

CITY OF NEWCASTLE

Ordinary Council Meeting 25 August 2020

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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 21 JULY 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 200721 Public Voice 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 via video conferencing platform Zoom on Tuesday 21 July 2020 at 6.01pm.

PRESENT

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

IN ATTENDANCE

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

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Winney-Baartz

The apology submitted on behalf of Lord Mayor, Councillor Nelmes be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Elliott

Councillor Elliott declared a non-significant, non-pecuniary interest in Item 2 – DA2018/01331 – 15 Duncan Close Elermore Vale as she lived in the area and remained in the meeting for discussion of the item.

Councillor Robinson

Councillor Robinson declared a non-significant, non-pecuniary interest in Item 1 – DA2020/00181 – 35 Warabrook Blvd and 6 Hakea Place, Warabrook as he lived in the area and remained in the meeting for discussion of the item.

PUBLIC VOICE SESSIONS

ITEM-1 PV 21/07/2020 - DA2020/00181 - 35 WARABROOK BOULEVARD AND 6 HAKEA PLACE, WARABROOK - PET CREMATORIUM - ALTERATIONS TO THE EXISTING BUILDING, INTERNAL FIT OUT AND SIGNAGE

Ms Alison Monkley and Mr Scott Pierce addressed Council and outlined concerns and objections to the development application. Mr Tom Jorgensen, Director, Pet Angel and Ms Rebecca Johnson, Barr Property and Planning on behalf of the DA applicant addressed Council in support of the development application.

ITEM-2 PV 21/07/2020 - DA2018/01331 - 15 DUNCAN CLOSE ELERMORE VALE - STAGED DEVELOPMENT FOR 50 LOT COMMUNITY TITLE SUBDIVISION WITH 49 SINGLE STOREY DWELLINGS, ASSOCIATED RETAINING WALLS, STORMWATER AND LANDSCAPING

Ms Judy Hodges addressed Council and outlined concerns and objections to the development application. Mr Duane Ellis, Sterling Property Group on behalf of the DA applicant addressed Council in support of the development application.

ITEM-3 PV 21/07/20 - DA2020/00044 - 304/464 KING STREET, NEWCASTLE WEST - SERVICED APARTMENT - TOURIST AND VISITOR ACCOMMODATION - CHANGE OF USE

Mr Warwick Miller addressed Council and outlined concerns and objections to the development application. No speakers addressed Council on behalf of the DA applicant.

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Rufo

Council take a five-minute recess.

Carried

ITEM-4 PV 21/07/2020 - DA2019/01146 - 106 AND 108 GOSFORD ROAD, ADAMSTOWN - MULTI DWELLING HOUSING - DEMOLITION OF DWELLINGS AND OUTBUILDINGS, ERECTION OF 12 ATTACHED UNITS AND 12 LOT STRATA SUBDIVISION

Ms Gloeta Massie and Ms Kerrie Brand addressed Council and outlined concerns and objections to the development application. Mr Nathan Farr, The Plan Centre on behalf of the DA applicant addressed Council in support of the development application.

The meeting concluded at 7.41pm.

MINUTES - ORDINARY COUNCIL MEETING 28 JULY 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 200728 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 via video conferencing platform Zoom on Tuesday 28 July 2020 at 6.02pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn (*arrived 6.05pm*), K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), B Smith (Director Strategy and Engagement), A Jones (Manager City Wide Services), E Kolatchew (Manager Legal), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), L Duffy (Manager City Wide Services), I Challis (Contracts Coordinator), E Horder (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), A Knowles (Councillor Services/Meeting Support), G Axelsson (Information Technology Support) and S Ray (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - EXTRAORDINARY COUNCIL MEETING 12 MAY 2020

MINUTES - PUBLIC VOICE COMMITTEE 16 JUNE 2020

MINUTES - ORDINARY COUNCIL MEETING 23 JUNE 2020

MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

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

**Carried
unanimously**

LORD MAYORAL MINUTE

ITEM-14 LMM 28/07/20 - SAVE THE BIRDWOOD PARK HERITAGE FIGS

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

1. Notes that following a successful community petition, with more than 1,100 signatures of concerned local residents, the NSW Government has halted their decision to chop down 4 heritage fig trees in the local heritage precinct Birdwood Park to make way for an unnecessary \$1.4 million, gold-plated slip lane on the corner of King Street and Stewart Avenue, Newcastle West;
2. Supports the retention of the south west corner of Birdwood park and that our approved *West End Stage 1 Public Domain Plan*, adopted by Council following extensive community consultation, has no proposal for the removal of any heritage listed fig trees, and that the existing trees are fully incorporated into future upgrades of the west end streetscape as a very positive element of our proposed upgrades;
3. Thanks the Minister for Transport, the Hon. Andrew Constance MP, for assisting City of Newcastle to protect these important trees; and
4. Protects the heritage fig trees in Birdwood Park in perpetuity and calls on the NSW Government to abandon their project to create an unnecessary slip lane on the corner of King Street and Stewart Avenue.

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

Against the Motion: Nil.

**Carried
unanimously**

ITEM-15 LMM 28/07/20 - CITY OF NEWCASTLE SUBMISSION TO THE INQUIRY INTO THE INTEGRITY EFFICACY AND VALUE FOR MONEY OF NSW GOVERNMENT GRANT PROGRAMS

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

1. Notes that the Chair of the NSW Legislative Council Public Accountability Committee has invited council to make a submission to the *Inquiry into the integrity, efficacy and value for money of NSW Government grant programs*;
2. Continues to raise concerns regarding the uncertainty surrounding the status of the City of Newcastle, where we are classified as either 'regional' or 'metropolitan';
3. Notes that in March 2018, Council unanimously passed a Lord Mayoral Minute regarding the Status of the City of Newcastle, calling on the NSW Government to provide certainty regarding our eligibility for grant funding opportunities, acknowledging Newcastle's role as the State's second city;
4. Makes a submission to the *Inquiry into the integrity, efficacy and value for money of NSW Government grant programs*, highlighting the ongoing uncertainty regarding Newcastle's status, and raising concern about the significant amount of grant funding we have been deemed ineligible to receive; and
5. Provides a copy of our submission to local State and Federal Members of Parliament, the Premier of New South Wales, and the Prime Minister.

