



City of
Newcastle



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 22 March 2022

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

17 March 2022

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ORDINARY COUNCIL MEETING 22 March 2022

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

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 15 FEBRUARY 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 220215 Public Voice Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, on Tuesday 15 February 2022 at 6.10pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church, D Clausen, C Duncan, J Mackenzie, C McCabe, C Pull, D Richardson, K Wark, P Winney-Baartz and M Wood.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property and Interim Chief Information Officer), A Jones (Director City Wide Services), K Hyland (Interim Director Strategy and Engagement), M Bisson (Manager Regulatory, Planning and Assessment), E Kolatchew (Manager Legal), M Murray (Chief of Staff), K Sullivan (Councillor Services/Minutes), R Garcia (Information Technology Support) and U Bansal (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

The request submitted by Councillors Church and Wood to attend by audio visual link be received and leave granted.

Carried

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

**ITEM-1 PV 15/02/22 - DA2021/00959 - 335 LAMBTON ROAD NEW LAMBTON -
MULTI-DWELLING HOUSING - INCLUDES ONE INTO FOUR LOT
SUBDIVISION AND DEMOLITION OF EXISTING STRUCTURES**

Ms Jillian Macfarlane addressed Council and outlined concerns and objections to the development application. Mr Adam Piper, Elk Designs addressed Council in support of the development application.

The meeting concluded at 6.43pm.

MINUTES - ORDINARY COUNCIL MEETING 22 FEBRUARY 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 220222 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the former Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 22 February at 6.00pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church (*retired 11.57pm*), D Clausen, C Duncan, J Mackenzie, C McCabe, C Pull, D Richardson, K Wark, P Winney-Baartz and M Wood.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), K Hyland (Interim Director Strategy and Engagement), E Kolatchew (Manager Legal), S Moore (Manager Finance), M Bisson (Manager Regulatory, Planning and Assessment), H Sexton (Manager Governance and Councillor Services), M Murray (Chief of Staff), L Zoneff (Media and Communications Adviser), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), J Redriff (Governance/Meeting Support), R Garcia (Information Technology Support).

WELCOME TO COUNTRY

The Lord Mayor welcomed Aunty Cheryl to the Ordinary Council Meeting.

Aunty Cheryl delivered a formal welcome to Country.

PRESENTATION OF LORD MAYORAL CHAINS

Deputy Lord Mayor, Councillor Clausen presented the Lord Mayoral Chains to the Lord Mayor, Councillor Nuatali Nelmes and addressed Council stating:

I now take great privilege as the Deputy Lord Mayor investing the Lord Mayor, Councillor Nuatali Nelmes with her Chains of Office. It is a privilege to do so on behalf of the community of Newcastle and I congratulate you Lord Mayor on the election to this high office and to the civic leadership of Newcastle. On behalf of the entire Chamber we congratulate and look forward to working with you over this term.

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.

LORD MAYORAL MINUTE

ITEM-3 LMM 22/02/22 CEREMONIAL WELCOMING OF NEW AND RETURNING COUNCILLORS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Welcomes new and returning Councillors to the historic Newcastle City Hall Chamber for the Ceremonial first face-to-face Ordinary Council Meeting of the new Council term;
- 2 Notes that election for this new term of Council was held on 4 December 2021, with the following results declared by the NSW Electoral Commission:
 - Lord Mayor Nuatali Nelmes (Labor) declared elected as Lord Mayor on 21 December 2021.
 - Ward 1: The following candidates were declared elected on 23 December 2021:
 - i. Declan Clausen (Labor)
 - ii. John Church (Ind)
 - iii. John Mackenzie (Green)
 - Ward 2: The following candidates were declared elected on 23 December 2021:
 - i. Carol Duncan (Labor)
 - ii. Jenny Barrie (Liberal)
 - iii. Charlotte McCabe (Green)
 - Ward 3: The following candidates were declared elected on 23 December 2021:
 - i. Peta Winney-Baartz (Labor)
 - ii. Katrina Wark (Liberal)
 - iii. Margaret Wood (Labor)
 - Ward 4: The following candidates were declared elected on 23 December 2021:
 - i. Deahna Richardson (Labor)
 - ii. Elizabeth Adamczyk (Labor)
 - iii. Callum Pull (Liberal)
- 3 Congratulates all successful candidates and welcomes them to the Chamber as City of Newcastle Councillors for our Ceremonial Meeting at City Hall;

4 Welcomes the following first term Councillors and extends an opportunity to them to address the Chamber upon their election to City of Newcastle Council:

- Cr Dr Elizabeth Adamczyk
- Cr Deahna Richardson
- Cr Margaret Wood
- Cr Jenny Barrie
- Cr Charlotte McCabe
- Cr Katrina Wark
- Cr Callum Pull

Carried

Councillors Barrie, Richardson, Wark, McCabe, Pull, Adamczyk, Wood and Winney-Baartz, Church, Duncan, Clausen, Mackenzie and the Lord Mayor addressed Council as the newly elected Council.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council move for a short recess.

Carried

Council adjourned at 7.18pm and reconvened at 8.27pm.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a significant pecuniary interest in Item 11 – Bruncker Road, Broadmeadow – Proposed Pedestrian Crossing Upgrade Near Coolah Road stating that he owned property in the area and would manage the conflict by leaving the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 18 JANUARY 2022

MOTION

Moved by Cr Mackenzie, seconded by Cr Wark.

The draft minutes as circulated be taken as read and confirmed with a minor amendment to Item 1 – Appointment of Deputy Lord Mayor to record that Councillor Wark voted for the amendment to appoint the Deputy Lord Mayor term from 18 January 2022 to 26 July 2022.

Carried

LORD MAYORAL MINUTE

ITEM-4 LMM 22/02/22 - TREE PLANTING COMMITMENT TO INCREASE CITY'S URBAN FOREST

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes our long-standing commitment to the protection, and increased planting, of street and park trees across the city of Newcastle, acknowledging the importance of additional shade and habitat in an urban environment;
- 2 Notes the impact of improved urban canopies on addressing urban heat islands and their impacts on people, their health and wellbeing and that of urban wildlife;
- 3 Invests \$4.5 million to deliver new street and park trees over the next three years to increase green cover as part of the city's annual tree-planting investment;
- 4 Acknowledges that increasing the city's urban canopy will reduce the urban heat island effect, absorb and store more carbon to help further drive down the city's emissions, provide more food and shelter for wildlife, assist to purify the city's air and water, and improve the health and well-being of our residents, while making our streets and parks more beautiful and liveable for all.

**Carried
unanimously**

ITEM-5 LMM 22/02/22 - MINMI ROAD UPGRADE BETWEEN NEWCASTLE ROAD AND MINMI

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes the long-standing issues along Minmi Road and the well overdue upgrades the road requires to alleviate traffic congestion for local residents in Wallsend, Maryland, Fletcher and Minmi;
- 2 Notes that Minmi Road is a vital and important major arterial connection as part of Newcastle's broader road network, particularly in the western suburbs where it causes much frustration for many local families every day;
- 3 Notes our ongoing commitment to upgrade the city's road network and the social and economic benefits that road infrastructure investment brings for our local economy, businesses, and the safety of all road users;

- 4 Notes that there is \$26 million allocated to upgrade notorious traffic pinch points and active transport connections along Minmi Road between Newcastle Road and Minmi, including duplicating large sections of the arterial western corridor road from one lane of traffic in each direction to two lanes each way;
- 5 Acknowledges that these essential upgrades will provide a large-scale infrastructure program which will significantly alleviate traffic congestion along Minmi Road and deliver the long overdue upgrades the road requires whilst providing long awaited relief to many frustrated road users and creating local jobs.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, Mackenzie, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion:

Councillor McCabe.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-7 CCL 22/02/22 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 NOVEMBER 2021 TO 31 JANUARY 2022

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Notes the tabling of the Register of Disclosures of Interest (for the period 1 November 2021 to 31 January 2022) by the Chief Executive Officer (CEO).

**Carried
unanimously**

ITEM-8 CCL 22/02/22 - ADOPTION OF CODE OF CONDUCT AND ASSOCIATED PROCEDURES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Code of Conduct for Councillors at **Attachment A**.
- 2 Adopts the Code of Conduct for Staff at **Attachment B**.
- 3 Adopts the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors at **Attachment C**.
- 4 Adopts the Procedures for the Administration of the Code of Conduct at **Attachment D**.

**Carried
unanimously**

ITEM-11 CCL 22/02/22 - BRUNKER ROAD, BROADMEADOW - PROPOSED PEDESTRIAN CROSSING UPGRADE NEAR COOLAH ROAD

Councillor Church left the Chamber for discussion on the item.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Approves the proposed upgrade of the pedestrian crossing on Brunker Road, Broadmeadow, as generally shown at **Attachment A**.

Carried

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

ITEM-13 CCL 22/02/22 - ADOPTION OF THE ALCOHOL REGULATED AREAS REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Pull

That Council:

- 1 Adopts the Alcohol Regulated Areas at **Attachment A**.
- 2 Delegates authority to the Chief Executive Officer to temporarily suspend Alcohol Free Zones (AFZ) pursuant to the Suspension or Cancellation of an AFZ provision of Section 645 of the NSW Local Government Act 1993 to facilitate the approval of licensed events not exceeding 5 days in length.

Carried

ITEM-14 CCL 22/02/22 - MINISTER'S CONSENT APPLICATION - LEASE FOR DIXON PARK KIOSK

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Approve the making of an application to the Minister for Local Government seeking consent for City of Newcastle to enter into a lease with Sunnyboy Kiosk Pty Ltd for Dixon Park Kiosk, in accordance with section 377(s) of the *Local Government Act 1993*.
- 2 Subject to receiving the consent of the Minister for Local Government, approve City of Newcastle entering into the lease with Sunnyboy Kiosk Pty Ltd for Dixon Park Kiosk.

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

Against the Motion: Councillor Church.

Carried

ITEM-15 CCL 22/02/22 - VARIATION TO DEVELOPMENT STANDARDS REPORT - 4TH QUARTER - 1 OCTOBER TO 31 DECEMBER 2021

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Receives the report on approved development variations between 1 October 2021 and 31 December 2021 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

**Carried
unanimously**

ITEM-18 CCL 22/02/22 - DECEMBER QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the December Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein.

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

Against the Motion: Nil.

Carried

ITEM-19 CCL 22/02/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the Executive Monthly Performance Report for January 2022.

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

Against the Motion: Councillor Church.

Carried

ITEM-20 CCL 22/02/2022 - SUPPLY OF ONE REAR LOADING BULK WASTE COLLECTION TRUCK - CONTRACT NO. 2022/097T

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Approves an exemption to tender under Section 55(3)(i) of the *Local Government Act 1993* for the supply and delivery of one rear loading bulk waste collection truck from Bucher Municipal Pty Ltd. in the amount of \$461,921.90 (including GST) under Contract No. 2022/097T.
- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

ITEM-9 CCL 22/02/22 - AUDIT AND RISK COMMITTEE ANNUAL REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Receives the Audit and Risk Committee's Annual Report for the 2020/2021 financial year at **Attachment A**; and
- 2 Notes the 2021/2022 Forward Internal Audit Plan at Appendix A of Attachment A.

**Carried
unanimously**

ITEM-10 CCL 22/02/22 - ADOPTION OF THE DISABILITY INCLUSION ACTION PLAN

MOTION

Moved by Cr Wood, seconded by Cr Adamczyk

That Council:

- 1 Adopt the Disability Inclusion Action Plan 2022-2026 at **Attachment A**.

AMENDMENT

Moved by Cr McCabe

PART B

That Council:

- 1 Notes the accessibility and inclusion principles embedded in the Destination Management Plan (DMP) including:

The DMP's vision:

Newcastle is a premier Australian visitor and events destination, showcasing a rich art, cultural and food scene, a vibrant night-time economy, and accessible nature-based and coastal experiences.

Specific initiatives in the DMP around accessibility, including:

- Identity, Awareness and Placemaking Theme (page 7) – *Creating a cohesive brand identity for Newcastle that can drive placemaking initiatives and promote positive awareness of Newcastle as an inclusive and accessible destination, establishing it as the hub of the Hunter Region.*
 - Connectivity and Capacity Theme (page 7) - *Connectivity and Capacity Ensure Newcastle's infrastructure and assets can effectively service and support the city's growing visitor economy, providing an accessible and connected network with the capacity to realise potential as a visitor hub and gateway to the Hunter Region;*
 - Priority Objective within Identity, Awareness and Placemaking (page 28) - *develop an Access and Inclusion City Guide and associated website information for Newcastle and surrounds.*
- 2 Notes that CN's Disability Inclusion Action Plan 2021 commits to investigating and utilising digital platforms to enhance orientation and mobility, including apps for wayfinding.
 - 3 Refers to the Access Inclusion Advisory Committee for further discussion and analysis the options for digital wayfinding platforms like the Wheeleasy App as successfully used by the City of Sydney.
 - 4 Refers to the Access Inclusion Advisory Committee the matter of emergency egress plans for council buildings to ensure suitability for occupants and visitors with a disability.

Councillors Wood and Adamczyk accepted Councillor McCabe's amendment as a Part B to the motion.

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

**Carried
unanimously**

ITEM-12 CCL 22/02/22 - ADOPTION OF INSTRUMENTS OF DELEGATION

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts the Instrument of Delegation to the Lord Mayor at **Attachment A**.
- 2 Adopts the Instrument of Delegation to the Chief Executive Officer at **Attachment B**.
- 3 Adopts the Instrument of Delegation to the Development Applications Committee at **Attachment C** with the following amendments:
 - 1.1 the development application has an estimated cost exceeding \$15 million;
 - 1.4 two or more Councillors submit a request in writing that the development application be determined by the Development Applications Committee.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Mackenzie

That the motion be dealt with in seriatim.

Defeated

AMENDMENT

Moved by Cr Pull, seconded by Cr Wark

That the wording at Part 3 of the Instrument of Delegation to the Lord Mayor (Attachment B), be amended as follows:

- c) the determination of who will exercise Council's Local Government NSW (LGNSW) voting rights is to be determined by the Council and should reflect the makeup of the Council as closely as possible.
- d) the determination of who will exercise Council's Australian Local Government Association (ALGA) voting rights is to be determined by the Council and should reflect the makeup of the Council as closely as possible.

Defeated

AMENDMENT

Moved by Cr Pull, seconded by Cr Mackenzie

That the wording at Part 6 c) of the Instrument of Delegation to the Lord Mayor (Attachment B), be amended as follows:

- iii. where written objections by three Councillors on any one item are received by the Lord Mayor, stating relevant reasons for objection, the item is to be deferred until the next relevant meeting of Council; and

For the Amendment: Councillors Barrie, Church, Mackenzie, Pull and Wark.

Against the Amendment: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, McCabe, Richardson, Winney-Baartz and Wood.

Defeated

As the time was nearing 10.00pm, the following procedural motion was moved.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council extend the meeting to the conclusion of the agenda.

**Carried
unanimously**

PROCEDURAL MOTION

Moved by Cr Wark, seconded by Cr Mackenzie

The vote on the motion be dealt with in seriatim.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 Adopts the Instrument of Delegation to the Lord Mayor at **Attachment A.**

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 2 Adopts the Instrument of Delegation to the Chief Executive Officer at **Attachment B.**

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 3 Adopts the Instrument of Delegation to the Development Applications Committee at **Attachment C** with the following amendments:

- 1.1 the development application has an estimated cost exceeding \$15 million;
- 1.4 two or more Councillors submit a request in writing that the development application be determined by the Development Applications Committee.

Carried

ITEM-16 CCL 22/02/22 - ADOPTION OF FEES FOR LORD MAYOR AND COUNCILLORS (INCLUDING SUPERANNUATION)

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Approves the Lord Mayor and Councillors to be paid the maximum fee payable (as per the Local Government Remuneration Tribunal's annual determination) for the period of 1 July 2022 to until the office of Lord Mayor or Councillor becomes vacant due to a successor being declared, an election or other casual vacancy.
- 2 Resolves for the Lord Mayor and Councillors to receive superannuation at the federal Superannuation Guarantee rate from 1 July 2022 in accordance with the provisions of section 254B of the Local Government Act 1993.

AMENDMENT

Moved by Cr Pull, seconded by Cr Barrie

- 1 Approves the Lord Mayor and Councillors to be paid the minimum fee payable (as per the Local Government Remuneration Tribunal's annual determination) for the period of 1 July 2022 to until the office of Lord Mayor or Councillor becomes vacant due to a successor being declared, an election or other casual vacancy.

The Lord Mayor proposed the following Part B to the motion.

