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 12 December 2017

**TIME:** Following the Extraordinary Development Applications Committee

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

J Bath
Interim Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

6 December 2017

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**FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL’S WEBSITE AT** [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)  

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

MINUTES - PUBLIC VOICE COMMITTEE 21 NOVEMBER 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 171121 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

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 Development and Building), E Kolatchew (Interim Manager Legal and Governance), B Johnson (Communications) and A Knowles/K Sullivan (Council Services/Minutes/Webcasting).

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 Clausen, seconded by Cr White

The apology submitted on behalf of Councillor Byrne 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 being none, the Lord Mayor proceeded with the Public Voice Session.

PUBLIC VOICE SESSIONS

ITEM-1 PV 21/11/17 - DA2017/00720 - 10 WALFORD STREET WALLSEND - DEMOLITION OF OUTBUILDING, ALTERATIONS AND ADDITIONS TO DWELLING, ERECTION OF FOUR DWELLINGS AND ONE INTO TWO LOT SUBDIVISION

Ms Shay Riley-Lewis (PEP Consulting) and Mr David Galbraith addressed Council in opposition to the Development Application.
Adam Piper (Piper Consulting), representing the DA Applicants, addressed Council in support of the Development Application.

In his address, Mr Galbraith alluded to other submissions by surrounding residents. The Lord Mayor requested Mr Galbraith to provide the copies of the submissions that were not identified in Council records.

ITEM-2 PV 21/11/17 - DA2017/00426 - 54 BAR BEACH AVENUE BAR BEACH - DEMOLITION OF DWELLING AND GAZEBO AND ERECTION OF DUAL OCCUPANCY AND TWO SWIMMING POOLS

Councillor Dunn identified that he had a non-pecuniary, less than significant conflict of interest in Item DA2017/00426 - 54 Bar Beach Avenue, Bar Beach and removed himself from the Chamber for the presentation and discussion.

Ms Melanie Wilde addressed Council in opposition to the Development Application.

Steve O'Connor (Koby Development and Property Consultants), representing the DA Applicants, together with Julian and Anna Bailey addressed Council in support of the Development Application.

Councillor Dunn returned to the Chamber at the conclusion of the presentation and discussion.

ITEM-3 PV 21/11/17 - DA2017/01079 - 118 CHURCH STREET THE HILL - DEMOLITION OF DWELLING AND OUTBUILDING, ALTERATIONS AND ADDITIONS TO TWO DWELLINGS, ERECTION OF SWIMMING POOL AND ASSOCIATED RETAINING WALLS

Councillor Church identified that he had a less than significant non pecuniary interest in DA2017/01079 - 118 Church Street, The Hill stating that he resided in the suburb and advised he would remain in the Chamber for discussion on the item.

Ms Karen Bolden and Mr Stuart Shortland addressed Council in regards to opposing the Development Application.

Mr Barney Collins (EJE Architecture) and Mr Stephen Barr (Barr Property & Planning) representing the DA Applicants addressed Council in support of the Development Application.

MOTION
Moved by Cr Clausen, seconded by Cr Elliott

Council accept the briefings and reports provided to Council. Carried

The meeting concluded at 7.23pm
MINUTES - ORDINARY COUNCIL MEETING 28 NOVEMBER 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 171128 Ordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott (arrived 7.02pm), B Luke (retired 6.55pm), J Mackenzie, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE
J Bath (Interim 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), P Nelson (Manager Commercial Property), J Gaynor (Manager Strategic Planning), P Moore (Manager Facilities and Recreation), I Challis (Acting Manager Projects and Contracts), P McCarthy (Interim Manager Regulatory Services), K Arnott (Corporate Strategist), M Murray (Policy Officer), D Fischetti (Media Officer), B Johnson (Media Officer), K Sullivan (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr White

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke
Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 117 - Executive Monthly Performance Report as it included the re-investment Surplus Funds Report which mentions multiple financial institutions and many financial institutions that he had dealings with in his business. The declaration is less than significant as he noted he was not involved in determining where funds are invested and was just receiving a report.
Councillor Clausen
Councillor Clausen declared a non-pecuniary less than significant interest in Item 131 - Harriet Street and Christo Road Waratah - Adoption of Amendment to Newcastle Local Environment Plan 2012 stating that he lived approximately 100 metres from the rezoning site but outside of the area. Councillor Clausen stated he did not see a perceived conflict of interest in respect to matter.

Councillor Clausen
Councillor Clausen declared a non-significant pecuniary interest in Notice of Motion Item 34 - Sewerage Services for Hexham stating that the item related to his employer and he would leave the Chamber for discussion on the item.

Councillor Clausen
Councillor Clausen declared a non-significant pecuniary interest in Item 124 - Fort Wallace Stockton - Endorsement of Amendment to Newcastle LEP 2012 and DCP 2012 stating that the item related to his employer and he would leave the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - EXTRAORDINARY PUBLIC VOICE COMMITTEE 18 OCTOBER 2017
MINUTES - ORDINARY COUNCIL MEETING 24 OCTOBER 2017

MOTION
Moved by Cr Clausen, seconded by Cr Duncan

The draft minutes as circulated be taken as read and confirmed subject to the minutes of the Ordinary Council Meeting 24 October 2017 with respect to Item 104 - Appointment of Councillor Representatives to External Committees being amended to read:

The motion be dealt with seriatim as Parts A and B. Part A to deal with all committees including excluding the Hunter Water Corporation Forum and Part B to deal with the appointment to the Hunter Water Corporation Forum to be dealt with separately due to Councillor Clausen’s conflict of interest.

Carried

PRESENTATION

The Lord Mayor presented the Virgin Australia Supercars Championship Fans’ Choice Award - Best Event: Coates Hire Newcastle 500 to Newcastle City Council which was awarded at the Virgin Australia Supercars Gala Dinner held Monday 27 November 2017.
ITEM-18  LMM 28/11/17 - ARMISTICE CENTENARY GRANTS PROGRAM

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1 Notes that the Federal Government is currently seeking Expressions of Interest for applications for the Armistice Centenary Grants Program (ACGP);
2 Notes that the ACGP is a one-off grants program providing grants of between $3,000 to $50,000 for local community-based projects and activities that commemorate the end of the First World War;
3 Submits an Expression of Interests for the Armistice Centenary Grants Program to the Federal Member for Newcastle, Sharon Claydon MP, for review by the Newcastle Community Reference Panel by Wednesday, 13 December 2017.

Carried unanimously

ITEM-19  LMM 28/11/17 - INDIGENOUS PROCUREMENT POLICY (IPP)

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1 Notes that the Federal Government has introduced an Indigenous Procurement Policy (IPP), which includes a target that 3 per cent of Commonwealth contracts be awarded to Indigenous businesses - reflecting that Indigenous Australians are 3 per cent of the Australian population;
2 Notes that Minister for Indigenous Affairs, Senator the Hon. Nigel Scullion, advises Council that the IPP has so far exceeded Federal Government expectations, resulting in 956 Indigenous businesses around the country winning $594 million in Commonwealth contracts;
3 Recognises that local government, as with all levels of government, has an important role to play in ensuring that policies are in place to provide more opportunities and better outcomes for Aboriginal and Torres Strait Islander Australians;
4 Notes The City of Newcastle’s ongoing commitment to Aboriginal and Torres Strait Islander Peoples, first adopted in April 1998, including a formal commitment of Council to reconciliation;
ITEM-20 LMM 28/11/17 - NATIONAL PARTNERSHIP AGREEMENT ON NATIONAL DISASTER RESILIENCE FUNDING FOR WALLSEND

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1. Notes that the National Partnership Agreement on National Disaster Resilience, a joint partnership of the State and Federal Governments, has announced an additional $1.7 million in funding for NSW councils to better understand and manage their flood risks;
2. Notes that while Council has already undertaken substantial work to better understand and manage flooding at Wallsend, flood mitigation infrastructure is required to better protect the Wallsend CBD;
3. Applies for funding under the National Partnership Agreement on National Disaster Resilience, aimed at further addressing flooding issues at Wallsend.

Carried unanimously

ITEM-21 LMM 28/11/17 - DRAFT GREATER NEWCASTLE FUTURE TRANSPORT PLAN

MOTION
Moved by Lord Mayor, Cr Nelmes

Council

1. Notes that on 21 November 2017, the NSW Government released the Draft Greater Newcastle Future Transport Plan (Attachment A), with the aim of providing a detailed plan for all forms of transport in Greater Newcastle, including public transport and active transport in the Lower Hunter. The Plan is a supplementary document to the Government’s Draft Future Transport Strategy 2056 and provides the overarching strategic transport network and vision that will guide transport planning for the Greater Newcastle area;
2. Prepares a submission, on the Draft Greater Newcastle Future Transport Plan, for approval by the LM and CEO, in line with Council’s adopted vision, policies and strategies. A copy of the submission to be provided to all Councillors;
3 Invites the Newcastle Coordinator General to provide Councillors with a briefing in February 2018 on the draft Plan, as well as updates on current major RMS projects including the M1 to Pacific Highway link, and the final stage of the Newcastle Inner City Bypass.

Carried unanimously

ITEM-22 LMM 28/11/17 - NEWCASTLE CITY COUNCIL DOMESTIC VIOLENCE DISCUSSION PAPER

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1 Notes that Saturday, 25 November 2017, marked White Ribbon Day, and International Day for the Elimination of Violence Against Women, a day to raise awareness about the prevention of domestic violence and to commit to eradicating violence against women;
2 Notes that following significant employee engagement, addressing domestic violence in our community has also been identified by Newcastle City Council staff as an issue of great importance;
3 Integrates staff support for raising awareness about the prevention of domestic violence into Council’s new Community Impact Program;
4 Notes and supports Council’s charity partner Got Your Back Sista, for Council’s Supercars VIP event on White Ribbon Day, aimed at further reinforcing Council’s support for the eradication of violence against women and raising the profile of local DV charities;
5 Develops a Newcastle City Council Domestic Violence discussion paper, exploring options for Newcastle City Council to continue to take a leadership role in local government and the community, while addressing both community concerns, and measures to support Newcastle City Council staff who are experiencing family and domestic violence;
6 Newcastle City Council takes a zero tolerance public stance against family and domestic violence in all its forms, and seeks to become a White Ribbon Accredited City alongside the Cities of Sydney, Melbourne, Blacktown, Cardinia, Dandenong, Surf Coast, Bass Coast and Mildura;
7 Notes council’s current rates hardship programs and explores options to better extend availability to those suffering as a result of family and domestic violence.

PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Rufo

The motion be dealt with seriatim:
- Parts 1 to 3 and 5 to 7; and
- Part 4

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

Carried unanimously

REPORTS BY COUNCIL OFFICERS

ITEM-118 CCL 28/11/17 - QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2017

MOTION
Moved by Cr Clausen, seconded by Cr Mackenzie

Council receives the September Quarterly Budget Review Statement (Attachment A) and adopts the revised budget as detailed therein.  

Carried

ITEM-120 CCL 28/11/17 - CROWN LAND MANAGEMENT IN THE NEWCASTLE LOCAL GOVERNMENT AREA

MOTION
Moved by Cr Clausen, seconded by Cr White

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.

Carried

ITEM-122 CCL 28/11/17 - ADOPTION OF WICKHAM LOCAL AREA TRAFFIC MANAGEMENT PLAN

MOTION
Moved by Cr Mackenzie, seconded by Cr Dunn

Council resolves to adopt the Wickham Local Area Traffic Management Plan Study.  

Carried

ITEM-127 CCL 28/11/17 - REVIEW COMMUNITY ASSETS AND OPEN SPACE POLICY

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

Council adopt the draft Community Assets and Open Space Policy in Attachment A.  

Carried

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


Carried

ITEM-132 CCL 28/11/17 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE, CAR PARK EASTERN SIDE QUEENS WHARF, WHARF ROAD

MOTION
Moved by Cr Dunn, seconded by Cr Duncan

Council approve the temporary suspension of the Alcohol Free Zone for the car park adjacent to the eastern side of Queens Wharf, Wharf Road Newcastle from 6am Sunday 31 December 2017 to 1am Monday 1 January 2018 for the purpose of staging Newcastle City Council's New Year's Eve event. This suspension is subject to Council's Events Management Team meeting all requirements of the Newcastle Local Area Command (LAC) and Council.

Carried

ITEM-117 CCL 28/11/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - OCTOBER 2017

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

The report be received.

Carried

ITEM-119 CCL 28/11/17 - ENDORSEMENT OF 2016/17 ANNUAL REPORT

The Interim Director Corporate Services circulated an all Councillor memo in respect of Item 119 - Endorsement of 2016/17 Annual Report. An omission had been identified in that additional wording was required at page 72 on the Attachment to the Council report, reference Council Officer Overseas Visits. The additional wording was to state 'during the 2017/17 financial year one Council Officer undertook an overseas visit as part of their Council duties.'
MOTION
Moved by Cr Clausen, seconded by Cr Dunn

That Council endorses Newcastle City Council's 2016/17 Annual Report in respect of the year ended 30 June 2017 and notes that it will be submitted to the NSW Minister for Local Government by 30 November 2017, as amended below:

- the inclusion of additional wording outlined in the all Councillor memo circulated 28 November 2017 to state that ‘during the 2017/17 financial year one Council Officer undertook an overseas visit as part of their Council duties’, page 72 of the Attachment, reference Council Officer Overseas Visits.
- the inclusion of a major contract omitted from the Contracts table outlined in the email circulated.

Councillor Luke stated that with the exception of the information provided in the all Councillor memo he was unaware of the major contract being referred to by Councillor Clausen.

The Interim Chief Executive Officer advised that a copy of the information contained in the email sent to Councillor Clausen would be circulated to Councillors at the meeting.

PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Rufo

Item 119 - Endorsement of 2016/17 Annual Report be moved to the end of the agenda report items to enable the distribution of the required information. Carried

ITEM-121 CCL 28/11/17 - LAMBTON POOL REFURBISHMENT AND UPGRADE

MOTION
Moved by Cr Rufo, seconded by Cr Church

1 Council continue developing planning for a staged approach to the redevelopment and upgrade of Lambton Pool and allocate funding in the 2019 financial year to undertake the first stage.

2 Council continue discussions with Venues NSW regarding aquatic opportunities in the planning for the Hunter Sports and Entertainment Precinct.

Councillor Clausen gave notice of a foreshadowed motion that being the recommendation in the Officer's report as outlined in the Business Papers.

Councillor Rufo moved a point of order.

The Lord Mayor did not uphold the point of order.
The motion moved by Councillor Rufo and seconded by Councillor Church was put to the meeting.

**Defeated**

**MOTION**
Moved by Cr Clausen, seconded by Cr Dunn

1. Council continue developing planning for a staged approach to the redevelopment and upgrade of Lambton Pool.

2. Council continue discussions with Venues NSW regarding aquatic opportunities in the planning for the Hunter Sports and Entertainment Precinct.

Councillor Clausen spoke in support of the motion.

Councillor Luke raised a point of order.

The Lord Mayor did not uphold the point of order.

**PROCEDURAL MOTION**
Moved by Cr Luke, seconded by Cr Rufo

Move dissent against the Lord Mayor's ruling.

**Defeated**

Councillor Dunn then moved a point of order.

The Lord Mayor upheld the point of order.

Councillor Luke sought clarification on Councillor Dunn's point of order. The Lord Mayor requested Councillor Luke to take his seat. The Lord Mayor restated that she was upholding Councillor Dunn's point of order. Councillor Luke pursued clarification of the point of order. The Lord Mayor ruled that Councillor Luke had committed an act of disorder and directed Councillor Luke to leave the meeting.

**PROCEDURAL MOTION**
Moved by Cr Luke, seconded by Cr Rufo

Move dissent against the Lord Mayor's ruling.

**For the Procedural Motion:** Councillors Church, Luke and Rufo.

**Against the Procedural Motion:** Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz.

**Defeated**

Councillor Luke left the meeting at 6.57pm.
The motion moved by Councillor Clausen and seconded by Councillor Dunn was put to the meeting.

Carried

ITEM-123 CCL 28/11/17 - ADOPTION OF DRAFT WICKHAM MASTER PLAN

MOTION
Moved by Cr Mackenzie, seconded by Cr White

Council resolves to adopt the Wickham Master Plan as per Attachment A. Carried unanimously

ITEM-124 CCL 28/11/17 - FORT WALLACE STOCKTON - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012 AND DCP 2012

Councillor Clausen left the Chamber for discussion on the item.

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

Council resolves to:

i) Endorse the Fort Wallace Planning Proposal, prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to enable the site to be used for residential and recreational purposes and protection or enhancement of the natural environment and heritage at the Fort Wallace site, 338 Fullerton Street, Stockton.

ii) Forward the planning proposal to the Minister for Planning for Gateway determination pursuant to Section 56 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) Consult with the community and relevant government agencies as instructed by the Gateway determination.

v) Place draft Section 6.14 Fort Wallace, Stockton of the DCP on public exhibition for a minimum period of 28 days, concurrently with the planning proposal.

vi) Receive a report back on the planning proposal and draft DCP guidelines as per the requirements of Section 57 of the EP&A Act.
For the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Church, Duncan, Dunn, Elliott, Mackenzie, Rufo, White and Winney-Baartz.

Against the Motion: Nil.

Carried

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

ITEM-125 CCL 28/11/17 - ADOPTION OF AMENDMENT TO SECTION 4.04 - SAFETY AND SECURITY OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr Mackenzie, seconded by Cr White

Council adopts the amended Section 4.04 Safety and Security of the Newcastle Development Control Plan 2012.

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

Against the Motion: Nil.

Carried

ITEM-126 CCL 28/11/17 - REVIEW OF YOUTH WEEK GRANT POLICY

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

Council adopts the revised Youth Week Grant Policy (2017) as provided in Attachment A.

Carried

ITEM-129 CCL 28/11/17 - PUBLIC EXHIBITION OF DRAFT WEST END STAGE ONE - PUBLIC DOMAIN PLAN

MOTION
Moved by Cr White, seconded by Cr Church

Council approves release of the Draft West End Stage One - Public Domain Plan as outlined in Attachment A for community consultation for 8 weeks.
ITEM-130 CCL 28/11/17 - SUBMISSION ON VENUES NSW HUNTER SPORTS AND ENTERTAINMENT PRECINCT CONCEPT PLAN

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

Council endorses the draft Submission on Venues NSW Hunter Sports and Entertainment Precinct Concept Plan for lodgment with Venues NSW with the following modification.

Paragraph 7, Regional Aquatic Venue, to be replaced with:

“The Plan indicates potential provision of a Regional Aquatic Venue. Council presently owns Lambton Pool, located approximately 1.2 kilometers west of the Hunter Stadium Precinct. At 50 years of age, Lambton Pool is in need of significance maintenance and upgrades, and Council is presently preparing detailed design for staged upgrades valued at approximately $30 million. With approximately 200,000 visitors annually, Lambton Pool is the Greater Newcastle region’s most well used aquatic facility.

Council embraces the opportunity to work with Venues NSW to consolidate a new aquatic facility within the Hunter Sports and Entertainment Precinct, noting that Newcastle ratepayers supported ‘improving our swimming pools’ as a high priority for Council’s 2012 Special Rates Variation. Council’s support for this proposal extends to financial partnership, noting however that Council will incur costs in modifying the use of Lambton Pool should a new regional venue be delivered at Broadmeadow.”

Paragraph 9, Connectivity, to be replaced with:

“The Plan presents an opportunity to improve pedestrian and cycle connectivity throughout the site, particularly through provision of crossing points over the EW drainage channel and linkages connecting the various plan precincts. Ausplay data from 2016 indicate cycling and walking are in the top five activities for adults.

Council reiterates its Connecting Newcastle vision, including its support for the provision of a light rail connection connecting Newcastle to Broadmeadow. This vision has been endorsed by Transport for NSW’s Draft Greater Newcastle Future Transport Plan (released Tuesday 21 November) which highlights the Newcastle Interchange/City Centre to Broadmeadow transport link as being a priority corridor for investigation.
In November 2017, Council commenced a park-and-ride service from McDonald Jones Stadium to the City Centre in partnership with the Hunter Development Corporation and transport provider Keolis Downer. While the scheme has only recently commenced, take up has been high, and return visitation strong, highlighting the significant demand for transport between this precinct and employment in the city centre. Council encourages Venues NSW to proactively seek transport connectivity as a key component of delivery of its Concept Plan.”

Carried

ITEM-131 CCL 28/11/17 - HARRIET STREET AND CHRISTO ROAD WARATAH - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Dunn, seconded by Cr Mackenzie

Council resolves to:

i) Endorse the Planning Proposal - Harriet Street and Christo Road Waratah, prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle Local Environmental Plan 2012 (LEP) for land at 58-60 Harriet Street and 115 Christo Road, Waratah as follows:

a) Amend the Land Zoning Map to rezone the land from R2 Low Density Residential to R3 Medium Density Residential.

b) Amend the Floor Space Ratio (FSR) map to amend floor space ratio for the subject sites from 0.75:1 to 0.9:1.

c) Amending the Height of Buildings map by amending the maximum permitted height for the subject sites from 8.5m to 11m.

ii) Forward the Planning Proposal to the Minister for Planning to be prepared and make pursuant to Section 56 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.

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

Against the Motion: Nil.

Carried
CITY OF NEWCASTLE

Ordinary Council Meeting 12 December 2017

ITEM-119 CCL 28/11/17 - ENDORSEMENT OF 2016/17 ANNUAL REPORT

Council returned to the item at approximately 7.30pm.

Councillor Clausen restated the motion.

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

That Council endorses Newcastle City Council's 2016/17 Annual Report in respect of the year ended 30 June 2017 and notes that it will be submitted to the NSW Minister for Local Government by 30 November 2017 as amended below:

- the inclusion of additional wording outlined in the all Councillor memo circulated 28 November 2017 to state that 'during the 2017/17 financial year one Council Officer undertook an overseas visit as part of their Council duties', page 72 of the Attachment, reference Council Officer Overseas Visits.
- Venue Management Services who provide the City Hall catering be included in the table of contractors, page 73 of the Attachment.

In regard to the City Hall catering contract, the Lord Mayor noted the contract value at $1.2 million and enquired as to the reason the contract did not come before the elected Council.

The Interim Chief Executive Officer stated that he would take the question on notice.