**Carried
unanimously**

**ITEM-16 LMM 28/07/20 - INFRASTRUCTURE AUSTRALIA 2021
PRIORITY LIST**

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

1. Notes that Infrastructure Australia's Infrastructure Priority List provides evidence-based advice to support an informed discussion about Australia's spending priorities;
2. Notes that Infrastructure Australia Chief Executive Officer, Romilly Madew AO, has written to the City of Newcastle, seeking a submission for the next update of the Infrastructure Priority List, which will be published in February 2021;
3. Notes that our infrastructure priority projects have been endorsed by Council and the City Taskforce, and sent to the New South Wales and Federal Treasurers, as well as the local Members of Parliament for consideration as stimulus projects to assist the economy recover from the effects of the COVID-19 global pandemic; and

4. Prepares a submission for consideration for the 2021 Infrastructure Priority List publication, outlining projects of significance to the City of Newcastle, and the Greater Newcastle Metropolitan Area (as outlined in the Greater Newcastle Metropolitan Plan 2036), including:
- Coastal Management Planning and Erosion Management at Stockton beach
 - Flood mitigation at Wallsend
 - John Hunter Hospital - Stage 2
 - Newcastle Art Gallery Expansion
 - Newcastle Ocean Baths restoration
 - Lower Hunter Freight Corridor
 - Greater Newcastle Light Rail Expansion
 - Hunter Sports and Entertainment Precinct
 - Port of Newcastle Diversification
 - Newcastle Airport Expansion
 - University of Newcastle's Science, technology, engineering, mathematics, and medicine (STEMM) facility
 - Affordable housing initiatives
 - Local Sporting Amenity Upgrades
 - Local Playground upgrades for Disability Inclusion
 - Ferry Terminal at Wickham
 - Active Transport (Walking & Cycling) Improvements

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-43 CCL 28/07/20 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 SECTIONS: 4.02 BUSH FIRE PROTECTION; ASSOCIATED 9.0 GLOSSARY; 3.12 SEX INDUSTRY ESTABLISHMENTS; 7.03 TRAFFIC, PARKING AND ACCESS; 7.08 WASTE MANAGEMENT

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

1 That Council:

- i) Publicly exhibits the draft NDCP 2012 Section 4.02 Bush Fire Protection (**Attachment A**) and associated amendments to NDCP 2012 Section 9.0 Glossary (**Attachment B**), Section 3.12 Sex Industry Establishments (**Attachment C**), Section 7.03 Traffic, Parking and Access (**Attachment D**) and Section 7.08 Waste Management (**Attachment E**) for 28 days in accordance with the requirements of Clause 18 of the Environmental Planning and Assessment Regulation 2000.

- ii) Receives a report on feedback received during the public exhibition period and any further amendments made to respond to submissions as per Clause 21 of the Environmental Planning and Assessment Regulation 2000.

For the Motion:

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

Against the Motion:

Nil.

Carried

**ITEM-44 CCL 28/07/20 - TOURLE STREET, MAYFIELD - PROPOSED
RAISED CROSSING AND PEDESTRIAN REFUGE AT
MAITLAND ROAD, MAYFIELD**

MOTION

Moved by Cr Winney-Baartz, seconded by Cr White

That Council:

- 1 Approve the upgrade of the existing pedestrian crossing on Tourle Street at Maitland Road, Mayfield to a raised crossing with a pedestrian refuge and kerb extension, as generally shown at **Attachment A**.

**Carried
unanimously**

**ITEM-45 CCL 28/07/20 - WOODSTOCK STREET, MAYFIELD -
PROPOSED PEDESTRIAN REFUGE AT MAITLAND ROAD,
MAYFIELD**

MOTION

Moved by Cr Mackenzie, seconded by Cr White

That Council:

- 1 Approve construction of a pedestrian refuge on Woodstock Street at Maitland Road, Mayfield as generally shown at **Attachment A**.

**Carried
unanimously**

**ITEM-41 CCL 28/07/20 - PUBLIC EXHIBITION OF THE DRAFT 2025
CLIMATE ACTION PLAN**

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Clausen

That Council:

- 1 Places the draft 2025 Climate Action Plan at **Attachment A** on public exhibition for 28 days.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Elliott

That the matter lay on the table. The report be revised to include budget guidelines and estimate of costs before progressing to public exhibition.

Defeated

The motion moved by Lord Mayor, Councillor Nelmes and seconded by Councillor Clausen, was put to the meeting.

Carried

ITEM-42 CCL 28/07/20 - SUPPLEMENTARY REPORT - 41 AND 47 THROSBY STREET, WICKHAM - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012 AND PROPOSED PLANNING AGREEMENT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Notes that City of Newcastle (CN) undertook an independent peer review and independent costing analysis of a proposed Letter of Offer to enter into a Planning Agreement for 41 and 47 Throsby Street Wickham to ensure the proposal, the public benefit and the principles of value capture have been adequately addressed, and that the proposal aligns with the intent of the Wickham Masterplan.
- 2 Endorses the Planning Proposal (**Attachment C**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 3 Forwards the Planning Proposal to the Department of Planning Industry and Environment (DPIE) seeking Gateway Determination pursuant to Section 3.34 of the EP&A Act.
- 4 Prepares a draft Planning Agreement, as per section 7.4 of the EP&A Act, consistent with the terms outlined within the Letter of Offer from Fidem Property Group (Proponent) dated 26 May 2020 (**Attachment D**).
- 5 Exhibits the draft Planning Agreement for a period of 28 days, subject to Gateway Approval of the Planning Proposal.