PART B

That Council:

- 1 Write to the Local Government Minister, the Hon. Wendy Tuckerman MP noting:
 - i that individual Councillors should not be voting to adopt the fees for the Lord Mayor and Councillors (including superannuation),

- ii that it is an inherent conflict of interest; and
- iii consideration be given to appointing the Remuneration Tribunal setting the remuneration for Mayors and Councillors in New South Wales.

The mover and seconder of the motion accepted the Lord Mayor's Part B to the motion.

The amendment moved by Councillor Pull and seconded by Councillor Barrie was put to the meeting

For the Amendment: Councillors Barrie, Pull and Wark.

Against the Amendment: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Church, Clausen, Duncan, Mackenzie, McCabe, Richardson, Winney-Baartz and Wood.

Defeated

The motion moved by Councillor Clausen and seconded by Councillor Duncan, as amended, was put the meeting.

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

Against the Motion: Councillors Barrie, Pull and Wark.

Carried

ITEM-17 CCL 22/02/22 - SIX MONTHLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM

MOTION

Moved by Cr Duncan, seconded by Cr Richardson

That Council:

- 1 Receives the 2018-2022 Delivery Program – Six Monthly Performance Report (Report) at **Attachment A**.

**Carried
unanimously**

NOTICES OF MOTION

ITEM-1 NOM 22/02/22 - LORD MAYORS EARTHQUAKE APPEAL FUND AND THE NEWCASTLE REGION NATURAL DISASTER RELIEF FUND TRUSTEE LTD

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That City of Newcastle:

- 1 Notes that audited financial statements for the year ending 2020 record the Newcastle Region Natural Disaster Relief Fund Trustee Ltd as having assets of more than \$1 million, consisting of \$734,018 in a term deposit bank account, \$146,901 in low interest bearing bank account, and receivables of \$160,806.
- 2 Notes that no donations have been made by the Trust for the past six years.
- 3 Notes that the Fund annually pays accounting and consulting expenses of more than \$5,000 and auditing fees of \$3,000.
- 4 Notes that in December 2019 Trust Chairman Michael Johns told the Newcastle Herald that it was time for the fund to be wound up and the money transferred to another charity.
- 5 Notes that the Federal Member for Newcastle, Sharon Claydon MP, raised concerns about the operation of the Newcastle Region Natural Disaster Relief Fund Trustee Ltd in the federal parliament in February 2020.
- 6 Notes the Assistant Minister for Finance, Charities and Electoral Matters Senator Zed Seselja responded by saying he had referred the matter to the Australian Charities and Not-for-profits Commission.
- 7 Again write to the Assistant Minister for Finance, Charities and Electoral Matters Senator Zed Seselja asking for an update of the formal investigation into the Newcastle Lord Mayor's Earthquake Appeal Fund and the Newcastle Region Natural Disaster Relief Fund.

**Carried
unanimously**

ITEM-2 NOM 22/02/22 - NEWCASTLE OCEAN BATHS UPGRADE

MOTION

Moved by Cr Church, seconded by Cr Mackenzie

That City of Newcastle:

- 1 Notes that a contract has been let to commence the long awaited Stage One upgrade to Newcastle Ocean Baths, lower promenades and pumping systems.
- 2 Notes that the works will see a new concrete floor included which will cap a natural rock shelf that has survived intact for more than 100 years.

- 3 Notes a public meeting that was held at the baths on November 28, 2021 and hosted by Friends of Newcastle Ocean Baths, where concerns were raised about retaining the pool's natural rock floor and sandy bottom.
- 4 Notes that the sandy bottom is highly valued by pool users who walk on the soft surface, for fitness and rehabilitation, and who claim the sandy bottom reduces the impact of sea lice.
- 5 Undertakes an independent and external engineers report, prior to construction commencing, into the decision to concrete the floor and its impact on the retention of a sandy floor.
6. Continues to lobby the NSW State Government for the Newcastle Ocean Baths to be included in the State Heritage Register noting the iconic facility turns 100 this year.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council;

- 1 Notes that a contract has been let to commence the long awaited Stage One upgrade to Newcastle Ocean Baths, lower promenades and pumping systems.
- 2 Notes that the works will see a new concrete floor included which will cap a natural rock shelf that has survived intact for more than 100 years.
- 3 Notes a public meeting that was held at the baths on November 28, 2021 and hosted by Friends of Newcastle Ocean Baths, where concerns were raised about retaining the pool's natural rock floor and sandy bottom.
- 4 Notes that the sandy bottom is highly valued by pool users who walk on the soft surface, for fitness and rehabilitation, and who claim the sandy bottom reduces the impact of sea lice.
- 5 Continues to lobby the NSW State Government for the Newcastle Ocean Baths to be included in the State Heritage Register noting the iconic facility turns 100 this year.

Carried

The Lord Mayor declared the amendment carried and stated that it now became the motion.

AMENDMENT

Moved by Cr Wark, seconded by Cr Church

To include the following as part of the substantive motion.

- 6 That NCC halt any preliminary works and concrete installation of the flooring of the Ocean baths. This will not interfere with any other critical make safe and restoration works associated with stage one of the project.
- 7 The public provided with copies of all correspondence and allowed an opportunity to provide their objections and submissions.

Defeated

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

Carried

ITEM-3 NOM 22/02/22 - CONFIDENTIAL COUNCILLOR WORKSHOPS

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle:

- 1 As per Section 91 of the Code of Meeting Practice, resolve to open future Council Workshops to the public via webcast, except where required to be closed in accordance with section 10A of the Local Government Act 1993.

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Clausen

That Council:

- 1 Continues to webcast the Public Voice Committee; which is an opportunity for the general public to nominate a matter for discussion with the elected Council.
- 2 Continues to webcast the Public Briefings Committee; which is an opportunity for the Council or an Advisory Committee to, by resolution, request that the CEO schedule a briefing on an issue.
- 3 Notes that the Code of Meeting Practice is scheduled to be reviewed and placed on public exhibition in May 2022.

For the Amendment:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Amendment:

Councillors Barrie, Church, Mackenzie and McCabe.

Carried

The Lord Mayor declared the amendment carried and stated that it now became the motion.

The motion moved by Councillor Mackenzie and seconded by Councillor McCabe, as amended by Councillors Adamczyk and Clausen, was put to the meeting.

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

Against the Motion: Councillors Barrie, Church, Mackenzie and McCabe.
Carried

Councillor Church retired from the meeting at 11.57pm and left the Chamber at the conclusion of the item.

ITEM-4 NOM 22/02/22 - NEWCASTLE CLIMATE ACTION TASKFORCE

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle

- 1 Notes the preceding commitments by the City of Newcastle to addressing climate change, including but not limited to:
 - Formally committing to the principles and targets of the Paris Climate Agreement (December 2018).
 - Making the switch to 100% of the electricity used across Council's operations produced from renewable sources (January 2020).
 - Adopting the Newcastle Climate Action Plan 2021-25 that commits the City of Newcastle to net zero emissions for its operations by no later than 2030, and a Net Zero Emission City by not later than 2040 (November 2020).
 - Taking the Cities Race to Zero Pledge (September 2021).
- 2 Acknowledges the work of the Hunter Community Alliance, representing 23 organisations and more than 250,000 people in the Hunter region, in the development of climate action proposals through cross-sector collaboration since October 2020.
- 3 Notes the success of the City of Newcastle Covid-19 Taskforce in establishing a model of appropriate collaboration and response to crisis, with the independent evaluation describing taskforce as "providing a blueprint for how leaders can respond to future crises or unexpected events within the city and region."
- 4 Builds on the achievements of the Covid-19 Taskforce in the context of Climate Emergency, establish a City of Newcastle Climate Action Taskforce to:
 - a Develop a city-wide pathway and timetable to carbon neutrality by December 2035 in conjunction with business, the public sector and the community and based on the best scientific and technical advice. The pathway should review issues and options and sets clear targets, including interim targets; and

- b Recommend measures to progress economic diversification and structural economic change as fossil fuel industries become less reliable within the LGA and more broadly across the Hunter.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Adamczyk

That the City of Newcastle:

- 1 Notes the preceding commitments by the City of Newcastle to addressing climate change, including but not limited to:
 - a. Adopting the New Urban Agenda and Sustainable Development Goals to underpin Council's long-term planning (2016)
 - b. Becoming an inaugural partner of the Climate Council's Cities Power Partnership and committing to five key actions to reduce carbon emissions (2017)
 - c. Formally committing to the principles and targets of the Paris Climate Agreement (2018)
 - d. Commencing an accelerated upgrade of its street lights to LED (2018)
 - e. Commencing upgrading its car fleet to electric vehicles (2018)
 - f. Commencing installing electric fleet vehicle fast chargers throughout the Local Government Area (2018)
 - g. Becoming a member of the International Council for Local Environmental Initiatives (ICLEI) and committing to the requirements of the Global Covenant of Mayors for Climate & Energy (2018)
 - h. Declaring that there is a Climate Emergency (2019)
 - i. Forming the Hunter SDG Taskforce with Compass Housing Services, Port of Newcastle, Hunter Water, Kumalie, Port Waratah Coal Services and University of Newcastle (2020)
 - j. Adopting the Newcastle Climate Action Plan 2021-25 that commits the City of Newcastle to net zero emissions for its operations by no later than 2030, and a Net Zero Emission City by not later than 2040 (2020)
 - k. Taking the United Nations Framework Convention on Climate Change (UNFCCC) Cities Race to Zero and Race to Resilience Pledges ahead of COP26 (2021)
 - l. Constructing a 5-megawatt solar farm on the closed landfill site at Summerhill Waste Management centre (2019)
 - m. Installing additional rooftop solar photovoltaic on the Council Administration Centre, along with EV charging, Internet of Things (IoT) sensors and smart building controls (2019)
 - n. Becoming the first council in NSW to make the switch to 100% of the electricity used across its operations produced from renewable sources (2020)
 - o. Commencing development of a zero emissions whole of fleet vehicles transition plan (2022)
 - p. Taking delivery of its first fully electric truck (2022)

- q. Supporting the Hunter Jobs Alliance in the diversification of the region (2021)
 - r. Commencing work on the renewal of the Newcastle Environment Strategy (2021 and ongoing)
- 2 Acknowledges the work of the Hunter Community Alliance, representing 23 organisations and more than 250,000 people in the Hunter region, in the development of climate action proposals through cross-sector collaboration since October 2020.
 - 3 Invite the Hunter Community Alliance to join the SDG Hunter Region Taskforce, which represents Hunter based organisations including the City of Newcastle, Port of Newcastle, Hunter Water Corporation, University of Newcastle, Hunter New England Health, Samaritans, Compass Housing, Allambie Care and Hunter Workers in delivering on the United Nations' 17 Sustainable Development Goals with a particular focus on SDG 7 and 13 – affordable and clean energy, and climate action.
 - 4 Undertake a Climate Change Risk Assessment for Council and community assets and services. A first pass risk assessment is underway to inform Council's understanding of climate risk. A second, comprehensive, climate risk assessment will be undertaken as an initiative of the Newcastle Environment Strategy.
 - 5 Develops a Circular Economy Plan and a Climate Adaptation Plan following the development and adoption of the Newcastle Environment Strategy, which is at the stakeholder engagement phase and is due for adoption in 2022. The Environment Strategy and both Plans will be placed on public exhibition as well as workshoped with the SDG Hunter Region Taskforce.

Carried

The Lord Mayor declared the amendment carried and stated that it now became the motion.

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

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

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

Carried

Council resolved into confidential session at 12.14am, Wednesday 23 February 2022.

During confidential session:

All other staff other than the Director People and Culture, Manager Legal and Councillor Services left the Chamber for Item 1 – Chief Executive Officer Annual Performance Report.

Mr Stephen Blackadder, Blackadder Associates provided an overview for Councillors.

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Pull

Council move back into open session.

Carried

Council reconvened at 12.51am, Wednesday 23 February 2022.

ITEM-1 CON 22/02/22 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Receives the 2021 CEO annual performance review report 'Performance Review - City of Newcastle Chief Executive Officer 2021' submitted by Blackadder Associates Pty Ltd (**Attachment A**).
- 2 Endorses the performance increase of 3.00% in acknowledgement of the CEO's performance over the last 12 months.
- 3 Acknowledges the increase to the CEO's total remuneration package will be effective from the CEO's anniversary date of 13 December 2021.
- 4 Appoints *Councillor Mackenzie, Councillor Clausen and Councillor Duncan*, in addition to the Lord Mayor to be part of the Performance Review Panel for the current Council term.

CITY OF NEWCASTLE

Ordinary Council Meeting 22 March 2022

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- 5 Endorses the Performance Review Panel's recommendation to offer a new contract of employment to the current CEO and authorise the Performance Review Panel to negotiate the terms of renewal, to finalise on behalf of the Council and notify the results back to Council.
- 6 This confidential report relates to the matters specified in section 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

**Carried
unanimously**

**The meeting concluded at 12.52am.
Wednesday 23 February 2022.**

REPORTS BY COUNCIL OFFICERS

ITEM-21 **CCL 22/03/22 - ENDORSEMENT OF MOTIONS TO THE 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

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

PURPOSE

To consider proposed motions for submission to the Australian Local Government Association's (ALGA) 2022 National General Assembly (NGA).

RECOMMENDATION

That Council:

- 1 Endorse the motion/s for submission to the 2022 Australian Local Government Association's National General Assembly as set out at **Attachment A**.

KEY ISSUES

- 2 The NGA is being held from 19-22 June 2022 at the National Convention Centre, Canberra. The theme of this year's NGA is *Partners in Progress*.
- 3 The Lord Mayor has delegated authority to determine who will exercise Council's Australian Local Government Association (ALGA) voting rights from among the Councillor attendees.
- 4 Councillors were invited to propose motions for submission to the NGA via memo dated 24 February 2022.
- 5 Eleven motions were received, and Council is asked to consider and endorse these as set out in **Attachment A**.

FINANCIAL IMPACT

- 6 Councillors attendance at the NGA is provided for within the 2021/22 budget. There are no additional costs associated with the submission of motions.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 Attendance at and submissions of motions to the NGA is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

Open and Collaborative Leadership

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

7.2b Provide timely and effective advocacy and leadership on key community issues.

7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

IMPLEMENTATION PLAN/IMPLICATIONS

8 CN will make arrangements to formally submit endorsed submissions by the due date.

RISK ASSESSMENT AND MITIGATION

9 Nil.

RELATED PREVIOUS DECISIONS

10 At the Ordinary Council Meeting held on 23 March 2021, Council endorsed the submission of five motions to the 2021 NGA.

CONSULTATION

11 Nil.

BACKGROUND

12 ALGA is the peak national body of local government, representing 537 councils.

OPTIONS

Option 1

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

Option 2

14 Council adopts an alternative recommendation. This is not the recommended option.

REFERENCES

NGA Motions Discussion Paper
<https://alga.com.au/app/uploads/Discussion-Paper-2022.pdf>

Councillor Expenses and Facilities Policy
<http://www.newcastle.nsw.gov.au/getmedia/bf215d59-153f-48bd-8615-3fa781f57e54/Councillor-Expenses-and-Facilities-Policy.aspx>

ATTACHMENTS

Item 21 Attachment A: Proposed motions for endorsement for submission to the 2022 Australian Local Government Association's National General Assembly

Item 21 Attachment A

CITY OF NEWCASTLE, NSW

MOTION 1 - NATIONAL CABINET

This National General Assembly calls on the Australian Government to:

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

NATIONAL OBJECTIVE

- Local Government has been excluded from the National Cabinet, despite strong representation of Federal and State Governments through First Ministers (the Prime Minister, Premiers and Chief Ministers).
- Australians expect their three levels of government to be working together, and to see evidence of that. Including Local Government in National Cabinet would demonstrate a strong unity of purpose and a combined commitment to promote and implement National Cabinet decisions across the broadest implementation platform available to government.
- Local Governments are willing and necessary partners in developing and implementing reform.
- Councils facilitate, establish, and grow local businesses and economies. Economic development has always been at the core of every successful council. Councils support economic growth through regional development policies and initiatives, strategic and land use planning, targeted investment attraction, prioritisation of local procurement, and focusing their annual investment on infrastructure that serves the community and business alike. Many councils also provide business networking opportunities, business training, mentoring, and incubator facilities and employment hubs. It is local government that is best placed to drive the locally-led recovery from the COVID-19 global pandemic.

SUMMARY OF KEY ARGUMENTS

On 13 March 2020, as the Coronavirus pandemic took hold around the world, the Council of Australian Governments (COAG) met in Sydney to discuss a range of issues of national importance. At that meeting First Ministers (the Prime Minister, Premiers and Chief Ministers) agreed to establish a National Cabinet to meet at least weekly to address the country's response to the coronavirus.

There was no Local Government representation on National Cabinet when it was established on the basis that its focus was on health.

On 29 May 2020, First Ministers, through the Prime Minister, announced the continuation of National Cabinet, which they considered to be a much more effective body than COAG for taking decisions in the national interest.