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

Carried

NOTICES OF MOTION

ITEM-32 NOM 28/11/17 - THIS WAY HOME PROJECT

MOTION
Moved by Cr Mackenzie, seconded by Cr White

That Council
- Affirms our role in addressing homelessness in Newcastle as predominantly regulatory, through the provision of strategic advocacy and participation in multi-agency partnerships, as outlined in The City of Newcastle: Social Strategy 2016 – 2019; and
- Notes the ongoing innovation and continuing success of the This Way Home Project as an exemplary multi-partnership model for breaking the cycle of chronic homelessness, and especially the contribution of Council and the partner organisations to that continuing success.
- Continue to seek similar opportunities to address homelessness in Newcastle through our Social Strategy and our commitment to affordable living.

Carried unanimously
ITEM-33 NOM 28/11/17 - ISLINGTON PARK WASHROOM AMENITIES

MOTION
Moved by Cr White, seconded by Cr Byrne

That
1 Council conduct a stocktake of the current washroom amenities signage and information panels currently installed in Islington Park with a view to determining whether the current signage/information panels contain the appropriate/relevant level of detail regarding the amenities available within the park.

2 Council based upon the outcome stocktake update any existing panels and signage to include details of the washroom amenities available within the park area (including opening times).

3 Council dependent on the stocktake outcome, install additional information panels and signage at and close to the children's playground informing park users of the available washroom amenities (including opening times) within the parks areas.

4 Council investigate the ability to bring forward works already identified as priority for the park to ensure the current amenities building are accessible for all users.

Carried unanimously

ITEM-34 NOM 28/11/17 - SEWERAGE SERVICES FOR HEXHAM

Councillor Clausen left the Chamber for discussion on the item.

MOTION
Moved by Cr Dunn, seconded by Cr Byrne

That Council:
1 Reiterates its support for the delivery of backlog sewerage services to the township of Hexham based on its proximity to the Hunter River and RAMSAR listed SEPP14 Wetlands, and the significant risk posed from sewage contamination to these water bodies.

2 Delegates authority to the Interim CEO to make a submission to the Independent Pricing and Regulatory Tribunal (IPART)’s Review of developer charges and backlog sewerage charges for metropolitan water agencies and that Councillors be given an opportunity to make comment on the draft submission.

3 Works in partnership with the community and relevant state agencies including the NSW Health, EPA, IPART and Hunter Water to advance the delivery of backlog sewer services to Hexham.

Carried unanimously
ITEM-35 NOM 28/11/17 - RETENTION OF THE STORE FAÇADE IN NEWCASTLE BUS INTERCHANGE

MOTION
Moved by Cr Mackenzie, seconded by Cr Elliott

In relation to the Newcastle Bus Interchange Review of Environmental Factors (REF) and the Review of Submissions, completed by Transport for NSW, that Council:

- Acknowledges that the construction and operation of a new bus interchange adjacent to Newcastle Interchange at Wickham (the proposal) will have an impact that is not minor or inconsequential on a listed local heritage item under the Newcastle Local Environment Plan – namely the Former Newcastle Cooperative Store (‘the Store’);
- Advises Transport for NSW that the current proposal does not meet best practice heritage conservation and protection for listed local heritage items;
- Requests that the façade of the Store be retained and incorporated into future design options for the site;
- Requests that HDC undertake and provide to Council an independent peer review of the heritage assessment for the Store building; and
- Commits to pursue appropriate protection of that heritage item through formal consultation with Transport for NSW as per State Environmental Planning Policy (Infrastructure) 2007.

Councillor Clausen gave notice of a foreshadowed motion that being the Officers recommendation as outlined in the Director's comment.

The motion moved by Councillor Mackenzie and seconded by Councillor Elliott was put to the meeting:

For the Motion: Councillors Elliott and Mackenzie.

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

Defeated

MOTION
Moved by Cr Clausen, seconded by Cr White

1 Council request TfNSW to provide a workshop to Councillors on The Store's SoHI and proposed mitigation measures and;

2 Council commits to pursue appropriate recognition of The Store building through formal consultation with TfNSW as per State Environmental Planning Policy (Infrastructure) 2007.

Carried
CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Dunn, seconded by Cr Duncan

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

Carried

Council resolved into confidential session at 8.39pm and reconvened at 9.00pm. The Interim Chief Executive Officer then reported the resolutions of confidential session.

ITEM-13 CON 28/11/17 - QUEENS WHARF TOWER

MOTION
Moved by Cr Dunn, seconded by Cr Duncan

A Council approve the demolition of the Queens Wharf Tower and link-bridge.

B Confidentiality be lifted on the report.

Carried

ITEM-14 CON 28/11/17 - CONFIDENTIAL PROPERTY MATTER - LOT 374 DP 755247

MOTION
Moved by Cr Clausen, seconded by Cr Mackenzie

i) Subject to land reclassification and amendment of the Newcastle Local Environmental Plan 2012 zoning to SP2 Infrastructure - Health Services Facility, Council endorses a direct sale of Lot 374 DP 755247 to LCM Calvary Health Care Holdings Limited for the agreed valuation amount. If the property is sold by expression of interest, only offers within 10% of the agreed Valuation will be considered.

ii) Authority is granted to the Interim Chief Executive Officer or delegated officer to execute all relevant documentation to effect the transaction.

iii) Net proceeds of the sale are to be credited to the Land and Property Reserve and allocated in accordance with the related Council resolution of 22 November 2016.

iv) Confidentiality is to remain on this item until after the sale contract has been settled.

Carried unanimously
ITEM-15 CON 28/11/17 - CONFIDENTIAL PROPERTY REPORT - 685-687 HUNTER STREET NEWCASTLE

MOTION
Moved by Cr Dunn, seconded by Cr Mackenzie

1 Council resolves to acquire part of Lot 1 DP 593753 as identified in the draft subdivision concept plan for an amount that is within 10% of the Valuation referred to in this report on the terms outlined in this confidential report.

2 Delegates to the Interim Chief Executive Officer authority to execute all relevant documentation to effect the transaction.

3 To publicly notify the proposal to classify the acquired land as Operational Land in accordance with section 34 of the Local Government Act 1993.

4 If no public submissions are received objecting to the classification proposal the property is classified as Operational.

5 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 finalisation of the transaction.

Carried unanimously

Councillor Dunn declared a non-pecuniary interest in Notice of Motion Item 34 - Sewerage Services for Hexham stating that he was a Director of the Hexham Bowling Club and did not receive any remuneration for the position.

The meeting concluded at 9.04pm.
REPORTS BY COUNCIL OFFICERS

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

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

PURPOSE
For Council to adopt a meeting cycle for 2018.

RECOMMENDATION

1. That Council:

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

(a) For the period February 2018 to November 2018:

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

(b) For December 2018:

<table>
<thead>
<tr>
<th>Week</th>
<th>Day</th>
<th>Activities</th>
</tr>
</thead>
</table>
| 1    | Tuesday (4 December 2018) | Committee Meetings (as required):  
|      |       | • Public Voice Committee  
|      |       | • Briefings Committee  
|      |       | • Development Applications Committee |
| 2    | Tuesday (11 December 2018) | Ordinary Council Meeting |
| 3    | Tuesday (18 December 2018) | No scheduled meetings |
| 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.

KEY ISSUES

3 Section 365 of the Local Government Act 1993 (NSW) (Act) provides that Council must meet at least ten times per year, with each meeting being in a different month. The recommended meeting schedule at Paragraph 1 is consistent with section 365 of the Act.

4 It is anticipated that the following advisory committees will determine their 2018 meeting schedules in early 2018, at which time Council will receive a report noting the schedules of:

   i) the Coastal Revitalisation Consultative Committee
   ii) the Environmental Advisory Committee
   iii) the Guraki Aboriginal Advisory Committee
   iv) the Newcastle Cycling Working Party
   v) the Newcastle Floodplain Management Committee
   vi) the Newcastle Youth Council Committee.

FINANCIAL IMPACT

5 The 2017/18 budget for Council meetings has been allocated on the basis of the recommended meeting schedule.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

7 In accordance with the requirements in the Act, Council advertises the meeting dates and times in the Newcastle Herald and on Council’s website on a regular, monthly basis.

RISK ASSESSMENT AND MITIGATION

8 The recommended meeting schedule at Paragraph 1 is consistent with the Act and Council’s Code of Meeting Practice.

RELATED PREVIOUS DECISIONS

9 On 22 November 2016 Council endorsed the Council meeting schedule for 2017.

CONSULTATION

N/A.

OPTIONS

Option 1

The recommendation as at Paragraph 1. This is the recommended option as it is consistent with Council’s previous meeting cycles and provides Council with a balanced, consistent workload.

Option 2

Any alternative meeting schedule proposal for 2018 put forward by Councillors provided that it allows for ten council meetings, with each meeting being in a different month. This is not the recommended option and any significant change to the proposed meeting cycle would need to be considered in light of resourcing requirements.

BACKGROUND

NA.

REFERENCES

ATTACHMENTS

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

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

PURPOSE

For the Interim Chief Executive Officer (ICEO) to table the pecuniary interest returns received from designated persons between 1 August 2017 and 31 October 2017.

RECOMMENDATION

1 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.

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; and
   (c) 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 ICEO 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 Not applicable.

RELATED PREVIOUS DECISIONS
11 Pecuniary interest returns were last tabled at Council’s meeting on 24 October 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-135  CCL 12/12/17 - ADOPTION OF FEES FOR LORD MAYOR AND COUNCILLORS

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

PURPOSE

To determine the fees payable to the Lord Mayor and Councillors for the period 1 January 2018 to 30 June 2021.

RECOMMENDATION

1 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.

KEY ISSUES

2 The Local Government Remuneration Tribunal (Tribunal) releases an Annual Report and Determination for fees paid to Councillors and Mayors each year. A copy of the Local Government Remuneration Tribunal - Annual Report and Determination for fees (12 April 2017) is at Attachment A.

3 Setting the fees payable to the Lord Mayor and Councillors for the remainder of the Council term provides for greater efficiency and administration.

FINANCIAL IMPACT

4 The 2017/18 budget provides for the recommended fee payments and future budgets will be allocated accordingly.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

6 Nil.

RISK ASSESSMENT AND MITIGATION

7 Council must determine the fees payable to the Lord Mayor and Councillors within the range specified by the Local Government Remuneration Tribunal.
RELATED PREVIOUS DECISIONS

8 On 27 June 2017, resolved:

An increase of 0% to the annual fees payable to the Lord Mayor in accordance with s. 249(1) of the Local Government Act 1993.

An increase of 0% to the annual fees payable to Councillors in accordance with s. 248(1) of the Act.

To reallocate the budgeted 2.5% increase towards expediting the delivery of the Wallsend Public Domain Plan including the replacement of Tyrrell, Boscawen and Nelson Street Bridges.

Council write to the Premier, Minister for Local Government, Leader of the Opposition, Shadow Minister for Local Government and Local Government NSW requesting amendment of Division 5 of the Local Government Act to remove the pecuniary conflict of interest whereby Councillors are required to vote on their own allowances.

9 The Acting Chief Executive from the Office of Local Government has provided the following response to Council's letter:

In relation to Council's concern about the Lord Mayor and councillors having a pecuniary interest in the setting of their annual fees, I can advise that the Act currently addresses this. Section 448(k) of the Act provides that an interest relating to the payment of fees to councillors (including the mayor and deputy mayor) is one that does not have to be disclosed.

Ultimately, the fee scales are determined independently of councils by the Tribunal and councils are simply fixing the fees payable to their mayors and councillors in accordance with the Tribunal's determinations.

10 At the Ordinary Council Meeting held on 28 June 2016 Council adopted:

(i) an increase of 2.5% to the annual fees payable to the Lord Mayor in accordance with s. 249(1) of the Local Government Act 1993 (Act);
(ii) an increase of 2.5% to the annual fees payable to Councillors in accordance with s. 248(1) of the Act;
(iii) the payment to the Lord Mayor of the increased annual fee payable to the mayor as provided for in accordance with s. 249(1) of the Act and the payment to the Lord Mayor of the increased annual fee payable to Councillors in accordance with 248(1) of the Act, as provided for in s. 249(2) of the Act; and
(iv) the payment in the increased annual fees to the Lord Mayor and the Councillors be effective from the first full pay period in the 2016/17 financial year.
11 At the Ordinary Council Meeting held on 26 May 2015 Council adopted a 0% increase to annual Councillor fees for the 2015/16 financial year. The Council resolved that a report be prepared for presentation to Council to reallocate the 3% budgeted for Councillor fees to develop a Wallsend Town Centre Masterplan, including but not limited to:

- Pedestrian and footpath upgrades;
- Façade improvement scheme; and
- Road and bridge works.

12 At the Ordinary Council Meeting held on 24 June 2014 Council adopted a 2.5% increase to annual Councillor fees for the 2014/15 financial year.

CONSULTATION

13 N/A.

OPTIONS

Option 1

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

Option 2

15 Council determines not to determine the fees payable to the Lord Mayor and Councillors for the balance of the Council term. This is not the recommended option as a report will need to be presented each year.

BACKGROUND

16 Council has the power, under s. 248 and 249 of the Act, to fix an annual fee for Councillors and the Lord Mayor in accordance with a range determined by the Local Government Remuneration Tribunal. In accordance with s. 249 (2), the annual fee payable to the Lord Mayor is in addition to the fee payable to the Lord Mayor as a Councillor.

17 The history of Lord Mayor/Councillor annual fee increases for the last seven years is set out below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Lord Mayor Fee ($)</th>
<th>Councillor Fee ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/17</td>
<td>76,397</td>
<td>26,213</td>
</tr>
<tr>
<td>2015/16</td>
<td>74,534</td>
<td>25,574</td>
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<tr>
<td>2014/15</td>
<td>74,534</td>
<td>25,574</td>
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<tr>
<td>2013/14</td>
<td>72,716</td>
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<td>2012/13</td>
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<td>24,950</td>
</tr>
<tr>
<td>2011/12</td>
<td>70,942</td>
<td>24,341</td>
</tr>
<tr>
<td>2010/11</td>
<td>68,083</td>
<td>23,360</td>
</tr>
</tbody>
</table>
REFERENCES

ATTACHMENTS

Attachment A: Annual Report and Determination of the Local Government Remuneration Tribunal - April 2017
Local Government Remuneration Tribunal

Annual Report and Determination

Annual report and determination under sections 239 and 241 of the Local Government Act 1993

12 April 2017

NSW Remuneration Tribunals website
Local Government Remuneration Tribunal

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Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council’s economic influence and the degree of regional servicing.

In accordance with section 239 of the Local Government Act 1993 (LG Act) the categories of general purpose councils are determined as follows:

**Metropolitan**
- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

**Non-metropolitan**
- Regional City
- Regional Strategic Area
- Regional Rural
- Rural
Local Government Remuneration Tribunal

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

Fees

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government’s wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately $2.5M.
Local Government Remuneration Tribunal

Section 1  Introduction

1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.

3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

4. The Tribunal’s determinations take effect from 1 July in each year. The Tribunal’s Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government’s policy on wages.

5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

Section 2  Local Government Reform

Update on council amalgamations

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.

7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following
Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.

9. Detailed information on the reform process and progress to date can be found on the Fit for the Future and Stronger Councils websites.

10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

Amendments to the Local Government Act 1993

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government’s wages policy on a determination which may change the category of a council as follows:

242A  Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).

(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.
Local Government Remuneration Tribunal

Section 3  Review of Categories

Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.

14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

   "240 (1)
   
   - the size of areas
   - the physical terrain of areas
   - the population of areas and the distribution of the population
   - the nature and volume of business dealt with by each Council
   - the nature and extent of the development of areas
   - the diversity of communities served
   - the regional, national and international significance of the Council
   - such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government
   - such other matters as may be prescribed by the regulations."

16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.

17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council’s economic influence and the council’s degree of regional servicing.
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18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.

19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.

20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.

21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.

22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal’s preliminary view was that most of the existing categories should be retained but there
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should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

**Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

**Regional**

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to the revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

"**Metropolitan**

Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal’s preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.

**Non-metropolitan**

Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake
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Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.

County Councils

The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other.”

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

“The Tribunal’s 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act.”

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.

26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

Submissions received - categorisation

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

Categorisation

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.
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29. In respect to variations put forward in submissions, the LGNSW requested that the proposed “Major CBD” and “Metropolitan Major” be merged and called “Metropolitan Major” and an additional category be created called “Special/Interim”. The “Metropolitan Major” category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The “Special/Interim” category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.

30. Council submissions requested additional categories such as a “Metropolitan Growth Centre” or “Metropolitan Major – Growth Centre” for councils dealing with high growth; “Metropolitan Gateway” for councils that connect the regions to metropolitan areas; and “Peri-Urban” for councils that interface between urban and rural areas.

Criteria

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).

32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.

33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council’s business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.

34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.
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Findings - categorisation

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.

36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.

37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.

38. The revised model which will form the basis of this determination is as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria
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have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Noxious Weeds Act 1993.

Criteria for categories

The following criteria will apply to each of the categories:

<table>
<thead>
<tr>
<th>Principal CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney’s primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney’s sphere of economic influence is the greatest of any local government area in Australia.</td>
</tr>
<tr>
<td>The CBD is also host to some of the city’s most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city’s historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney’s hotels.</td>
</tr>
<tr>
<td>The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD’s importance as home to the country’s major business centres and public facilities of state and national importance. The Lord Mayor’s responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.</td>
</tr>
</tbody>
</table>
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Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As an secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding $200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.
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#### Metropolitan Medium
Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- Total operating revenue exceeding $100M per annum
- Services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- Industrial, commercial and residential centres and development corridors
- High population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

#### Metropolitan Small
Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- Total operating revenue less than $150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

#### Regional City
Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.
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Regional Strategic Area
Councillors categorised as Regional Strategic Area are differentiated from councillors in the Regional Rural category on the basis of their significant population. Councillors categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural
Councillors categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:
- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Rural
Councillors categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:
- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water
County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other
County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Noxious Weeds Act 1993.
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41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.

43. In determining the allocation of councils into these categories the Tribunal found that that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government’s key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

Section 4 Fees

Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.

45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by
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more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government’s wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).

(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.

47. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government’s wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per cent or by an unspecified amount (25 per cent of responses). Several submissions suggested an alternative fee model (11 per cent) or made other general comments (29 per cent). The balance of submissions did not express a view in respect to fees (36 per cent).
Local Government Remuneration Tribunal

49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.

50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

Findings - Fees

51. The Tribunal is required to have regard to the Government’s wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.

52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government’s policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.

54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.

55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at
Local Government Remuneration Tribunal

approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.

57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

Impact of fee increase and new categories

58. The majority of councils will receive an increase of 2.5 per cent only.

59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately $2.5M.

Section 5  Other matters

Fees for Deputy Mayors

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.

62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the
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LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

249  Fixing and payment of annual fees for the mayor
(1)  A council must pay the mayor an annual fee.
(2)  The annual fee must be paid in addition to the fee paid to the mayor as a councillor.
(3)  A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
(4)  A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
(5)  A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee."

Conclusion

63. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.

64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.

65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017
**Section 6  Determinations**

**Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017**

**Table 1:  General Purpose Councils - Metropolitan**

<table>
<thead>
<tr>
<th>Principal CBD (1)</th>
<th>Major CBD (1)</th>
</tr>
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<tbody>
<tr>
<td>Sydney</td>
<td>Parramatta</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Metropolitan Large (8)</th>
<th>Metropolitan Medium (9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blacktown</td>
<td>Bayside</td>
</tr>
<tr>
<td>Canterbury-Bankstown</td>
<td>Campbelltown</td>
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<tr>
<td>Cumberland</td>
<td>Georges River</td>
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<tr>
<td>Fairfield</td>
<td>Hornsby</td>
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<tr>
<td>Liverpool</td>
<td>Ku-ring-gai</td>
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<tr>
<td>Northern Beaches</td>
<td>Inner West</td>
</tr>
<tr>
<td>Penrith</td>
<td>Randwick</td>
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<td>Sutherland</td>
<td>Ryde</td>
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<td>The Hills</td>
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<table>
<thead>
<tr>
<th>Metropolitan Small (11)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burwood</td>
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<tr>
<td>Camden</td>
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<tr>
<td>Canada Bay</td>
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<td>Hunters Hill</td>
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<td>Lane Cove</td>
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<td>Mosman</td>
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<tr>
<td>North Sydney</td>
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<td>Strathfield</td>
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<td>Waverley</td>
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<tr>
<td>Willoughby</td>
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<td>Woollahra</td>
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</tbody>
</table>
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Table 2: General Purpose Councils – Non-Metropolitan

<table>
<thead>
<tr>
<th>Regional City (2)</th>
<th>Regional Strategic Area (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newcastle</td>
<td>Central Coast</td>
</tr>
<tr>
<td>Wollongong</td>
<td>Lake Macquarie</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Regional Rural (37)</th>
<th>Rural (57)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albury</td>
<td>Balarin</td>
</tr>
<tr>
<td>Armidale</td>
<td>Bellingen</td>
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<tr>
<td>Ballina</td>
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<td>Bathurst</td>
<td>Bland</td>
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<td>Bega</td>
<td>Blayney</td>
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<td>Blue Mountains</td>
<td>Bogan</td>
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<td>Broken Hill</td>
<td>Bourke</td>
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<td>Cessnock</td>
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<td>Coffs Harbour</td>
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<td>Dubbo</td>
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<td>Eurobodalla</td>
<td>Cobar</td>
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<td>Goulburn Mulwaree</td>
<td>Coolamon</td>
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<td>Griffith</td>
<td>Cooambele</td>
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<tr>
<td>Hawkesbury</td>
<td>Cootamundra-Gundagai</td>
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<td>Kempsey</td>
<td>Cowra</td>
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<td>Kiama</td>
<td>Dunigo</td>
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<td>Lismore</td>
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<tr>
<td>Lithgow</td>
<td>Federation</td>
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<tr>
<td>Maitland</td>
<td>Forbes</td>
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<td>Mid-Coast</td>
<td>Gilgandra</td>
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<td>Orange</td>
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<td>Gunnedah</td>
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<td>Snowy Monaro</td>
<td></td>
</tr>
<tr>
<td>Tamworth</td>
<td></td>
</tr>
<tr>
<td>Tweed</td>
<td></td>
</tr>
<tr>
<td>Wagga Wagga</td>
<td></td>
</tr>
<tr>
<td>Wingecarribee</td>
<td></td>
</tr>
<tr>
<td>Wollondilly</td>
<td></td>
</tr>
</tbody>
</table>
### Local Government Remuneration Tribunal

**Table 3: County Councils**

<table>
<thead>
<tr>
<th>Water (5)</th>
<th>Other (7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Tablelands</td>
<td>Castlereagh-Macquarie</td>
</tr>
<tr>
<td>Goldenfields Water</td>
<td>Central Murray</td>
</tr>
<tr>
<td>Mid-Coast</td>
<td>Hawkesbury River</td>
</tr>
<tr>
<td>Riverina Water</td>
<td>New England Tablelands</td>
</tr>
<tr>
<td>Rous</td>
<td>Southern Slopes</td>
</tr>
<tr>
<td></td>
<td>Upper Hunter</td>
</tr>
<tr>
<td></td>
<td>Upper Macquarie</td>
</tr>
</tbody>
</table>
Local Government Remuneration Tribunal

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

Table 4: Fees for General Purpose and County Councils

<table>
<thead>
<tr>
<th>Category</th>
<th>Councillor/Member Annual Fee</th>
<th>Mayor/Chairperson Additional Fee*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>General Purpose Councils - Metropolitan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal CBD</td>
<td>26,310</td>
<td>38,580</td>
</tr>
<tr>
<td>Major CBD</td>
<td>17,540</td>
<td>32,500</td>
</tr>
<tr>
<td>Metropolitan Large</td>
<td>17,540</td>
<td>28,950</td>
</tr>
<tr>
<td>Metropolitan Medium</td>
<td>13,150</td>
<td>24,550</td>
</tr>
<tr>
<td>Metropolitan Small</td>
<td>8,750</td>
<td>19,310</td>
</tr>
<tr>
<td>General Purpose Councils - Non-metropolitan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional City</td>
<td>17,540</td>
<td>30,500</td>
</tr>
<tr>
<td>Regional Strategic Area</td>
<td>17,540</td>
<td>28,950</td>
</tr>
<tr>
<td>Regional Rural</td>
<td>8,750</td>
<td>19,310</td>
</tr>
<tr>
<td>Rural</td>
<td>8,750</td>
<td>11,570</td>
</tr>
<tr>
<td>County Councils</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>1,740</td>
<td>9,650</td>
</tr>
<tr>
<td>Other</td>
<td>1,740</td>
<td>5,770</td>
</tr>
</tbody>
</table>

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang
Dated: 12 April 2017
ITEM-136 CCL 12/12/17 - CODE OF CONDUCT COMPLAINTS
STATISTICS REPORT

REPORT BY: OFFICE OF THE INTERIM CHIEF EXECUTIVE OFFICER
CONTACT: INTERIM CHIEF EXECUTIVE OFFICER / INTERIM
MANAGER LEGAL AND GOVERNANCE

PURPOSE

To report Council's annual Code of Conduct Complaints statistics for the period 1 September 2016 to 31 August 2017.