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

Against the Motion: Councillor Church.

Carried

ITEM-46 CCL 28/07/20 - TENDER REPORT - NO1 SPORTSGROUND UPGRADE CONTRACT NO 2020/160T

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

Council adopt the Officer's recommendation at **Attachment A**.

PROCEDURAL MOTION

Moved by Cr Elliot, seconded by Cr Mackenzie.

That Council move into confidential session for the reasons outlined in the business papers for Items 46 and 47.

Carried

Council moved into confidential session at 7.11pm.

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

Council move out of confidential session and lay Item 47 - Tender Report - Bathers Way South Newcastle Beach - 2020/240T on the table to resume discussion on Item 46.

Carried

Council resumed into open session at 7.42pm.

The motion moved by Councillor Duncan and seconded by Councillor Winney-Baartz regarding Item 46 was put to the meeting.

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

Against the Motion: Nil.

Carried

The Chief Executive Officer reported the outcome of Item 46 - Tender Report - No1 Sportsground Upgrade Contract No 2020/160T.
That Council:

- 1 Accept the tender of Scape Constructions Pty Ltd in the amount of \$5,257,751.82 (excluding GST) for the upgrade to No1 Sportsground for Contract No. 2020/160T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**ITEM-47 CCL 28/07/20 - TENDER REPORT - BATHERS WAY SOUTH
NEWCASTLE BEACH - 2020/240T**

During confidential session, Councillors White and Winney-Baartz had moved the Officer's recommendation regarding Item 47 - Tender Report - Bathers Way South Newcastle Beach - 2020/240T.

After open Council had reconvened, the motion moved by Councillor White and seconded by Councillor Winney-Baartz was put to the meeting.

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

Against the Motion: Nil.

**Carried
unanimously**

The Chief Executive Officer reported the outcome of Item 47 - Tender Report – Bathers Way South Newcastle Beach – 2020/240T.

That Council:

- 1 Accept the tender of Lloyd Group Pty Ltd in the amount of \$10,997,895.45 (excluding GST) for Bathers Way at South Newcastle Beach for Contract No. 2020/240T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**ITEM-48 CCL 28/07/20 - EXECUTIVE MONTHLY PERFORMANCE
REPORT**

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Receives the Executive Monthly Performance Report for June 2020.

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

Against the Motion: Councillors Church and Elliott.

Carried

NOTICES OF MOTION

ITEM-14 **NOM 28/07/20 - RENAMING CITY OF NEWCASTLE BUILDINGS AND OTHER FEATURES**

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

1. Reiterates its commitment to meaningful reconciliation, addressing disadvantage and attaining justice for Aboriginal Australians and First Nations People within its community.
2. Recognises that some names accorded to City of Newcastle assets may no longer meet community expectations and have the potential to cause distress, to members of the community.
3. Seeks expert advice and engages with CN's Guraki Committee and community and cultural representatives to develop a clear policy and process for addressing questions of renaming as they arise.
4. Conducts community consultation on the renaming of the "Captain James Cook Memorial Fountain" in Civic Park – formerly known simply as the "Civic Park Fountain" – given it bears two plaques stating that Captain James Cook 'discovered the East Coast of Australia'.
5. Continues to work with the NSW Geographical Names Board where necessary to liaise on namings that are not within the immediate control of CN.

Councillor Winney-Baartz moved that Notice of Motion Item 15 – Removal of Plaques be included as Part B to the motion.

As author of Notice of Motion Item 15, Councillor Mackenzie agreed that the motion be dealt with in conjunction with this item.

Councillor Duncan accepted Part B into the motion.

With the addition of Part B, the substantive motion read as follows:

PART A

That Council:

1. Reiterates its commitment to meaningful reconciliation, addressing disadvantage and attaining justice for Aboriginal Australians and First Nations People within its community.
2. Recognises that some names accorded to City of Newcastle assets may no longer meet community expectations and have the potential to cause distress, to members of the community.
3. Seeks expert advice and engages with CN's Guraki Committee and community and cultural representatives to develop a clear policy and process for addressing questions of renaming as they arise.
4. Conducts community consultation on the renaming of the "Captain James Cook Memorial Fountain" in Civic Park – formerly known simply as the "Civic Park Fountain" – given it bears two plaques stating that Captain James Cook 'discovered the East Coast of Australia'.
5. Continues to work with the NSW Geographical Names Board where necessary to liaise on namings that are not within the immediate control of CN.

PART B

That City of Newcastle notes the following and refers Part B to the Guraki Committee:

That City of Newcastle

1. Reaffirms the principles and actions outlined in CN's 1998 Commitment to Aboriginal and Torres Strait Islander people of Newcastle, including promoting activities which increase cultural sensitivity and awareness of Aboriginal and Torres Strait Islander people.
2. Removes the two Captain James Cook memorial plaques attached to the Civic Park Fountain.

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

For the Motion:

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

Against the Motion: Councillors Luke, Church, Elliott and Robinson.