Local Government was not given a seat at the National Cabinet table and remains without adequate representation at the National level.

CITY OF NEWCASTLE, NSW

MOTION 2 - JOBKEEPER INCREASE

This National General Assembly calls on the Australian Government to:

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

NATIONAL OBJECTIVE

The National General Assembly acknowledges the recent increase to the JobSeeker payment of \$25 per week, noting that the Coronavirus supplement of \$75 a week ended on 31 March 2021, leaving unemployed Australians \$50 a week worse off than they previously were.

The Commonwealth Government should further increase financial assistance to ensure the dignity and wellbeing of unemployed people, and to provide an economic boost for Australian businesses.

SUMMARY OF KEY ARGUMENTS

A wide cross section of Australian civil society has previously called on the Commonwealth to permanently Raise the Rate to provide dignity and wellbeing to unemployed Australians, as well as an economic boost for businesses, including:

- Australia's chief banker, RBA Governor Philip Lowe
- The Business Council of Australia, who have said that the low JobSeeker rate: "erodes the capacity of people to present themselves well or maintain their readiness for work"
- The Australian Council of Social Services
- The Grattan Institute
- The Sydney Morning Herald Editorial Board

- Respected economists, including Professor Jeff Borland, who found that the JobSeeker supplement had: “not made it harder to fill jobs, nor has it slowed the rate of people obtaining employment”.
- The Reference Group on Welfare Reform to the Minister for Social Services

CITY OF NEWCASTLE, NSW

MOTION 3 - MANDATORY SUPERANNUATION GUARANTEE

This National General Assembly calls on the Australian Government to:

- 1 Note that in some jurisdictions, Councillors, Mayors and Lord Mayors are not automatically entitled to the Superannuation Guarantee Contribution, despite Councillors being paid the appropriate superannuation entitlements in other jurisdictions;
- 2 Note that in some jurisdictions, Councillors, Mayors and Lord Mayors have the option of "opting-in" to receive the Superannuation Guarantee Contribution only following the successful passing of a motion requiring same, allowing the issue to be politicised in council meetings;
- 3 Note that this sets a poor community standard and sends the wrong message to the community, given that superannuation should be a universal mandatory system to support all workers in Australia; and
- 4 Rationalise the Superannuation system for elected representatives from the local government level and mandate that all Councillors across Australia automatically receive the Superannuation Guarantee Contribution.

NATIONAL OBJECTIVE

The Superannuation Guarantee Contribution is a universal system, of world's best practice when it comes to ensuring adequate support for all workers in retirement.

In 2017, the Australian Tax Office (ATO) released findings that there are at least 2.4 million (about 30 per cent) of workers in Australia who have been underpaid their superannuation entitlements. This is a concern, as the purpose of superannuation is to provide income in retirement to substitute or supplement the age pension.

If the NSW government continues to fail to ensure that mayors and councillors in NSW are compulsorily paid the SG (currently at 9.5 per cent), what kind of a message is this sending employers that also fail to make the appropriate payments? Many mayors and councillors rely solely on the income they derive from their duties on local government and their legislated entitlement to superannuation should not be allowed to be used as a partisan, political plaything in the council chamber. What kind of community standard is being set from the continued failure to make the appropriate payment of superannuation?

In Victoria and Queensland, mayors and councillors are paid the appropriate superannuation entitlements.

SUMMARY OF KEY ARGUMENTS

“Exclusion from superannuation unfair to state's councillors and mayors”

Opinion | Newcastle Herald - Cr Adam Shultz

13 December 2018

The Superannuation Guarantee (SG) contribution is compulsory for all employers in Australia. This applies to all employment in the private sector, not-for-profit or government related roles and all remunerated board roles where an individual earns more than \$450 in a calendar month. Despite this, in NSW, mayors and councillors that serve on local government are excluded by the operation of section 251 of the *Local Government Act 1993*, which provides that mayors and councillors fees ‘do not constitute salary for the purposes of any act’.

A collective of Labor, Liberal and Independent councillors co-authored a motion on Lake Macquarie City Council that has passed and will advocate for change. We believe that the current situation is discriminatory and out of step with community expectations.

The federal government takes the non-payment of superannuation very seriously, with the *Treasury Laws Amendment (2018 Measures No 4) Bill 2018* recently passing the Senate. This bill will allow the ATO to instruct an employer to pay the SG amount and outstanding liabilities or face severe financial penalties and up to 12 months imprisonment, or both.

In Victoria and Queensland, mayors and councillors are paid the appropriate superannuation entitlements. It is time to stop discriminating against mayors and councillors in NSW.

CITY OF NEWCASTLE, NSW

MOTION 4 - FINANCIAL ASSISTANCE GRANT FUNDING

This National General Assembly calls on the Australian Government to return funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

NATIONAL OBJECTIVE

Financial Assistance Grants are a form of Federal Government funding provided to the States for the purposes of Local Government.

The total funding of the grant on an annual basis was equivalent to 1% of Commonwealth Taxation revenue in 1996. That 1% figure has significantly reduced since that time to a level approximately half of that amount.

This increase would help councils meet community demand for local government services and infrastructure provision and ensure that it continues to grow. Cost-shifting from the states to the local government sector has also increased over time placing further financial pressure on local government Councils.

SUMMARY OF KEY ARGUMENTS

The Financial Assistance Grant program is provided under the Local Government (Financial Assistance) Act 1995 and are granted from the federal government to councils in the form of untied financial assistance, allowing councils to spend the grants according to local priorities.

The objective of the grant program is to assist councils to improve in five areas: financial capacity; capacity to provide equitable services; certainty of funding; efficiency and effectiveness; and services to ATSI communities.

CITY OF NEWCASTLE, NSW

MOTION 5 - REGIONAL RECOVERY FUNDING

This National General Assembly calls on the Australian Government to address the economic hardship people in rural and regional areas are experiencing due to the unique combined impacts of COVID-19, unprecedented bushfires, long running drought and/or flooding by providing additional support for recovery.

That this relief include:

- 1 Initiatives targeting the tourism and creative industries
- 2 an evaluation of and response to the youth and gender impacts of COVID-19
- 3 initiatives that will boost jobs and long-term community resilience to climate
- 4 restoration of funding for local government Financial Assistance Grants (FAGs) to a level equal to at least 1% of Commonwealth taxation revenue.

NATIONAL OBJECTIVE

To draw national attention to the struggle of rural and regional communities in relation to a unique set of circumstances following COVID-19. This includes the most devastating bushfires on record, prolonged drought, flooding, tourism challenges and ongoing challenges in maintaining local country roads.

SUMMARY OF KEY ARGUMENTS

Support regional economic recovery by stimulating economic growth and building economic resilience in regional and rural communities should be an ongoing focus for all levels of government. Objectives of targeted funding streams to better assist regional communities, particularly following extreme weather events and natural disasters, should include:

- increase economic and social benefits through enabling infrastructure
- increase employment opportunities and decrease skills shortages
- increase the capacity of the business community by enhancing employment, business and economic opportunities with a focus on tourism and primary industries, including small business or other sectors
- increase business capability, including Aboriginal businesses
- increase longer term resilience for future emergency events
- increase and restore visitor confidence in the region
- protect and enhance Aboriginal culture, and support participation and ownership

CITY OF NEWCASTLE, NSW

MOTION 6 - CLIMATE EMERGENCY

This National General Assembly calls on the Australian Government to:

- 1 formally recognise we are in a state of climate emergency;
- 2 appoint a Minister for Climate Change/Emergency to champion climate change efforts across the country
- 3 establish a National Climate Change Taskforce to enable a whole-of-government approach to climate action
- 4 commit to actively work with Local Government, industry and communities to:
 - a) reduce waste production,
 - b) set a zero emissions target
 - c) support the development of renewable energy industries
 - d) provide incentives to all sectors to change to more efficient technologies
 - e) significantly increase urban vegetation cover and rehabilitate degraded rural
 - f) environments
 - g) increase support for households to access energy efficient demands

NATIONAL OBJECTIVE

To meet the increasing push for across the world and across all tiers of Australian government to be proactive in terms of action targeting climate change and to declare a climate emergency, Many local governments across Australia have declared a climate emergency and it is incumbent upon the Federal Government to take the lead on this issue.

SUMMARY OF KEY ARGUMENTS

The science of climate change is well established:

- Climate change is real and human activities are the main cause. (IPCC)
- The concentration of greenhouse gases in the earth's atmosphere is directly linked to the average global temperature on Earth. (IPCC)
- The concentration has been rising steadily, and mean global temperatures along with it, since the time of the Industrial Revolution. (IPCC)
- The most abundant greenhouse gas, accounting for about two-thirds of greenhouse gases, carbon dioxide (CO₂), is largely the product of burning fossil fuels. (IPCC)
- Methane, the primary component of natural gas, is responsible for more than 25 per cent of the warming we are experiencing today. It is a powerful pollutant with a global warming potential over 80 times greater than CO₂ during the 20 years after it is released into the atmosphere. (Methane Emissions fact sheet, UNEP)

- Impacts of a 1.1-degree increase are here today in the increased frequency and magnitude of extreme weather events from heatwaves, droughts, flooding, winter storms, hurricanes and wildfires. (IPCC)
- The global average temperature in 2019 was 1.1 degrees Celsius above the pre-industrial period, according to WMO.
- 2019 concluded a decade of exceptional global heat, retreating ice and record sea levels driven by greenhouse gases produced by human activities. (WMO)
- 30 per cent of the world's population is exposed to deadly heat waves more than 20 days a year. ([Cooling and Climate Change fact sheet, UNEP](#))
- Average temperatures for the five-year (2015-2019) and ten-year (2010-2019) periods are the highest on record. (WMO)
- 2019 was the second hottest year on record. (WMO)
- In 2019, total greenhouse gas emissions, including land-use change, reached a new high of 59.1 gigatonnes of carbon dioxide equivalent (GtCO₂e). ([EGR, 2020](#))
- Based on today's insufficient global commitments to reduce climate polluting emissions, a rebound in greenhouse gases from a return to high-carbon societies after the pandemic may push 2030 emissions even higher – up to 60 GtCO₂e. ([EGR, 2020](#))

CITY OF NEWCASTLE, NSW

MOTION 7 - EXTREME WEATHER MITIGATION FUNDING

This National General Assembly calls on the Federal Government to work with ALGA and State and Territory governments, to urgently develop an additional, apolitical funding stream which provides local governments with the resources needed to mitigate the current and longer-term impacts of extreme weather events on local physical and social infrastructure.

NATIONAL OBJECTIVE

To combat the impacts of extreme weather events. Now and more recently, local governments have been significantly impacted by bushfires, droughts and floods. We must look at ways for local government to recover from these extreme weather events but also ways to mitigate their impact moving into the future.

SUMMARY OF KEY ARGUMENTS

While climate change is a global issue, it is felt on a local scale. Extreme weather events such as heavy rainfall, storms, floods or forest fires can considerably damage roads, railways, communication systems and power lines. Cities and municipalities are therefore at the frontline of adaptation. In the absence of national or international climate policy direction, cities and local communities around the world have been focusing on [solving their own climate problems](#). They are working to build flood defenses, plan for heatwaves and higher temperatures, install water-permeable pavements to better deal with floods and stormwater and improve water storage and use.

According to the 2014 report on [Climate Change Impacts, Adaptation and Vulnerability](#) (page 8) from the United Nations Intergovernmental Panel on Climate Change, governments at various levels are also getting better at adaptation. Climate change is starting to be factored into a variety of development plans: how to manage the increasingly extreme disasters we are seeing and their associated risks, how to protect coastlines and deal with sea-level encroachment, how to best manage land and forests, how to deal with and plan for reduced water availability, how to develop resilient crop varieties and how to protect energy and public infrastructure.

But, extreme weather events are also costly. [A new report from the Climate Council](https://www.climatecouncil.org.au/resources/hitting-home-compounding-costs-climate-inaction/) (<https://www.climatecouncil.org.au/resources/hitting-home-compounding-costs-climate-inaction/>) finds the cost of extreme weather in Australia has more than doubled since the 1970s, and totalled \$35 billion over the past decade. By 2038, extreme weather events driven by climate change, as well as the impacts of sea-level rise, could cost the Australian economy \$100 billion every year.

We know already in 2022, that figure will be higher and it will be councils and communities who will be working to clean up after these extreme weather events for years to come.

CITY OF NEWCASTLE, NSW

MOTION 8 - CONSTITUTIONAL RECOGNITION OF FIRST NATIONS PEOPLE

This National General Assembly of Local Government calls on the Australian Government to continue to demonstrate strong leadership in support of Aboriginal and Torres Strait Islander Peoples by supporting Constitutional Recognition for Aboriginal and Torres Strait Islander peoples and endorsing the 'Uluru Statement from the Heart'.

NATIONAL OBJECTIVE

To give voice to Aboriginal and Torres Strait Islander peoples by ensuring that local government is informed by lived experience, insight and expertise of ATSI people.

SUMMARY OF KEY ARGUMENTS

The Uluru Statement from The Heart is a call by Aboriginal and Torres Strait Islander people for real and practical change in Australia through the establishment of a constitutionally enshrined Voice To Parliament and the establishment of a Makarata Commission, to undertake treaty-making and truth-telling.

The Uluru Statement From the Heart represents an historic consensus of Aboriginal and Torres Strait Islander people

CITY OF NEWCASTLE, NSW

MOTION 9 - HOUSING AFFORDABILITY

This National General Assembly calls on the Federal Government to:

- 1 increase its investment in the supply of social and affordable housing;
- 2 re-view its National Housing Strategy, and;
- 3 create a National Settlement Plan

working in partnership with state, territory and local governments to meet local demand and deliver post-pandemic economic stimulus.

NATIONAL OBJECTIVE

Housing affordability has been declining across Australia for many years, Rent and purchase costs in the private housing market have outstripped growth in wages and income support, leading to a housing affordability crisis.

At the same time, the supply of subsidies housing in the form of social housing has not kept pace with demand. This issue has been exacerbated over the last two years due to the impacts of the COVID-19 Pandemic.

SUMMARY OF KEY ARGUMENTS

Access to good quality, affordable housing is fundamental to wellbeing. It can help reduce poverty and enhance equality of opportunity, social inclusion and mobility. Affordability is important for both Australians wanting to buy a home and for those renting. Many factors influence the supply, demand and cost of housing across the country, including Australia's growing and ageing population and government policies.

Affordable housing is for people on very low to moderate incomes. Unlike community housing, this type of accommodation is not social housing. In most situations, charities, not for profit or community organisations manage affordable housing.

Social housing is secure and affordable rental housing for people on low incomes with housing needs. It includes:

- public housing
- community housing
- housing for Aboriginal and Torres Strait Islander people

CITY OF NEWCASTLE, NSW

MOTION 10 - PROHIBITION OF NUCLEAR WEAPONS

This National General Assembly calls on the Australian Government to:

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

NATIONAL OBJECTIVE

The National General Assembly remains deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world.

We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.

Therefore, we warmly welcome the entry into force of the UN Treaty on the Prohibition of Nuclear Weapons on 22 January 2021, and we call on our national government to sign and ratify it without delay.

SUMMARY OF KEY ARGUMENTS

The ICAN Cities Appeal is a global call from cities and towns in support of the UN Treaty on the Prohibition of Nuclear Weapons.

The NGA is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world, particularly given the current conflict in Ukraine.

We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.

Therefore, we warmly welcome the entry into force of the UN Treaty on the Prohibition of Nuclear Weapons on 22 January 2021, and we call on our national government to sign and ratify it without delay.

CITY OF NEWCASTLE, NSW

MOTION 11 – GAS DECARBONISATION

This National General Assembly calls on the Australian Government to:

- 1 Note that over 100 local councils, including Newcastle, representing 9 million Australians (as well as over 2000 jurisdictions worldwide) have declared a climate and biodiversity emergency, acknowledging that urgent collaborative action at all levels of government is necessary to protect our environment and community for future generations;
- 2 Call on the Australian Government to urgently develop a gas decarbonisation roadmap, setting business, industry and households up to be resilient and sustainable in a decarbonising world, while safeguarding jobs in important manufacturing industries.

NATIONAL OBJECTIVE

This motion addresses the following key questions in the 2022 discussion paper:

- 1 Climate Change: How do we work together to ensure that there is local adaptation to climate change and climate extremes? What partnerships are available to achieve climate neutrality?
- 2 Natural Disasters: What new programs could the Australian Government develop to partner with local government to help to address natural disasters to assist in recovery and build resilience?