RECOMMENDATION

1 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.

KEY ISSUES

2 Clause 12.1 of the Office of Local Government's (OLG) Procedures for the Administration of the Code of Conduct (March 2013) (Model Procedures) requires the Complaints Coordinator (Manager Legal and Governance), within three months of the end of September of each year, to arrange for a report containing the following statistical information to be reported to the elected Council:

(a) the total number of Code of Conduct complaints made about Councillors and the CEO under the Code of Conduct in the year to September;

(b) the number of Code of Conduct complaints referred to a Conduct Reviewer;

(c) the number of Code of Conduct complaints finalised by a Conduct Reviewer at the preliminary assessment stage and the outcome of those complaints;

(d) the number of Code of Conduct complaints investigated by a Conduct Reviewer;

(e) the number of Code of Conduct complaints investigated by a Conduct Review Committee;

(f) without identifying particular matters, the outcome of Code of Conduct complaints investigated by a Conduct Reviewer or Conduct Review Committee under the Procedures for the administration of the Code of Conduct;
(g) the number of matters reviewed by the OLG and, without identifying particular matters, the outcome of those reviews; and

(h) the total cost of dealing with Code of Conduct complaints made about Councillors and the CEO in the year to September, including staff costs.

3 Clause 12.2 of the Model Procedures requires Council to lodge the same Report with the OLG within three months of the end of September of each year. However, the OLG has requested (by way of a Circular No 17-36) that councils lodge their reports by 30 November.

FINANCIAL IMPACT

4 The total cost of dealing with Code of Conduct complaints, including staff costs, for the period 1 September 2016 – 31 August 2017, was $85,503.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

6 Nil.

RISK ASSESSMENT AND MITIGATION

7 There is a risk to Council's reputation and public confidence in local government associated with Code of Conduct complaints and breaches of the Code of Conduct.

RELATED PREVIOUS DECISIONS

8 On 13 December 2016, Council noted the annual report on Code of Conduct complaints for the period 1 September 2015 to 31 August 2016.

CONSULTATION

9 Nil.

OPTIONS

Option 1

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

Option 2

11 Council does not receive and does not note the report. This is not the recommended option as Council has a legislative obligation to lodge the report with the OLG.
BACKGROUND

12 Nil.

REFERENCES

Circular No 17-36 / 9 November 2017 / A569234

ATTACHMENTS

### Office of Local Government

#### Model Code of Conduct

**Complaints Statistics**

**Reporting Period:** 1 September 2016 - 31 August 2017.

**Date Due:** 31 December 2017

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2017.

**Survey return email address:** codeofconduct@olg.nsw.gov.au

<table>
<thead>
<tr>
<th>Council Name</th>
<th>Newcastle City Council</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Contact Name</th>
<th>Emily Kolatchew</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Phone</td>
<td>(02) 4974 2143</td>
</tr>
<tr>
<td>Contact Position</td>
<td>Acting Manager Legal and Governance</td>
</tr>
<tr>
<td>Contact Email</td>
<td><a href="mailto:ekolatchew@ncc.nsw.gov.au">ekolatchew@ncc.nsw.gov.au</a></td>
</tr>
</tbody>
</table>

All responses to be numeric.

**Where there is a zero value, please enter 0.**

**Enquiries:**

Performance Team  
Office of Local Government  
Phone: (02) 4428 4100  
Enquiry email: olg@olg.nsw.gov.au
### Model Code of Conduct Complaints Statistics
**Newcastle City Council**

#### Number of Complaints

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a. The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>b. The total number of complaints finalised in the period about councillors and the GM under the code of conduct</td>
<td>12</td>
</tr>
</tbody>
</table>

#### Overview of Complaints and Cost

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>a. The number of complaints finalised at the outset by alternative means by the GM or Mayor</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>b. The number of complaints referred to the Office of Local Government under a special complaints management arrangement</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>c. The number of code of conduct complaints referred to a conduct reviewer</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>d. The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>e. The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>f. The number of finalised code of conduct complaints investigated by a conduct reviewer</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>g. The number of finalised code of conduct complaints investigated by a conduct review committee</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>h. The number of finalised complaints investigated where there was found to be no breach</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>i. The number of finalised complaints investigated where there was found to be a breach</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>j. The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>k. The number of complaints being investigated that are not yet finalised</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>l. The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs</td>
<td>85,503</td>
</tr>
</tbody>
</table>

* Due to staff not being ordinarily required to make a record of their time and due to a turnover in staff involved in dealing with Code of Conduct matters during the reporting period, the total costs are external reviewer's costs only and exclude Council staff costs.
### Preliminary Assessment Statistics

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:</td>
</tr>
<tr>
<td>a</td>
<td>To take no action</td>
</tr>
<tr>
<td>b</td>
<td>To resolve the complaint by alternative and appropriate strategies</td>
</tr>
<tr>
<td>c</td>
<td>To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies</td>
</tr>
<tr>
<td>d</td>
<td>To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police</td>
</tr>
<tr>
<td>e</td>
<td>To investigate the matter</td>
</tr>
<tr>
<td>f</td>
<td>To recommend that the complaints coordinator convene a conduct review committee to investigate the matter</td>
</tr>
</tbody>
</table>

### Investigation Statistics

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>The number of investigated complaints resulting in a determination that there was <strong>no breach</strong>, in which the following recommendations were made:</td>
</tr>
<tr>
<td>a</td>
<td>That the council revise its policies or procedures</td>
</tr>
<tr>
<td>b</td>
<td>That a person or persons undertake training or other education</td>
</tr>
<tr>
<td>5</td>
<td>The number of investigated complaints resulting in a determination that there was <strong>a breach</strong> in which the following recommendations were made:</td>
</tr>
<tr>
<td>a</td>
<td>That the council revise any of its policies or procedures</td>
</tr>
<tr>
<td>b</td>
<td>That the subject person undertake any training or other education relevant to the conduct giving rise to the breach</td>
</tr>
<tr>
<td>c</td>
<td>That the subject person be counselled for their conduct</td>
</tr>
<tr>
<td>d</td>
<td>That the subject person apologise to any person or organisation affected by the breach</td>
</tr>
<tr>
<td>e</td>
<td>That findings of inappropriate conduct be made public</td>
</tr>
<tr>
<td>f</td>
<td>In the case of a breach by the GM, that action be taken under the GM’s contract for the breach</td>
</tr>
<tr>
<td>g</td>
<td>In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993</td>
</tr>
<tr>
<td>h</td>
<td>In the case of a breach by a councillor, that the matter be referred to the Office for further action</td>
</tr>
<tr>
<td>6</td>
<td>Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures</td>
</tr>
</tbody>
</table>
### Categories of misconduct

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a General conduct (Part 3)</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>b Conflict of interest (Part 4)</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>c Personal benefit (Part 5)</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>d Relationship between council officials (Part 6)</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>e Access to information and resources (Part 7)</td>
<td>0</td>
</tr>
</tbody>
</table>

### Outcome of determinations

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office</td>
<td>0</td>
</tr>
</tbody>
</table>
ITEM-137  CCL 12/12/17 - ADOPTION OF THE OPEN AND TRANSPARENT GOVERNANCE STRATEGY

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

PURPOSE

To recommend that Council adopts the Open and Transparent Governance Strategy (Strategy) at Attachment A.

RECOMMENDATION

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

KEY ISSUES

2 The Strategy was publicly exhibited for the period 28 August - 23 October 2017.

3 Council received 10 submissions as set out at Attachment B during the exhibition period of which only five were considered relevant to the Strategy. A summary of the points raised in the relevant submissions and Council’s proposed actions in response are set out at Attachment C (see Table 1).

4 Council held a community workshop on 4 October 2017 to obtain feedback on the Strategy as set out at Attachment D. A summary of the discussions and points raised at the workshop is set out at Attachment B (see Table 2).

5 As noted in Table 1 at Attachment B, two amendments have been made to the Strategy in response to submissions received as a result of the public exhibition (the amendments are shown within the Strategy). Other minor wording changes are included to improve the clarity and flow of the document as well as remove all drafting notes to bring the document up to date.

6 The Strategy is a high-level document and as it is considered to be overarching it addresses all of the relevant submissions and feedback received.

FINANCIAL IMPACT

7 Additional staff resourcing may be required in implementing the Strategy.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Open and Collaborative Leadership.
IMPLEMENTATION PLAN/IMPLICATIONS

9 There is a body of work that will need to be undertaken as a result of the adoption of the Strategy. Aligning the Strategy with existing Council practices, particularly with respect to Public Voice, is anticipated to require the most significant policy change and resourcing.

RISK ASSESSMENT AND MITIGATION

10 The Strategy fills a gap within Council's Open and Collaborative Leadership strategic direction.

RELATED PREVIOUS DECISIONS

11 At the Ordinary Council Meeting held on 22 August 2017, Council resolved to place the draft Strategy on public exhibition for a period of 56 days.

12 At the Ordinary Council Meeting held on 26 June 2016, Council resolved to develop an Open and Transparent Governance Strategy.

CONSULTATION

13 The public exhibition period provided an opportunity for submissions to be made online and feedback to be given by way of a workshop consultation in respect of the Strategy. Details of the submissions and feedback are at Attachments B, C and D.

OPTIONS

Option 1

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

Option 2

15 Council does not adopt the recommendation as at Paragraph 1. This is not the recommended option.

BACKGROUND

16 N/A.

REFERENCES

ATTACHMENTS - Distributed under separate cover

Attachment A: Open and Transparent Governance Strategy
Attachment B: Survey responses
Attachment C: Summary of relevant submissions and feedback
Attachment D: Workshop report
ITEM-138  CCL 12/12/17 - ADOPTION OF INSTRUMENTS OF DELEGATION

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

PURPOSE

To adopt Instruments of Delegation to the Lord Mayor, Chief Executive Officer and Development Applications Committee.

RECOMMENDATION

1 That Council adopts
   (a) Instrument of Delegation to the Lord Mayor at Attachment A.
   (b) Instrument of Delegation to the Chief Executive Officer at Attachment B.
   (c) Instrument of Delegation to the Development Applications Committee at Attachment C.

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.

KEY ISSUES

3 Section 380 of the Local Government Act 1993 (NSW) (Act) requires Council to review all delegations during the first 12 months of each term of office.

4 The proposed Instrument of Delegation to the Lord Mayor is provided at Attachment A and includes a version with track changes for clarity and a final version immediately after:
   (a) removes the reference to section 379 of the Act as this relates to regulatory functions which do not form part of the Lord Mayor's delegations;
   (b) includes minor wording amendments and additions for greater consistency with the section 226 of the Act (refer to points 1 (a) and (b), 2 (a), (c) and (d) and 3 (a) of the Instrument of Delegation);
   (c) includes amendment to point 4 to provide for the Lord Mayor to negotiate and settle the offer of employment with the Chief Executive Officer including term and remuneration package;
   (d) includes an additional function relating to advising and providing strategic direction to ensure sound governance and accountability structures;
   (e) includes the function of settling performance plans and review in accordance with policy and performance review panel;
(f) includes an additional function providing for the Lord Mayor to waive fees and charges in accordance with Council's approved budget and pre-determined categories;

(g) deletes the function of 'discussing Council's legal position' as a specific delegation is not required for the function of 'discussing'. All Councillors may discuss matters with Council's senior managers;

(h) removes the reference to the requirement for a Council resolution to appoint an Acting Chief Executive Officer. If a Council resolution is required, the function is not a delegated function (refer point 4);

(i) amends point 6 for clarity in respect of the Lord Mayor's policy and decision making powers between meetings (pursuant to section 226 (d) of the Act) as well as decision making function during a Council recess period. The amendments provide for clarity in respect of the process for decisions made during a Council recess period, including:

(ii) all Councillors to be provided with reports or other business papers in a form similar to the form of reports or other business papers normally submitted to Council at least three business days prior to a decision being made;

(iii) Councillors have the opportunity to submit written objections and where written objections are received by three Councillors on any one item, the item will be deferred until the next relevant Committee meeting of Council; and

(iii) all decisions made during a recess period will be reported to the next meeting of Council.

(i) moving the paragraphs on interpretation to the end of the document and including 'Recess Period' as a defined term for certainty in respect of the exercise of delegations during such a period.

5 The proposed Instrument of Delegation to the Chief Executive Officer is provided at Attachment B and includes a version with track changes for clarity and a final version immediately after:

(a) amends the reference to include a reference to section 335 of the Act in addition to section 377 and provides for greater consistency with the Lord Mayor's Instrument of Delegation;

(b) includes a limit of $1m on staff awarding contracts where there has been a tender process pursuant to section 55(1) of the Local Government Act 1993;

(c) removes the limitation on approval of donations to charities, cultural and other organisations. A donations framework will be developed and presented to the elected Council in early 2018 to address sections 377 1(q) and 356 of the Act;

(d) removes the restriction on the Chief Executive Officer approving staff overseas travel;

(e) removes the need for the elected Council to approve the erection of a hoarding noting this is an operational issue;

(f) updates to clarify the sections relating to the exercise of functions of the Development Applications Committee during a recess period; and
(g) includes 'Recess Period' as a defined term consistent with the amendment to the Lord Mayor’s Instrument of Delegation as well as moving the paragraphs on interpretation to the end of the document.

6 The proposed instrument of Delegation to the Development Applications Committee (DAC) is provided at Attachment C and includes a version with track changes for clarity and a final version immediately after:

(a) removes point 1.3 as the drafting of it was legally challenged by the Land and Environment Court. The barrister who acted on behalf of Council in the particular matter considered point 1.3 to be ambiguous and not able to be easily interpreted without the need for detailed analysis. If applicants or objectors have any concerns with regards to a development application, it is open to them to contact a Councillor to facilitate the development application coming before Council; and

(b) amends the limitations to provide clarity around decision making during a recess period.

FINANCIAL IMPACT

7 N/A.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

9 The proposed Instrument of Delegations will become effective immediately, if adopted.

RISK ASSESSMENT AND MITIGATION

10 The proposed Instrument of Delegations to the Lord Mayor, Chief Executive Officer and Development Applications Committee comply with relevant legislation and allow for the functions of Council to be carried out in an effective and timely manner.

RELATED PREVIOUS DECISIONS

11 At the Ordinary Council Meeting held on 8 December 2015 Council adopted the current instrument of delegations to the Lord Mayor and Chief Executive Officer.

12 At the Ordinary Council Meeting held on 24 September 2013 Council adopted the current of instrument of delegation to the Development Applications Committee.
CONSULTATION

13 N/A.

OPTIONS

Option 1

14 The recommendations as at Paragraph 1 - 2. This is the recommended option.

Option 2

15 Council does not adopt the Instruments of Delegation to Lord Mayor, Chief Executive Officer or Development Applications Committee. This is not the recommended option because Council is required to review its delegations within 12 months.

BACKGROUND

16 The Act provides that Council can delegate any of the functions of Council except those detailed in section 377, which must be exercised by the elected Council.

17 In accordance with section 378 of the Act, the Chief Executive Officer sub-delegates functions to staff.

REFERENCES

ATTACHMENTS

Attachment A: Instrument of Delegation to the Lord Mayor dated 12 December 2017

Attachment B: Instrument of Delegation to the Interim Chief Executive Officer dated 12 December 2017

Attachment C: Instrument of Delegation to the Development Applications Committee dated 12 December 2017

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

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

PURPOSE

Council to:

(a) adopt the Code of Conduct and Procedures for the administration of the Code of Conduct (Council's Procedures); and
(b) adopt a new Panel of Conduct Reviewers.

RECOMMENDATION

1 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.

KEY ISSUES

2 Key Council policies are adopted by the elected Council each term. The proposed Code of Conduct and Council Procedures at Attachment A and B incorporate the current versions of the Office of Local Government's (OLG) Model Code of Conduct (Model Code) and Model Procedures for the administration of the Code of Conduct (Model Procedures) as required by sections 440(3) and 440AA(3) of the Local Government Act 1993 (Act).

3 Minor amendments to style and formatting have been made for consistency with Council's documents as well as:

   (a) updating terminology from the Division of Local Government to OLG;
   (b) inclusion of the use of the word 'elected Council' for clarity;
   (c) update from 'Council's charter' to 'Council's Principles' as a result of an amendment to the Act;
   (d) clarification that the term 'General Manager' refers to Council's Chief Executive Officer; and
   (e) the deletion of the definition for 'Committee' as it is duplicated.
4 Clauses 3.1 and 3.3 of the Model Procedures require Council to establish a panel of conduct reviewers (Conduct Review Panel) following an expression of interest process. Hunter Councils conducted an expression of interest process on behalf of all councils in the Hunter Region and at their board meeting held in August 2017 they adopted the Conduct Review Panel at Attachment C.

FINANCIAL IMPACT

5 Council’s Code of Conduct and Procedures (consistent with the Model Code and Procedures) provide that alleged breaches of the Code of Conduct which cannot be resolved by the Interim Chief Executive Officer or Lord Mayor by way of alternative means (such as counselling, training, mediation, informal discussion, negotiation or apology) must be referred to a Conduct Reviewer.

6 The cost to Council of an external Conduct Reviewer investigating and reporting on alleged breaches of the Code of Conduct depends on the nature and complexity of each complaint.

7 Council's adopted budget makes provisions for expenses related to investigating Code of Conduct complaints.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

9 On 23 October 2017, Councillors attended a Code of Conduct training session presented by a representative of Local Government NSW. Council staff also regularly attend Code of Conduct training conducted by Council's Learning and Development Team.

RISK ASSESSMENT AND MITIGATION

10 Adopting the documents at Attachments A, B and C will ensure Council meets the standards and requirements outlined in the Model Code, Model Procedures, the Act and the Local Government (General) Regulation 2005.

RELATED PREVIOUS DECISIONS

11 At the Ordinary Council Meeting held on 28 May 2013 Council adopted the Code of Conduct and Procedures.

12 At the Ordinary Council Meeting held on 22 October 2013 Council adopted the Code of Conduct Review.
CONSULTATION

13 The Code of Conduct is prescribed by the OLG. On 23 October 2017, the OLG released new draft Model Code and Model Procedures for the purposes of consultation. Once the OLG finalises the drafts, councils will be required to adopt the new amended versions in due course. This is not expected until mid to late 2018.

OPTIONS

Option 1

14 Council adopts the recommendation as at Paragraph 1 (a) - (c). This is the recommended option.

Option 2

15 Council does not adopt the recommendation as at Paragraph 1 (a) - (c). This is not the recommended option.

BACKGROUND

16 Nil.

REFERENCES

17 The Local Government 1993 Act (NSW).
   The Local Government (General) Regulation 2005.

ATTACHMENTS

Attachment A: Code of Conduct
Attachment B: Procedures for administration of the Code of Conduct
Attachment C: Panel of Conduct Reviewers

Distributed under separate cover
ITEM-140 CCL 12/12/17 - LOCAL AND NEIGHBOURHOOD CENTRES FACADE IMPROVEMENT SCHEME

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

PURPOSE

To endorse the Local and Neighbourhood Centres Facade Improvement Scheme including authorisation for the Facade Improvement Scheme Grant Panel to approve grants within the allocated framework and budget.

RECOMMENDATION

1 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.

KEY ISSUES

2 Newcastle City Council is undertaking infrastructure renewal in a number of our priority local centres, with upgrades soon to commence in Carrington and Beresfield. Public domain planning has been completed for Stockton Local Centre and Llewellyn Street Merewether Neighbourhood Centre and Wallsend Local Centre is nearing finalisation. As Council begins infrastructure renewal works in each centre, and the potential disruption that will be occurring in their streets, it would seem timely to offer the grants to business owners to enable them to improve their building facade, such as painting or general improvements. To assist the centres, a proposed colour palette will be developed for each centre to act as a guide.

3 The Local and Neighbourhood Centres Facade Improvement Scheme (Scheme) is a grant program to enable stakeholders to improve building facades and create active frontages in the city, evoking pride, enhancing our city's presentation and engaging the community in local and neighbourhood centres revitalisation. The Scheme is a quick win initiative under the local centres program which is a key project for Council.