Carried

ITEM-16 NOM 28/07/20 - 1080, PINDONE AND PEST MANAGEMENT REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- Notes that the City currently uses bait agents 1080 and Pindone across the local government area as part of invasive animal population control measures, in accordance with the regulatory requirements as set by Australian Pesticides and Veterinary Medicines Authority (APVMA) and Local Land Services.
- Commits to manage invasive animals humanely.
- Provides a leading practice review of the use of animal bait poisons, including the use of 1080 and Pindone poisons, for the management of animal populations in relation to:
 - Humaneness;
 - Potential impacts on non-target species, including humans and pets; and
 - Effectiveness in terms of management of target animal populations.
- Phases out the use of animal poisons that are inhumane or are otherwise ineffectual in animal population control.

Councillor Luke foreshadowed the Officer's recommendation as outlined in the business papers.

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

Carried

CONFIDENTIAL REPORTS

Nil.

The meeting concluded at 8.50pm.

REPORTS BY COUNCIL OFFICERS

ITEM-49 **CCL 25/08/20 - KING STREET STOCKTON - MARINE RESCUE LAND ONLY LEASE**

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

PURPOSE

To seek approval to enter into a Land Only Lease with Marine Rescue NSW for the purposes of Marine Rescue NSW constructing a new operations site.

RECOMMENDATION

That Council:

- 1 Endorse the subdivision of Lot 7318, DP 1164949 to create a separate Lot (Proposed Land) as shown at **Attachment A**.
- 2 Endorse entering into a Land Only Lease with Marine Rescue NSW for the Proposed Land, for a term of 21 years at \$1 per annum.

KEY ISSUES

- 3 The Proposed Land is approximately 1,200m², and will require a survey to be undertaken that considers the proposed concept design, parking and public access.
- 4 The proposed building footprint is approximately 325m².
- 5 The Proposed Land is currently an unused grassed area in the centre of a carpark. It is Crown Land and City of Newcastle (CN) is the Crown Land Manager.
- 6 The Property is zoned RE1, and the use is permissible.
- 7 CN can enter into a lease on Crown Land prior to a Plan of Management expressly authorising the use as it is for emergency services.
- 8 Marine Rescue NSW will be responsible for undertaking at their cost the subdivision, connection of services, construction of the building, and all associated approvals.
- 9 CN will have no ongoing obligations during the term of the lease other than providing access to the Proposed Land.

- 10 The Proposed Land will remain Community Land for General Community Use.
- 11 Marine Rescue NSW must ensure that the proposed development has no significant impact on the surrounding public parking and access to the reserve.
- 12 Marine Rescue NSW will retain ownership of the building and it will not revert to CN at the end of the lease.
- 13 Marine Rescue NSW must return the land to CN at the end of the lease.
- 14 As part of the proposal, Marine Rescue NSW have agreed to relocate their communications antenna from the Shepherds Hill location.
- 15 The Worimi Local Aboriginal Land Council (WLALC) currently have a registered Aboriginal Land Claim on the Proposed Land.

FINANCIAL IMPACT

- 16 Marine Rescue NSW will be responsible for all costs associated with the subdivision, planning, design and construction, services connection, and all ongoing maintenance for the life of the building.
- 17 Marine Rescue NSW will be charged rental on the lease of \$1 per annum. The commercial value of the lease is estimated at \$36,000 per annum.
- 18 There will be no financial obligations on CN as part of the proposal.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 19 The proposal aligns with the following Newcastle 2030 Community Strategic Plan directions:

Vibrant, Safe and Active Public Places

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

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 20 In accordance with section 7A of the *Conveyancing Act 1919*, the proposal will require a plan of subdivision to be able to enter into a lease of greater than five years.

- 21 CN is consulting with the WLALC regarding the Aboriginal Land Claim on the Proposed Land.

RISK ASSESSMENT AND MITIGATION

- 22 The existing Aboriginal Land Claim is a risk to the Marine Rescue NSW development. CN will seek to mitigate identified risks through consultation with all stakeholders.

RELATED PREVIOUS DECISIONS

- 23 Nil.

CONSULTATION

- 24 On 6 August 2020 the Asset Advisory Committee endorsed the recommendation in this report.
- 25 The WLALC has been provided details of the proposal and CN continues to consult with them regarding their Aboriginal Land Claim.

BACKGROUND

- 26 Marine Rescue NSW had previously agreed with Crown Lands to build their new operations centre at the former Girl Guides site in Stockton. This location is not part of the reserve which CN manages as the Crown Land Manager.
- 27 Due to access issues and planning constraints, the Girl Guides site was deemed unfeasible.
- 28 Alternative sites along the Stockton peninsula were investigated however all presented their own constraints including Aboriginal Land Claims and known contamination.
- 29 Marine Rescue NSW approached CN and sought in principle support to locate their operations site on a currently grassed area surrounded by car and boat trailer parking, adjacent to the skiff club and boat ramp.

OPTIONS

Option 1

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

Option 2

- 31 That Council does not endorse the recommendation as at Paragraphs 1 and 2. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 49 Attachment A: Proposed Land

Item 49 Attachment A



**Indicative plan only - subject to final survey.*

ITEM-50 CCL 25/08/20 - TABLING OF PECUNIARY INTEREST RETURNS - 1 MAY TO 31 JULY 2020

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

For the Chief Executive Officer (CEO) to table the pecuniary interest returns received from designated persons between 1 May and 31 July 2020 in accordance with the City of Newcastle's (CN) Code of Conduct for Staff.

RECOMMENDATION

That Council:

- 1 Note the tabling of the pecuniary interest returns (for the period 1 May to 31 July 2020) by the CEO.