SUMMARY OF KEY ARGUMENTS

- The gas industry is responsible for 19% of Australia’s GHG emissions;
- Recent [modelling of decarbonisation targets by CSIRO and ClimateWorks’ for AEMO](#) has projected “a substantial reduction in demand for natural gas” under three scenarios consistent with strong action towards Australia’s net zero by 2050 target;
- [New analysis by Dr Saul Griffith and The Australia Institute](#) demonstrates that by 2030 Australian families could be saving \$5,000 per year by replacing their current cars with electric vehicles, switching their natural gas heating systems (water heating, space heating, or kitchen) to electric heat pumps, and furnishing their electricity with solar from their rooftops;
- A [July 2021 study by Northmore Gordon](#) and [companion report from the Climate Council](#) illustrates a potential pathway for NSW to reduce its gas consumption by 25% within 5 years, 70% in 10-15 years, and entirely eliminate gas use by mid-century;
- The Victorian Government is developing a [Gas Substitution Roadmap](#) throughout 2021 to provide a strategic framework for decarbonising natural gas in Victoria. Additional pathways to decarbonise gas in Victoria are identified in the Northmore Gordon study, commissioned by Environment Victoria, Victorian Gas Market – Demand Side

ITEM-22 CCL 22/03/22 - PUBLIC EXHIBITION OF WICKHAM MASTERPLAN UPDATE 2022

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

PURPOSE

To publicly exhibit the draft Wickham Masterplan 2021 Update (WMP 2021) (2022 amendment).

RECOMMENDATION

That Council:

- 1 Places the draft WMP 2021 (2022 amendment) (**Attachment A**) on public exhibition for 28 days.
- 2 Considers a report on submissions received following the public exhibition.

KEY ISSUES

- 3 A limited number of amendments to WMP 2021 are required prior to its implementation through the local planning framework (i.e. changes to the Local Environmental Plan (LEP) and Development Control Plan (DCP)).
- 4 The draft WMP 2021 (2022 amendment) proposes changes to Map 9 – Areas proposed for development incentive and Table 4 – Potential development incentives for provision of community infrastructure (page 18). The remainder of the WMP 2021 remains as adopted by Council in September 2021.
- 5 The proposed changes in draft WMP 2021 (2022 amendment) would mean the properties at 41, 39 and 37 Throsby Street are afforded an incentive height limit of 14m (up from 10m per Newcastle Local Environmental Plan 2012 (NLEP 2012)) and an incentive Floor Space Ratio (FSR) of 2:1 (up from 1.5:1 per NLEP 2012) for sites greater than 1000sqm where the proposed development will enable the provision of community infrastructure.
- 6 The current WMP 2021 lists these three properties as within Area D which is afforded a 24m incentive height limit and a 3:1 incentive FSR for sites greater than 2000sqm where the proposed development will enable the provision of community infrastructure.
- 7 The amended mapping and provisions are consistent with the Urban Precincts mapping in WMP 2017 (see following section) and would provide a better transitional built form outcome should these sites develop in the future.

- 8 The incentive FSR for Area E has also been amended from 6:1 to 7:1 in draft WMP 2021 (2022 amendment). The draft Community Infrastructure Incentives Planning Proposal (reported to Council in September 2021) identified the incentive FSR for this site as 7:1. The WMP 2021 (2022 Amendment) has been amended to ensure consistency between the two documents.
- 9 If supported, the attached draft WMP 2021 (2022 amendment) will replace the WMP 2021 following public exhibition and reporting.

Transitional heights

- 10 Map 3 – Urban Precincts of WMP 2021 identifies the various urban precincts within Wickham. This map was updated from the WMP 2017 and seeks to "identify where the envisaged character of redevelopment is likely to transition, as well as recognising potential changes based on the identified challenges and opportunities".
- 11 The sites at 39 and 37 Throsby Street are within the Village Hub Urban Precinct per WMP 2021 and the WMP 2017. 41 Throsby Street is identified within the Village Hub in WMP 2017 and within the transitional area between the Emerging Industry Quarter Urban Precinct and the Village Hub Urban Precinct in WMP 2021. A small section of the site falls within the Industry Quarter and the remaining part of the site falls within the Village Hub.
- 12 The proposed changes outlined in draft WMP 2021 (2022 amendment) better reflects the desired future character of the Village Hub Urban Precinct and its lower-scale urban mixed use typologies.
- 13 The proposed changes will ensure a more gradual transition between the higher density built form of the Emerging Industry Quarter Urban Precinct to the west and the lower-scale Village Hub Urban Precinct located to the north, south and east.

Planning Proposal and Development Control Plan for Community Infrastructure Incentives in Wickham

- 14 The draft Planning Proposal and DCP for Community Infrastructure Incentives in Wickham is being reported to Council separately in March 2022 to ensure proposals are not unnecessarily delayed by the Department of Planning and Environment (DPE) should there be delays in finalising the separate proposals.
- 15 The draft Planning Proposal and DCP for Community Infrastructure Incentives in Wickham seeks to implement the following action of the WMP 2021:
 - i) Ensure the built environment is functional, responsive and resilient.

Action: Amend NLEP 2012 to introduce development incentives on land identified within Map 9 – Areas proposed for development incentive (subject to approval from SA NSW, where required), consistent with Table 4 – Potential development incentives for provision of community infrastructure.

- 16 The draft WMP 2021 (2022 amendment) includes changes to Map 9 – Areas proposed for development incentive and Table 4 – Potential development incentives for provision of community infrastructure.
- 17 The draft Planning Proposal for Community Infrastructure Incentives in Wickham has been amended to reflect the changes outlined in the draft WMP 2021 (2022 amendment).

Draft Newcastle Development Control Plan 2012 Section 6.03 Wickham

- 18 The draft Newcastle Development Control Plan 2012 (NDCP 2012) Section 6.03 Wickham is being reported to Council separately in March 2022 to ensure proposals are not unnecessarily delayed by the DPE should there be delays in finalising the separate proposals.
- 19 The draft NDCP 2012 has been prepared to implement the relevant actions of the WMP 2021 relating to setbacks, existing and future character statements and other minor amendments.
- 20 The setbacks contained within the draft NDCP 2012 will apply to future development in Wickham, including development afforded height and floor space bonuses per the draft Planning Proposal for Community Infrastructure Incentives in Wickham.

Planning Proposal for 41 and 47 Throsby Street, Wickham

- 21 The amended boundaries of Map 9 in the draft WMP 2021 (2022 amendment) run between 47 Throsby Street (Area D) and 41 Throsby Street (Area C).
- 22 The 41 and 47 Throsby Street Planning Proposal seeks to amend the FSR and height of building standards at these sites. The Planning Proposal also includes a planning agreement to provide a public laneway as part of the proposed development. The proposal was placed on public exhibition between October and November 2021.
- 23 This Planning Proposal is subject to a separate planning process and the outcomes of the public exhibition period will be reported to Council in April 2022.

FINANCIAL IMPACT

- 24 The preparation and exhibition of draft WMP 2021 (2022 Amendment) is funded under the City of Newcastle (CN) 2021/22 operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 25 The draft WMP 2021 (2022 amendment) is consistent with the objectives of the Community Strategic Plan 2018-2028 (CSP) and will contribute to implementing the following objectives:

Liveable Built Environment

- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.

Smart and Innovative

- 6.1b Attract new business and employment opportunities.
- 6.3d Foster a collaborative approach to continue city centre renewal.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

IMPLEMENTATION PLAN/IMPLICATIONS

- 26 Draft WMP 2021 (2022 amendment) reduces the development incentive applicable to 41, 39 and 37 Throsby Street should these sites develop in the future.
- 27 The changes proposed in draft WMP 2021 (2022 amendment) will result in a built form outcome that is consistent with the mapping contained within the WMP 2017 and provides a more gradual built form transition between the Emerging Industry Quarter Urban Precinct to the west and the lower-scale mixed-use Village Hub Urban Precinct.
- 28 Any potential reduction in development potential at these sites will not impact on CN reaching its projected dwelling demands across the City Centre and adjoining urban renewal corridors, as outlined in the background study undertaken to inform the CN Housing Strategy.
- 29 The draft WMP 2021 (2022 Amendment) seeks to implement the outcomes of the following adopted strategies, plans and policies of Council:
 - i) Newcastle 2030 - Community Strategic Plan 2018-2028 as identified above.

- ii) Newcastle Local Strategic Planning Statement, including the following Planning Priorities:
 - a) **Planning Priority 8:** Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.
 - b) **Planning Priority 9:** Sustainable, healthy and inclusive streets, neighbourhoods and local centres.
 - c) **Planning Priority 10:** Development responds to the desired local character of our communities.
 - d) **Planning Priority 14:** Enable the transition to new economy job and grow creative industries.

RISK ASSESSMENT AND MITIGATION

- 30 The draft WMP 2021 (2022 Amendment) has been prepared to ensure an appropriate built form outcome is achieved in Wickham.
- 31 The exhibition of the Draft WMP 2021 (2022 Amendment) will enable engagement with affected landowners and other interested parties. Any submissions received during the exhibition period will be considered in the finalisation of the Masterplan.

RELATED PREVIOUS DECISIONS

- 32 At the Ordinary Council meeting on 28 November 2017 Council adopted the WMP 2017.
- 33 At the Ordinary Council meeting on 28 July 2020 Council resolved to forward the Planning Proposal for 41 and 47 Throsby Street, Wickham to the Department of Planning, Industry and Environment for Gateway Determination and to publicly exhibit the Planning Proposal and associated draft Planning Agreement. Public exhibition took place between 1 October and 29 November 2021. This Planning Proposal is subject to a separate planning pathway and the outcomes of the public exhibition will be reported to Council in April 2022.
- 34 At the Ordinary Council meeting on 27 July 2021 Council adopted the Community Infrastructure Incentives Policy. This policy outlines the approach and mechanisms to implement the areas proposed for development incentive per the WMP 2021.
- 35 At the Ordinary Council meeting on 28 September 2021 Council adopted the WMP 2021 following public exhibition in July 2021.

- 36 At the Ordinary Council meeting on 26 October 2021 Endorsement of Planning Proposal and DCP for Community Infrastructure Incentives in Wickham was reported to Council. Council resolved that "the matter lay on the table until the accompanying NDCP 2012 amendments can be brought back to Council simultaneously with the changes to the NLEP 2012". The supplementary report for Endorsement of Planning Proposal and DCP for Community Infrastructure Incentives in Wickham and the Draft NDCP 2012 Section 6.03 Wickham (draft DCP) are being reported to Council separately in March 2022.
- 37 Since the adoption of the WMP 2017, CN has continued to engage with community stakeholders, including local community groups and individual landowners to monitor and consult on the progress and implementation of actions.
- 38 The public exhibition of the WMP 2021 (2022 amendment) will allow affected landowners and other interested parties to provide comment for Council consideration in the finalisation of the WMP.

BACKGROUND

- 39 The WMP 2017 was adopted by Council in November 2017. The WMP 2021 does not replace WMP 2017 but seeks to reaffirm the vision for Wickham, address emerging challenges and opportunities and propose further actions to facilitate ongoing urban renewal of the Wickham area.
- 40 The WMP 2021 was adopted by Council in September 2021, however the actions of the plan are yet to be implemented via changes to the LEP and DCP.
- 41 The Draft WMP 2021 (2022 Amendment) has been prepared following further monitoring of the Masterplan. The proposed changes primarily relate to the development standards for land subject to development incentive (page 18).
- 42 Changes proposed in the Draft WMP 2021 (2022 amendment) have been reflected in the Planning Proposal and DCP for Community Infrastructure Incentives in Wickham.

OPTIONS

Option 1

- 43 The recommendations as at Paragraphs 1-2. These are the recommended options.

Option 2

- 44 Council resolves not to place the Draft WMP 2021 (2022 amendment) on public exhibition. The existing WMP 2021 will remain in force and the Planning Proposal and DCP for Community Infrastructure Incentives in Wickham will implement the existing WMP 2021 version. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 22 Attachment A: Draft Wickham Masterplan 2021 (2022 Amendment)

Item 22 Attachment A distributed under separate cover

**ITEM-23 CCL 22/03/22 - SUPPLEMENTARY REPORT - EXHIBITION OF
PLANNING PROPOSAL AND DEVELOPMENT CONTROL
PLAN FOR COMMUNITY INFRASTRUCTURE INCENTIVES AT
WICKHAM**

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

PURPOSE

To provide a supplementary report following Item 100 – Endorsement of Planning Proposal and Development Control Plan for Community Infrastructure Incentives in Wickham (**Attachment A**) being laid on the table at the Ordinary Council Meeting on 26 October 2021.

RECOMMENDATION

That Council:

- 1 Endorses the Planning Proposal (**Attachment B**) to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to implement the Draft Wickham Masterplan 2021 Update (WMP 2021) (2022 Amendment).
- 2 Forwards the Planning Proposal to the Minister for Planning for 'Gateway Determination' pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 3 Publicly exhibits the Planning Proposal, subject to Gateway Determination, for a minimum of 28 days together with the following:
 - i) Amended Newcastle Development Control Plan 2012 (NDCP 2021) Section 6.03 Wickham (**Attachment C**).
 - ii) Amended NDCP 2012 Section 9.00 Glossary (**Attachment D**).
 - iii) The Draft Incentives Gross Floor Area (GFA) Rate for Wickham (**Attachment E**), within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22.
- 4 Receives a report on submissions following public exhibition and considers any amendments made in response to submissions and make a final determination on the Planning Proposal and draft Section 6.03 of the NDCP 2012.

KEY ISSUES

- 5 A Planning Proposal to amend NLEP 2012 and draft amendment to NDCP 2012 to implement the Community Infrastructure Incentives Policy (CIIP) for Wickham was reported to Council for endorsement at the Ordinary Council Meeting held on 26 October 2021.
- 6 Council resolved that the matter lay on the table "*...until the accompanying NDCP 2012 amendments can be brought back to Council simultaneously with changes to the NLEP 2012.*"
- 7 The amendments to NDCP 2012 to implement the relevant actions of the WMP 2021 have been prepared and are included as a separate item on the business paper for March 2022.
- 8 The amendments to implement the CIIP are shown in red text within the amended NDCP Section 6.03 Wickham (**Attachment C**). A definition for Community Infrastructure Incentives has been included in Section 9.00 Glossary, shown in red text. The amendments to Section 6.03 Wickham to implement the other actions of the WMP 2021 are shown in blue text and are dealt with in a separate item on the business paper for March 2022.
- 9 The Planning Proposal has been amended since it was reported to Council on 26 October 2021 to be consistent with recent NSW Government's planning reform, changes to legislation and the draft Hunter Regional Plan 2041 which was on public exhibition from 1 December 2021 to 4 March 2022. These changes are minor and administrative in nature.

Draft WMP 2021 (2022 Amendment)

- 10 The WMP 2021 (2022 Amendment) has been prepared following further analysis and monitoring of the WMP 2021.
- 11 The WMP 2021 (2022 amendment) proposes changes to Map 9 – Areas proposed for development incentive and Table 4 – Potential development incentives for provision of community infrastructure (page 18).
- 12 The amended mapping and provisions are consistent with the Urban Precincts mapping in the WMP 2017 and provide a better built transition between the Emerging Industry Quarter and the lower-scale Village Hub Urban Precinct should these sites develop in the future.
- 13 The Planning Proposal has been amended to reflect the updated mapping and provisions contained within WMP 2021 (2022 Amendment) which is being reported to Council as a separate item on the business paper.

Amendments to NDCP 2012 Section 6.03 Wickham to implement Community Infrastructure Incentives

14 The amendments to Section 6.03 Wickham to implement the Community Infrastructure incentives are shown at Attachment C in red text. These amendments are aimed at implementing the following actions contained in the WMP Update 2021:

- i) Create safe, attractive, and inclusive public places.

Action 5: Implement the CIIP through NLEP 2012 and NDCP 2012 for Wickham.

- ii) Ensure built environment is functional, responsive and resilient.

Action 2: Amend NDCP 2012 to include the community infrastructure projects sought to be delivered through development incentive, as identified Map 6 – Location of proposed community infrastructure projects and described on Table 3 – Description of proposed community infrastructure projects.

15 New subsection 6.03.06 *Community infrastructure incentives in Wickham* has been added to implement Actions 5 and 2 of the WMP Update 2021.

16 Section 6.03.03 Urban Design, *B. Urban activation spaces*, Acceptable Solution A1(a) has been amended to include reference to new *Figure 6.03 - 11 - Map of Nominated Community Infrastructure Projects in Wickham*.

17 Section 6.03.03 Urban Design, *B. Urban activation spaces*, Acceptable Solution A2 has been amended to include reference to *Table 6.03 - 2 - Schedule of Community Infrastructure Projects in Wickham* and now requires urban activation spaces to incorporate or use facilities such as those identified in the table. Existing *Figure 6.03 - 13 - Location of Urban activation spaces* has been superseded by *Figure 6.03 - 11 - Map of Nominated Community Infrastructure Projects in Wickham*.