4 The Scheme is modelled on the Hunter Street Revitalisation Facade Improvement Scheme which began in 2012. The Draft Local and Neighbourhood Centres Facade Improvement Scheme Guidelines is shown at Attachment A.
It is designed to revitalise the local and neighbourhood centres through quick, low cost visual improvements to facades. The Scheme will assist building owners, commercial operators and other stakeholders to improve their building facades. The Scheme primarily focuses on the improvement of commercial building facades visible from the public realm within local and neighbourhood centres. The Grant is to be used in a building facade in a local centre or neighbourhood centre that is being upgraded by Council under its local centres program. The first two centres being upgraded by Council are Carrington and Beresfield. This will be followed by Stockton, Llewellyn Street Merewether, and Wallsend, subject to funding.

The Scheme sets a minimum 66% Newcastle City Council and 33% contribution from the applicant. The applicant may wish to, of their own accord, contribute additional funds.

The Scheme process will include:

i) A simple online application form that will include a full description of the project guidelines, selection criteria and conditions.

ii) Specific requirements such as owner consent, commitment to provide resources and a commitment to complete the project within six months of approval.

iii) The Facade Improvement Scheme Grant Panel will assess each application based on predetermined selection criteria.

iv) Successful applicants will need to sign an agreement before works can commence and any funds released.

v) The completed project will be assessed against the measures in the application before final payment is released.

The Facade Improvement Scheme Grant Panel will consist of three members, including the Lord Mayor (or nominee), one Ward Councillor (or nominee) and the Director Infrastructure (or nominee).

Applications will be assessed by the Facade Improvement Scheme Grant Panel using the following assessment criteria:

i) The proposal must be consistent with Council’s values.

ii) The applicant must provide one third support in cash and/or in-kind, or this may be waived at Council’s discretion.

iii) The applicant must show how the project will benefit local and neighbourhood centre’s presentation and ensure improvements are visible from the public realm.
iv) The improvement must not include business identification or methods for business promotion.

v) Improvements must be within the Newcastle Local Government Area boundary and local and neighbourhood centres.

vi) The degree to which the applicant can leverage or engage with surrounding property owners and community.

FINANCIAL IMPACT

10 The Scheme will initially commit Council to a maximum of $60,000 from the Local Centres project budget for the Carrington and Beresfield local centres and is subject to review.

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 The Scheme contributes to achieving four of the seven strategic directions of the Newcastle 2030 Community Strategic Plan. Connected City, Vibrant and Activated Public Places, Liveable and Distinctive Built Environment, Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

12 If the Scheme framework is adopted it will commence early in 2018. Procedural guidelines will be in place to guide the operation of the scheme. 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.

RISK ASSESSMENT AND MITIGATION

13 The Scheme may not provide the visual improvement or activation desired. This will be mitigated through the application process and the majority of funding held until project completion review. This is part of the Local and Neighbourhood Centres project 'quick wins' program, a priority project for Council and all submissions must be visible from the public realm as well as contributing to the centres. An assessment panel will review each application against the assessment criteria to ensure the public receive quality outcomes that are sensitive to our local and neighbourhood centres.

RELATED PREVIOUS DECISIONS

14 Nil.

CONSULTATION

15 The development of the Scheme is based on the Scheme that was undertaken for Hunter Street in 2012.
OPTIONS

Option 1

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

Option 2

17 Council resolves not to approve grant funding. This is not the recommended option.

BACKGROUND

18 Council has undertaken audits of all our Local and Neighbourhood Centres. Whilst some centres are in good condition the audit has identified a number of centres that are in need of infrastructure renewal.

19 On 8 November 2016 Council was briefed on the Local and Neighbourhood Centres program and a list of priority centres was provided to Council.

20 Work being undertaken on local and neighbourhood centres is as follows:

   i) Completed Public Domain Plans with part delivery/construction 2018:
      Beresfield Local Centre (Ward 4)
      Stockton Local Centre (Ward 1)
      Young Street Carrington (Ward 1)
      Llewellyn Street Merewether Neighbourhood Centre (Ward 2).


   iii) Public Domain Plans to be prepared late 2017 and 2018, for part delivery in 2019/20 as follows:
      Moore Street Birmingham Gardens Neighbourhood Centre (Ward 4)
      Joslin Street Neighbourhood Centre Kotara (Ward 3)
      Orchardtown Road Neighbourhood Centre Kotara (Ward 3)
      Darby Street Cooks Hill Local Centre (Ward 1).

REFERENCES

ATTACHMENTS

Attachment A: Draft Local and Neighbourhood Centres Facade Improvement Scheme Guidelines
Guidelines

Local and Neighbourhood Centres
Facade Improvement Scheme

Newcastle City Council
November 2017
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Introduction

The Local and Neighbourhood Facade Improvement Scheme (Scheme) is a trial grant program to enable building owners to improve building facades (the exterior of the building that is visible from the public realm) and create attractive frontages in local and neighbourhood centres in Newcastle, evoking pride, enhancing our city presentation and engaging the community in centre revitalisation. The scheme is a ‘quick win’ initiative under the Local Centres program which is a key project for Council.

The Scheme primarily focuses on the improvement and activation of building facades with creative and innovative ideas for engagement, visible from the public realm, within our local and neighbourhood centres.

Newcastle City Council will operate and deliver the scheme directed by the Facade Improvement Scheme Guidelines and Facade Improvement Scheme Council Report for grant funding and application process.

Part A - Preliminary

1 Purpose

1.1 The policy provides a framework for the assessment and awarding of Grants.

2 Scope

2.1 The policy applies to building owners, commercial operators and other stakeholder’s premises located in the local and neighbourhood centres that apply for a Grant.

3 Principles

Council commits itself to the following principles:

3.1.1 Accountability and transparency - a framework for transparency and a system of accountability.

3.1.2 Beautification - enable and encourage implementation of beautified building facades and other facade improvements that are visible from the public realm.

3.1.3 Activation - promote and encourage activation of the facades to create a more engaging public realm.

3.1.4 Heritage - celebrates and recognises the local and neighbourhood centres heritage building facades.

3.1.5 Participation - enable building owners and stakeholder opportunity to contribute actively in the beautification of our city and encouraging others in the vicinity to ensure continuity in the beautification of our city.

3.1.6 Pride - creation of positive stakeholder and community pride as well as a sense of broad ownership of local and neighbourhood centres.

3.1.7 Relationships - encourages positive relationships with stakeholders to deliver improvement to local and neighbourhood centres.
4 Definitions

4.1 Assessment Panel means the panel described at clause 9.3.

4.2 Council means Newcastle City Council.

4.3 Local and neighbourhood centres means the area provided in the map at Attachment A.

4.4 Grant means Facade Improvement Scheme.

Unless stated otherwise, a reference to a clause is a reference to a clause of the guidelines.

Part B - Process for granting money under the Facade Improvement Scheme

5 Objectives

5.1 Newcastle City Council is committed to assisting building owners, commercial operators and other stakeholders to improve their building facades. The Scheme is designed to help achieve Council’s local and neighbourhood revitalisation priorities by enhancing our city presentation.

6 Eligibility criteria

6.1 To be eligible for a Grant, an applicant must:

   6.1.1 complete the Facade Improvement Application Form

   6.1.2 propose the Grant to be used in a building façade in a local centre or
            neighbourhood centre that is a high priority project and is being upgraded by
            Council under its local centres program

   6.1.3 have building owners consent.

6.2 Applications will not be accepted for projects that already have received previous grant funding from Council.

6.3 Each building within each local or neighbourhood centre is only eligible for one Grant.

6.4 If an applicant has applied for previous grant money but was not successful, the applicant will not be precluded from applying for any future grant rounds.

7 Funding allocation

7.1 Council will only approve applications if funds are available within the budget approved for the Scheme.

7.2 The maximum a successful applicant can receive is $4,000 from Council per building from a maximum budget of $60,000 made available for this trial.
7.3 The Scheme sets a minimum two third, 2:3 Newcastle City Council and 1:3 contribution from the applicant, or at Council’s discretion the applicant contribution may be waived. The applicant may wish to, of their own accord, contribute additional funds.

8 Assessment guidelines

8.1 Council will assess Grant applications using the following guidelines:

8.1.1 The proposal must be consistent with Council’s values.

8.1.2 The applicant must provide one third support in cash and/or in-kind, or this may be waived at Council’s discretion.

8.1.3 The applicant must show how the project will benefit local and neighbourhood centres presentation and ensure improvements are visible from the public realm.

8.1.4 The improvement must not include business identification or methods for business promotion.

8.1.5 Improvements must be within the Newcastle LGA boundary and local and neighbourhood centres.

8.1.6 The degree to which the applicant can leverage or engage with surrounding property owners and community.

8.2 Applicants may choose to liaise with the assigned Council Officer before the application is submitted in order to enhance the application and better align the project with Council’s strategic objectives.

9 Restrictions

9.1 Council will not grant funds retrospectively (although funds may be paid at the completion of a project).

9.2 Council will not provide funds for on-going operational or administrative costs not directly related to the project.

9.3 The improvement must not include business identification or methods for business promotion.

9.4 Council will not provide funds for capital expenses (for example ladders, gurneys, scaffolding and safety barriers). Hiring of equipment is permitted when directly related to the project.

9.5 Organisations must be able to fund the costs of the works as Council will provide the funding at the completion of works. Consideration will be given to upfront payment by Council if there is financial hardship.

10 Assessment of applications

Eligibility

10.1 The Council Officer will assess Program Grant applications, in the first instance, against the eligibility criteria provided in section 8.

10.2 If a proposal meets the eligibility criteria and there are no restrictions (as provided in section 9), the application will be forwarded to the Facade Improvement Scheme Grant Panel (Assessment Panel).
Assessment Panel

10.3 The Assessment Panel will have three members, made up of:
   10.3.1 The Lord Mayor (or nominee)
   10.3.2 Director Infrastructure (or nominee)
   10.3.3 One Council Officer.

10.4 A quorum of the Assessment Panel is three members.

Awarding of Grants

10.5 The Assessment Panel will:
   10.5.1 assess all applications to determine whether they meet the assessment guidelines as provided in section 8 and the ‘Yes’ Program list
   10.5.2 rank the applications based on a merit
   10.5.3 determine the level of financial support to be provided to the highest ranking applicants, and
   10.5.4 determine the relevant conditions of the Grant.

10.6 The Facade Improvement Scheme Working Panel may only authorise the approval of the grant funds if the funds are available and within the budget approved by the Council.

10.7 Grants are awarded based on merit and not all applicants who meet the guidelines will be awarded a Grant.
10.7.1 Attachment A

1.4 Local and Neighbourhood Centres Map

Legend
- Derby Street (S2/54 zone)
- Local Centres (B2 zone)
- Neighbourhood Centres (S1 zone)

City Centre: Refer to City Centre Public Domain Technical Manual
ITEM-141  CCL 12/12/17 - UNION STREET, MEREWEATHER - PROPOSED KERB EXTENSIONS AND RAISED PEDESTRIAN CROSSING FRONTING THE JUNCTION PUBLIC SCHOOL

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

PURPOSE

To approve the proposed upgrade of the existing pedestrian crossing on Union Street, Merewether outside of The Junction Public School.

RECOMMENDATION

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

KEY ISSUES

2  The pedestrian crossing on Union Street, fronting The Junction Public School, has existed for a number of years and assists school children to cross the road.

3  Pedestrian safety is currently being compromised when drivers park in the No Stopping zone when dropping off and picking up children to / from the school.

4  The upgrade includes kerb extensions to narrow the road in Union Street which will restrict parking in the No Stopping zone whilst the raised threshold will slow traffic.

5  Council sought funding from Roads and Maritime Services (RMS) as part of the NSW Pedestrian Infrastructure around Schools Program. Funding was granted to construct the project in the 2017/2018 financial year.

FINANCIAL IMPACT

6  The proposed works are funded through NSW 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. The project will cost approximately $281,000. The current adopted budget for this project is $183,000. Additional funding will be sought in the December Quarterly review.
COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The proposed work is aligned with the Strategic direction of “Connected City” whereby “transport network and services will be well connected and convenient. Walking and cycling will be viable options for the majority of our trips”. The proposal will increase safety for pedestrians in Union Street due to improved pedestrian facilities.

IMPLEMENTATION PLAN/IMPLICATIONS

8 Approval of the kerb extensions and raised threshold are not delegated to council officers and must be referred to Council for final determination. Approval of the kerb extensions and raised threshold do 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

9 The proposed pedestrian facility improvements are intended to reduce risk and increase safety for pedestrians. The proposed works arose from the risk associated with parents / drivers parking in the No Stopping zone before and after the pedestrian crossing while dropping and picking up children. Visibility is restricted for children crossing the pedestrian crossing.

RELATED PREVIOUS DECISIONS

10 The proposed works to the existing pedestrian crossing were recommended as part of the Safer School's Program to improve safety at the pedestrian crossing.

CONSULTATION

11 Consultation has been conducted with residents and the school. A copy of the leaflet sent to the residents is shown in Attachment B. The proposed plan was on public exhibition from 6 November to 20 November 2017. Leaflets were distributed to residents and other stakeholders that may be affected by the proposed change.

12 There were nine responses received during the consultation period, with seven supporting and two residents objecting due to the loss of car parking spaces. Those who supported the proposal noted it is quite a dangerous area especially during pick-ups and that they have witnessed near misses. One objecting resident noted that this is a very good idea to increase safety in the area.

13 As part of the project, no parking spaces will be lost. As shown in the plan at Attachment A, all existing No Stopping and parking restrictions are to remain in place.
14 One resident queried how her husband (wheelchair bound) and herself (aging citizen) would negotiate a raised pedestrian crossing. The proposed raised threshold will be installed in accordance with Australian Standard AS1742 providing disabled access.

15 No major objection was received to the consultation. The plan as shown at Attachment A is forwarded for Council's final determination.

OPTIONS

Option 1

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

Option 2

17 Do not approve the proposed works. This is not the recommendation option.

BACKGROUND

18 Background information is shown in the Key Issues Section 2 - 5 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Signposting and linemarking plan
Attachment B: Consultation leaflet
Attachment C: Location plan - Union Street, Merewether
To The Owner / Occupier

Union Street, Merewether - Proposed kerb extensions and raised pedestrian crossing fronting The Junction Public School

6 November 2017

Council proposes kerb extensions and a raised pedestrian crossing in Union Street to increase safety around The Junction Public School and to restrict motorists from parking near to the crossing.

Council sought funding from Roads and Maritime Services (RMS) as part of the NSW Pedestrian Infrastructure around Schools Program. Funding was granted to construct the project to be delivered in the 2017/2018 financial year.

A design plan for the project has been prepared and is shown overleaf.

Council is seeking comments on this proposal. Your feedback is important to assist Council in making a final decision.

Please forward written comments by 20 November to The Interim Chief Executive Officer, Newcastle City Council, Attention: Traffic and Transport, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au, Phone: 4974 2000, Fax: 49742222.

For further information please contact Jocelyn Cardona, Council Traffic Engineer, on telephone 49742666.

Name: ____________________________________________________________

Address: _________________________________________________________

Do you agree with the proposed kerb extensions and raised pedestrian crossing?

YES □ NO □

Further comments:

______________________________________________________________

______________________________________________________________

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

PLEASE NOTE: When making written comments or submissions to Council, the following information should be considered - Should an objector consider that the disclosure of their name and address would result in detriment to them the words “OBJECTION IN CONFIDENCE” must be stated prominently at the top of the submission. Council may, however, be obliged to release full details of the submission including the name and address under the relevant access to information legislation, even if these words are in the submission.
Location Map of the Union Street Pedestrian crossing near The Junction Public School

Union Street, The Junction kerb extension and raised threshold proposal at existing pedestrian crossing near The Junction Public School
ITEM-142  CCL 12/12/17 - UNIVERSITY TO NEWCASTLE CITY CENTRE CYCLEWAY - MAUD STREET MID-BLOCK SIGNALS

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

PURPOSE

To approve the proposed installation of mid-block traffic signals on Maud Street, Waratah, between Prince Street and Vera Street, implement no exit from Vera Street at Maud Street and no right turn from Maud Street to Vera Street.

RECOMMENDATION

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.

KEY ISSUES

3 The existing crossing of Maud Street, between Vera Street and Prince Street, is a notable black spot on the University to Newcastle City Centre cycle route. Re-routing of the cycleway into the rail corridor under Maud Street is preferred and multiple permutations of in-corridor options have been investigated and costed. The most feasible of these involves an arrangement with the Australian Rail Track Corporation (ARTC) for shared use of the path in the corridor by active transport users and maintenance vehicles. Due to the high cost of the project and the need to negotiate agreements for safety, access and maintenance, an in-corridor path will not be completed in the short term. Further, ARTC has advised that the corridor will be closed up to 10 times per year, with track possession up to 72 hours at a time.

4 A traffic plan involving implementation of mid-block signals on Maud Street, modifications to the Queen Street and Lorna Street intersection, and traffic calming on Prince, Vera and King Streets was developed. The objectives of the proposed measures were to significantly improve the safety of pedestrians and cyclists, reinforce the adopted road hierarchy, decrease potential for accidents at the Queen Street and Lorna Street intersection, and improve residential amenity. At its meeting of 19 June 2017, the Newcastle City Traffic Committee (NCTC), recommended that Council undertake community consultation and that the results of community consultation be tabled to the NCTC for consideration.
5 The proposal was exhibited from 17 July 2017 to 14 August 2017. Following feedback from the community and further consideration, the proposal has been revised and includes the following key works:

i) Mid-block signals on Maud Street between Vera Street and Prince Street;

ii) No exit from Vera Street on to Maud Street and no right turn from Maud Street to Vera Street; and

iii) Extension of 'No Stopping' and implementation of right turn bays at the intersection of Queen Street and Lorna Street.

6 The revised plan was considered by the NCTC at its meeting of 20 November 2017 (Item 275) and was endorsed for referral to Council for final determination.

FINANCIAL IMPACT

7 The Maud Street project has an approved budget of $600,000 for the 2017/18 financial year for construction of the signals. Planning, investigation and concept design were undertaken in 2015/16 and 2016/17 and were fully funded by Roads and Maritime Services (RMS).

8 Officers have submitted a grant application under the Transport for NSW/RMS Walking and Cycling Programs for funding of construction of a path in the rail corridor in 2018/19 and 2019/20.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 The project is aligned with the strategic direction for a 'Connected City', in which '[walking], cycling and public transport will be viable options for the majority of our trips'. The project directly addresses action 1.2c under the objective '[linked] networks of cycle and pedestrian paths', to '[give] greater priority to cyclists and pedestrians in transport planning to enhance safety and encourage travel behaviour change'.

IMPLEMENTATION PLAN/IMPLICATIONS

10 Addressing the Maud Street crossing is one of the top three priority projects arising from the adopted Newcastle Cycling Strategy and Action Plan.

11 Through the Newcastle Transport Strategy, Council has adopted ambitious targets for mode share to active transport. Perception of safety is a known barrier to increased participation in active transport.

RISK ASSESSMENT AND MITIGATION

12 Road safety audits have been performed at each stage of the design, for the entire project area (including King Street, Queen Street and Lorna Street, in addition to the mid-block area). Remedial actions have, or will be, incorporated in design for those issues that are within the project scope.
13 The current crossing of Maud Street (with a central refuge island) renders the route unsuitable for all but experienced, confident riders. Maud Street carries in excess of 20,000 vehicles per day. Multiple incidents have occurred at this location. Implementation of mid-block signals is achievable this financial year and will significantly improve safety for pedestrians and cyclists.

RELATED PREVIOUS DECISIONS


CONSULTATION

15 The Cycling Advisory Committee (formerly the Cycling Working Party) has been updated on the progress of investigations of Maud Street.

16 The proposal was publicly exhibited from 17 July to 14 August 2017. Approximately 500 brochures were distributed. A copy of the brochure sent is shown in Attachment B. Plans were available for viewing at the City Administration Centre, Newcastle Region Library and on Council's website on the 'Have Your Say' page. The 'Have Your Say' page included a link to Council's new engagement platform, which allowed online submission of survey responses and comments, the ability to view proposed plans, provided a frequently asked questions, and contact details for further information. As the subject area is part of a key regional cycling route, it was considered necessary to canvass opinions from a wide range of respondents - not solely those living in the vicinity of the proposed changes.

OPTIONS

Option 1

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

Option 2

18 That officers undertake further consultation to determine measures to decrease speed on Prince Street and the nature and location of devices on King Street and Queen Street (to allow implementation of a 40km/h local traffic area) prior to progressing implementation of mid-block signals. This is not the recommended option.

19 At its meeting of 20 November 2017, the NCTC endorsed officers' recommendations for further investigations to undertake traffic calming within the area. It is intended that this consultation be undertaken in the short term, however, further design work and increased budget will be required. It is feasible to undertake implementation of the signals first. Further delay to their implementation is not desirable.
Option 3

20 Do not proceed with implementation of the mid-block signals and redirect funds to the in-corridor proposal. This is not the recommended option.

21 Although Council has in principle agreement for use of the corridor, formal agreement from ARTC has not yet been reached. Further design of the in-corridor cycle way options are currently on hold until an agreement is secured. As noted in paragraph 3, ARTC will require that the corridor be closed to active transport users for maintenance activities several times per year, necessitating alternative arrangements. Implementation of the mid-block signals provides a short term solution which provides immediate safety improvements, and will address a future need for an alternative route should the in-corridor path be built.

BACKGROUND

22 A long-standing proposal by Council and cycling advocates is to modify the route of the R6 University to Newcastle City Centre cycleway by diverting into the rail corridor from Prince Street near Alfred Street, continuing in the rail corridor under Maud Street and connecting with the existing off-road path in the vicinity of Queen Street near Vera Street. In 2015, ARTC gave in principle agreement to use of the corridor. Concept design of the path in the rail corridor was progressed with full funding provided by Transport for NSW/RMS under active transport programs. Concept designs were based on ARTC’s requirements for separation of cyclists and maintenance vehicles. Cost estimates done for the concept design based on ARTC requirements were of the order of $10M, largely due to enabling works in the corridor west of Maud Street.

23 Further analysis and documentation of alternative proposals were then undertaken through a workshop process involving Council officers, consultants and representatives of RMS. The two options proposed for further investigation were mid-block signals on Maud Street and a ramp under the Maud Street overbridge (with various hybrid options combining elements of the in-corridor proposal). Subsequently, in late 2016, RMS advised Council that ARTC would be willing to considered a shared facility in the corridor (single path for active transport users and vehicles undertaking maintenance of the track), subject to agreements for management of safety, maintenance and access. ARTC advised RMS that the track would need to be closed up to 10 times per year for planned maintenance and that there may also be urgent maintenance work requiring the track to be closed to active transport users.