KEY ISSUES

- 2 The Code of Conduct for Staff requires:
 - i) Designated persons to lodge a disclosure of interest return (Return) in the prescribed form within three months of:
 - a) Becoming a designated person; or
 - a) Becoming aware of an interest they are required to disclose that has not previously been disclosed; and
 - ii) The CEO to table the Returns lodged at the first Ordinary Council Meeting held after the lodgment of Returns; and
 - iii) The CEO to keep a register of Returns which may be accessed in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).
- 3 Designated persons are:
 - i) CEO (General Manager); and
 - ii) Senior staff; and
 - iii) CN officers designated because of the exercise of CN functions

- 4 In accordance with s739 of the Act, CN has amended the register of Returns to omit information that discloses a designated person's place of living where:
 - i) The designated person requested that such information be deleted on the grounds that it would place their personal safety or their family's safety at risk; and
 - ii) The CEO was satisfied that disclosing the information would place the designated person's safety and / or their family's safety at risk.

FINANCIAL IMPACT

- 5 CN's adopted Our Budget 2020/2021 provides for arrangements for Council meetings. There is no budget implication in adopting the tabled annual Returns.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The Tabling of Pecuniary Interest Returns 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.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

Open and Transparent Governance Strategy

- 3.5 Open and Transparent Disclosures.

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 On the day following the Council meeting, the register of Returns may be accessed by members of the public (at CN's City Administration Centre) during business hours without an appointment.
- 8 Alternatively, the register of Returns is available for inspection in accordance with the GIPA Act. CN's procedure requires a person to make an appointment to view the register during business hours.

RISK ASSESSMENT AND MITIGATION

- 9 Compliance with legislative requirements for tabling of disclosures of interest is a key process supporting CN's Open and Transparent Governance Strategy and ensures CN complies with the Model Code.

RELATED PREVIOUS DECISIONS

10 At the Ordinary Council Meeting held on 26 May 2020, Council noted the tabling of returns by designated officers (for the period 1 February 2020 to 30 April 2020) by the CEO.

CONSULTATION

11 No consultation was required as this is a statutory process under the Model Code.

BACKGROUND

12 Not applicable.

OPTIONS

Option 1

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

Option 2

14 Council does not adopt the recommendation. The Model Code requires the Returns to be tabled at a Council meeting. Failure to do so would constitute a breach of the Model Code and the Act. This is not the recommended option.

REFERENCES

15 Code of Conduct for Staff
<https://www.newcastle.nsw.gov.au/Council/Our-Responsibilities/Code-of-Conduct>

16 Model Code of Conduct for Local Councils in NSW: A Guide to Completing Returns of Interest
<https://www.olg.nsw.gov.au/wp-content/uploads/Model-Code-of-Conduct-Completing-returns-of-interest.pdf>

ATTACHMENTS

Nil.

ITEM-51 CCL 25/08/20 - PUBLIC EXHIBITION OF THE DRAFT SECTION 7.12 NEWCASTLE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2019 (UPDATE AUGUST 2020)

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

PURPOSE

To place the draft Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (update August 2020) (draft Section 7.12 Plan) on public exhibition.

RECOMMENDATION

- 1 That Council places the draft Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (Update August 2020) (**Attachment A**) on public exhibition for 28 days and considers a report on submissions received following the public exhibition.

KEY ISSUES

- 2 Council adopted the Section 7.12 Plan in August 2019, which included an updated short term works schedule. The works schedule contained within the draft Section 7.12 Plan has been further reviewed and updated to align with City of Newcastle's (CN) 2020/21 Our Budget since its adoption by Council at the Ordinary Council Meeting held on 23 June 2020.
- 3 A number of projects identified in the Wickham Masterplan 2017 (WMP) have been included in the proposed works schedule. These are traffic and transport projects such as pedestrian, cycling and traffic and transport improvements. A number of other open space and recreation and transport projects have been identified to be provided in Wickham in later years. New pedestrian, cycling and traffic and transport improvements within other local areas in the Newcastle Local Government Area (LGA) have also been included in the schedule. It is anticipated that the Sports Strategy and Social Infrastructure Strategy, once adopted by Council, will guide a future update to the longer-term projects in the works schedule.
- 4 Amendments to Schedule 3 – Works Schedule for Expenditure within Honeysuckle Foreshore Public Domain have been made in consultation with Hunter and Central Coast Development Corporation (HCCDC) to reflect their recent priorities for the forward period.

- 5 Minor word changes are proposed to the Savings and Transitional Arrangements section of the draft Section 7.12 Plan to ensure consistency with the Section 7.11 Western Corridor Contribution Plan, which requires applications to be determined in accordance with the provisions of the Plan in place at the time of determining the application. The draft Section 7.12 Plan is not proposing any changes to contribution rates, so this amendment will not impact current applications.
- 6 Minor amendments have been made to clarify the timing of payment for contributions for staged developments and complying development and also clarifies the responsibility of a registered certifier, in accordance with current legislation.
- 7 In July 2020 a Ministerial direction was made to temporarily defer the payment of local infrastructure contributions and levies until the issuing of an occupation certificate. The draft Section 7.12 Plan has been amended to reflect this temporary arrangement which applies to large scale developments (over \$10 million) that require an occupation certificate to make payments prior to the issue of an occupation certificate, not construction certificate.

FINANCIAL IMPACT

- 8 Costs associated with the preparation and exhibition of the draft Section 7.12 Plan are funded under City of Newcastle's (CN) operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 9 The draft Section 7.12 Plan is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:
 - i) Integrated and Accessible Transport
 - ii) Inclusive Community
 - iii) Liveable Built Environment
 - iv) Open and Collaborative Leadership

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 Exhibition of the draft Section 7.12 Plan will be in accordance with the *Environmental, Planning and Assessment Act 1979* (EP&A Act) and accompanying Regulation. The Act and Regulation identifies the process and responsibilities for preparing, exhibiting and adopting a Section 7.12 Plan.
- 11 The works schedule will be reviewed periodically.