18 Draft NDCP 2012 Section 6.03 Wickham has been updated to reflect the implementation of relevant actions identified in the WMP Update 2021. These amendments have been shown at Attachment C with blue text to distinguish them from the amendments required to implement the Community Infrastructure Incentives Scheme.

Amendments to NDCP 2012 Section 9.00 Glossary to implement Community Infrastructure Incentives

19 The definition for Community Infrastructure Incentives has been included in the draft NDCP 2012 Section 9.00 (Attachment D) to be consistent with the inclusion of the term in Section 6.03 Wickham.

- 20 The definition for City of Newcastle has been included in the draft NDCP 2012 Section 9.00 (Attachment D).

Draft Incentives Gross Floor Area (GFA) Rate for Wickham

- 21 The draft Incentives GFA rate for Wickham has not been amended since it was last reported to Council and is included at Attachment E.

OPTIONS

Option 1

- 22 The recommendations as at paragraphs 1 to 4. These are the recommended options.

Option 2

- 23 Not support the recommendations. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 23 Attachment A: Original Report and Attachments A, B and C of CCL 26/10/21 – Endorsement of Planning Proposal and Development Control Plan for Community Infrastructure Incentives at Wickham

Item 23 Attachment B: Amended Planning Proposal – Community Infrastructure Incentives for land at Wickham

Item 23 Attachment C: Amended Draft Section 6.03 Wickham – Newcastle Development Control Plan 2012

Item 23 Attachment D: Draft Section 9.00 Glossary – Newcastle Development Control Plan 2012

Item 23 Attachment E: Draft Incentive Gross Floor Area (GFA) Rate for Wickham

Item 23 Attachments A - E distributed under separate cover

ITEM-24 CCL 22/03/22 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN SECTION 6.03 WICKHAM

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

PURPOSE

To place the draft Newcastle Development Control Plan 2012 (NDCP 2012) Section 6.03 Wickham on public exhibition.

RECOMMENDATION

That Council:

- 1 Publicly exhibits the draft NDCP 2012 Section 6.03 Wickham (**Attachment A**) for 28 days in accordance with the requirements of Clause 18 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and Council's Community Participation Plan (CPP).
- 2 Receives a report on submissions received after the public exhibition period including any further amendments made in response to submissions as per Clause 21 of the EP&A Regulation.

KEY ISSUES

- 3 Council adopted the Wickham Masterplan 2021 update (WMP 2021) with amendments on 28 September 2021. The WMP 2021 identifies actions to amend NDCP 2012 Section 6.03 to achieve the vision and objectives for Wickham.
- 4 A draft NDCP 2012 Section 6.03 Wickham (Attachment A) has been prepared to implement the relevant actions of the WMP 2021. The proposed amendments are shown in blue text.

Amendments to NDCP to implement actions of WMP 2021

- 5 The WMP 2021 identifies the following actions relevant to the NDCP 2012:

- i) Create safe, attractive, and inclusive public places

Action 3: Revise the place-based development controls for Wickham to provide further design guidance of the envisaged public-private interface based on the street setbacks identified in WMP, street profiles, character precinct, and land uses at ground-level.

- ii) Ensure built environment is functional, responsive and resilient

Action 6: Include a notation within NDCP 2012 for applicants of land in the Harbour Edge precinct to engage with Port of Newcastle prior to lodgement regarding the location and requirements for maintaining navigation aids in this locality to ensure the safe and efficient operation of the Port.

Action 7: Amend NDCP 2012 to include a control for upper-level setbacks for development within the Village Hub Precinct (where the existing HOB within the LEP exceeds 10m), that any part of the development above HOB 10m is setback a minimum 6m from all street fronting boundaries and 8m to all side or rear boundaries of adjoining land that is also within the Village Hub Precinct.

Action 8: Amend NDCP 2012 to include an additional control for upper-level setbacks for any development on land that adjoins the Village Hub Precinct, to require any part of the development above HOB 12m to be setback a minimum 6m from all street fronting boundaries and 8m to all side or rear boundaries that adjoin land within the Village Hub Precinct.

Action 9: In addition to the amendment to NDCP 2012 outlined in Action 8, land within the Emerging Industry Quarter Precinct adjoining the Village Hub Precinct and located on the northern side of Bishopsgate Street has an increased upper-level setback above HOB 12m of no less than 15m from the property boundary to Bishopsgate Street. In the event of any inconsistency between actions, Action 9 will prevail over Action 8.

- 6 The above actions have been implemented in draft NDCP 2012 Section 6.03 Wickham (Attachment A). The proposed amendments to the NDCP 2012 are shown in blue text and are briefly outlined below.
- 7 Updated existing character and future character statements for Urban Precincts are included in amended NDCP 2012 Section 6.03 Wickham to be consistent with the WMP 2021 and to implement Action 3.
- 8 A new note under C. Operational requirements of Port of Newcastle has been included in subsection 6.03.05 Constraints on development to implement Action 6 of the WMP 2021.
- 9 Actions 7, 8 and 9 of the WMP 2021 relate to upper-level building setbacks for development within or adjoining the Village Hub Urban Precinct. Amended controls have been included in Subsection 6.03.02 Building Envelopes of Section 6.03 Wickham of the NDCP 2012 to implement these actions.
- 10 Acceptable solution A4, under A. Setbacks to streets, has been amended to implement Actions 7 and 8 of the WMP 2021 by specifying required upper-level setbacks. Acceptable solution A7, also under A. Setbacks to streets, applying to 29 Bishopsgate Street has been included to implement Action 9 of the WMP 2021.

- 11 Acceptable solution A3, under B. Setbacks to neighbouring sites, has been included to implement Action 8 of the WMP 2021 by requiring development adjoining the Village Hub precinct to have an upper-level side or rear setback of 8m for any part of the building above 12m in height. Acceptable solution A6, also under B. Setbacks to neighbouring sites, has been included to implement Action 7 of the WMP 2021 by requiring an upper-level side or rear setback of 8m for any part of a building adjoining the Village hub above 10m in height.

Other Administrative Amendments to the DCP

- 12 Subsection 6.03.05 Constraints on development, A. Flooding has been amended to include new acceptable solutions A1 and A2. These acceptable solutions have been included to achieve the intent of the existing performance criteria and are minor amendments.
- 13 Minor amendments to NDCP 2012 Section 6.03 Wickham 'Purpose of this section' have been made to include reference to WMP 2021.

Separate Wickham DCP amendments

- 14 Council considered a report at its Ordinary Council meeting on 26 October 2021 to publicly exhibit a Planning Proposal and draft DCP to implement the Community Infrastructure Incentives Policy in Wickham. Council resolved to defer consideration of the Planning Proposal and DCP for Community Infrastructure Incentives until the NDCP 2012 amendments associated with the WMP 2021 could be brought to Council and considered at the same time.
- 15 A separate report on the Planning Proposal and DCP to implement Community Infrastructure Incentives has been resubmitted for Council's consideration in March 2022, as the DCP amendments rely on the Planning Proposal to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) and will follow a different, longer process. The proposed NDCP 2012 amendments relating to Community Infrastructure Incentives have been included at Attachment A in red text, for information purposes only, to assist stakeholders to understand how the NDCP 2012 will function as 'one package' if both amendments are adopted. The red text therefore does not form part of the amendments to the NDCP 2012 sought in this report and would be removed from the final draft NDCP 2012 reported to Council following public exhibition.
- 16 The Draft WMP 2021 (2022 Amendment) is being separately reported to Council in March 2022. The proposed changes contained within Draft WMP 2021 (2022 Amendment) will not impact on the provisions or finalisation of the draft DCP. The setbacks contained within the draft DCP will apply to future development, including development afforded height and floor space bonuses where such development enables the provision of community infrastructure.

- 17 Implementation of the WMP 2021 actions through the amendment of the NDCP 2012 are independent of the Planning Proposal and DCP to implement Community Infrastructure Incentives and can proceed as a "standard" DCP amendment. The Planning Proposal and DCP to implement the Community Incentives Policy for Wickham are likely to take longer to finalise and it is recommended that they proceed as a separate amendment.

FINANCIAL IMPACT

- 18 The cost associated with the preparation and exhibition of the draft NDCP 2012 Section 6.03 Wickham is funded by City of Newcastle's operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 19 The draft NDCP 2012 Section 6.03 Wickham is consistent with the objectives of Community Strategic Plan and will particularly contribute to implementing the following objectives:

Liveable Built Environment

- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.2b Plan for an urban environment that promotes active and healthy communities.

Smart and Innovative

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

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring, and reporting.
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.
- 7.4a Continuous improvement in services delivery based on accountability, transparency, and good governance.

IMPLEMENTATION PLAN/IMPLICATIONS

- 20 The draft NDCP 2012 Section 6.03 Wickham seeks to implement the outcomes of the following adopted strategies, plans and policies of Council:
- i) Newcastle 2030 - Community Strategic Plan 2018-2028.
 - ii) Newcastle Local Strategic Planning Statement, including the following relevant Planning Priorities:

- a) **Planning Priority 8:** Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.
 - b) **Planning Priority 9:** Sustainable, healthy and inclusive streets, neighbourhoods and local centres.
 - c) **Planning Priority 10:** Development responds to the desired local character of our communities.
 - d) **Planning Priority 14:** Enable the transition to new economy job and grow creative industries.
- iii) Wickham Masterplan 2021, including the following priorities:
- a) Create safe, attractive, and inclusive public places.
 - b) Ensure built environment is functional, responsive and resilient

RISK ASSESSMENT AND MITIGATION

- 21 The proposed amendment to the NDCP 2012 Section 6.03 Wickham follows the process as detailed in the *Environmental Planning and Assessment Act 1979*. This includes the recommended public exhibition period of 28 days.
- 22 The amendments to draft NDCP 2012 Section 6.03 Wickham are consistent with and necessary to implement the actions contained within the adopted WMP 2021.

RELATED PREVIOUS DECISIONS

- 23 At the Ordinary Council meeting on 28 November 2017 Council adopted the WMP 2017.
- 24 At the Ordinary Council meeting on 25 May 2021 Council resolved to exhibit the draft WMP 2021.
- 25 At the Ordinary Council meeting on 28 September 2021 Council resolved to adopt the WMP 2021 with an amendment that the words "as town housing" be removed from action item nine of the Key Priorities 'Ensure built environment is functional, responsive and resilient'.
- 26 At the Ordinary Council meeting on 26 October 2021 Council resolved to: '*lay on the table Item 100 - Endorsement of Planning Proposal and Development Control Plan for Community Infrastructure Incentives at Wickham until the accompanying DCP amendments can be bought back to Council simultaneously with changes to the NLEP 2012*'.

CONSULTATION

- 27 Exhibition of the draft amendments to the NDCP 2012 Section 6.03 Wickham will provide an opportunity for stakeholders, including the community, to provide their feedback to CN. Feedback from the community will be carefully considered and may lead to amendments being made to the NDCP 2012 prior to finalisation.
- 28 The draft amendments to the NDCP 2012 Section 6.03 Wickham will be exhibited for 28 days, in accordance with CN's CPP and to meet the requirements of Clause 18 of the EP&A Regulation 2000.
- 29 Related Community Infrastructure Incentives amendments to the NDCP 2012 will be provided for information purposes only (shown in red text) to allow the public to consider the related amendments to the NDCP 2012 simultaneously.
- 30 The draft amendments, subject of this report, are to implement the actions of the adopted WMP 2021. The WMP 2021 underwent a 28-day public exhibition period from 2 July to 30 July 2021 through CN's Have Your Say webpage. This included 14 individual online information sessions between 21 and 23 July 2021. These sessions enabled members of the community to ask questions and discuss matters of interest with the CN project teams. A total of 61 submissions were received and were reported to Council on 28 September 2021 together with CN's response and/or recommended outcome to the matters raised including the recommendation that the WMP 2021 be adopted.

BACKGROUND

- 31 The WMP, originally adopted by Council in 2017, identified a vision, and outlined the strategies and actions required to guide CN's planning decisions and support urban renewal within this part of the Newcastle City Centre. The WMP identified the opportunity for increasing redevelopment densities based on land capacity and envisaged future character.
- 32 The WMP was reviewed in 2021 in response to restrictions identified to redevelopment advised by Subsidence Advisory NSW as part of preparing the Newcastle City Centre Subsidence Risk Model. This resulted in the WMP 2021 Update to provide greater certainty on the strategic opportunities where redevelopment could accommodate increased densities and the community infrastructure to be delivered.
- 33 The WMP 2021 identifies actions to amend NDCP 2012 Section 6.03 to achieve the vision and objectives for Wickham.
- 34 WMP 2021 (2022 Amendment) is being reported to Council as a separate item in March 2022. The changes in WMP 2021 (2022 Amendment) have no impact on the provisions or finalisation of the draft NDCP 2012 Section 6.03 Wickham.

OPTIONS

Option 1

35 The recommendations as at Paragraphs 1 – 2. These are the recommended options.

Option 2

36 Council does not proceed with the exhibition of the draft NDCP 2012 Section 6.03 Wickham. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 24 Attachment A: Draft Section 6.03 Wickham – Newcastle Development Control Plan 2012

Item 24 Attachment A distributed under separate cover

ITEM-26 CCL 22/03/22 - ELIZABETH STREET, TIGHES HILL - PROPOSED RAISED CROSSING AT UNION STREET

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / TRAFFIC & TRANSPORT MANAGER

PURPOSE

To approve the proposed upgrade of the pedestrian crossing in Elizabeth Street Tighes Hill, near Union Street, to a raised crossing with kerb extensions.

RECOMMENDATION

That Council:

- 1 Approves the proposed upgrade of the pedestrian crossing in Elizabeth Street Tighes Hill, as generally shown at **Attachment A**.

KEY ISSUES

- 2 A concept plan has been developed to improve safety at the pedestrian crossing on Elizabeth Street near Union Street, Tighes Hill. The narrow street width, high parking congestion, and traffic volumes on Elizabeth Street exacerbate known sightline issues at the crossing, which is well-used by the local community, school children and patrons of adjacent businesses.
- 3 A proposal to upgrade the crossing was exhibited for 28 days (see **Attachment B**), with submissions closing 10 January 2022. The exhibited scope of work included:
 - (i) Construction of a raised pedestrian crossing in Elizabeth Street, at the location of the existing at-grade crossing
 - (ii) New kerb extensions at the intersection of Union Street and Elizabeth Street, and west of the upgraded crossing
 - (iii) Upgrade of street lighting
 - (iv) Signage and line marking works, including advance warning signage and relocation of No Stopping signage.
- 4 Twelve submissions were received. A summary of submissions is included as **Attachment C**. Several issues outside the project scope were noted, such as the condition of footpaths and kerb ramp vacancies throughout Tighes Hill, and implementation of timed parking restrictions. Key issues relating to the project scope are as follows:

- (i) Sight lines and illegal parking – Several submissions noted that illegal parking is a frequent occurrence, and that this would likely continue unless further preventative measures were to be implemented.
CN Response – *It is proposed to lengthen the kerb extension on the northwest corner for the full length of the No Stopping zone. It is also proposed to implement a kerb extension on the northeast corner, to prevent illegal parking and improve sightlines.*
- (ii) Landscaping/beautification of kerb extensions – Requests were made for landscaping/beautification of the kerb extensions.
CN Response – *Low planting will be incorporated in the kerb extensions.*
- (iii) Speeding – Submissions noted that the speed limit is often exceeded. Suggestions were made for additional road humps along Elizabeth Street.
CN Response – *The spacing of local area traffic management (LATM) devices on Elizabeth Street is somewhat greater than the recommended spacing of 80 - 120 metres. Raising of the crossing should assist in modifying speeds. Monitoring of speed will be undertaken following construction of the raised crossing to determine the requirement for further traffic calming in Elizabeth Street*
- (iv) Bike parking – The need for bike parking in the area was raised.
CN Response – *Inclusion of bike parking infrastructure will be considered under detailed design for the project.*
- (v) Parking loss – The request to maintain all existing on street parking was raised to support some adjacent businesses.
CN Response – *The loss of parking has been minimized, however the removal of two parking spaces is required to provide the required clearances to maintain safety for pedestrians and the intersection.*

5 The Newcastle City Traffic Committee (NCTC) endorsed the proposal for the crossing upgrade for referral to Council at its meeting of 14 February 2022.

FINANCIAL IMPACT

6 Design and construction funding for the crossing upgrade was included in the 2021/22 Pedestrian Access and Mobility Plan Program. Since adoption of the budget, Transport for NSW has advised that the project was successful in securing funding under the School Infrastructure Subprogram, for completion in 2021/22.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The proposal for upgrade of the crossing is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Integrated and Accessible Transport

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

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

Liveable Built Environment

5.2b Plan for an urban environment that promotes active and healthy communities.