24 A traffic plan involving implementation of mid-block signals on Maud Street, modifications the Queen Street/Lorna Street intersection and traffic calming on Prince, Vera and King Streets was developed, tabled at NCTC and exhibited. The measures (shown in the consultation brochure at Attachment B) included:

i) Installation of mid-block signals on Maud Street;

ii) No entry or exit to/from Vera Street at Maud Street;
iii) No exit from King Street to Maud Street;

iv) No left turn into Prince Street from Maud Street;

v) Establishment of a 40km/h local traffic area on Vera, King and Queen Streets; and

vi) Modifications to the intersection of Queen and Lorna Streets to incorporate right turn bays.

25 The plan was placed on public exhibition, as noted at paragraph 17. All online submissions were directed to 'Official Mail' and responses collated with submissions received by post, email and comments made directly to officers. Responses from 206 submissions were manually collated. A summary of all submissions, with comments paraphrased, is at Attachment C. Multiple submissions were lengthy and detailed. Divergent opinions were expressed, with both strong support and complete rejection of each of the measures.

26 A report was generated by the online engagement platform. This report at Attachment D indicated that the exhibition website had approximately 1300 visits and 180 completed surveys. The exhibition also generated considerable interest on social media sites 'We Love 2298'. The tone of responses on these platforms was predominantly negative, largely because the proposed changes removed existing shortcuts.

27 Recurring key themes and issues raised in submissions are included as Attachment E, together with the suggested modifications (modified proposal for approval as shown at Attachment A).

REFERENCES

ATTACHMENTS

Attachment A: University to Newcastle City Centre Cycleway - Maud Street Mid-block Signals Revised Traffic Plan
Attachment B: Exhibition Brochure - Maud Street, Waratah - Proposed Traffic Changes
Attachment C: Exhibition - Maud Street, Waratah - Summary of Submissions
Attachment D: Project Report - Maud Street, Waratah - Proposed Traffic Changes
Attachment E: Key themes and issues raised in submissions

Attachments distributed under separate cover
ITEM-143 CCL 12/12/17 - REVIEW OF COMMUNITY GRANT AND SPONSORSHIP PROGRAM POLICIES - RELEASE FOR EXHIBITION

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

PURPOSE

To combine the existing Community Assistance and Place Making grant programs (and policies), expand the range and program of events Council sponsors annually, refine the Economic Development Sponsorship program and place the revised draft grant and sponsorship polices on public exhibition.

RECOMMENDATION

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 February 2018.

KEY ISSUES

2 Council administers a range of grant and sponsorship programs, guided by policies that define the purpose, scope, assessment process and acquittal requirements of each program. The programs being considered in this review (and current budgets) are:

   i) Events Sponsorship $100,000 p/a
   ii) Economic Development Sponsorship $100,000 p/a
   iii) Community Assistance Grant $70,000 p/a
   iv) Place Making Grant $40,000 p/a

3 In July 2016, a further $350,000 was made available in event sponsorship funding. The policy framework requires review to include appropriate criteria and processes to allocate this funding.

4 A recent review of the grant and sponsorship programs by the program coordinators in conjunction with grant recipient feedback and assessment panel member input identified the following opportunities:

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

v) 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).

5 Opportunity exists to rescope the programs to provide more funding for events. It is proposed to introduce a tiered approach, with clear criteria for each category as outlined in Table 1. The revised draft Events Sponsorship policy in Attachment A further outlines the suggested criteria.
Table 1 - Tiered Event Program Proposal

<table>
<thead>
<tr>
<th>Level of Event</th>
<th>Description and Attendance</th>
<th>Economic Impact (indicative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Events</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Community Event</td>
<td>Small, suburb or interest group event; free or minimal entry; attendance to 5,000 people.</td>
<td>Not relevant</td>
</tr>
<tr>
<td>Major Events</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Major Community Event</td>
<td>Drawing primarily from local-regional area; 5,000 to 30,000. Must have free entry component.</td>
<td>$500,000</td>
</tr>
<tr>
<td>3. Commercial Events</td>
<td>Ticketed events run primarily as a commercial event.</td>
<td>$1M</td>
</tr>
<tr>
<td>4. Business Events</td>
<td>Applies to minimum three day events with at least 250 delegates, 80% of whom stay overnight.</td>
<td>$500,000</td>
</tr>
<tr>
<td>5. Major Destination Event</td>
<td>Event with state-wide to national audience, promotion and participants. Attract overnight visitation and promote Newcastle to a wide audience.</td>
<td>$1-$2M</td>
</tr>
<tr>
<td>Mega / Super Events</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Mega Events</td>
<td>One-off opportunities for Newcastle; event of national significance.</td>
<td>&gt; $2M</td>
</tr>
</tbody>
</table>

6 An extraordinary range and variety of applications are received under the Economic Development Program each year. The supported projects have been a mixture of events, industry training and commercial sponsorship arrangements. Whilst the project acquittals have demonstrated that project goals have been met, long term positive impact on the Newcastle economy is difficult to identify or quantify. It is suggested the program be amended to focus on sponsorship of specialised organisations in Newcastle who provide services to various sectors such as training and promote Newcastle and the Hunter both nationally and internationally. This could include Renew Newcastle, Hunternet and the Newcastle Business Centre. See Attachment B.

7 Applications received for the Place Making and Community Assistance grant programs operate under similar criteria and a concern within place making is the maximum annual grant of $2,000 is not sufficient. It is timely to look at combining the programs, to run a Community Place Making Project grant, with a $4,000 limit (per project). See Attachment C.
FINANCIAL IMPACT

8. No change in budget allocations is proposed. 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 2.

Table 2 - 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><strong>Total funding</strong></td>
<td><strong>$660,000</strong></td>
</tr>
</tbody>
</table>

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

9. Note, separate funding is allocated for Council's continued sponsorship of the city's two iconic events, Surfest and Carols by Candlelight and no changes are proposed for this funding. The Supercars event license fee is also funded separately.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

12. 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

13 Council resolved at the Ordinary Council Meeting held on 24 February 2015 to release the draft policies for 28 days for public comment. At the Ordinary Council Meeting held on 28 April 2015, Council adopted the revised policies.

CONSULTATION

14 The policies will be advertised for comment on Council's website and through the Newcastle Herald. Previous grant and sponsorship applicants (from the last three years) will be notified directly and requested to comment.

15 The policies will be advertised for comment over December 2017 and January 2018 in order that the final documents can be reported to Council at the Ordinary Council Meeting to be held in February 2018. This will allow the call for applications to commence in April 2018 as per the annual cycle.

OPTIONS

Option 1

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

Option 2

17 Council not release the revised policies for community comment and stay with the existing framework. This is not the recommended option.

BACKGROUND

18 Audits undertaken by Council in 2014 and 2015 prompted various improvements to the administration, assessment and monitoring of grants and sponsorships in Council. Revised and updated policies for each program were adopted by Council in early 2015.

19 The audit completed in late 2015, highlighted specifically, the difficulty in evaluating the benefits of the economic development program and recommended review to:

- **Obtaining better value for money and return on investment from the programs; and**

- **Achieving better long term outcomes for the community which are clearly measurable, possibly through the provision of seed funding to start up organisations that have strong prospects of contributing to objectives of Council and the Community Strategic Plan.**
REFERENCES

ATTACHMENTS

Attachment A: Revised Draft Events Sponsorship Policy
Attachment B: Revised Draft Economic Development Policy
Attachment C: Revised Draft Community Place Making Policy
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 and Tourism</td>
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<tr>
<td>Keywords</td>
<td>Sponsorship, event, tourism, development, community, economic</td>
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<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 will align with the Newcastle 2030 Community Strategic Plan as follows: 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.


3.1.3  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 **Attendance at events** includes participants, spectators and crew.

4.3 **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.

4.4 **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.

4.5 **Community event** is a suburban or interest based group event, with free or minimal entry charges and attendance around 5,000 people.

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

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

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

4.9 **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.

4.10 **Event Sponsorship Panel** means the panel comprising:

   (a) **Lord Mayor** (or nominee)
   
   (b) **Director Planning and Regulatory** (or nominee)
   
   (c) **the Manager Strategic Planning Services** (or nominee)
   
   (d) **the Manager Tourism and Economic Development** (or nominee); and
   
   (e) **Two One Council Officers** from outside the Strategic Planning Services business unit who has experience relevant to events planning or operations selected by the Manager Strategic Planning Services.

4.11 **Executive Management Team (EMT)** comprises Council’s Chief Executive Officer, Director Corporate Services, Director Infrastructure and the Director of Planning and Regulatory and provides strategic leadership to the organisation.

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

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

4.14 **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.

4.15 **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.

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

4.17 **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.510E 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.

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>
</tr>
</thead>
<tbody>
<tr>
<td>Community event</td>
<td>Around 5,000 people</td>
<td>Newcastle/interest group</td>
</tr>
<tr>
<td></td>
<td>Free/token entry</td>
<td></td>
</tr>
<tr>
<td>Major Community Event</td>
<td>&gt;5,000 to 20,000 people</td>
<td>Regional to statewide</td>
</tr>
<tr>
<td></td>
<td>Free/token entry</td>
<td></td>
</tr>
<tr>
<td>Commercial Event</td>
<td>&gt;10,000</td>
<td>Regional to statewide</td>
</tr>
<tr>
<td></td>
<td>Ticketed event</td>
<td></td>
</tr>
<tr>
<td>Business Events</td>
<td>Minimum 250 delegates</td>
<td>Regional, state, national, 80% delegates requiring overnight accommodation</td>
</tr>
<tr>
<td></td>
<td>Three day/ two night minimum</td>
<td></td>
</tr>
<tr>
<td>Destination Event</td>
<td>&gt;10,000 people</td>
<td>Regional, state, national</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td></td>
<td>Must have free entry component</td>
<td></td>
</tr>
<tr>
<td>Mega Event</td>
<td>&gt;20,000 people</td>
<td>National and international</td>
</tr>
</tbody>
</table>

6.2 **For Community, Major Community, Commercial and Destination Events**

Council will 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.

6.4.3 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 on Council’s application form will be accepted throughout the year and will be determined by Council’s Executive Management Team in accordance with this policy. The Lord Mayor will be advised all decisions made in relation to Mega Events.**

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**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 Event Sponsorship Program Application Form(s) (available annually on Council’s website) 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 Applications for Financial Assistance are not eligible for support.

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

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

7.14 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, which will be weighted according to Council’s strategies:

<table>
<thead>
<tr>
<th>Event Category</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| Community event | • Low impact, around 5,000 people drawn from Newcastle, OR a specific interest group  
• 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 |
<table>
<thead>
<tr>
<th>Event Type</th>
<th>Criteria</th>
</tr>
</thead>
</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.*

#### Economic Benefit

8.1—Number and origin of attendees anticipated
8.2—Anticipated overnight visitation rate
8.3—Image and Profile
8.4—Ability to link or coordinate with other Events or programs being held at the same time of year
Promotional Exposure

8.4 Scope and ability to promote the city and Council in connection with the event, locally, nationally and internationally

City Assets

8.5 Promotes Newcastle facilities and attractions

Other

8.6 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)

8.7 Adequacy of budget proposal

8.8 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 General Manager 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 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 Event Sponsorship was awarded and the Event held.

11.4 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 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>
</tr>
<tr>
<td>Execute Agreements to allocate Sponsorship consistent with the Event Sponsorship Panel’s recommendation and in accordance with this policy</td>
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Approved: __________________________ Date: __________

Chief Executive Officer General Manager
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<tr>
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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) The Manager Strategic Planning Services (or nominee)

c) Two Council Officers from outside the Strategic Planning Services business unit who has relevant experience approved by the Director Planning and Regulatory.

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 up to two competitive rounds for Economic Development Sponsorship applications each financial year. The number of rounds will be determined by the Director Planning and Regulatory according to amount of funds and resources available to support the program.

6.2 Council will advertise the details of each round 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 take place in the Newcastle Local Government Area or be able to demonstrate the activity will bring benefit to Newcastle.

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

7.11 Applications for Financial Assistance are not eligible for support.

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

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

7.14 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.
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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<th>Authority</th>
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Approved: ____________________________  Date: ________________

Chief Executive Officer
The City of Newcastle
Policy

Draft Community Place
Making Grant

PO Box 480 (282 King Street)
NEWCASTLE NSW 2300
Ph. 02 4941 0000
Fax. 02 4944 2222
Email. nut@dpc.nsw.gov.au
www.newcastle.nsw.gov.au
# 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 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 compiled 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>
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<td>Assess and approve applications</td>
<td>Place Making Grant Panel</td>
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<tr>
<td>Sign Agreement on behalf of Council</td>
<td>Manager Strategic Planning Services</td>
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<td></td>
<td>Community Planning Coordinator</td>
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<td>Manager Strategic Planning Services</td>
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Approved: ___________________________  Date: ________________

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

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 outcomes of the public exhibition of the proposed amendments to Section 5.03 Tree and Vegetation Management of Newcastle Development Control Plan 2012 (DCP). This report seeks a resolution of Council to adopt the draft amended DCP as provided in Attachment A.

RECOMMENDATION

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

KEY ISSUES

2 During the exhibition of the DCP, significant changes were made by the State Government to the legislation regulating land management and biodiversity conservation in NSW. A number of Acts have been repealed and replaced with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016, to create a framework for the regulation of clearing of native vegetation. At the same time, the Local Environmental Plan clauses relating to tree preservation (5.9 and 5.9AA) were repealed, and a new State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) came into force. The Vegetation SEPP regulates the clearing of all vegetation that is not ancillary to development requiring consent.

3 The Vegetation SEPP still requires Council to identify within a DCP, the vegetation that it wishes to preserve, and identifies that it is an offence to clear such vegetation without the authority of Council by the issue of a permit.

4 To ensure the DCP is consistent with the new State legislation, amendments have been made to the exhibited draft DCP. These amendments comprise changes to the definitions and naming of tree removal processes, however, the vegetation protections, exemptions and removal processes detailed in the exhibited draft DCP remain in place. Changes to the DCP are shown in red text in Attachment A and the main changes are discussed below.
i) Definitions

The Vegetation SEPP contains definitions which have been translated to the DCP for consistency and understanding. Two key definitions relevant to the DCP are:

a) "vegetation means a tree or other vegetation, whether or not it is native vegetation"

and

b) "clear vegetation, includes:

(a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or

(b) lop or otherwise remove a substantial part of the vegetation.

ii) Authorisation of clearing

a) Since 2003, Newcastle City Council has used the complying development certificate process to authorise the removal of vegetation when it is undertaken separately to any other development that requires consent. Under the provisions of the Vegetation SEPP, removal of declared vegetation can only be undertaken when Council issues a ‘permit’.

b) Section 5.03.03 Part A of the DCP sets out the requirements for removal of vegetation on private land when it is not associated with development. These processes have been renamed to reflect the requirement to obtain a permit.

c) Changes have also been made to the requirements for development of greenfield sites, as large scale removal of vegetation is now considered under the Biodiversity Conservation Act 2016.

FINANCIAL IMPACT

5 The proposed amendments do not have a direct financial impact on the operations of Council. The provision of development guidelines has an indirect benefit through more efficient processing of development applications.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The proposed amendments align with the Liveable and Distinctive Built Environment strategic direction of the Newcastle 2030 Community Strategic Plan.
IMPLEMENTATION PLAN/IMPLICATIONS

7 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. The Act and Regulation require a relevant planning authority to prepare a DCP and that the DCP be placed on public exhibition for at least 28 days.

8 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed with the DCP. In this case, it is recommended that Council proceed with the DCP with the amendments as shown in Attachment A.

RISK ASSESSMENT AND MITIGATION

9 There are no risks to Council in the proposed amendments to the DCP. The legal process is being followed.

RELATED PREVIOUS DECISIONS

10 At the Ordinary Council Meeting held on 27 June 2017, Council resolved to place the draft amendments to Section 5.03 Tree and Vegetation Management of Newcastle DCP 2012 on public exhibition for 28 days.

CONSULTATION

11 The draft amended DCP was exhibited between 10 July 2017 and 7 August 2017. No submissions were received during the exhibition period.

OPTIONS

Option 1

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

Option 2

13 Council not proceed with the draft amendments to the DCP. This is not the recommended option.

BACKGROUND

14 Section 5.03 Tree Management of the Newcastle DCP outlines the requirements for the removal or pruning of trees and vegetation. The DCP provides the detail required by State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

15 Prior to introduction of the Vegetation SEPP, tree removal and tree pruning were undertaken as complying development under Newcastle LEP 2003 and these provisions were transitioned to LEP 2012.
REFERENCES

ATTACHMENTS

Attachment A: Section 5.03 Tree and Vegetation Management
Attachment A

5.03 Tree and Vegetation Management

Amendment history

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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 under Newcastle Local Environmental Plan 2012 and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

Development (type/s) to which this section applies

This section deals with preservation of trees and applies to the clearing or pruning of vegetation in conjunction with Clause 6.9 of the Newcastle Local Environmental Plan 2012 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

This section applies to all prescribed trees declared vegetation located on private land, or prescribed trees within 5m of a development site, or that is likely to be affected by infrastructure works carried out in association with a development proposal.

Note 1: A tree or other vegetation prescribed in the DCP requires approval to ring bark, cut down, lop, top, remove, injure or wilfully destroy.

Note 2: A tree or other vegetation which is not prescribed in the DCP may have work undertaken without development consent.

Note 3: Tree removal may be able to be undertaken as complying development under Newcastle Local Environmental Plan 2012.

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Newcastle Local Environmental Plan 2012.
- Local Land Services Act 2013
- Roads Act 1993

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.
Note 2: 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 may also apply to development to which this section applies:
- 7.02 Landscape, Open Space and Visual Amenity.

Associated technical manual/s


Additional information

- Newcastle Urban Forest Background Paper, 2007, Newcastle City Council
- Newcastle Urban Forest Policy, 2008, Newcastle City Council
- Street Tree Selection Manual, 2016, Newcastle City Council
- Australian Standard AS 4373-2007 Pruning of amenity trees
- Australian Standard AS 4970-2009 Protection of trees on development sites
- Planning for Bushfire Protection – NSW Rural Fire Service 2006
- WorkCover Authority of NSW – Amenity Tree Industry: Code of Practice
- Landscape Management Implementation Plan Callaghan Campus, 3 September 2012, prepared by Ecological Australia for the University of Newcastle

Definitions

A word or expression used in this development control plan has the same meaning as it has in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and 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:

- **Bushland** - is a complex of native vegetation consisting of trees and understorey made up of shrubs and grasses. There may be some weed invasion of the bushland, however this does not change the definition.
- **Circumference breast height** - the girth of the supporting stem of a tree at a height of 1.4m above ground level (existing) measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses.
- **Clear vegetation**- has the same meaning as in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This term is defined to include:
(a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
(b) lop or otherwise remove a substantial part of the vegetation.

- **Dead tree**: is where the biological function of the tree has ceased, no leaves are present and visible evidence of trunk, root plate and canopy desiccation.
- **Declared vegetation**: trees and shrubs to which Part 3 of State Environmental Planning Policy (Vegetation in Urban Areas) 2017 applies.
- **Development footprint**: the area of ground to be covered by structures, including pathways and driveways.
- **Dying tree**: demonstrates reduced growth rates, sparse foliage and reduced response to damage or stress over subsequent growing seasons.
- **Greenfield estate**: land that has been subdivided with consideration of the controls listed in the DCP for greenfield sites.
- **Greenfield site**: undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. It is generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation.
- **Native vegetation**: has the same meaning as in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. This term has the same meaning as in Part 5A of the Local Land Services Act 2013 and means:
  - any of the following types of plants native to New South Wales:
    - (a) trees (including any sapling or shrub or any scrub),
    - (b) understorey plants,
    - (c) groundcover (being any type of herbaceous vegetation),
    - (d) plants occurring in a wetland.
- **Infill development**: new urban development within existing developed areas. Often involves a more intensive use of the site. Infill development may encompass housing, retail, business, education, community service, and industrial activities.
- **Noxious Weeds**: trees and plant species declared as ‘noxious weeds’ within the Newcastle local government area, under the NSW Noxious Weeds Act 1993.
- **Park Tree**: A public tree located in a park managed by Council. These are generally mown areas but may have some pockets of trees with understorey.
- **Prescribed Tree**: Prescribed trees are defined in section 5.03.01, Clause 5.9 of the Newcastle Local Environmental Plan State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to prescribed trees. Approval is required from Council to prune/remove prescribed trees in accordance with the controls outlined in this section of the Newcastle Development Control Plan.
- **Public Tree**: Trees/shrubs located on land managed by Council (trees under Council’s care and control).
- **Shrub**: A woody perennial plant that is generally smaller than a tree species at maturity and has many main stems or trunks.
- **Street tree**: Public trees within the road reserve. These have been surveyed and mapped by Council.
• **Street tree vacancy site** - sites identified by Council for future tree planting. The sites have been identified from analysis of the Local Government Area based on criteria in the Tree Asset Management System (TAMS). The information on locations of street tree vacancy sites is available on request from Council.

• **Tree** - a long lived woody perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks.

• **Tree retention values** - weighted combination of tree sustainability and landscape significance used to determine how retainable a tree is to guide the site analysis and site planning stages of development. Tree retention values are determined using the following three steps further outlined within the Newcastle Urban Forest Technical Manual:
  1. Assess Tree Sustainability
  2. Assess Landscape Significance
  3. Weigh Sustainability and Landscape Significance.

• **Vegetation** - has the same meaning as in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

  This term means
  A tree or other vegetation, whether or not it is native vegetation

• **Undesirable species** - tree species listed in the Newcastle Urban Forest Technical Manual that are unsuitable for replanting.

**Aims of this section**

1. To identify prescribed trees declared vegetation under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

2. To achieve the objectives of the Newcastle Urban Forest Policy 2008 for development on private land.

3. To ensure all development considers existing trees vegetation on a development site and surrounding sites is considered in the design of the development.

4. To ensure that tree canopy cover is considered in the design of development.

5. To promote the retention of existing trees vegetation and provide opportunities for appropriate tree growth.

6. To provide guidelines for the management of trees.

**5.03.01 Prescribed Trees Declared vegetation**

**Objectives**

1. To define the trees and vegetation which are prescribed in accordance with clause 5.9(2) of the Newcastle LEP 2012 in Part 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and which require approval a permit from Council for removal.