RISK ASSESSMENT AND MITIGATION

- 12 The draft Section 7.12 Plan has been prepared in accordance with relevant legislation and Practice Notes issued by the Department of Planning, Industry and Environment (DPIE). Adherence to the legislative framework reduces the risk to CN by ensuring the funds are levied, collected, spent and accounted for in the correct manner.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 27 August 2019, Council adopted the current Section 7.12 Plan.

CONSULTATION

- 14 Formal public consultation will occur during the exhibition period. Exhibition material will be placed on CN's website, in accordance with the Regulation.
- 15 The proposed amendments are routine and have not been considered by the Liveable Cities Advisory Committee (LCAC). The LCAC will be informed of the draft Section 7.12 Plan during the public exhibition process.

BACKGROUND

- 16 Contributions collected for local infrastructure projects in the 2019/2020 financial year assisted in delivering new or upgraded traffic and transport infrastructure projects (including pedestrian improvements, footpaths and cycleways), implementation of public domain plans for local centres and within Honeysuckle Foreshore and fit out of the Visitor Information Centre.

OPTIONS

Option 1

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

Option 2

- 18 Council does not endorse the draft Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (Update August 2020). This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 51 Attachment A: Draft Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (Update August 2020)

Item 51 Attachment A distributed under separate cover

ITEM-52 CCL 25/08/20 - VARIATIONS TO DEVELOPMENT STANDARDS

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

PURPOSE

To report on development variations approved between January 2020 and July 2020 in accordance with the reporting requirements of the Secretary of the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

RECOMMENDATION

That Council:

- 1 Receives the report on development variations approved between January 2020 and July 2020 at **Attachment A** in accordance with the requirements of Planning Circular PS 20-002 Variations to development standards at **Attachment B**.

KEY ISSUES

- 2 Under clause 64 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), consent authorities may be notified that they may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the NLEP 2012.
- 3 The Secretary of DPIE has provided a concurrence to NSW Councils, subject to conditions, to vary development standards proposed in applications.
- 4 That concurrence, and the reporting and record keeping requirements are outlined in Planning Circular PS 20-002 issued on 5 May 2020.
- 5 Table 1 outlines the procedural and reporting measures and record keeping requirements and outlines the measures employed by City of Newcastle (CN) to comply with those requirements.

Table 1

No	Monitoring and Reporting Measure	How CN will comply
1	Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.	Development Applications (DA) that propose a variation to a development standard must be supported by an application to vary a development standard.
2	A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.	A register of "Variations to Development Standards is kept on CN's website". It contains details of applications approved dating back to 2012.
3	A report of all applications approved with a development variation (including under delegation) must be submitted through the NSW Planning Portal, online-submission-planning-data within four weeks of the end of each quarter (ie. March, June, September and December) in the form provided by the Department.	The report is submitted, as required each quarter, in April, May, October and January.
4	A report of all variations approved under delegation from a Council must be provided to a meeting of the Council at least once each quarter.	This is the first report submitted to Council to meet the requirement of the concurrence. The report at Attachment A includes applications determined by staff under delegation and by the Development Applications Committee.

- 6 The Secretary's concurrence cannot be assumed for a development standard relating to the minimum lot size, required for the erection of a dwelling on land in land use zones identified in Planning Circular PS 20-002, if the lot is less than 90% of the required minimum lot size.
- 7 In these circumstances the concurrence of the Secretary will need to be sought from DPIE, if the application is supported.

FINANCIAL IMPACT

8 Nil

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 This report aligns to the Community Strategic Plan under the strategic direction of 'Liveable Built Environment' and 'Open and Collaborative Leadership' in particular:

Liveable Built Environment

5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

Open and Collaborative Leadership

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

7.3b Provide clear, consistent, accessible and relevant information to the community.

IMPLEMENTATION PLAN/IMPLICATIONS

10 Applications that propose a development variation greater than 10% or a variation to a non-numerical development standard will not be determined under staff delegation and will be reported to either, the Development Applications Committee or where appropriate, to the Regional Planning Panel for determination.

11 A report will be tabled to Council each quarter detailing all applications approved with a development variation.

12 A report of all development variations approved will be sent to the DPIE each quarter in April, May, October and January.

13 The register of all development variations approved will be maintained on CN's website and updated at least once each quarter.

14 The concurrence of the Secretary of DPIE will be sought, if an application is supported and involves a development variation relating to the minimum lot size required for the erection of a dwelling on land, in the land use zones identified in Planning Circular PS 20-002, if the lot is less than 90% of the required minimum lot size.

RISK ASSESSMENT AND MITIGATION

- 15 There is a risk to CN's reputation and public confidence if CN fails to comply with the reporting and record keeping requirements of the Secretary's concurrence.
- 16 By implementing required procedural and reporting measures and record keeping arrangements, CN will comply with requirements of the Secretary's Planning Circular.

RELATED PREVIOUS DECISIONS

- 17 In accordance with previous concurrences issued by the Secretary, all DA's, Modifications to DA's and Requests for Reviews with variations greater than 10% will be reported to either the Development Applications Committee or where appropriate, to the Regional Planning Panel for determination.

CONSULTATION

- 18 Applications that propose a variation to a development standard are placed on public exhibition prior to the determination of the application.
- 19 Applications that are recommended for approval and propose a variation to a development standard of greater than 10% are reported to either the Development Applications Committee or where appropriate the Regional Planning Panel for determination, enabling greater public scrutiny of the decision.
- 20 Any submissions received as a result of public notification are taken into consideration prior to the determination of the application.