The proposal supports objective 1.3 of the draft Newcastle 2040 document, for 'Safe, active and linked movement across the city'.

IMPLEMENTATION PLAN/IMPLICATIONS

8 The proposal is consistent with positions outlined in the Newcastle Transport Strategy to improve conditions for pedestrians and reduce traffic speeds.

9 Approval of the upgrade is not delegated to City of Newcastle (CN) officers and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

10 The proposal has been developed to mitigate reported incidents and improve pedestrian safety.

11 Detailed design will address relevant Austroads and Transport for NSW guides and standards. Safety in design assessments and road safety audits will be undertaken.

RELATED PREVIOUS DECISIONS

12 Nil.

CONSULTATION

13 The proposal was exhibited for 28 days, with submissions closing 10 January 2022. Details were published on CN's website and copies of the flyer at **Attachment C** distributed to residents and mailed to non-resident owners.

14 NCTC considered a report on the outcomes of the exhibition at its meeting of 14 February 2022 and endorsed the proposal for referral to Council.

BACKGROUND

15 Elizabeth Street, between Maitland Road and William Street, is a local road with a speed limit of 40km/h. Residents have reported near misses at the at-grade crossing and raised concerns regarding speeding and illegal parking. Elizabeth Street carries an average of 4,360 vehicles per day. The average speed is 47km/h and the 85th percentile speed is 55km/h.

- 16 A review of the Local Area Traffic Management Plan for Tighes Hill was undertaken in 2017 and endorsed by the NCTC at its meeting of 19 June 2017. One of the recommendations of the revised plan was for upgrade of the existing at-grade pedestrian crossing on Elizabeth Street at Union Street, to a raised crossing with kerb extensions.

OPTIONS

Option 1

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

Option 2

- 18 Council does not support the proposed upgrade. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 26 Attachment A:** CCL 22/03/22 – Elizabeth Street, Tighes Hill – Proposed raised crossing at Union Street
- Item 26 Attachment B:** CCL 220322 - Elizabeth Street, Tighes Hill - Consultation Flyer
- Item 26 Attachment C:** CCL 22/03/22 – Elizabeth Street, Tighes Hill – Summary of submissions

Item 26 Attachments A - C distributed under separate cover

ITEM-27 CCL 22/03/22 - TAURANGA ROAD, NEW LAMBTON - HALF ROAD CLOSURE AT LAMBTON ROAD

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / TRAFFIC & TRANSPORT MANAGER

PURPOSE

To approve the proposed half road closure of Tauranga Road at Lambton Road, Lambton, and implement one-way northbound traffic flow between Thalaba Road and Lambton Road.

RECOMMENDATION

That Council:

- 1 Approves the proposed half road closure and one way traffic flow in Tauranga Road Lambton, as generally shown at **Attachment A**.

KEY ISSUES

- 2 City of Newcastle (CN) developed a proposal for a half-road closure of Tauranga Road to address ongoing traffic incidents located in this area, related to the number of intersecting traffic movements from surrounding streets. Restrictions for southbound vehicles will be implemented in Tauranga Road at the intersection with Thalaba Road and at the intersection with Lambton Road. Vehicle traffic in Tauranga Road between Lambton Road and Thalaba Road will be restricted to one-way northbound only.
- 3 The proposal was exhibited for 28 days, closing on 17 January 2022. Details were published on CN's website and copies of the flyer (**Attachment B**) distributed to residents and mailed to non-resident owners. The exhibited scope of works included:
 - i) construction of kerb extensions on the eastern side of Tauranga Road
 - ii) associated footpath connections and kerb ramps
 - iii) general landscaping and connection to the reserve
 - iv) installation of regulatory signposting and line marking to support the infrastructure changes.
- 4 Seven submissions were received, with a summary of submissions included as **Attachment C**. Submissions strongly supported the proposal. Some submissions requested that additional measures be implemented, including:

- i) Banning the right turn from Royal Place into Lambton Road eastbound
- ii) Lane delineation in the vicinity of 242 Lambton Road to improve delineation of parking areas for eastbound vehicles.

These measures are supported and will be included as part of the scope under detailed design.

- 5 The Cycling Plan 'On Our Bikes' includes a proposed cycling route extending from the signals on Lambton Road at Alma Road, then following Tauranga Road and crossing Hobart Road through New Lambton Park. Parking arrangements and cycling route along the concerned part of Tauranga Road have been developed to incorporate parallel parking and a dedicated southbound cycle lane, with northbound cyclists travelling with the traffic, as shown in **Attachment A**.

FINANCIAL IMPACT

- 6 The project is part of the 2021/22 Local Area Traffic Management Program (Transport Portfolio) and is subject to grant funding under the Australian Government Black Spot Program, for completion of construction in 2021/22.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The proposal for upgrade of the crossing is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Integrated and Accessible Transport

- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3a Ensure safe road networks through effective planning and maintenance.

Liveable Built Environment

- 5.2b Plan for an urban environment that promotes active and healthy communities.

The proposal supports objective 1.3 of the draft Newcastle 2040 document, for 'Safe, active and linked movement across the city'.

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The proposal is consistent with positions outlined in the Newcastle Transport Strategy to improve conditions for general traffic and promote safe road networks. The proposal also supports the Cycling Plan 'On Our Bikes' in providing a link from Lambton Road through to New Lambton Park.
- 9 Approval of the upgrade is not delegated to CN officers and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 10 The proposal has been developed to mitigate reported accidents at this location to address a known black spot and promote improved traffic safety in the area.
- 11 Detailed design will address relevant Austroads and Transport for NSW guides and standards. Safety in design assessments and road safety audits will be undertaken.

RELATED PREVIOUS DECISIONS

- 12 Nil.

CONSULTATION

- 13 The proposal to install a half road closure at Tauranga Road Lambton was developed to address the ongoing traffic incidents located in this area, related to the number of intersecting traffic movements from surrounding streets. The proposal for was exhibited for four weeks, with submissions closing 17 January 2022. Details were published on CN's website and copies of the flyer at **Attachment C** distributed to residents and mailed to non-resident owners.
- 14 Newcastle City Traffic Committee considered a report on the outcomes of the exhibition at its meeting of 14 February 2022 and endorsed the proposal for referral to Council.

BACKGROUND

- 15 Lambton Road is classified as a sub-arterial road and is a key feeder from the western parts of the city, via Russel Road and Alma Street, east through to the Newcastle City Centre. Royal Place continues south to connect through to St James Road and Bridges Road, while Tauranga Road is a local road connecting through to Hobart Road to the north.
- 16 The intersections of Alma Road, Tauranga Road, and Royal Place occur within an 80m section of Lambton Road. Multiple accidents have occurred in the stretch of Lambton Road between Alma Road and Greta Road over the last five years.
- 17 For eastbound traffic in Lambton Road, there is sufficient clearance between Alma Road and Royal Place for vehicles to effectively manoeuvre from the intersection to the right hand lane to turn into Royal Place. This movement is aided by the signals providing separation from eastbound vehicles connecting from Alma Road. However, when southbound vehicles from Tauranga Road attempt a similar manoeuvre, this has led to conflicts with eastbound traffic from Alma Road, or instances where vehicles have not effectively cleared the left hand lane due to the proximity of the two intersections.

OPTIONS

Option 1

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

Option 2

19 Council does not support the proposed half road closure of Tauranga Road at Lambton Road, Lambton. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 27 Attachment A: Tauranga Road at Lambton Road – Half Road Closure

Item 27 Attachment B: Tauranga Road at Lambton Road - Consultation Flyer

Item 27 Attachment C: Tauranga Road, New Lambton - Summary of Submissions

Item 27 Attachments A - C distributed under separate cover

ITEM-28 CCL 22/03/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER FINANCE

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2021/22 Operational Plan as at the end of February 2022.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

- 1 Receives the Executive Monthly Performance Report for February 2022.

KEY ISSUES

- 2 At the end of February 2022 the consolidated YTD actual operating position is a deficit of \$4.1m which represents a positive variance of \$1.7m against the budgeted YTD deficit of \$5.8m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2021/22 is a deficit of \$13.5m.
- 3 The net funds generated as at the end of February 2022 is a surplus of \$12.4m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$8.7m to the YTD budgeted position of \$3.8m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of February 2022 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Open and collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 25 September 2018 Council adopted to receive an Executive Monthly Performance Report for July to May no later than one month after the month being reported as part of the annual financial reporting framework.
- 10 At the Ordinary Council Meeting held on 5 August 2021 Council unanimously adopted a resolution to increase the works program by at least \$10m and to support the Community and Economic Resilience Package 2.0 to help offset the adverse economic impact of the on-going COVID-19 pandemic and specifically the lockdown placed upon the Newcastle local government area on 5 August 2021.
- 11 At the Ordinary Council Meeting held on 22 February 2022 Council adopted the December Quarterly Budget Review to further increase the works program to \$105.1m.

- 12 The Investment Policy Compliance Report included in the Executive Monthly Performance Report includes a specific confirmation in regard to compliance with Part E of the Investment Policy.

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 28 Attachment A: Executive Monthly Performance Report –
February 2022

Item 28 Attachment A distributed under separate cover

**ITEM-29 CCL 22/03/22 - TENDER REPORT - LAMBTON POOL
WATERSLIDE REPLACEMENT - CONTRACT NO. 2022/090T**

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

PURPOSE

To approve an exemption to tender under Section 55(3)(i) of the *Local Government Act 1993* (the Act) for the design, supply and installation of a waterslide at Lambton Swimming Centre.

REASON FOR CONFIDENTIALITY

The confidential attachments have been classified confidential in accordance with the provisions of the Act as follows:

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to entering into a contract for the design, supply and installation of a waterslide at Lambton Swimming Centre for contract 2022/090T.

- B It is contrary to the public interest to discuss the contract in the open meeting because the information provided to Council 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 suppliers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 This contract is for the supply, delivery and installation of a replacement waterslide, flumes, and runout pool at Lambton Swimming Centre (the Works).

Contract Term

- 3 The contract period is six months.

Tender Exemption

- 4 The contract is for an amount detailed at confidential **Attachment A**. A contract of this value normally requires tenders to be called.

- 5 Under Section 55(3)(i) of the Act, an exemption applies to calling tenders for a contract of this value where:

"...because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders..."

- 6 Open tenders for the Works were called in 2021 with only one submission received from North Construction & Building Pty Ltd (North). North subsequently advised that it was not able to provide professional indemnity insurance for the Works due to the nature of the facility being a water based ride. The tender was therefore deemed non-conforming and was retracted by North.

- 7 City of Newcastle (CN) proposes to enter into a contract with Australian Waterslides and Leisure Pty Ltd (AWL), the supplier responsible for the installation of the original waterslide in 2000 and being the owners of the intellectual property associated with the specific design. AWL possesses the design and specifications for the original waterslide flumes and runout pool fibreglass sections.

- 8 AWL was also originally proposed to be subcontracted by North to assist with undertaking the Works, prior to North retracting its tender. In accordance with the tendering guidelines, CN has engaged in direct negotiations with AWL to ensure that they are able to provide the requisite insurances, which has now been confirmed.
- 9 Due to only one submission being received during the tender (which was retracted), the difficulties in locating a suitable contractor to undertake the Works who holds adequate insurance, and that AWL has been identified as the only available procurement approach for replacement of the waterslide at Lambton Swimming Centre, CN is seeking an exemption from inviting further tenders. Given the extenuating circumstances and unavailability of reliable tenderers it is such that a satisfactory result would not be achieved by inviting tenders.

FINANCIAL IMPACT

- 10 Funding for this contract is from the 2021/22 Capital Works Program.

IMPLICATIONS

Policy Implications

- 11 This report is consistent with the following Newcastle 2030 Community Strategic Plan Directions:

Open and Collaborative Leadership

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

Liveable Built Environment

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

Social Implications

- 12 This contract will ensure CN can maintain the provision of its important waterslide service at Lambton Swimming Centre.

Ecological Sustainability

- 13 Whilst the recommended supplier does not have a specific ecologically sustainable development policy in place, they have not been prosecuted for environmental offences, nor involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

IMPLEMENTATION

- 14 Works will be scheduled to be undertaken after the 2021/22 swim season to minimise disruption for users of the facility.

CONSULTATION/COMMUNICATION

- 15 Nil.

BACKGROUND

- 16 An enclosed raft slide was installed at Lambton Swimming Centre in 2000. The slide has been maintained and remains safely in service. However, the asset is reaching the end of its useful life and has been identified for replacement.
- 17 CN is committed to maintaining the same level of service to the community by providing a like-for-like replacement of this asset.

OPTIONS

Option 1

- 18 The recommendation as set out in **Attachment A**. This is the recommended option.

Option 2

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

Option 3

- 20 Council resolves not to accept the quote from the preferred supplier and invite fresh tenders. This is not the recommended option.

Option 4

- 21 Council resolves not to accept the quote from the preferred supplier and enter into negotiations with any party with a view to entering into a contract. This is not the recommended option.

Option 5

- 22 Council resolves not to accept the quote from the preferred supplier and not proceed with the contract. This is not the recommended option.

ATTACHMENTS

- Item 29 Attachment A:** Confidential Recommendation (*refer Confidential Council Meeting Agenda 22 March 2022*)

NOTICES OF MOTION

**ITEM-5 NOM 22/03/22 - SUPPORT FOR EAST COAST SUBMARINE
NAVAL BASE IN NEWCASTLE**

COUNCILLOR: C PULL

PURPOSE

The following Notice of Motion was received on Monday 7 March 2022 from the abovenamed Councillor.

MOTION

That City of Newcastle:

1. Supports the building of the new east coast Future Navy Base in Newcastle.
2. Commends the Federal government's plan for the base, and welcomes the estimated \$10 billion investment.
3. Notes that the construction and operation of the base in Newcastle will create countless jobs and establish a powerful new economy in Newcastle and the Hunter.
4. Resolves that the CEO writes to the Prime Minister, Defence Minister, Leader of the Opposition and New South Wales Premier conveying our strong support for the submarine base to be built in Newcastle.

BACKGROUND

On Monday 7 March, 2022, the Prime Minister Scott Morrison announced that a new submarine base will be built on the east coast of Australia to support the nation's new nuclear-powered submarines.

Three locations are currently being considered as a potential site for the base – Port Kembla, Brisbane and Newcastle.

The Department of Defence estimates that more than \$10 billion will be needed for facility and infrastructure requirements.

The Prime Minister has noted that the new base will also provide long-term economic opportunities at the new east coast base.

Defence has said that they will engage with state and local governments to determine the optimal site. This motion will convey the council's support for the development of the site here in Newcastle.

ATTACHMENTS

NOM Item 5 Attachment A: Media Release from the Prime Minister

NOM Item 5 Attachment A

ATTACHMENT A: Media Release from the Prime Minister

A new submarine base will be built on the east coast of Australia to support the nation's new nuclear-powered submarines, providing deployment opportunities in both the Indian and Pacific oceans.

The new Future Navy Base will add capacity and capability to Fleet Base West in Western Australia, home of the Navy's Collins-class submarines, which will also receive significant funding to support Australia's nuclear powered submarines and enable regular visits from the United States and United Kingdom's nuclear-powered submarines.

The Department of Defence estimates that more than \$10 billion will be needed for facility and infrastructure requirements to transition from Collins to the future nuclear-powered submarines, including the new east coast submarine base.

Prime Minister Scott Morrison said the decision to establish an east coast submarine base has been underway for many years and would enhance Australia's strategic deterrent capability in the Pacific Ocean.

"Australia faces a difficult and dangerous security environment and we must continue to invest in growing the capability of our ADF to ensure we keep Australians safe," the Prime Minister said.

"Under our AUKUS partnership with the United States and the United Kingdom we will have access to the best technology in the world to support our efforts to deter threats against our national interest in the Indo-Pacific.

"This new 20-year investment is vital for our strategic capabilities, but it will also provide long-term economic opportunities at both our submarine bases on the east coast and on the west coast.

"Our investments will also flow into our operations in Western Australia, with significant funding flowing to upgrade facilities there for our future submarines and to support our allies in the United States and United Kingdom.

"Fleet Base West will remain home to our current and future submarines, given its strategic importance on the Indian Ocean."

Following significant work by the Department of Defence, which reviewed 19 potential sites, three preferred locations on the east coast have been identified, being Brisbane, Newcastle, and Port Kembla.

The locations were selected on submarine basing criteria, which included access to exercise operating areas, proximity to industrial infrastructure, and significant population centres to support personnel and recruitment.

Minister for Defence Peter Dutton said the Australian Defence Force had not constructed a major new base since Robertson Barracks in the 1990s, and an extensive process would now begin.

“We took the important decision in 2021 to pursue nuclear-powered submarines with the support of our American and British partners, in response to the changing strategic environment,” Minister Dutton said.