   To declare the vegetation that requires a permit from Council prior to clearing or pruning.

**Note:** Clause 9 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 provides for Council to declare vegetation that requires a permit for removal in a DCP.
**Controls**

General controls applying to all development to which this section applies

1. The following trees/vegetation require approval from Council prior to removal or pruning:

   A permit from Council is required prior to clearing or pruning the following:

   (a) native vegetation that is, or comprises part of, a threatened species, population or ecological community listed in the Threatened Species Conservation Act 1995, or, vegetation in a threatened ecological community or a threatened plant species listed under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994;

   (b) a tree vegetation that is or forms part of a heritage listed item, or that is or forms part of an Aboriginal object or that is within an area of Aboriginal place of heritage significance;

   (c) a tree that is required to be retained or planted as a condition of a complying development certificate or development consent;

   (d) a tree that was planted as a replacement tree;

   (e) all native understorey (includes shrubs and grasses) that is part of a bushland complex any other native vegetation including understorey plants, groundcovers and plants occurring in a wetland and is less than the biodiversity offsets scheme thresholds identified under the Biodiversity Conservation Act 2016;

   (f) all trees and shrubs, regardless of size, on land managed by a public authority including Council;

   (g) any other tree/shrub, including those in Heritage Conservation Areas, that is not prescribed in (a) to (e) above, all other trees or shrubs that are not listed in item (a) to (f); above, unless the tree or shrub:

      (i) is located within 3m of the wall of an existing principal building (excluding carports, garages, pergolas, fences, retaining walls and the like); or

      (ii) the trees is less than 3m in height, or with a circumference (measured at 1.4m above ground level), less than 450mm for a single trunk tree, or less than 300mm for each trunk of a multi-trunk tree; or

      (iii) the shrub is less than 5m in height

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**Note 1:** All trees and shrubs within Council’s road reserve or located on land managed by Council are declared vegetation. The maintenance or removal of these trees and shrubs can only be undertaken by Council.

**Note 2:** State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 prohibits Council from issuing a permit for the clearing of native vegetation that exceeds the biodiversity offsets scheme thresholds. Refer to the Biodiversity Conservation Act 2016 for further information.

**Note 3:** The 3m distance is measured from the closest point of the trunk to the footings of the building.
5.03.02 Exemptions When can declared vegetation be cleared without a permit?

Objectives

1. To identify the circumstances when a tree or shrub on private land can be removed or pruned without the prior consent authority of Council.

   To identify the circumstances where declared vegetation on private land can be cleared without a permit being issued by Council.

Controls

| Note 1: These exemptions do not apply to trees or shrubs on land managed by a public authority including Council. |
| Note 2: Council is satisfied that the following exemptions are of a minor nature and would not adversely affect the heritage significance of a Heritage Conservation Area. The exemptions listed in this section therefore apply to trees located within a Heritage Conservation Area. |
| Note 3: Applications for tree removal on private land in relation to bushfire 10/50 rules are to be submitted to the NSW Rural Fire Service and do not require Council Approval. |

   The following controls apply to the removal clearing of trees or shrubs declared vegetation on private land (see Figure 1)

1. Consent A permit from Council is not required to remove a tree or shrub listed clear declared vegetation in (see clause 5.03.01) on private land (excluding (i)) if:

   (a) clearing of the vegetation has been authorised under other legislation; or
   (b) the tree or shrub:

   (i) poses an immediate risk to life or property due to a demonstrated sudden change to its structure as a result of severe storm or wind events, and meets the requirements of section 3.3 of the Urban Forest Technical Manual and/or
   (ii) the tree is dying or dead and is not required as the habitat of native animals; and
   (b) if the dead, dying or storm damaged tree is a heritage listed item or forms part of an Aboriginal object or is within an Aboriginal place of heritage significance Council is notified within 5 working days of the tree removal, by supplying the completed form in appendix 6 of the Urban Forest Technical Manual and/
   (c) the landowners consent has been obtained.

| Note 1: Trees or shrubs on public land cannot be removed in these circumstances. If a tree or shrub on public land appears to be damaged by a storm, it must be referred to council who will carry out the required works. |
| Note 2: Applications for tree removal on private land in relation to bushfire 10/50 rules are to be submitted to the undertaker in accordance with the requirements of the NSW Rural Fire Service and does not require a Council permit. |
| Note 3: Clearing of native vegetation that exceeds the biodiversity offsets scheme threshold can only be undertaken with the prior approval of the Native Vegetation Panel. Refer to State Environmental Planning |

Draft Newcastle Development Control Plan 2012 | 5.03 Tree and Vegetation Management 6
Policy (Vegetation in Non-Rural Areas) 2017 and the Biodiversity Conservation Act 2016 for further information.

2. Consent is not required to remove a tree or shrub listed in clause 5.03.01.1-(g) if:
   (a) the landowner’s consent has been obtained, and
   (b) the tree is less than 3m in height, or with a circumference at breast height (1.4m above ground level) less than 150mm for a single trunk tree, or less than 300mm for each trunk of a multi-trunk tree, or
   (c) the shrub is less than 5m in height, or
   (d) the tree or shrub is located within 3m of the wall of an existing principal building (excluding carports, garages, pergolas, fences, retaining walls and the like) on the land on which it is situated or on adjacent privately-owned land (where the land owner’s consent for the works has been obtained), or
   (e) the tree or shrub is on a declared noxious weed under the Noxious Weeds Act 1993, or
   (f) the tree or shrub is native vegetation previously planted for agriculture, agroforestry, forestry, horticulture or woodland purposes.

Note 2: It is preferable that a replacement tree is planted on the same lot as the removed tree where space is available outside the 3m buffer to the principal building.

5.03.03 When can declared vegetation be pruned without a permit?

The following controls apply to the pruning of trees or shrubs on private land (see Figure 2)

The following controls apply to the pruning of declared vegetation on private land, excluding vegetation in a threatened ecological community or a threatened plant species listed under the Biodiversity Conservation Act 2016, or Fisheries Management Act 1994, or vegetation that is or forms part of a heritage item, or that is or forms part of an Aboriginal object or within a place of Aboriginal significance (see Figure 2).

1. Consent A permit from Council is not required to prune a tree or shrub listed in declared vegetation on private land referred to in clause 5.03.01(c) to (g) if:
   (a) landowner’s consent has been obtained; and
   (b) for a tree or shrub greater than 5m in height:
      (i) the pruning is undertaken in accordance with the Australian Standard AS4373 - 2007, and
      (ii) a pruning specification is completed in accordance with section 2 of the Urban Forest Technical Manual, or

Note: An application to Council is not required for this pruning. However, pruning must be specified and undertaken by a suitably qualified arborist, and the pruning specification must be kept by the landowner. See Part A, section 2.0 of the Urban Forest Technical Manual and Appendix 5 Tree Pruning Specification form for further detail.
(c) for pruning of individual branches from a tree/shrub that overhangs a dwelling, *formal path or driveway*, where:

(i) the pruning is to remove branches that are within 1m of the dwelling, *formal path or driveway*, and

(ii) the pruning does not alter the overall shape or structure of the tree, and

(iii) the branches removed are less than 100mm in diameter at the final cut, and

(iv) the final cut is at a branch collar or appropriate growth point (see section 2.3 Urban Forest Technical Manual), or

Note: An application to Council is not required for this pruning. A pruning specification is not required for this pruning.

(c) the *height of the shrub/s is less than 5m in height*, and

(i) it is maintained without reducing the height, or

(ii) is pruned for the purposes of hedging, topiary, clearing of driveways or formal pathways, or similar.

Note: An application to Council is not required for this pruning. A pruning specification is not required for this pruning.
Figure 1 - Do I need approval to remove or clear a tree or shrub?

Is the vegetation to be cleared or pruned on Council owned land (e.g. located in the road reserve, front of your property, or in a public park)?

- **Yes**: Only Council can clear the tree or shrub. Please submit a Customer Request to Council.
- **No**: A permit from Council is required to clear the vegetation.

Is the vegetation any of the following:

- Vegetation in a threatened ecological community or threatened species under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994?
- Vegetation that is or forms part of a heritage item, or that forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance?
- A tree that is required to be retained or planted as a condition of a complying development certificate or development consent?
- A tree that was planted as a replacement tree?
- Native vegetation comprising understory shrubs and grasses that is less than the biodiversity offsets scheme threshold identified under the Biodiversity Conservation Act 2016?

- **Yes**: A permit from Council is NOT required to clear the vegetation.
- **No**: Approval from Council is required to clear the vegetation - refer to figure 2.

Note: If a tree that is posing an immediate risk to life or property is to be removed, the Storm Damaged Property should be completed and kept by the owner for at least 2 years. If the tree is a Heritage listed item, the Storm Damaged Property must be provided to Council within 5 working days of tree removal.
Figure 2 - Do I need approval a permit from Council to prune a tree or shrub?

Yes

No

Only Council can prune the tree or shrub.
Please submit a Customer Request to Council.

Approval from Council IS required to prune the vegetation.
Refer to figure 3 to determine the approval pathway.

Is the vegetation:
- in a threatened ecological community or a threatened plant species listed under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994;
- vegetation that is or forms part of a heritage item, or that is or forms part of an Aboriginal object or within a place of Aboriginal significance.

Will the pruning meet the following:
- Have the consent of the landowner; and
- Be undertaken in accordance with AS4373 - 2007; and
- Have a pruning specification completed in accordance with section 2 of the Urban Forest Technical Manual

No

Yes

Is the tree or shrub greater than 5m in height?

Yes

Will the pruning be for the removal of individual branches that overhang a dwelling, formal path or driveway; and
- Is for the removal of branches within 1m of the dwelling, formal path or driveway; and
- Does not alter the overall shape or structure of the tree; and
- The branches removed are less than 100mm in diameter at the final cut and the final cut is at a branch collar or appropriate growth point?

A permit from Council IS NOT required to prune the vegetation.

Yes

No

A permit from Council IS required to prune the vegetation.
5.03.04 Trees and Clearing of declared vegetation on private land not associated with a development application

A. Tree removal not associated with development - Clearing or pruning of declared vegetation - heritage items, Aboriginal objects and places of heritage significance

The following controls apply to the removal of trees or shrubs on private land that is not associated with any other work that requires development consent.

The following controls apply to the clearing or pruning of declared vegetation on private land that is not associated with any other work that requires development consent and that is or forms part of a heritage item or that is or forms part of an Aboriginal object, or that is within an Aboriginal place of heritage significance.

Objectives

1. To ensure tree and vegetation removal meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.
2. To ensure tree and vegetation removal is carried out in accordance with best practice methods.
3. To justify removal or damage to existing trees and outline compensatory measures to offset such loss.

General controls applying to the removal of trees or shrubs on private land that is not associated with any other work that requires development consent

Controls

1. For removal of a Heritage listed tree (item), or a tree within a Heritage Conservation Area (that does not meet the exemptions outlined in 5.03.02), a completed Heritage Minor Works Notification form is to be submitted to Council for assessment.

   1. A completed Heritage Minor Works Notification form is to be submitted to and approved by Council before the clearing or pruning of vegetation that is or forms part of:
      (a) a heritage item; or
      (b) an Aboriginal object or that is within an Aboriginal place of heritage significance;

   2. The removal of vegetation can only be considered under this section if the works are of a minor nature, or are for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, and do not adversely affect the significance of the item, object, or place.

Note 1: The Heritage Minor Works Notification form can be obtained from Council’s website.

Note 2: If the vegetation clearing or pruning does not meet the requirements of control 2, a Development Application will need to be submitted and approved by Council.

2. A development application is to be submitted to Council for consideration of the removal of trees that are:

Draft Newcastle Development Control Plan 2012
(a) native vegetation that is, or comprises part of, a threatened species, population or ecological community listed in the Threatened Species Conservation Act 1995, or Fisheries Management Act 1994; or

(b) part of an Aboriginal object or within a place of Aboriginal significance; or

(c) native understorey (includes shrubs, grasses) that is part of a bushland complex.

3. The selection and location of replacement tree planting is to be undertaken in accordance with section 8 and 9 of the Urban Forest Technical Manual, and is to be undertaken on the same lot as the removed tree. Where space permits, the preferred planting location is within the front setback of the property. The planting location is to take into account the location of services and other infrastructure, and is to be offset a minimum 1.5m from the front boundary when planted within the front setback.

B. Clearing of declared vegetation - all other sites

The following controls apply to the clearing of up to three (3) trees or shrubs on privately owned land and the planting of at least one (1) replacement tree on the land.

Note 1: In accordance with clause 5.9(3) of the Newcastle LEP 2012 an approval clause 7 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 a permit is required from Council to remove declared vegetation on private land. This may be undertaken in the form of a complying development application or a development application.

Note 2: This complying development certificate application process may apply to land managed by public authorities other than Council, where the public authority’s relevant legislation does not provide for tree removal.

Note 3: Schedule 3 of the Newcastle LEP 2012 details the conditions of complying development certificate for tree removal. In addition, to be complying development, the site must meet the general provisions for complying development contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

1. Where it is proposed to remove up to three (3) trees or shrubs and plant at least one (1) tree (with additional replacement trees as space permits) with a suitable tree species on the same site, a complying development certificate permit application for tree removal is to include the following:

   (a) a completed complying development application form A (see Council’s website); and

   (b) a site map which identifies the location of the trees vegetation to be removed and the location of replacement plantings in relation to the principal building and other ancillary structures; and

   (c) the botanical and common name of the replacement tree species.

2. Replacement tree planting is to be undertaken in accordance with sections 8 and 9 of the Urban Forest Technical Manual. The preferred planting location is within the front setback of the property.

Note 1: The planting location is to take into account the location of services and other infrastructure, and is to be offset a minimum 1.5m from the front boundary when planted within the front setback.

Note 2: An arborist report of any kind is not required under this section.
The following controls apply to all other complying development certificate applications for the removal of trees more than three (3) trees or shrubs, or where no replacement tree planting is proposed on privately owned land.

3. Where it is proposed to remove more than three (3) trees or shrubs, or where no replacement tree planting is proposed, a complying development certificate permit application for tree removal is to include the following:

   (a) a completed application form (see Council's website); and

   (b) a site map which identifies the location of the tree/s or shrubs to be removed, and
       location of replacement plantings (where proposed) in relation to the principal building
       and other ancillary structures; and

   (b) the botanical and common name of the replacement tree or shrub species.

   (c) a completed Arborist Report Complying Development form (see Appendix 7 of the
       Urban Forest Technical Manual) from a consulting arborist (AQF5) that:

       (i) demonstrates that at least one of the tree assessment tests under Part A section
           3.4.4 of the Urban Forest Technical Manual has been met, and

       (ii) is prepared in accordance with Part A, section 6 of the Urban Forest Technical
            Manual.

Note 1: If replacement planting is proposed, it is to be undertaken in accordance with section and 8 and 9 of
the Urban Forest Technical Manual.

The following controls apply to the clearing of all other native vegetation on privately owned land.

4. Where it is proposed to clear any other native vegetation, including understorey plants,
groundcovers and plants occurring in a wetland, a permit application is to include the following:

   (a) a completed application form (see Council's website); and

   (b) a site map which identifies the location of the native vegetation to be cleared and any
       retained vegetation at the site; and

   (c) description of the native vegetation community and/or list of the native vegetation
       species to be cleared; and

   (d) description of why the native vegetation is proposed to be cleared; and

   (e) a flora and fauna impact assessment prepared by a suitably qualified ecologist if the
       clearing of native vegetation exceeds more than 1000m² or clearing is within a riparian
       zone and/or wetland area.
Figure 3 - What type of approval/authorisation do I need from Council for tree removal or pruning?
5.03.05 Tree removal Clearing or pruning of declared vegetation associated with a development application

The following controls apply to the removal, clearing or pruning of trees or shrubs on private land associated with other works that require development consent.

Objectives

1. To ensure that tree/vegetation removal meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.

2. Ensure existing tree/vegetation is identified and assessed in the development process.

3. Incorporate new street and park trees into the greenfield subdivision design.

4. Incorporate native vegetation into the subdivision design.

5. Ensure retention of trees on existing greenfield estate lots is undertaken in a responsible manner.

6. To ensure retained public trees are protected during demolition or construction

General controls applying to all development on individual lots (excluding greenfield sites)

1. Where the development including any ancillary development, or associated excavation, affects trees-declared vegetation located on the lot site, or where the trunk of a tree is located within 5m of the development footprint, (including any ancillary development or associated excavation), the following information is to be submitted with the development application:

   (a) a report from a consulting arborist (AQF5) that:

      (i) incorporates a tree retention value assessment in accordance with section 4.1 of the Urban Forest Technical Manual, and

      (ii) defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and

      (iii) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.

(b) where it is demonstrated that the development design cannot retain trees, a landscape concept plan for the site that identifies suitable locations and species for compensatory tree planting within the site.

Note: Where space permits, the preferred planting location is within the front of the property. The planting location should take into account services and other infrastructure. Planting is to be offset a minimum 1.5m from the front property boundary.

(c) where the proposed development will impact on more than 4000m² of bushland, or where the development will impact on trees or bushland within a riparian corridor, a flora and fauna assessment prepared by a suitably qualified consultant is to be submitted with the development application. An arborist report is not required for these areas.
Note: Tree retention value assessments are not required for development that has a total footprint greater than 2ha. Assessment requirements for sites of this size are incorporated into the greenfield site controls below.

2. Trees retained as part of a development consent must be protected in accordance with the tree protection plan, during the demolition and construction phase.

The following controls apply to development of greenfield sites

Note: Greenfield sites are defined as undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. These sites are generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation. Separate processes for the assessment of large scale vegetation removal are outlined under the Biodiversity Conservation Act 2016.

3. A development application for a development of a greenfield site is to include:

(a) a detailed site plan and report that identifies:

(i) vegetation to be retained, and defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and

(ii) defined bushfire asset protection zones and relationship to vegetation to be retained, and

(iii) the location of habitat trees (to be retained and removed), and

(iv) a separate plan layer identifying locations of proposed street and park tree plantings, and nominated species selected in accordance with Council’s Street Tree Selection Manual 2016.

(b) a flora and fauna assessment prepared by a suitably qualified and experienced ecological consultant, where the development will impact on 1000m² or more of bushland, or where the development will impact on trees or bushland within a riparian corridor.

(c) a report prepared by a consulting arborist (AQF5) where individual trees are to be retained on residential zoned lots or public land that:

(i) includes a Tree Impact Assessment, which assesses the condition of the trees, determines the impacts from clearing of adjacent vegetation, and identifies trees suitable for retention, and

(ii) identifies individual trees along fringes of bushland that are compromised by the development works and require removal, and

(iii) defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and

(iv) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.

Note: Arborist’s reports do not need to assess bushland, other than as outlined in clause 1(c)(i) above.
4. Greenfield sites with a total site area greater than 2 hectares are to have a minimum of 25% of the site area preserved for the retention or provision of native bushland. Trees on residential lots are excluded from the 25% vegetation calculation. Priority for native bushland retention should be given to the communities of highest ecological value as identified in the flora and fauna report. Land set aside for stormwater detention basins, roads, and other infrastructure associated with the development will not be included in the calculations of the area set aside for native bushland.

5. If the site is generally devoid of native vegetation or contains degraded lands, the development is to include the restoration of at least 25% of the site area to native bushland.

C. Pruning of trees and vegetation on private land

The following controls apply to the pruning of trees and vegetation that cannot be undertaken in accordance with the exempt provisions in the DCP (see section 5.03.02)

1. For pruning of a Heritage listed tree (item), or a tree within a Heritage Conservation Area (that does not meet the exemptions outlined in 5.03.02), the following information is to be submitted to Council:
   (a) a completed Heritage Minor Works Notification form (see Council’s website), and
   (b) a pruning specification prepared by an arborist with minimum AQF 3 qualification (see section 2 and Appendix 5 of the Urban Forest Technical Manual).

2. A development application is to be submitted to Council for pruning of trees that are:
   (a) native vegetation that is, or comprises part of, a threatened species, population or ecological community listed in the Threatened Species Conservation Act 1995, or Fisheries Management Act 1994, or
   (b) part of an Aboriginal object or within a place of Aboriginal significance, or
   (c) native understorey (includes shrubs, grasses) that is part of a bushland complex.

3. A development application to ringbark, top, lop, injure or wilfully destroy (other than tree removal) a prescribed tree or shrub, is to include a report from a consulting-arborist (AQF6) that:
   (a) incorporates a tree retention value assessment in accordance with section 4.1 of the Urban Forest Technical Manual, and
   (b) demonstrates why there is no alternative to the activity, and that there is no risk to life or property, and that the activity will not adversely affect the tree/shrub.
   (c) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.

Note: Council will generally not support applications to ringbark, top, lop, remove, injure or wilfully destroy trees/vegetation.
5.03.06 Trees and Declared vegetation on public land

A. Public tree Clearing or pruning and removal of public trees not associated with a development application

**Objectives**

1. To ensure tree and vegetation management meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.
2. To ensure existing public trees are retained except where it can be demonstrated that no practical alternative is available.
3. To ensure pruning and retention of public trees is carried out in accordance with best practice methods and relevant Australian Standards.

**Controls**

The following controls apply to the removal clearing or pruning of trees or shrubs on public land that is not associated with any other works that require development consent.

1. Public tree maintenance activities including clearing and pruning and removal can only be undertaken by Council.

   **Note 1:** Requests for inspection of public trees by Council can be made via Council’s website or customer service centre.

   **Note 2:** An application to Council under Section 138 of the Roads Act 1993 is required for clearing or pruning of public trees in connection with complying development proposed under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. For information on the matters that will be considered in determining whether or not Council will support pruning or clearing of a public tree refer to section 5.03.06 B - Clearing or pruning of public trees association with a development application.

2. Inspections will be undertaken by Council's arborists who will determine appropriate works in accordance with relevant Australian Standards, City Wide Maintenance Policy Procedure, Urban Forest Technical Manual and Best Practice.

3. All public tree maintenance activities are undertaken by Council in accordance with relevant Australian Standards, City Wide Maintenance Policy Procedure, Urban Forest Technical Manual and Best Practice.

B. Public tree Clearing or pruning of public trees and removal associated with a development application

**Objectives**

1. To ensure tree and vegetation management meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.
2. To ensure public trees and public tree vacancy sites are considered in the design of the development.
3. To ensure existing public trees are retained except where it can be demonstrated that no practical alternative is available to allow for efficient development of the site.

