provide constructive support, as well as for consultation identifying specific issues for cultural strategy and regulatory policy enhancement.
These should comprise core members that collectively, represent the interests of:

- Artists
- Venues
- Music Industry Businesses
- Local Government
- Community Radio
- Education and training

The advisory group can identify issues to target, provide guidance around grants and events, as well as assist in the preparation of cultural plans and actions for council. The Advisory Group may consider current issues affecting the provision of live music in Newcastle and then use these findings to inform the development of a live music action plan that identifies short, medium and long-term remedial actions Newcastle might take.

The action plan and its recommendations could be considered by the city of Newcastle for adoption and implementation.

It could do this by:

- a) Highlighting current policies or controls within the remit of the City Newcastle that, in its opinion, require review or amendment;
- b) Identifying legislative changes or regulatory reform that could be explored with state government to support live music in the City of Newcastle;
- c) Advising the city on existing government programs and initiatives (both domestic and international) that have a demonstrable track record in successfully supporting live music;
- d) Suggesting cost-effective new projects that would positively impact the live music and performance sector in the City of Newcastle; and
- e) Develop dedicated live music event initiatives.

7. Sector Mapping

To better understand just how the local music scene is going, doing a simple live music census is a great way to get to know where the gigs and events are happening. This process has recently been done at the local level in the City of Adelaide, City of Gold Coast and the City of Wollongong.

A simple census would involve choosing a month in the short term to map out performing artists, venues and events by monitoring gig guides, social media, venue websites, and generally do the rounds through the month to develop a spreadsheet that shows all the gigs, venues and artists in the local government area.

A live music census is simple to do, can provide a great deal from a relatively uncomplicated process, and is a very valuable and worthwhile undertaking. The Live
Music Office can provide a template and support if this mapping exercise is of interest.

ATTACHMENTS

Attachment A  - Local Government Live Music Strategy examples
## Local Government Live Music Strategy examples

<table>
<thead>
<tr>
<th>Local Government</th>
<th>Live Music Strategy</th>
<th>URL</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIC</td>
<td>The City of Ballarat Live Music Strategic Plan has a scope of 5 years. It defines the goals and objectives underpinning support of local and regional live music and identifies actions to strengthen development, appropriate to Council's role within the community.</td>
<td><a href="http://www.ballarat.vic.gov.au/lae/live-music-strategy.aspx">http://www.ballarat.vic.gov.au/lae/live-music-strategy.aspx</a></td>
</tr>
<tr>
<td>NSW</td>
<td>Central Geelong Live Music Action Plan (LiveMAP)</td>
<td><a href="https://tinyurl.com/y9ot2kut">https://tinyurl.com/y9ot2kut</a></td>
</tr>
<tr>
<td>NSW</td>
<td>Wollongong City Council Live Music Action Plan</td>
<td><a href="https://tinyurl.com/yas8a6a7">https://tinyurl.com/yas8a6a7</a></td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>Sunshine Coast</td>
<td>Consideration of the need for Special entertainment precincts to be identified in the Sunshine Coast Planning Scheme <a href="https://tinyurl.com/ycbjhq9h">https://tinyurl.com/ycbjhq9h</a></td>
<td></td>
</tr>
</tbody>
</table>
ITEM-2  CON 27/02/18 - CONFIDENTIAL PROPERTY MATTER - ROAD CLOSURE AND SALE OF ROAD RESERVE ADJOINING LOT 1 DP 715924

REASON FOR CONFIDENTIALITY

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

Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:

a  -  only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

and

b  -  the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A  The matter relates to Section 10A(2)(c) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

B  The closed session involves - the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
C It is contrary to the public interest to discuss the matter in an open meeting because the information provided to Council is sensitive commercial information which would provide a commercial advantage to any person making an offer to purchase the land in the event the proposed transaction does not proceed with the recommended purchaser. This could lead to a reduction in the final negotiated sale price and the resulting reduction in revenue to Council.