BACKGROUND

- 21 Development standards are a means to achieving an environmental planning objective and can be numerical or performance based. Some developments may achieve planning objectives despite not meeting the required development standards. The planning system provides flexibility to allow these objectives to still be met by varying development standards in particular cases.
- 22 If an application proposes to vary a development standard contained within an environmental planning instrument, it must be supported by a written application that outlines why compliance with that development standard is unreasonable or unnecessary in the circumstances of the case.
- 23 On 16 July 2019 Council was advised of the results of an audit conducted by DPIE of CN's administrative and reporting procedures and policies related to the use of the Secretary's assumed concurrence under clause 4.6 of the NLEP 2012. The audit found that CN complied with all requirements of clause 4.6, the Planning Circular PS 18-003 and the assumed concurrence.

OPTIONS

Option 1

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

Option 2

25 Council resolves not to adopt this report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 52 Attachment A: Report on all development variations approved between January 2020 and 31 July 2020

Item 52 Attachment B: Planning Circular 20-002 Variations to development standards

Item 52 Attachments A - B distributed under separate cover

ITEM-53 CCL 25/08/20 - EMERGENCY EGRESS FOR HIGH-RISE OCCUPANTS WITH A DISABILITY

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

PURPOSE

To report on emergency egress for high-rise occupants with a disability.

RECOMMENDATION

That Council:

- 1 Writes to the Council of Australian Governments' Building Ministers' Forum and the Australian Building Codes Board, seeking that they reconsider the creation of provisions that improve emergency egress for people with a disability, particularly with respect to emergency egress from high-rise buildings. In this respect, reference is made to the limited initiatives arising from the 2014/15 Regulation Impact Statement process for '*Emergency Egress for Occupants with a Disability*' and the apparent lack of further progress on the matter since then.
- 2 Writes to the NSW Minister representing the State on the Council of Australian Governments' Building Ministers' Forum (currently the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation), to seek their support in relation to the creation of provisions that improve emergency egress for people with a disability, particularly with respect to emergency egress from high-rise buildings.
- 3 Writes to the NSW Building Commissioner to seek their support in relation to the creation of formal administrative arrangements that marry in with the Commonwealth's disability discrimination provisions, as was foreshadowed in the Commonwealth's '*Guideline to the Application of the Premises Standards*', particularly as a means of ensuring compliance with respect to alterations to buildings.
- 4 Investigates amending City of Newcastle's (CN) Development Control Plans / Planning Guidelines to include consideration of emergency egress from high-rise buildings for people with disabilities.

KEY ISSUES

- 5 At the Ordinary Council Meeting held on 22 October 2019, Council resolved to:

Receive a report on emergency and evacuation egress for occupants or visitors with a disability in high-rise buildings, including options for amendments to City of Newcastle planning documents and advocacy opportunities, to ensure safe, dignified and independent egress for all.

- 6 The key issues surrounding this matter were discussed at the Access Advisory Committee meeting held on 29 July 2020. As a result of feedback from the Advisory Committee, an additional recommendation has been included to investigate amending CN's Development Control Plans to include consideration of emergency egress from high-rise buildings for people with disabilities. Inclusion of this objective in CN's planning guidelines may assist with adding weight to other recommended advocacy initiatives.
- 7 Emergency egress and access standards are dictated by State legislation and those standards are essentially consistent throughout Australia. Standards are not addressed in CN planning documents.
- 8 Building standards were effectively nationalised in the early 1990s, via the publication of the Building Code of Australia (BCA) and its adoption by the States and Territories.
- 9 The BCA is published by the Australian Building Codes Board (ABCB), who are a standards-writing body for the Council of Australian Governments (COAG).
- 10 The NSW planning framework is geared toward the nationalised approach to building standards, with the potential for some State variations. Prior to building standards being embedded in the *Environmental Planning and Assessment Act 1979* (EP&A Act), a provision of the *Local Government Act 1993* effectively constrained Councils from adopting building standards that were more onerous than those specified by that Act.
- 11 The EP&A Act does not directly constrain Councils from imposing building standards that are more onerous than those specified in legislation, however this is not recommended. Compared to the ABCB, Councils generally lack the resources to produce well researched building standards, particularly standards that would be applied to technically complex high-rise buildings. The adoption of building standards outside of the provisions of the BCA, also creates issues with respect to how the administration of those building standards can be integrated with the detailed administrative framework that exists in the BCA.

- 12 As BCA provisions for occupant safety and egress in high-rise buildings are complex, with individual provisions that are often inter-related with other provisions, the addition of requirements outside of the BCA framework could have negative flow-on effects, in terms of the overall standards for occupant safety that compliance with the BCA would otherwise achieve. Such an outcome would be contrary to the BCA and, therefore, be a breach of NSW planning laws.
- 13 An example of the potential for negative flow-on effects arising from additional egress requirements is reflected in comments quoted (see Background below) from the ABCB's non-mandatory handbook, '*Lifts Used in Evacuation*'. Those comments convey a lack of consensus that the provisions of the handbook are entirely beneficial, particularly if those provisions are not applied with a great deal of care and expertise.
- 14 Apart from building standards, consideration could be given to formally imposing requirements regarding planning for emergencies, as per the relevant Australian Standards. However, in this respect, it is considered that:
- i) While management procedures may improve egress safety standards, they generally do not make egress more dignified or independent for occupants or visitors with a disability.
 - ii) The imposition of such standards on a local basis, as opposed to being mandated by the State, is likely to create a compliance burden for CN that is effectively unmanageable.
 - iii) The inclusion of these standards as a preferred option in CN's planning guidelines may result in optional take up for future developments and assist CN with adding weight to other recommended advocacy initiatives.

FINANCIAL IMPACT

- 15 Implementation of the recommendation will be undertaken by CN within the current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 16 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and Collaborative Leadership' in particular:
- 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.*

IMPLEMENTATION PLAN/IMPLICATIONS

17 Nil.

RISK ASSESSMENT AND MITIGATION

18 There is a risk to CN's reputation and public confidence if CN were to implement building standards that are outside of the national framework of building standards. CN can have a role in advocating for improvements to the national framework of building standards.