4. To ensure retained public trees are protected during demolition or construction.

**Controls**

The following controls apply to the removal clearing or pruning of trees or shrubs on public land associated with other works that require development consent

1. Where a public tree is located within 5m of the development property boundary the following information is to be submitted with the development application:
   
   (a) identify the location of public trees and vacancies in the tree canopy within 5m of the property boundary on the site plans (contact Council to obtain location/s of public tree vacancies in the tree canopy), and
   
   (b) consider design options and feasibility to achieve the required offsets in accordance with Part B, section 2 of Council’s Urban Forest Technical Manual, and

2. Council will specify the tree protection requirements for public trees that are to be retained as part of the conditions of consent.

Note: Public trees are assessed by Council and an Arborist report is not required to consider impacts on public trees.

5.03.06 Newcastle University Callaghan Campus

**Objectives**

1. To improve the quality of vegetation on the Callaghan Campus.

2. To maintain the ‘bushland campus’ identity of the Callaghan Campus.

3. To ensure appropriate regeneration works are undertaken for vegetation which is removed or pruned for the purpose of a development.

**Controls**

The following controls apply to all land identified as the University of Newcastle Callaghan Campus as identified in Map 1

1. Compensatory works for the removal and clearing or pruning of vegetation is to be undertaken in accordance with the provisions for the Callaghan Campus in the Urban Forest Technical Manual. The works are to be undertaken in a specific Bushland Management Zone as identified in the Landscape Management Implementation Plan Callaghan Campus 3 September 2012. The management zone where compensatory works will be undertaken is to be nominated in the development application.

Note: The provisions in this DCP and the Urban Forest Technical Manual do not apply to development which will have a significant impact under section 5A of the Environmental Planning and Assessment Act 1979 or development which is significant under the Environmental Protection and Biodiversity Conservation Act 1999. Provisions of relevant State and Commonwealth legislation apply in these cases.
Map 1: Callaghan Campus
ITEM-145  CCL 12/12/17 - RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN 2012 AND PLANNING AGREEMENT

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

PURPOSE

This report seeks Council's endorsement of an amendment to Newcastle Local Environmental Plan 2012 (LEP), as per attached Planning Proposal (Attachment A), adoption of amendments to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan (Attachment B) and endorsement of the Newcastle Urban Rail Transformation Program Planning Agreement (Attachment C).

1 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</td>
<td>DP1226145 430 Hunter Street, Newcastle</td>
<td>Rail Corridor (Worth Place to Merewether Street)</td>
</tr>
<tr>
<td>Lot 1</td>
<td>DP1192409 1R Merewether Street, Newcastle</td>
<td>Road (Merewether Street)</td>
</tr>
<tr>
<td>Part Lot 3</td>
<td>DP1111305 6 Workshop Way, Newcastle</td>
<td>Land adjoining corridor (open space at rear of Newcastle Museum)</td>
</tr>
<tr>
<td>Lots 1 &amp; 2</td>
<td>DP1226551 280 Hunter Street, Newcastle</td>
<td>Rail Corridor</td>
</tr>
<tr>
<td>Lot 3 &amp; part Lot 4 DP 12 226551</td>
<td>150 Scott Street, Newcastle</td>
<td>Rail Corridor</td>
</tr>
<tr>
<td>Lots 5 &amp; 6</td>
<td>DP1226551 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</td>
<td>DP1008183 336 Hunter Street, Newcastle</td>
<td>Land adjoining corridor (Building)</td>
</tr>
</tbody>
</table>

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.

KEY ISSUES

2 At the Ordinary Council Meeting held on 13 October 2016 Council resolved to endorse the Planning Proposal to rezone the surplus Rail Corridor between Worth Place and Watt Street Newcastle and forward the proposal to the Minister for Planning for Gateway determination. A positive Gateway determination was issued by the DPE on 13 December 2016.

3 At the Ordinary Council Meeting held on 22 August 2017 Council resolved to exhibit changes to Section 6.01 Newcastle City Centre of the DCP and a draft Planning Agreement in relation to the Rail Corridor Planning Proposal. These documents have been prepared to implement the changes proposed in the planning proposal and to provide a framework for the embellishment and dedication of open space areas.

4 At the same meeting (22 August 2017) Council also endorsed the Rail Rezoning - Public Exhibition Period Engagement and Communications Plan which outlined the engagement activities to be undertaken as part of the public exhibition.

5 In accordance with the Council endorsed Engagement and Communications Plan and the Department of Planning and Environment's Gateway Determination, the Planning Proposal, draft DCP and draft Planning Agreement were exhibited from 11 September 2017 until 23 October 2017. The endorsed Engagement and Communications Plan outlined the following engagement activities:

i) Develop a designated rail rezoning project engagement site on Council's main website page.

ii) Geo-mapping tool and survey - called Social Pinpoint to gather site specific feedback.

iii) Community information sessions.
iv) Submissions (lodged via the rail Planning Proposal public exhibition project site and traditional methods such as posted / hand delivered written submissions).

v) Public Voice Session (as outlined in Council's resolution of 26 April 2017).

Community Information Sessions

6 Council held two Community Information Sessions on 18 September 2017 and 19 September 2017, to provide the community with the opportunity to speak to staff and ask questions about the Planning Proposal, draft DCP and draft Planning Agreement. These sessions were not for the purpose of directly seeking community feedback, however, attendees were able to lodge a submission and complete the Social Pin Point Survey either online (via iPad) or in hard copy. 49 community members attended the community information sessions.

Submissions

7 During the exhibition period Council received 849 submissions; further details regarding the content of the submissions is provided below.

Form Letters - Support

8 Council received 46 form letters (two types) in support of the proposal, 39 were from community members living within the Newcastle Local Government Area, one from Lake Macquarie, one from the Central Coast, four from Sydney and one that did not include the address.

9 The form letters noted the exhibited plan for the corridor is consistent with the community vision to bring people back to the Newcastle City Centre by enhancing Newcastle as a destination, while supporting the creation of jobs, education and housing opportunities and high quality public domain. The form letters noted the proposal will dramatically improve the connectivity of Newcastle by reuniting the City Centre with our iconic working harbour, improving the experience of being in and moving around the city.

10 The letters also commended the leadership taken by Council to preserve and enhance the unique heritage and character of the City through the Planning Proposal.

Form Letters - Objection

11 Council received 137 form letters in opposition of the proposal, 62 were from community members living within the Newcastle Local Government Area, 24 were from Lake Macquarie, one from Port Stephens, 30 from broader Hunter area, 20 from the Central Coast, Sydney or didn't include an address.
12 The form letter stated ‘you can do a submission to Council to say NO to development of the corridor and NO to light rail in Hunter and Scott Streets’ and ‘that Council could alter the proposal to remove light rail from Hunter Street and build over the rail in the corridor’. The form letter included the following examples of points to use in the objection / submission to Council:

i) This land should remain zoned SP2 (Infrastructure - Railway).

ii) A railway corridor capable of direct mass transport is vital for the future.

iii) In past submissions over 70% of the people supported rail in the corridor.

iv) Transport experts said to keep the corridor for rail (Council Public Voice).

v) In 2013 Government Document 71 says light rail in Hunter Street will cost $100M more.

vi) The development lacks sufficient parking for residents.

vii) No provision for healthy and safe cycling and walking access.

viii) The development will create more traffic congestion with increased trip times.

ix) Create a visible barrier to the harbour.

x) Cause overshadowing of Hunter Street properties and loss of solar access.


xii) Threaten the heritage of the city - Newcastle / Civic Stations, Signal Box, The Store.

xiii) Cause loss of significant views between Newcastle Station and the harbour.

xiv) Cause overdevelopment of the city - 2,000 apartments already underway.

xv) Light rail on Hunter and Scott Streets will cause removal of hundreds of parking spaces and loading zones, more traffic congestion and pollution (three extra sets of traffic lights), longer travel times than on the corridor, businesses to fold, widening of Scott Street into Market Street Lawn.

13 The form letters received by Council restated the points above, specifically keeping the current SP2 Infrastructure zone and reinstating the rail line for either heavy or light rail. A copy of the form letter is provided in Attachment G.
Submissions

Support

14 Council received 226 submissions in support of the planning proposal, draft DCP and draft planning agreement. The submissions supported the proposal in its entirety as well as specific components of the proposal. The submissions expressed excitement about the development of the University precinct, including student housing, open space links and Market Street Lawn. Council received positive comments on the changes happening to the city, since the closure of the heavy rail in 2014.

15 Of the 226 submissions received, 80 submissions were specifically supporting the submission made by the Property Council. Although the Property Council submission does propose a slightly different outcome to what is proposed in Council's Planning Proposal, the Property Council's submission does support development on the rail corridor, the proposed open space areas and adaptive reuse of the Newcastle Station and therefore these submissions have been included in the support category.

Objection

16 Council received 394 objections during the exhibition period. Following review of these submissions, 248 suggested retaining the SP2 Infrastructure Zone, to ensure the rail corridor was protected allowing rail to be reinstated in the corridor in the future. The submissions also disagreed with the light rail route and said it should run down the existing corridor rather than on Hunter and Scott Street.

17 Concerns were also raised with the removal of parking due to the light rail route and an increase in traffic congestion during the construction phase of light rail and into the future. Attachment E addresses the main points raised during the Public Voice and in submissions, in relation to the Traffic Impact Assessment that accompanies the planning proposal.

18 The objections expressed concern that the new development in the rail corridor would overshadow Hunter Street and result in an over development of the city. 42 of the objections suggested leaving the entire corridor as open space, to create better connections to the harbour and allow for active transport uses such as walking and cycling.

19 Of the 394 objections, 73 supported the following Notice of Motion dated 22 August 2017:

   i) enable rails to be installed on, and light rail vehicles to operate on the Rail Corridor from Worth Place to Newcastle Station, and
ii) require that, where necessary to enable an effective rail service on the Rail Corridor, and any buildings on the rail route from Worth Place to Newcastle Station are to be constructed so that all light rail vehicles can pass underneath those buildings.

20 The issues outlined above are matters that cannot be addressed as part of the Planning Proposal as they relate to decisions that have previously been made by the NSW Government in relation to terminating of the heavy rail and the light rail currently being constructed in Hunter and Scott Streets. These are not decisions or matters that the Council has authority over.

Unspecified

21 Council received 44 submissions that did not clearly state whether they supported or objected to the proposal.

Site Specific Submissions

22 Council received 17 site specific submissions relating to the Planning Proposal and draft DCP; these submissions contained six issues. Council also received a submission from Hunter Development Corporation requesting changes to the Planning Proposal and draft DCP. Further details are provided below on how these issues have been addressed.

Boundary Adjustment Adjacent to Market Street Lawn

23 Council sought further clarification from Hunter Development Corporation (HDC) in relation to the boundary adjustment adjacent to Market Street lawn. HDC advised that the boundary adjustment facilitated works associated with the light rail including the relocation of services, road realignment and footpath widening. The realignment of Scott Street has resulted in an encroachment of 475m² into the site of the former rail corridor, primarily to the east of the Newcastle Signal Box where the Market Street light rail platform will be located.

24 The Market Street Lawn will provide approximately 1.2 hectares of landscaped public open space; the subdivision has no impact on the zoning of land proposed in the planning proposal.

414-426 Hunter Street Newcastle

25 Council received two submissions from the owners of 414-426 Hunter Street, concerned with the proposed lowering of the building height from 24m to 18m. These properties are outside of the rail corridor and were included into the planning proposal to improve the amenity to the surrounding open space areas, such as Wheeler Place.
Further detailed analysis of the impact of overshadowing of Wheeler Place was undertaken which showed that at a building height of 18m, there was no impact on Wheeler Place and at the existing building height of 24m there was an approximate encroachment of 3-4 metres at 12pm on the 21 June. This encroachment is considered acceptable.

The draft DCP contains a street wall height control for these properties (on Hunter Street) of 16m. The inclusion of this control in the draft DCP will lessen the impact of overshadowing of Wheeler Place and therefore the Planning Proposal has been amended, to maintain the current building height of 24m.

Proposed Through Site Link from Hunter Street to Civic Lane

Council received three submissions regarding the proposed through site link from Hunter Street to Civic Lane included in the draft DCP. The Network Access Map in the draft DCP shows a preferred location of the link between 462-492 Hunter Street.

The submissions raised concern that Council would compulsorily acquire and demolish the properties outlined in the draft DCP; which would impact significantly on people's homes and business. One of the submissions also noted that the University owns a property within the preferred site link location and this building would be better served to provide a link as it would enable students to safely cross at the Auckland Street intersection and continue through to the proposed Honeysuckle Campus, without displacing any existing residents or businesses.

Following review of these submissions, the Network Access Map in the draft DCP has been amended to remove theNetwork Access Map(7,7),(993,994) ‘preferred arcade / through site link’ and the associated performance criteria / acceptable solution has been deleted.

Although increased permeability in this location is desirable (from Hunter Street to Civic Lane), the clause has created some confusion for property owners. There is no proposal for compulsory acquisition at this location. It is considered that the design / development controls for arcades and through site links provide appropriate controls, should property owners in this area choose to redevelop and incorporate through site links to capitalise on the redevelopment of the rail corridor.

Hunter Street Parcel - Live Work Units

Council received nine submissions regarding the Hunter Street parcel that is proposed to be developed to house approximately 13 Live-Work Units. These submissions came from the owners of the adjoining residential units located to the north of the former rail corridor (Nautilus Apartments) all of which expressed concern that future development would impact on their views and amenity including overshadowing and therefore the land should be zoned to RE1 Public Recreation.
The Hunter Street parcel is proposed to be rezoned to B4 Mixed Use, with a building height of 14m and a floor space ratio of 1.5:1. The Nautilus Apartments site has a height limit of 20m. As the Nautilus apartments are located to the north of the former railway corridor, they will not be affected by shadowing from any development on the former corridor.

The draft DCP already incorporates design controls to address view lines, solar access and other amenity issues. To address the concerns raised during the public exhibition, the draft DCP has been amended to incorporate an additional control for this location which requires the upper level setback on the northern side of the development to achieve the minimum separation distances detailed in the Department of Planning and Environment's Apartment Design Guidelines.

The intended outcome of developments in the Hunter Street parcel is to complete the streetscape on the northern side of Hunter Street and to facilitate activation of the street.

Council received a submission from the owners of 336 Hunter Street who are not part of the rail corridor but were included in the planning proposal to address an anomaly of the site not having a maximum building height or maximum floor space ratio.

The planning proposal proposes a maximum building height of 14m and a floor space ratio of 1.5:1, to be consistent with the controls for the Hunter Street parcel. The submission requested either removing the parcel of land from the planning proposal, and therefore not assigning height and floor space ratio controls, or assigning the same controls on the southern side of Hunter Street being a 24m maximum building height and 2.5:1 floor space ratio.

To ensure consistency of the street wall height with the proposed adjoining Live-Work units, and to reinforce the proposed scale of the streetscape in this area the proposed maximum building height and floor space ratio remains at 14m and 1.5:1.

Civic East

Council received one submission requesting the zoning of the Civic East parcel be changed to RE1 Public Recreation (rather than B4 Mixed Use) and allowing developers to purchase the development rights to be used on the adjoining properties. This would allow the additional floor space ratio that would have previously been on the rail corridor to be added to the adjoining sites, increasing the footprint of the building but not the height limit. As the site to the east of the Civic East parcel is proposed to be zoned B4 Mixed Use, the RE1 zone is not appropriate in this location. Council does not support transferable development rights as part of this proposal.
Hunter Development Corporation Submission

Planning Proposal Changes

40 Hunter Development Corporation requested the Planning Proposal be amended to remove an anomaly, created by the existing minimum lot size for RE1 Public Recreation zoned land within the Newcastle Local Environmental Plan.

41 The Planning Proposal has been updated to reflect this request as this will allow a subdivision to occur to separate the Newcastle Signal Box from the surrounding RE1 Public Recreation land, allowing the land to be dedicated to Council as outlined in the draft planning agreement.

DCP Changes

42 Hunter Development Corporation also requested two additional DCP amendments, firstly in relation to the Civic Link to clarify the original intent of the design guidelines which is to provide:

i) a 4.5m pedestrian only link on the northern side of the former railway corridor between Civic Link and Merewether Street; and

ii) vehicular access only on the southern side of the former railway corridor between Civic Link and Merewether Street. This access is for vehicular access for the properties 416-426 Hunter Street and the future affordable housing units proposed on this part of the former railway corridor.

43 The other change relates to B6 – Sun access to public spaces, Darby Plaza will retain the RE1 Recreation zoning but has been removed from the list of public spaces as its unlikely to achieve the sun access requirements detailed in this section of the DCP due to its small size (300m²), the presence of existing development around the site and permissible (subject to this planning proposal being supported) future development of surrounding areas. Darby Plaza is located in the vicinity of Wheeler Place and Civic Link which do / will meet the sun access requirement, therefore this change is considered to be minor. The Plaza itself is not proposed to be removed only the listing as a public space within the DCP.

44 Both of these amendments have been made to the draft DCP. The blue text in the draft DCP shows the changes that have been made following the exhibition period.

Public Voice

45 At the Ordinary Council Meeting held on 26 April 2017, Council resolved to hold a Public Voice session during the exhibition period of the Planning Agreement, draft DCP and draft Planning Agreement. The Public Voice was held on 18 October 2017 and included 12 speakers (six for and six against).
The speakers against the proposal spoke about the lack and quality of the open space to be provided in the corridor, additional traffic congestion caused by the Planning Proposal and that the corridor should be retained for rail. One speaker spoke of the affect the proposed lowering of building heights at 414-426 Hunter Street would have on her family as well as the impact the light rail construction had on her ability to secure a tenant for her commercial building; the subdivision of land adjacent to Market Street Lawn was also raised as a concern.

The speakers supporting the proposal discussed the positive impact the rezoning will have on Newcastle including stimulation of commercial development in Honeysuckle from the proposed university campus as well as commenting on how Newcastle is changing and providing greater employment, which has allowed people to move back to Newcastle as there is now suitable professional employment opportunities. A summary of the Public Voice session is provided in Attachment E.

**Social Pin Point Survey**

A Social Pinpoint Map was developed and included on the engagement page of Council's website. The map included for each parcel of land, zoning information, building height, floor space ratio controls, potential dwelling yield and proposed non-residential area. The map also had a brief survey embedded for people to provide comment. The Social Pin Point Survey results and verbatim comments are provided as Attachment D.

This map and survey serves the purpose of informing the public about the different aspects of the Planning Proposal and provides the opportunity for the community to provide feedback additional to any formal submissions. The Social Pinpoint Survey on Council’s website was viewed 942 times with 647 survey responses. The results are summarised below:
### Education (Parcels 1-3, University)

<table>
<thead>
<tr>
<th>Proposed Planning Controls</th>
<th>45% agreed with the building height</th>
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</thead>
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<tr>
<td>Zoning: B4 Mixed Use</td>
<td>31% agreed with the FSR</td>
</tr>
<tr>
<td>Height: 30m</td>
<td>47% thought the area should contain student housing</td>
</tr>
<tr>
<td>FSR: 3.1</td>
<td></td>
</tr>
</tbody>
</table>

**Verbatim comments**
The comments of the participants who disagreed with the proposal suggested having no development on the site and reinstating the rail corridor, using the site for open space and active transport uses (walking and cycling) and car parking.

### Additional Land at the Museum (outside of the Rail Corridor)

<table>
<thead>
<tr>
<th>Proposed Planning Controls</th>
<th>91% agreed with the proposed zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning: RE1 Public Recreation</td>
<td></td>
</tr>
<tr>
<td>Height: n/a</td>
<td></td>
</tr>
<tr>
<td>FSR: n/a</td>
<td></td>
</tr>
</tbody>
</table>

**Verbatim comments**
Survey participants suggested using the area for a playground that could be incorporated into the Museum, a space that reflects the history of the area and for a pickup / drop off area to support transport and car parking.

### Civic Link (Parcel 4 - incorporating Civic Station)

<table>
<thead>
<tr>
<th>Proposed Planning Controls</th>
<th>84% agreed with the proposed zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning: RE1 Public Recreation</td>
<td></td>
</tr>
<tr>
<td>Height: n/a</td>
<td></td>
</tr>
<tr>
<td>FSR: n/a</td>
<td></td>
</tr>
</tbody>
</table>

**Verbatim comments:**
The comments supported the area being used for open space as well as leaving the area as a transport corridor.

### Civic (Parcel 5 - proposed affordable housing site)

<table>
<thead>
<tr>
<th>Proposed Planning Controls</th>
<th>40% agreed with the proposed zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning: B4 Mixed Use</td>
<td>33% agreed with the FSR</td>
</tr>
<tr>
<td>Height: 18m</td>
<td>43% agreed with the proposed zone</td>
</tr>
<tr>
<td>FSR: 3.1</td>
<td></td>
</tr>
</tbody>
</table>

**Verbatim comments**
The comments disagreed with the proposed use and through the area should be kept for future transport needs. Others suggested leaving this space for a future expansion of the museum and that the building height should be lowered.
## Civic East (Parcel 7)

**Proposed Planning Controls**
- Zoning: B4 Mixed Use
- Height: 30m
- FSR: 2:5.1

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>47%</td>
<td>agreed with the building height</td>
</tr>
<tr>
<td>27%</td>
<td>agreed with the FSR</td>
</tr>
<tr>
<td>48%</td>
<td>agreed with the proposed zone</td>
</tr>
</tbody>
</table>

**Verbatim comments**
The comments of those that disagreed suggested the area be kept for the rail corridor and not built on; while some suggested a parking station.

## Darby Plaza (Parcel 8)

**Proposed Planning Controls**
- Zoning: B4 Mixed Use
- Height: 24m
- FSR: 4:1

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>86%</td>
<td>agreed with the proposed zone</td>
</tr>
<tr>
<td>39%</td>
<td>supported location for student housing</td>
</tr>
</tbody>
</table>

**Verbatim comments**
The comments from those that disagreed thought the area should be used for a transport corridor and built on.

## Darby Park (Parcel 9)

**Proposed Planning Controls**
- Zoning: RE1 Public Recreation
- Height: n/a
- FSR: n/a

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>86%</td>
<td>agreed with the proposed zone</td>
</tr>
</tbody>
</table>

**Verbatim comments**
The comments supported the proposed use of the area and suggested water stations, seats, shade, lighting and green walls.