“Nuclear-powered submarines have superior characteristics of stealth, speed, manoeuvrability, survivability and endurance when compared to conventional submarines.

“With the ability to operate from both coasts, this will make our nuclear-powered submarines more responsive and resilient to meet the strategic environment.

“Today’s announcement will ensure Australia has the infrastructure and facilities ready to support those submarines when they enter service.

“A new Navy base on the east coast will also have significant advantages for training, personnel and for Australia’s defence industry.”

Navy’s current fleet of Collins-class submarines and other maritime capabilities will be able to be operated out of the new east coast base, which will provide critical support to the ADF’s undersea capability.

Defence will engage with state and local governments to determine the optimal site, which will be informed by the ongoing work of the Nuclear Powered Submarine Taskforce. This initial work is expected to be completed by the end of 2023.

ITEM-6 NOM 22/03/22 - SUPPORTING THE NATIONAL 'STATEMENT FROM THE HEART' FOR INDIGENOUS CONSTITUTIONAL RECOGNITION CAMPAIGN

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

PURPOSE

The following Notice of Motion was received on Wednesday 3 March 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle

1. Notes that the LGNSW Special Conference 2022 resolved to support From the Heart's call for Indigenous constitutional recognition through a Voice to Parliament, a referendum to be held in the next term of the Federal Parliament, and to assist Councils to hold public forums to inform their communities about the Statement from the Heart and the proposed referendum.¹
2. Recognises the Guraki Aboriginal Advisory Committee and the work the do to ensure that acknowledgment of the original custodians of our land is embedded in all that we do at Council;
3. Supports the Statement from The Heart and the campaign for Constitutional Recognition of an Indigenous Voice to Parliament;
4. Collaborates with the From the Heart, through the First Nations Voice to Council campaign, to raise awareness of and to recognise that May 26th represents the 5th Anniversary of the Statement from The Heart;
5. Partners with the Guraki Aboriginal Advisory Committee, LGNSW and From the Heart to hold public forums in Newcastle to raise community awareness of the Statement from the Heart and the campaign for a referendum for Indigenous Constitutional Recognition through a Voice to Parliament.

BACKGROUND

At the LGNSW Special Conference 2022, it was resolved to support the From the Heart's call for Indigenous constitutional recognition through a Voice to Parliament, a referendum to be held in the next term of the Federal Parliament and to assist Councils to hold public forums to inform their communities about the Statement from the Heart and the proposed referendum.

The Statement from The Heart is a call by Aboriginal and Torres Strait Islander people for real and practical change in Australia through the establishment of a constitutionally enshrined Voice to Parliament and the establishment of a Makarata Commission, to undertake treaty-making and truth-telling.

The Statement from the Heart represents an historic consensus of Aboriginal and Torres Strait Islander people.

City of Newcastle, alongside our Guraki Aboriginal Advisory Committee is well placed to further these conversations within our community to help educate, inform and bring about change.

From the Heart

“From The Heart” is the organisation that campaigns to take up the call of the Uluru Statement and the constitutionally enshrined Voice to Parliament, believing that now is the time for Australians to come together through a referendum and make these fair and practical changes.

From the Heart is a campaign for an Aboriginal and Torres Strait Islander Voice to Parliament that is enshrined in the Constitution.

A Voice to Parliament is a body enshrined in the Constitution would enable Aboriginal and Torres Strait Islander people to provide advice to the Parliament on policies and projects that impact their lives.

A Voice to Parliament gives the Australian Government the opportunity to make policies with Aboriginal and Torres Strait Islander people, rather than for Aboriginal and Torres Strait Islander people.

For more information: <https://fromtheheart.com.au/>

ATTACHMENTS

Nil

1

https://lgnsw.org.au/Common/Uploaded%20files/Annual%20Conference%20documents/Special_Conference/LG_NSW_2022_Special_Conference-Records_of_Decisions.pdf

ITEM-7 NOM 22/03/22 - PRESERVATION AND REPURPOSING OF SHEPHERDS HILL OBSERVATION POST

COUNCILLORS: J CHURCH AND J MACKENZIE

PURPOSE

The following Notice of Motion was received on Wednesday 9 March 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle

1. Notes the Shepherds Hill Observation Post Complex is located in a prominent and highly visible location and its ongoing degradation is rapidly becoming an eyesore.
2. Notes that the Complex, due to its significant role in WWII is State Heritage listed and as Trustees, Council have responsibility under Section 118 of the State Heritage Act, for Weatherproofing, Fire Protection, Security and Essential Maintenance.
3. Notes that the Observation Post could be repurposed as a Whale Watching and Monitoring Station. This would represent a replication of its wartime role as a Naval Observation Post, monitoring the coastal waters for enemy shipping by Naval personnel.
4. Notes that significant investment that has already been made by council in restoring the neighbouring Shepherds Hill Cottage and that combined, these sites have the potential to become a tourism drawcard for the city
5. Undertakes urgent remedial works to stabilise and protect the Shepherds Hill Observation Complex from further deterioration.
6. Forms a working party that would include historians, heritage architects, engineers, councillors and community representatives, to oversee an engineering and feasibility study of the complex to assess the options available and suitability for future repurposing which would include safe public access and funding options.

BACKGROUND

Submission received from John P Robinson, Lieutenant Commander RAN – Retired
Dated 1 February 2022 **(at Attachment A)**

ATTACHMENTS

NOM Item 7 Attachment A: Background

NOM Item 7 Attachment A - Background

Newcastle City Council

PO Box 489

Newcastle NSW 2300

For the Attention of:

Councillor John Church

Councillor John Mackenzie

For Information:

CN CEO Jeremy Bath

**A Proposal for the Preservation and Future Re-Purposing of the
Shepherds Hill Observation Post Complex**

References:

- A. SF18/5163 - Heritage Council of New South Wales, Conservation Management Plan for SHR# 01806 Shepherds Hill Defence Group Military Installations – Endorsed 16/07/2019
- B. Shepherds Hill Defence Group: Structural Report by Messrs Mott and MacDonald dated 14 December 2016 (Appendix H to Reference A)
- C. The story of Shepherds Hill by Lieutenant Colonel R S Mort, E D (R L)

Proposal

1. The following Proposal is submitted for consideration by Council:
 - a. To undertake urgent remedial works to stabilise and protect the Shepherds Hill Observation Post Complex from further deterioration, and to
 - b. undertake an Engineering and Feasibility Study of the complex to assess its suitability for future re-purposing

key defence post. Its history provides an insight into the way that NSW Defence policy reacted to changing technologies, threats and types of warfare. During WWII, the fortifications at Shepherds Hill played a co-ordinating role in the defence of Newcastle. The defence of Newcastle during this time was of high significance to the State, because Newcastle had become an area of great Strategic and Industrial importance in NSW, with its steelworks and operational port. The majority of the State's shells were produced in Newcastle and it was also the site of the NSW Dockyards. In order to protect these productions, a new system of defence was undertaken, which included the strengthening of Fort Wallace and the construction of two new close defence batteries – Shepherds Hill and Fort Scratchley. The defence system proved its worth when in June 1942, Newcastle was fired on by cruising Japanese Submarines and Newcastle gained the distinction of being the only place in Australia that returned enemy fire from the guns at Fort Scratchley. The fact that the Shepherds Hill fortification was simultaneously manned by members of the Navy, Army and Air force for a variety of functions is rare, and possibly unique in Australia.

Discussion

3. The Shepherds Hill Defence Group Installations formed a key part of the wider Defence network that was established during World War II to protect Newcastle and its critically important industrial hub. The Steel industry, the Port, as well as a number of other key Defence related industries were vital to the Australian war effort. The extensive defensive network that was established around Newcastle, from Port Stephens to the North, Singleton to the West and to Rathmines on Lake Macquarie was testament to its importance. However, Newcastle's vital role in World War II is only now, just beginning to be recognised, primarily as a result of the 'Fortress Newcastle' project. The 'Fortress Newcastle' project represents a singular all encompassing audit of all of the Defence assets surrounding Newcastle and the critical role they played in protecting Newcastle, as Australia's key Industrial and Ship building base.

4. The fortifications at Shepherds Hill are a visible reminder of the defence network that once surrounded Newcastle but are now in poor shape. Overlooking King Edward Park, the fortifications continue to be eroded by the weather as well as to damage and defacement caused by vandals. As Trustees for the Site on behalf of the State, Council have responsibility under Section 118 of the State Heritage Act, (under sections 9 – 15 of the Heritage Regulations 2012), for:

- Weatherproofing
- Fire Protection
- Security; and
- Essential Maintenance

To date it would appear that these works have been limited to the removal of Graffiti. Whilst this has improved the outward appearance of the buildings, the erosion of the embedded steel within the windows and doors and other steel within the concrete remains an on-going process.

5. Whilst the external poor condition of the Shepherds Hill Defence Group Installations is self evident, the state of the interior of the installations is not known. However, the Mott MacDonald Structural Report dated 14 December 2016 (Reference B) noted that;

The majority of structural elements throughout the building are subject to active deterioration through corrosion of steel reinforcement and spalling concrete. Several elements are nearing structural failure and are at risk of collapse. Major intervention is required to prevent ongoing, rapid deterioration of the building.

6. In regards to the Observation Post, the Report notes the following:

In its current condition the Observation Post is not suitable for occupation or indeed public access. Significant structural remediation will be required before public access is possible. Works to enable permanent public access to the Observation Post is possible. It is not expected that the building will be of sufficient standard to enable permanent Occupation.

7. The Observation Post at Shepherds Hill was specifically sited at this elevated and iconic site to take full advantage of the sweeping coastal views. Naval Observers in the Observation Post were therefore well placed to observe and monitor all shipping transiting the coast and be alerted to the presence of any enemy shipping. The Observation Post acted as the Central Command and Control Centre for the associated Gun batteries surrounding Newcastle and was therefore the key coordination authority for the defence of Newcastle. The Observation Post remains unique in Australian Defence annals as being the only Operational Command Post on mainland Australia, to be manned concurrently by members of the RAN, RAAF and Army, during World War II,

Conclusion

8. The Observation Post at Shepherds Hill represents a unique part of Newcastle's Defence history during World War II. Unless urgent remedial works are undertaken, Newcastle and New South Wales risks losing an historic and significant State Heritage building, which will simply continue to degenerate and become a public eyesore. Regardless of any intent to re-purpose the building, the Observation Post remains an iconic structure and due to its prime location, is highly visible. Urgent remedial works should now be undertaken to secure the building.

9. Due to its prime location and layered structure, it is now suggested that due consideration be given to re-purposing the Observation Post as a Whale watching and Monitoring Station. The annual whale migration North and South, so close off the Newcastle coastline attracts considerable public interest and the Observation Post offers Newcastle a unique opportunity to

take advantage of this site and in so doing restore an historic building and re-purpose it for a similar purpose to that which was conducted during the war. Assuming the necessary remediation works are undertaken, it is further suggested that to the degree possible, part of the building be retro-fitted with some of the Wartime fittings that were removed at the end of the war and thus combine a future use within a 'hands on' museum setting, such as can be experienced at the Australian War Memorial. Such a re-purposing of this historic and iconic site would serve the dual purpose of preserving the Observation Post as well as providing locals and tourists alike with a significant facility for the observation and monitoring of whales.

10. Considerable remediation work has recently been completed on the nearby Master Gunners cottage that forms part of the Shepherds Hill Defence Group. However, the other buildings within the Group are also in need of urgent remediation and serious consideration should also be given to their re-purposing, as is being proposed for the Observation Post. Located between the Master Gunners Cottage and the Observation Post is the Gun Emplacement, which originally housed the Disappearing gun. The gun pit is within a small underground complex of rooms and tunnels which also offers considerable scope for future use, possibly as a site for a permanent display.

11. The Conclusion to the Executive Summary at Ref A (1.3) states the following : *The conservation policies are intended to assist the owners, consent authorities and all stakeholders and occupants through the processes of conserving, repairing, maintaining and using the site. The conservation policies provide a set of guidelines to inform future decisions. Decisions about future work including repair, conservation, adaption to various uses, maintenance works or future additions and development should take into consideration the significance of the place as a whole as well as of the affected separate parts and their interrelationship.*

The conservation policies are not intended to prohibit change at the site. Use of the policies will ensure that future decisions are made on an informed basis enabling the significance of the place to be retained and enhanced. The policies target the issues that are relevant to the site but also are intended to be flexible in recognising the site and owners /lessee 's constraints and requirements.

The policies in this report commence with general policies to provide guidance to deal with the key implications for retaining the significance of the site, including:

- *Recognise and retain heritage values;*
- *Conserve the place as a whole;*
- *Recognise all periods of the building's history;*
- *Facilitate the adaption of the site for appropriate uses;*
- *Conserve and maintain significant building features and their functional and spatial relationships; and*
- *Conserve in accordance with significance.*

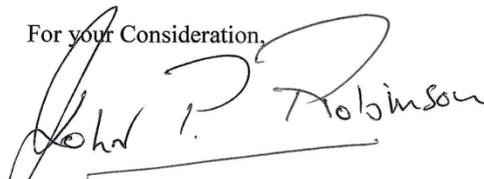
- *Recognise and retain heritage values;*
- *Conserve the place as a whole;*
- *Recognise all periods of the building's history;*
- *Facilitate the adaption of the site for appropriate uses;*
- *Conserve and maintain significant building features and their functional and spatial relationships; and*
- *Conserve in accordance with significance.*

Proposals

12. It is proposed that:

- a. In accordance with the requirements of Section 118 of the State Heritage Act, urgent remedial works be conducted to secure the building including, but not limited to the replacement of corroded steel door and window fittings; and that
- b. A detailed assessment be made for the use of the Observation Post as a Whale Watching and Monitoring Centre. Such an assessment should include a further Engineer report as well as a feasibility study to evaluate this proposal.

For your Consideration,



John P. Robinson

Lieutenant Commander RAN, psc (Retired)

(Major Royal Marines – Retired)

Dated: 1 Feb 2022

REPORT ON NOTICE OF MOTION - PRESERVATION AND REPURPOSING OF SHEPHERDS HILL OBSERVATION POST

REPORT BY: INFRASTRUCTURE AND PROPERTY

CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY

DIRECTOR COMMENT

The Commonwealth of Australia transferred the site to Crown Lands on 19 July 1988, a covenant was placed on the site detailing conditions tied to the ownership or use of the land.

In July 2010, the site was listed as a heritage item of state significance under the *NSW Heritage Act 1977* and listed on the State Heritage Register.

The site is also listed on the *Newcastle Local Environmental Plan 2012* (LEP) as having state heritage significance and is located within The Hill Heritage Conservation Area.

41 The Terrace is the largest component of the site where the majority of built structures are located including the cottage, gun emplacement (including underground structures) and Battery Observation Post.

On 7 February 2012, Council resolved to 'endorse the creation of the Newcastle Coastal and Estuary Reserve Trust with Council as Reserve Trust Manager'. Crown Lands gazetted the establishment of the Newcastle Coastal and Estuary Reserve Trust (the Coastal Reserve Trust) on 6 July 2012.

The above Reserve Trust was included in the [Coastal Plan of Management](#) (PoM) adopted by Council on 22 September 2015. However, this PoM was never formally adopted by Crown.

A [Conservation Management Plan](#) for the site was endorsed by the State Government on 16 July 2019.

RECOMMENDATION

That Council:

- 1 Notes the Shepherds Hill Observation Post and other structures at 41 The Terrace is located in a prominent and highly visible location, and that inspections are undertaken on a regular basis to ensure security and maintenance is undertaken.
- 2 Notes the importance of the site, and the structures as a state significant heritage item, and the role that it played in the history of defence for Newcastle.

- 3 Notes that works associated with the management and upgrade of these heritage structures is significant and beyond the capacity of CN as the Crown Land manager.
- 4 Notes that CN has already invested more than \$1 million in the restoration of the Shepherds Hill Cottage, also located at 41 The Terrace.
- 5 Delegates the CEO to write to the Minister for Defence to seek funding for feasibility investigations and concept plan for the adaptive reuse of the site, which could include activities such as whale watching.

**ITEM-8 NOM 22/03/22 - REFUGEE / ASYLUM SEEKERS-
HUMANITARIAN SETTLEMENT**

COUNCILLOR: C MCCABE

PURPOSE

The following Notice of Motion was received on Thursday 10 March 2022 from the abovenamed Councillor.