## 336-342 Hunter Street (Outside of Rail Corridor)

**Proposed Planning Controls**
- Zoning: B4 Mixed Use
- Height: 14m
- FSR: 1:5.1

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>51%</td>
<td>agreed the building height</td>
</tr>
</tbody>
</table>

**Verbatim comments**
The comments said development should be kept to 4 storeys or that the area should be retained for a rail corridor.
### Hunter Street (Parcel 11)

**Proposed Planning Controls**
- Zoning: B4 Mixed Use
- Height: 14m
- FSR: 1:5.1

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>36%</td>
<td>agreed with the building height</td>
</tr>
<tr>
<td>32%</td>
<td>agreed with the FSR</td>
</tr>
<tr>
<td>37%</td>
<td>agreed with the proposed zone</td>
</tr>
</tbody>
</table>

**Verbatim comments**
- The comments from those that disagreed suggested the area should be retained as open space or for the rail corridor and should not be built on.

### Entertainment Precinct (Parcels 13-15, Market Street Lawn)

**Proposed Planning Controls**
- Zoning: R1 Public Recreation
- Height: n/a
- FSR: n/a

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>84%</td>
<td>agreed with the proposed zone</td>
</tr>
</tbody>
</table>

**Verbatim comments**
- The comments supported the recreation use with participants noting they have enjoyed the events being held at Market Street Lawn.

### Newcastle Station (Parcel 16)

**Proposed Planning Controls**
- Zoning: SP3 Tourist Zone
- Height: 10m and 20m
- FSR: 1:5.1

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>78%</td>
<td>agreed with the tourist orientated development</td>
</tr>
</tbody>
</table>

**Verbatim comments**
- Survey participants though the station and surround space could be used for hands on activities and interactive information for tourists, bike hire facilities, historical / café space and cultural hub, vibrant and unique, exercise equipment, a performance venue and that the station be retained.

### FINANCIAL IMPACT

50 Work will be undertaken by Council’s Strategic Planning staff within their current allocated work program and budget.

### COMMUNITY STRATEGIC PLAN ALIGNMENT

**Newcastle 2030 Community Strategic Plan**

51 The planning proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

- Vibrant and Activated Spaces
- Caring and Inclusive Community
- Liveable and Distinct Built Environment
- Open and Collaborative Leadership.
52 A detailed discussion of the planning proposal and its relationship with the CSP is provided at Attachment A.

**Local Planning Strategy (LPS)**

53 The LPS is Council's comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The LPS acknowledges the role of the Newcastle Urban Renewal Strategy (NURS) released by the DPE in 2012, and updated in 2014 and states:

"The LPS aims to complement this parallel strategy."

54 The proposal is consistent with the visions and objectives of the LPS. A detailed discussion is provided in the planning proposal at Attachment A.

**Newcastle Urban Renewal Strategy (NURS)**

55 The NURS is the principal land use strategy for the Newcastle City Centre. It includes nine guiding principles:

1. Opportunities to grow and expand
2. Economic viability and competition
3. Busy and vibrant city centre
4. Integrity and viability
5. Investment, employment and growth
6. Transport, access and connectivity
7. Housing mix and affordability
8. Retail variety and choice
9. Provide for future employment growth

56 A specific transport initiative of the NURS 2014 update was to connect the city with its waterfront. The provision of additional RE1 Public Recreation zoned land facilitates this connection.

57 The proposal is consistent with the principles of the NURS. A detailed discussion is provided in the Planning Proposal at Attachment A.

**IMPLEMENTATION PLAN/IMPLICATIONS**

58 The preparation of the attached planning proposal was undertaken in accordance with Council’s LEP - Request for Amendment Policy (2012). This policy identifies Council's processes and responsibilities in applying the requirements of Part 3 of the EP&A Act for amending an LEP.
RISK ASSESSMENT AND MITIGATION

59  Adoption of the recommendations enables the planning proposal to be processed within the timeframes provided within the Gateway determination and enable the land to be redeveloped for medium density residential development.

RELATED PREVIOUS DECISIONS

60  At the Ordinary Council Meeting held on 22 August 2017 Council resolved to:

"Place the draft amendment to Newcastle Development Control Plan 2012 (DCP) section 6.01 Newcastle City Centre and draft Newcastle Urban Rail Transformation Program Planning Agreement on public exhibition for 40 days.

61  At the Ordinary Council Meeting held on 9 May 2017 Council resolved to lay on the table the consideration of reports recommending the public exhibition of the draft amendment to DCP section 6.01 Newcastle City Centre and draft Newcastle Urban Rail Transformation Program Planning Agreement pending a report back on the status of the transport issues from 13 October 2016 resolution (Part C) and negotiations to maximise the provision of affordable housing within the planning agreement. The resolution also included a requirement to prepare a Community Engagement Plan. This plan was endorsed by Council at the Ordinary Council Meeting held on 22 August 2017.

62  Council resolved at the Extraordinary Council Meeting held on 13 October 2016 to endorse the planning proposal. A copy of the Council resolution is provided as Attachment F. A separate report on Part C of Council's resolution from 13 October 2016 is contained in the agenda.

63  On 26 July 2016 Council considered a Notice of Motion and resolved:

"1. Newcastle City Council determines to retain the current zoning of the Rail Corridor as Special Purpose 2 (SP2)

2. Council convey to the State Government:

a. Its intention that such zoning remain until the NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets, and such plans conclusively establish that the corridor land is not needed for transport purposes, and

b. Its view that only a Council comprising elected representatives, elected by the citizens of Newcastle, should have the right to determine any rezoning of Newcastle's rail corridor land."
3. *In the interim, Council consult with relevant State Government agencies to explore appropriate temporary uses of the corridor land.*

**CONSULTATION**

64 Consultation with public authorities and the community was undertaken in accordance with the Gateway determination as outlined above and further detailed in the planning proposal. Council also adopted a Community Engagement Plan on 22 August 2017 in relation to the engagement process for the Planning Proposal, draft DCP and draft Planning Agreement.

65 Council's Urban Design Consultative Group was consulted during the preparation of the planning proposal, and their advice was incorporated into the development of the proposed LEP controls and DCP guidelines.

**OPTIONS**

**Option 1**

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

**Option 2**

67 Council resolves not to proceed with the planning proposal. This is not the recommended option.

**BACKGROUND**

68 In December 2010, Council adopted the Hunter Street Revitalisation Strategic Framework. The Strategic Framework provides a community based vision along with a set of guiding themes for revitalisation in Hunter Street. This document also considered the removal of the heavy rail corridor and provides opportunities for its future use.

69 The NSW Government released the draft Newcastle Urban Renewal Strategy (NURS) in 2012. This document provides a 25 year plan to revitalise Newcastle. The strategy includes place-based, economic and transport initiatives designed to drive urban renewal and support growth in the city centre.

70 The draft NURS and LEP changes were exhibited from 14 December 2012 until 19 April 2013. Proposed changes to the State Environmental Planning Policy (Urban Renewal), draft City Centre DCP and design guidelines were exhibited between 5 March 2014 and 4 April 2014.

71 The NSW Government undertook consultation on the light rail route in February 2014 and again in May 2014 announced the preferred route of the existing corridor to Worth Place and Hunter and Scott Streets to Pacific Park.
The Newcastle Urban Renewal Strategy was endorsed by the NSW Government in July 2014.

Council adopted the Newcastle Transport Strategy on 9 December 2014.

The Newcastle heavy rail line was truncated by the NSW Government on 25 December 2014.

During August 2015 and September 2015, UrbanGrowth NSW in partnership with Newcastle City Council ran the Revitalising Newcastle community engagement program. During Revitalising Newcastle more than 11,000 people shared their ideas and provided feedback on the revitalisation of Newcastle City Centre. The Final Engagement Report, reported to Council in December 2015, outlines that based on this engagement people strongly supported the objectives to bring people back to the city, grow new jobs and connect the city to its waterfront and people wanted the heritage and character of the city centre to be respected in the revitalisation. The report also stated that more than three in four responses to a phone survey of residents favoured the Harbour Entertainment City and Harbour Play City opportunities. These options combine mixed use development with open space and new community assets.

Council unanimously supported the Lord Mayoral Minute - Integrated Transport Plan of September 2015 and endorsed the Connecting Newcastle document setting out Council's light rail vision on 22 March 2016.

In April 2016, the Review of Environmental Factors (REF) for the light rail proposal was placed on public exhibition by Transport for NSW. In July 2016, a formal determination was made that the Newcastle light rail project would proceed.

Council received a request to amend Newcastle LEP 2012 in order to enable the rail corridor land between Worth Place and Watt Street Newcastle to be redeveloped for mixed use, public open space and tourist uses. The submitted request indicates that the requested amendments to the LEP support the objectives of the NSW Government's Newcastle Urban Transformation and Transport Strategy (NUTTP).

On 27 September 2016 2017 the Hon Andrew Constance MP, Minister for Transport wrote to Council regarding repurposing of the former heavy rail corridor in Newcastle following the Lord Mayor's meeting with the Premier and Minister for Planning. The letter stated "As outlined in my letter of 5 September 2016, the light rail route announced in May 2014 is the final route…… The route also supports Council's desire to move the CBD to the west …. As such, the former rail corridor east of Worth Place will be free of transport infrastructure and no longer required as a transport corridor….. It is important to that light rail is an integral part of the Hunter Regional Transport Plan. In the next 12 months, Transport for NSW will work together with the new integrated services operator, the Department of Planning, UrbanGrowth NSW and Newcastle City Council on an updated transport plan for the region. A copy of this letter is included in Attachment H."
80 At the Ordinary Council Meeting held on 13 October 2016 Council resolved to endorse the Planning Proposal to rezone the surplus Rail Corridor between Worth Place and Watt Street Newcastle and forward the proposal to the Minister for Planning for Gateway determination.

81 Part C of above resolution required the following commitments prior to reporting back to Council following the exhibition period for the planning proposal:

"PART C:

Require the following commitments prior to a report back to Council under Part B v) (receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP&A Act.) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council’s current transport targets including:
   a. An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and
   b. A revised Traffic Report of traffic impacts in the CBD based on:
      i. Current and forecast land use development proposals for the CBD.
      ii. The Integrated Transport Plan for the CBD.
      iii. The Parking Strategy being prepared by Transport for NSW (TfNSW).
      iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access.
   c. A comparison between the land use assumptions used in the REF compared with rezoning proposal.
   d. An integrated transport plan setting out the detailed operational arrangements for Buses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.

2. A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle".
A positive Gateway determination was issued by the Department of Planning and Environment on 13 December 2016. The gateway determination for the rail corridor planning proposal noted that Council's resolution included matters relating to transport planning (Part C) that are beyond the scope of the Newcastle Local Environmental Plan 2012 (LEP) amendment process and the Council should progress these matters with Transport for NSW (TfNSW) and UrbanGrowth NSW directly.

The resolution from the Ordinary Council Meeting held on 13 December 2016 specifically required 'A comparison between the land use assumptions used in the REF compared with rezoning proposal'. Section 4.6 of the Traffic Impact Assessment for the Planning Proposal includes a comparison of the land use assumptions used for the Light Rail REF and the Planning Proposal in relation to traffic. The traffic demand assumed for the Planning Proposal in both the AM and PM Peak is greater than was assumed for the Light Rail REF.

Council resolved at the Ordinary Council Meeting of 9 May 2017 to lay on the table the consideration of reports recommending the public exhibition of the draft amendment to Newcastle Development Control Plan 2012 (DCP) Section 6.01 Newcastle City Centre and draft Newcastle Urban Rail Transformation Program Planning Agreement, pending a report back on the status of the transport issues from the resolution of the Ordinary Council Meeting held on 13 October 2016 (Part C) and negotiations to maximise the provision of affordable housing within the Planning Agreement.

Council supported the Lord Mayoral Minute: Light rail extension and network on 13 June 2017 and updated the Council endorsed Connecting Newcastle document.

On 20 June 2017 at Council's Briefing Committee Meeting Councillors were briefed by the Executive Director Future Transport, Contract Manager Transport for NSW and Executive Director Local Planning, Department of Planning and Environment on the future transport planning for the region being completed by the NSW Government.

On 22 August 2017, Council received a supplementary report on the exhibition of the draft amendment to Newcastle DCP 2012 Section 6.01 Newcastle City Centre and draft Newcastle Urban Rail Transformation Program Planning Agreement. That report also included a status report on Part C of the resolution as provided to Council by the Revitalising Newcastle Program Director. Correspondence from the Hon Anthony Roberts MP, Minister for Planning confirming hypothecation of funds from the development of the corridor to the project, was also included in this report. A copy of the status report and correspondence is provided as Attachment H.

On 22 August 2017 Council resolved to place the draft amendment to DCP section 6.01 Newcastle City Centre and draft Newcastle Urban Rail Transformation Program Planning Agreement on public exhibition for 40 days.
On 25 August 2017 the Hon Andrew Constance MP, Minister for Transport announced that the NSW Government would provide an additional $150 million for the revitalisation of the city, bringing the total to $650 million on upgrades in the CBD. The Minister indicated that most of the money, $75 million, would be used to create public open spaces and upgrade walkways and cyclepaths, while $40 million would be spent on extra road works in the CBD. Meanwhile, $35 million would be spent on streetscape improvements and freeing the light rail of poles and wires, in response to Council's advocacy on the issue.

On 22 October 2017, the draft *Future Transport 2056: Regional NSW Services and Infrastructure Plan* was released. The plan sets out the 40 year vision for transport of all forms in regional NSW to support liveable and productive communities. Within the plan, Newcastle is identified as a global gateway city serving the Hunter, New England and Mid North Coast. The Plan provides a detailed network plan for Newcastle City Centre, identifying light rail along Hunter and Scott Streets as well as cycle, road and bus routes. The plan also includes Hunter service and infrastructure initiatives including a rapid bus package for Greater Newcastle, Newcastle ferry network extensions, Newcastle light rail extension, upgrade of the cycling network in Newcastle and completion of Newcastle 2km pedestrian network.

On 21 November 2017 the NSW Government released the Draft Greater Newcastle Future Transport. A briefing in Newcastle was attended by staff and Councillors. The Draft Greater Newcastle Future Transport plan is a response to Council's advocacy and is within the framework of the Draft Future Transport Strategy 2056, the Regional NSW Services and Infrastructure Plan and supports the Newcastle City Centre Parking Strategy and Cycleway Network Strategy. The draft plan includes light rail extension, expansion of ferry services and integration of Council's *Connecting Newcastle* document and is the only discrete regional future transport plan released in conjunction with state-wide plan.

On 22 November 2017 Council received a letter from the Revitalising Newcastle Program Director advising that the NSW Government had released the Draft Greater Newcastle Future Transport Plan as noted in paragraph 90. The letter notes that the Draft Greater Newcastle Future Transport Plan is within the framework of the Draft Future Transport Strategy 2056, the Regional NSW Services and Infrastructure Plan and supports the Newcastle City Centre Parking Strategy and Cycleway Network Strategy. A copy of this letter is provided as *Attachment I*.

On 30 November 2017 the draft Greater Newcastle Metropolitan Plan (GNMP) was released for comment. The draft plan emphasises the need to integrate land use and transport planning and reflects the NSW Government's *Future Transport Plan* including the light rail network and activity centres set out in Council's *Connecting Newcastle (2017)* transport vision document. The draft GNMP also establishes the Hunter Special Infrastructure Contribution Fund to define appropriate contributions to State infrastructure.
Construction of the light rail in Hunter Street commenced in September 2017 and is due for completion in early 2019.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal to rezone surplus rail corridor between Worth Place and Watt Street Newcastle

Attachment B: Section 6.01 Newcastle City Centre

Attachment C: Newcastle Urban Rail Transformation Program Planning Agreement

Attachment D: Social Pinpoint Survey Results

Attachment E: Assessment of main points raised during Public Voice and in submissions in relation to Traffic Impact Assessment

Attachment F: Copy of Council Resolution of 13 October 2016

Attachment G: Copy of Form Letter - Objection

Attachment H: Status Report from Revitalising Newcastle and Correspondence from Ministers

Attachment I: Letter from Revitalising Newcastle Program Director dated 22 November 2017

Attachments are distributed under separate cover.
NOTICES OF MOTION

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

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

PURPOSE

The following Notice of Motion was received on 1 December 2017 from the abovenamed Councillors.

The purpose is to look at options at improving pedestrian safety and access along Maitland Road Mayfield.

MOTION

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

BACKGROUND

Maitland Road is a busy, high traffic road through Mayfield. These intersections face Maitland Road at an angle allowing traffic to exit onto Maitland Road at speed, with corner cutting a normal occurrence. This makes pedestrian access difficult and unsafe particularly for less mobile residents.
ATTACHMENTS

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

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 1 December 2017 from the abovenamed Councillor.

The purpose is to direct the production of a submission to the review of licence conditions in Newcastle’s CBD being undertaken by the NSW Independent Liquor & Gaming Authority.

MOTION

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.

BACKGROUND

In March 2008, the then Liquor Administration Board (LAB) imposed special licence conditions on 14 venues in Newcastle’s CBD. This followed the convening of conferences held under the Liquor Act 1982 in response to community concerns related to alcohol-related violence and anti-social behaviour, particularly during late night trading periods.

These special licence conditions are part of a suite of measures that have been implemented in the Newcastle CBD and surrounding areas to reduce the risk of alcohol-related violence.
At this time, Council adopted a prominent role in supporting the management of alcohol consumption with a focus on changing consumption patterns and the service of alcohol. Council's central role in strategic alcohol management was atypical, however logical considering Local Government's status as a regulatory body and owner and manager of public spaces and assets. Council developed Safe Newcastle: Alcohol Management Strategy 2010-2013 to reduce alcohol-related harms and anti-social activities proposing 35 initiatives using a collaborative and holistic approach. This strategy was awarded some funding and a Certificate of Merit from the Australian Crime and Violence Prevention Awards in 2012.

Evidence has confirmed the success of these initiatives in reducing night-time assault rates to the extent that they are referred to nationally as “The Newcastle Solution”. A peer reviewed study published in 2011 showed that the restriction in pub closing times produced a large relative reduction in assault incidence of 37% in comparison to a control locality (Kypri et al 2011). Night-time assault rates in the Newcastle CBD and Newcastle West have continued to decline since the publication of that study.

The NSW Independent Liquor & Gaming Authority (the Authority) are reviewing the range of special conditions that have applied to 14 hotels and bars in Newcastle’s CBD since 2008.

The review is being conducted by barrister Jonathan Horton QC. The review follows a request to the Authority by the Australian Hotels Association on behalf of the 14 venues to consider revoking or changing some of the conditions.

Written public submissions will be accepted until Wednesday 24 January 2018.

REFERENCE


ATTACHMENTS

Nil
Director Comment

On 21 November 2017 the NSW Independent Liquor and Gaming Authority (ILGA) announced that it will review "lockout laws" for select Newcastle CBD hotels and bars that have come to be known as the “Newcastle solution”. This follows a recent review of similar conditions in the Sydney CBD.

The Terms of Reference for the Newcastle review are:

a) investigate (without the exercise of any coercive powers) the issues bearing upon liquor-licensing and related measures that have been implemented in the Newcastle CBD and surrounding areas to reduce the risk of alcohol-related violence and anti-social behaviour, including the current appropriateness of the licence conditions of venues in the Newcastle CBD and surrounding areas, having regard to the objects of the Liquor Act.

b) compile, summarise and distil the material referred to above.

c) identify and advise upon the statutory and other measures open to ILGA, including the imposition or alteration of liquor licence conditions.

The review will be conducted by barrister Jonathan Horton QC with written public submissions accepted until Wednesday 24 January 2018.

Council moves into Christmas recess from 12 December 2017 with the first meeting of 2018 scheduled for 20 February 2018. As the deadline for submissions is during the Council Christmas recess period it is appropriate that Council delegate authority to the Interim Chief Executive Officer, in consultation with the Lord Mayor, to lodge the submission.

The submission by Council will outline Council’s commitment to a thriving and safe night-time economy in Newcastle as suggested in the NOM. The submission will also outline Council's support for an ongoing role in the delivery of strategic alcohol management initiatives to help achieve and maintain a vibrant and safe night-time economy. The submission will note that Council's direct legislative role is limited to development applications / proposals / building fire safety and not specifically access to alcohol. Council's strategic initiatives relating to access to alcohol requires collaboratively work with the key agencies that do have legislative responsibility such as ILGA, the Office of Local Government and NSW Police.
It is recommended that Council:

1. 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.
ITEM-38 NOM 12/12/17 - OUTDOOR FITNESS EQUIPMENT STRATEGY

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

PURPOSE

The following Notice of Motion was received on 1 December 2017 from the abovenamed Councillors.

MOTION

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.

BACKGROUND

The City of Newcastle's comprehensive Park and Recreation strategy, developed to guide the sustainable provision of parkland and recreation facilities for current and future communities in Newcastle, identifies a number of options aimed at enhancing our ever popular outdoor park and recreation facilities.

Consultation with the community and key stakeholders, as a part of the development of this strategy, identified the importance and value the community places on access to open spaces, parkland, beaches and other active and passive recreation opportunities. Parkland, the beach foreshore, bicycle and walking trails were extremely popular whilst local parks were the most used recreation facility within suburbs. As residential growth continues, the provision of a range of recreation spaces and facilities to meet community needs will become increasingly important (City of Newcastle Parkland and Recreation Strategy).

As a part of the City of Newcastle's consultation regarding the Park and Recreation strategy, Council identified a number of gaps to be addressed, through partnerships with the community and private sector, to ensure the continued provision of fitness equipment to cater for population changes and community demand.
Given the Council's recommendation to pursue the provision of fitness equipment for the people of Newcastle, and acknowledgement of the ever growing popularity of council's outdoor community spaces, an Outdoor Fitness Equipment Strategy would address the community's growing desire for outdoor fitness options, while meeting key action items contained within the Park and Recreation strategy.

**Speers Point Fitness Trail**

Speers Point Fitness Trail - Lake Macquarie City Council's new six-station fitness trail set along the Lake's edge at Speers Point has been identified by a number of constituents as desirable in the Newcastle Local Government Area.

More information about the Speers Point Fitness Trail can be accessed here:

- [https://www.youtube.com/watch?v=KmJc7L97qrE](https://www.youtube.com/watch?v=KmJc7L97qrE)

**Outdoor Gyms**

Other constituents have identified outdoor gyms, popular in a number of capital city local government areas, as highly desirable to address access to outdoor fitness in Newcastle:

An example of this style of outdoor fitness equipment can be found here: [https://www.facebook.com/timrobardsofficial/videos/891644414320146/](https://www.facebook.com/timrobardsofficial/videos/891644414320146/)

**ATTACHMENTS**

Nil.
CONFIDENTIAL REPORTS

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

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

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 (Act) as follows:

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUNDS FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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


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