MOTION That City of Newcastle:

1. notes the historical leadership of Newcastle Council on refugee and multicultural issues, including as the second city in Australia to declare itself a "Refugee Welcome Zone" in 2002. Further, that Council note the recommitment to that declaration on 28 May 2015.
2. notes that Australia currently holds 66 refugees and asylum seekers in locked detention, approximately 448 in community detention, and approximately 504 on short-term bridging visas.
3. notes that 14,000 asylum seekers are currently being held in Indonesia, and most have been there for 10 years. They are considered by UNHCR to be Australia's responsibility as Indonesia is not a signatory to the UNHCR charter.
4. notes that 104 people are currently detained in PNG and 112 in Nauru at taxpayers' expense.
5. notes that former Minister for Home Affairs, the Hon Peter Dutton MP, released 34 refugees from a Melbourne Hotel in January 2021, advising that: "it's cheaper for people to be in the community than it is to be at a hotel or for us to be paying for them to be in detention"
6. authorise the Lord Mayor to write to the NSW members of the Senate and House of Representatives and the current Minister for Home Affairs, the Hon Karen Andrews MP, requesting urgent humanitarian settlement for all refugees and asylum seekers who seek sanctuary and a safe home in Australia.

Include in this letter, specific advocacy for the refugees and asylum seekers brought to onshore detention through medical evacuation (Medevac), approximately 18 of whom are currently held in the Park Hotel in inner Melbourne, after 9 were released unexpectedly, without explanation on Friday 11th of March.

7. notes that a number of other Australian cities, including Hobart, have offered support for these refugees. Given the City's status as a Refugee Welcome City, offers CN's support to assist stakeholders to settle those refugees and asylum seekers as soon as possible after leaving detention.

8. Support the [Back your Neighbour campaign](#) by adding the City of Newcastle to their list of supporting local councils.

BACKGROUND

In 2019, about 192 men were moved from offshore detention centres on Manus Island and Nauru for medical treatment under the now-repealed Medevac legislation. They have been held in the Park Hotel in Melbourne and other Alternative Places of Detention by the Australian Border Force.

Almost every person held at APODs has been detained offshore and onshore by the Australian government for more than eight years. While some have been released, there remain 18 men who have no idea how long they will remain in detention.

The windows of the Park Hotel have been sealed, allowing no access to fresh air apart from access to the roof, one at a time, while accompanied by a guard.

ATTACHMENTS

NOM Item 8 Attachment A: Peter Dutton says refugees released from Melbourne Hotel detention to save money, Guardian Australia, 21/01/2021
<https://www.theguardian.com/australia-news/2021/jan/21/peter-dutton-says-refugees-released-from-melbourne-hotel-detention-to-save-money>

NOM Item 8 Attachment B: Nine refugees released from Melbourne's Park hotel face uncertain future
<https://www.theguardian.com/australia-news/2022/mar/12/nine-refugees-released-from-melbournes-park-hotel-face-uncertain-future>

ITEM-9 NOM 22/03/22 - NEWCASTLE SURF LIFESAVING CLUBS

COUNCILLORS: J BARRIE AND K WARK

PURPOSE

The following Notice of Motion was received on Thursday 10 March 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle:

Notes that work is currently underway to prepare Coastal Management Programs (CMP) and are following a process that is mandated under the Coastal Management Act 2016.

Notes that CMPs are critical to understand the current and future coastal hazard exposure for all coastal infrastructure and assets.

Notes the importance of Surf Lifesaving Clubs and the need for a Strategic Plan, informed by the outputs of a CMP, for the management of existing coastal buildings.

Explores future funding options with Federal, State, and external stakeholders to maximize the Clubs' functionality to provide a community service and to increase tourism visitation for all residents/visitors/surf lifesaving volunteers and families can enjoy the City of Newcastle's beautiful beaches and and outdoor recreational lifestyle.

Notes that five out of the six Surf Lifesaving Clubs require leases (Nobby's SLSC currently have a lease), and that on-site storage is reviewed as a part process to ensure the safety of all beach visitors continues for residents and with planning for future tourism development.

BACKGROUND

Hunter Surf Life Saving was formed in 1918, the Newcastle Surf Clubs are amongst the oldest in Australia formed in 1908 In Newcastle, Merewether, and Stockton.

Nobbys SLSC is the only one out of six Newcastle Surf Clubs with a lease.

There is no Facility Strategic Plan or structural reports on the very old buildings.

Surf clubs have minimal storage and must rely on a storage facility at Horseshoe Beach for all clubs except Stockton.

In the past 5 years the Newcastle six club's Volunteers have raised \$4million and the City of Newcastle has invested \$962,000 for outside expenses.

There are approx. 7,200 members of Hunter Surf Life Saving with over 4,000 in the six City of Newcastle surf clubs volunteering their time to patrol CON Beaches and provide lifesaving to residents and visitors.

The six surf clubs need to have the highest priority in the City infrastructure capital works budget in the future as they need urgent attention.

ATTACHMENTS

NOM Item 9 Attachment A: Deloitte Analysis - Between the Red and Yellow Flags

NOM Item 9 Attachment B: Coastal Management Plan 2018

NOM Item 9 Attachments A - B distributed under separate cover

<https://www2.deloitte.com/au/en/pages/economics/articles/social-economic-value-surf-life-saving-australia.html>



ITEM-10 NOM 22/03/22 - GAS DECARBONISATION

COUNCILLOR: C MCCABE

PURPOSE

The following Notice of Motion was received on Thursday 10 March 2022 from the abovenamed Councillor.

MOTION

That City of Newcastle

- Notes Council's commitment to expedite the delivery of Net Zero Emission Buildings through the new and amended provisions in the Newcastle Local Environmental Plan and Development Control Plan that facilitate greater efficiencies of energy and water use than current minimum standards and net zero carbon emissions in new development (including industrial uses).
- Affirms the recommendation in Council's submission on the new Design and Place State Environmental Planning Policy (DP SEPP) that "BASIX should be used to dissuade new developments from being gas dependent and promote all electric developments".
- Writes to the Prime Minister The Hon Scott Morrison MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development The Hon Barnaby Joyce MP, the Minister for Industry, Energy and Emissions Reduction The Hon Angus Taylor MP, Minister for Resources and Water The Hon Keith Pitt MP, and the Minister for Emergency Management and National Recovery and Resilience Senator the Hon Bridget McKenzie to urgently develop a gas decarbonisation roadmap, setting business, industry and households up to be resilient and sustainable in a decarbonising world, while safeguarding jobs in important manufacturing industries.

BACKGROUND

- The gas industry is responsible for 19% of Australia's GHG emissions;
- Recent [modelling of decarbonisation targets by CSIRO and ClimateWorks' for AEMO](#) has projected "a substantial reduction in demand for natural gas" under three scenarios consistent with strong action towards Australia's net zero by 2050 target;
- [New analysis by Dr Saul Griffith and The Australia Institute](#) demonstrates that by 2030 Australian families could be saving \$5,000 per year by replacing their current cars with electric vehicles, switching their natural gas heating systems (water heating, space heating, or kitchen) to electric heat pumps, and furnishing their electricity with solar from their rooftops;

- A [July 2021 study by Northmore Gordon](#) and [companion report from the Climate Council](#) illustrates a potential pathway for NSW to reduce its gas consumption by 25% within 5 years, 70% in 10-15 years, and entirely eliminate gas use by mid-century:
- The Victorian Government is developing a [Gas Substitution Roadmap](#) throughout 2021 to provide a strategic framework for decarbonising natural gas in Victoria. Additional pathways to decarbonise gas in Victoria are identified in the Northmore Gordon study, commissioned by Environment Victoria, Victorian Gas Market – Demand Side Measures to Avoid Forecast Supply Shortfall
- The Australian Capital Territory Government in 2020 removed the mandate for gas connections to new suburbs and is moving to ban new gas pipelines to developing suburbs and banning all new gas connections across the territory from next year. This is undertaken in conjunction with an uptake in renewables and the planned depreciation of the existing gas network.
- The Australian Energy Regulator has reported that gas pipelines are rapidly becoming stranded assets.
- The 2022 LGNSW Special Conference resolved to advocate to the NSW State Government to urgently develop a gas decarbonisation roadmap

ATTACHMENTS

Nil

ITEM-11 NOM 22/03/22 - NEWCASTLE WEST SAFETY AUDIT

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 10 March 2022 from the abovenamed Councillor.

MOTION

That Council:

- 1 Notes that in the Newcastle After Dark Strategy, the West End precinct was the least positively perceived precinct in terms of safety, and the only one to be rated 'red' in the traffic light assessment of safety.
- 2 Notes the Newcastle Safe City Plan, which outlines the key relevant community safety issues occurring in the Newcastle LGA both during the day and at night.
- 3 Notes the importance of crime prevention through environmental design (CPTED) principles and practices in the Newcastle Safe City Plan in contributing to safety in the public domain.
- 4 Notes the value of recently conducted CPTED safety audits for Little Burwood Park and James Street Plaza to inform design for public domain upgrades.
- 5 Conducts a CPTED safety audit for the 'West End' after dark precinct during the detailed design phase of the West End city centre revitalisation program of works in consultation with residents, NSW Police, local venue operators, Councillors, City of Newcastle staff, and other key stakeholders.

BACKGROUND

A Crime Prevention through Environmental Design (CPTED) Safety Audit is a practical way to assess the actual and perceived safety of an area. It typically involves relevant public agency and community sector representatives assessing a site or area to identify factors that impact both negatively and positively on safety, and outcomes from the process include suggestions for practical solutions where appropriate. The Safety Audit methodology allows for the detailed subjective interpretation of the environment from the perspective of particular user groups, who may have different experiences and perspectives from planning professionals and experts. It enables Councillors and community members to collaborate on practical, positive initiatives to address night time safety in particular.

Safety Audits identify factors that enhance the actual and perceived vulnerability of a precinct, and therefore, the potential problems; provide guidance for future planning, regulation and development; and can assist in developing a sense of community ownership and responsibility.

The Newcastle Safe City Plan includes an objective of empowering the local community, groups and agencies to build capacity to meet demands is important to achieving safer outcomes for the community. It notes that Council will mentor and assist community groups to obtain the necessary resources to effectively deliver safety related services to the community. This includes actions which “develop and implement processes and tools for supporting residents to report and solve safety related issues in the LGA” (p19). Examples provided in the plan include utilising resident-led workshops to analyse and problem-solve crime and safety-related issues, and providing training of residents in CPTED.

ATTACHMENTS

Attachment A: Newcastle Safe City Plan (2017-2020)
<https://www.newcastle.nsw.gov.au/getmedia/6a944c92-6853-48d9-9e39-71094b72c79f/Newcastle-Safe-City-Plan-2017-2020.aspx>

Attachment B: Newcastle After Dark Strategy
<https://www.newcastle.nsw.gov.au/getattachment/Community/Health-Safety/Newcastle-After-Dark/Newcastle-After-Dark-Strategy-November-30-FINAL-WEB.pdf.aspx?lang=en-AU>

DIRECTOR COMMENT

The [Newcastle Safe City Plan](#) and the [Newcastle After Dark 2018 - 2022](#) (the Strategy) collectively provide key strategies in addressing antisocial behaviour in the city whilst promoting positive economic and community growth.

The Strategy outlines key strategic priorities for seven precincts within the city. These precincts are East End, Darby Street, The Junction/Merewether, Civic/CBD, Honeysuckle, West End, and Hamilton.

The strategic priorities of the Strategy include strategic alcohol management, night-time economic development, night-time design, cultural participation and activation, regulation planning and licensing, and research and evaluation.

The Strategy identifies that public spaces are interwoven into the experience of the city, and that their design plays a key role in providing safe and vibrant spaces for our community.

The Strategy's West End precinct is covered by City of Newcastle's (CN) city centre revitalisation program and is included in the [West End Stage 1 Public Domain Plan](#) (PDP) adopted by Council 27 March 2018, and the [West End Streetscape - Stage 2 Plan](#) (Streetscape Plan) adopted by Council 23 August 2019. The city centre revitalisation program also extends to the Civic and East End project areas. The program is currently delivering on ground works for East End Stage 1.

The PDP and Streetscape Plan guide the future development of the public domain for the West End precinct to create safe, vibrant streetscapes and open spaces. The Newcastle Safe City Plan identifies that CN incorporates crime prevention through environmental design (CPTED) throughout the planning phase of public domain works. These safety audits are optimally undertaken in the detailed design phase as CPTED is key to informing the design for these public spaces to ensure upgrade works improve safety outcomes for the community.

**ITEM-12 NOM 22/03/22 - CITY OF NEWCASTLE CREATIVE
HOARDINGS PROGRAM**

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

PURPOSE

The following Notice of Motion was received on Thursday 10 March 2022 from the abovenamed Councillors.

MOTION

That City of Newcastle:

Part A: Newcastle Creative Hoardings Program

- 1 Notes recent interest regarding illegal graffiti on private properties in the City Centre, and reinforces that Council is working with our community partners at the NSW Department of Justice and Communities to help remove graffiti from private property and commercial premises;
- 2 Reiterates that members of the community are able to report illegal graffiti via our website, the City of Newcastle App or by calling our Customer Service Centre on 4974 2000;
- 3 Notes that concerns have been raised regarding illegal graffiti on the hoarding of private construction sites in the City Centre (former Newcastle Post Office site);
- 4 Notes that City of Sydney has created a Creative Hoardings Program 'in response to community demand or more street art to enliven the streets of Sydney and bring creative into the everyday';
- 5 Investigates the feasibility of initiating a Newcastle Creative Hoardings Program, whereby developers with construction sites in high visibility areas must cover their hoardings with street art concepts, created by local street artists (wherever possible) as endorsed by the City's Public Art Reference Group.

Part B: Supporting Street Art initiatives

- 1 Notes that the popular Big Picture Festival is returning later in 2022 as a part of the Special Business Rate (SBR) Program, and event organisers propose to collaborate with other SBR street art projects to create a more holistic and broader initiative, including:
 - \$150,000 for the Big Picture Festival;
 - Small Walls graffiti prevention program (which will include 10-20 small scale murals in identified reoccurring illegal graffiti locations);

- Chalk the Walk;
- UP&UP's Create Your Place (Street Art Workshops);
- Darby Street Murals and activations, including the revitalisation of the headphones plaza.

BACKGROUND

War on graffiti expands through youth community partnership

30 November 2021

Young people convicted of vandalising local properties will now be required to remove graffiti from shop fronts, as well as the walls of homes and businesses thanks to a partnership between the City of Newcastle and the NSW Government.

Traditionally, young offenders have removed graffiti from Council owned properties as part of their community service order. From January, private property owners will be able to request via the City of Newcastle to have graffiti removed from their home or business at no cost, as part of a 12-month trial.

City of Newcastle CEO Jeremy Bath said the benefits of the program go far beyond cleaning vandalised property.

"Few people would be aware that for the past 20 years City of Newcastle has been supporting youth offenders through various community-based programs, with participants working side-by-side with our outdoor cleaning teams to learn new skills, including removing graffiti," Mr Bath said.

"It's a wonderful program that teaches young offenders that community owned buildings are often home to important community services that deserve to be respected and protected.



“Almost 1,500 young people have worked with our staff over the past two decades improving the look and cleanliness of the city CBD, and in the process learning new skills that encourage them to respect public property.

“The time is now right to expand the program so that home and business owners whose properties have been tagged can ask to have the graffiti removed at no cost to them.

“Should a resident or property owner discover graffiti, all they will need to do is complete an online form on the City of Newcastle website and a crew from the Youth Justice NSW Community Service Order Program will be in touch to confirm when they will come to remove the graffiti.”

Newcastle Youth Justice Office Area Manager Damian Baker said the graffiti removal program provides participants with an opportunity to give back to the community while developing new skills.

"Funding provided by City of Newcastle has assisted program participants with work readiness, pathways to employment and training through TAFE NSW and other job network providers," Mr Baker said.

"Our focus is to introduce young participants to fundamental and transferrable skills required to assist in gaining an edge in a competitive job market for low skilled employment.

"Newcastle Youth Justice Community Office has received numerous commendations from both City of Newcastle and the Department of Communities and Justice in support for the continued commitment to provide reparation work and beautification to the city."

Plans to recommence the current graffiti removal program and the added private sector service will commence from January 2022.

City of Newcastle supports Youth Justice NSW and its rehabilitation program with funding to assist with the procurement of equipment, materials and Personal Protective Equipment for participants.

For more information, visit City of Newcastle's [Graffiti Removal Program webpage](#)

City of Sydney's Creative Hoardings Program

The creative hoardings program provides opportunities for artists to showcase their work on a large scale in very visible locations.

The program was created in response to community demand for more street art to enliven the streets of Sydney and bring creativity into the everyday.

Developers with construction sites in high traffic areas must cover their hoardings in art by a living Australian artist, or historical images relevant to the area where the hoarding is located. Developers can commission their own artist, or they can use artworks licensed by the City of Sydney, free of charge.

More information:

<https://www.cityofsydney.nsw.gov.au/cultural-support-funding/creative-hoardings-program>

ATTACHMENTS

Nil