RELATED PREVIOUS DECISIONS

19 At the Ordinary Council Meeting held on 22 October 2019, Council resolved to:

1. *Note the commencement of the review of the City of Newcastle's Disability Inclusion Action Plan 2016-2019, and the preparation of the draft revised plan for the period 2020-2024.*
2. *Note the successful pilot program of events and activities to acknowledge International Day of People with Disabilities under the title of "Count Us in Newcastle" over the past month.*
3. *Receive a report on emergency and evacuation egress for occupants or visitors with a disability in high-rise buildings, including options for amendments to City of Newcastle planning documents and advocacy opportunities, to ensure safe, dignified and independent egress for all.*

CONSULTATION

20 The key issues surrounding this matter were discussed at the Access Advisory Committee meeting held on 29 July 2020.

BACKGROUND

21 Egress standards for people with a disability were considered by the ABCB when past changes to the BCA were developed in parallel with the creation of the Commonwealth's *Disability (Access to premises – Buildings) Standards 2010* (the Premises Standards). With respect to emergency egress, the related Regulation Impact Statement (October 2008 and as amended October 2009) indicated that no new provisions were being imposed, noting that regulated building design and construction features were often supported by emergency management procedures.

22 During the development of the Premises Standards, a review was carried out by the House of Representatives Standing Committee on Legal and Constitutional Affairs (HRSC). The HRSC acknowledged that there were issues that would not be finalised in time for inclusion in the Premises Standards, including emergency egress, and made the following related recommendations:

- i) *“Recommendation 10: The Committee recommends that the current exemption of fire-isolated stairs and ramps in paragraph D3.3(b) be amended to provide accessibility as far as practicable, with particular consideration given to tactile ground surface indicators, luminance contrast stair nosings and second handrails.”*

Comment

- ii) The Commonwealth Government’s response to Recommendation 10 was to accept it, in part, to include luminance contrast stair nosings on fire-isolated stairs. Other aspects of the recommendation were deferred until a safety and technical assessment was undertaken by the ABCB.
- iii) Following this, the BCA was amended to include a number of additional requirements aimed at improving emergency egress, including changes to the accessibility of thresholds, handrails, door hardware and Braille and tactile signage for fire isolated exits. In addition, a non-mandatory handbook, ‘*Lifts Used in Evacuation*’ (2013), and an associated ‘*performance requirement*’ in the BCA, ‘*DP7 Evacuation Lifts*’, were introduced.
- iv) *“Recommendation 16: The Committee recommends that the Australian Building Codes Board undertake further research to identify deemed-to-satisfy provisions for emergency egress for people with a disability with a view of making changes to the Building Code as soon as possible.”*

Comment

- v) The Commonwealth Government’s response to Recommendation 16 was to accept it ‘*in principle*’ and to refer the matter to the ABCB for its consideration.
- vi) In a further response to Recommendation 16, the ABCB produced a Council of Australian Governments (COAG) Regulation Impact Statement (RIS) on ‘*Emergency Egress for Occupants with a Disability*’, for consultation in 2014, to evaluate further accessibility measures.
- vii) The ABCB subsequently (in 2015) published a Final RIS which highlighted:
 - a) *The problem involves a combination of two components: the life safety of occupants with a disability and the inability to evacuate buildings independently; and the obligations of building owners and occupiers to ensure as far as practicable, that dignified and equitable access to and within buildings, including its fire safety features, is provided for people with a disability.*

- 23 In summary, the Final RIS concluded that:
- i) The regulatory adoption of the proposals that had been considered would have significant impacts, both in terms of costs and benefits.
 - ii) The cost of implementing the proposals was considered to be large and the intangible benefits were unlikely to outweigh the costs.
 - iii) Based on the COAG best practice regulation requirements, it was recommended that the status quo remain.
- 24 In April 2016, the Commonwealth Government published a report on a five-year review of the effectiveness of the Premises Standards in achieving their objectives. The review noted that, since the Premises Standards came into effect, a number of additional emergency egress measures had been incorporated into the BCA. With respect to emergency egress, the recommendations of the review included:
- i) Update the Premises Standards to include any revised emergency egress provisions, including the BCA's performance requirement DP7, on the use of lifts to assist occupants to evacuate a building.
 - ii) Consider any new methods for quantifying the benefits of additional emergency egress options (as costs and technologies may change over that time), at the next five-year review.
- 25 The current version of the Premises Standards shows only one amendment having been made, in 2011, so it appears that no implementation of the update, that was recommended by the 2016 review, has taken place.
- 26 It appears that there have been no further significant publications on emergency egress for people with a disability, since the Commonwealth Government's 2016 review of the effectiveness of the Premises Standards.
- 27 While there are limitations on the availability of formal requirements and guidance with respect to building standards for emergency egress for people with a disability, Australian Standards are in place with regard to planning for the evacuation of the occupants of a building in an emergency. The relevant standards are:
- i) *AS3745-2010 – Planning for Emergencies in Facilities*
 - ii) *AS4083-2010 – Planning for Emergencies – Health Care Facilities*
- 28 These standards include provisions for occupants with a disability.

- 29 *AS3745-2010* “*outlines the minimum requirements for the establishment, validation and implementation of an emergency plan for a facility to provide for the safety of occupants of that facility and its visitors leading up to, and during an evacuation*”. The scope of *AS3745-2010* applies to all buildings, except those classified under the BCA as Class 1A (ie. detached houses and attached dwellings that are separated only by a fire-resisting wall, such as a terrace house). *AS4083-2010* can be used in conjunction with *AS3745-2010*.
- 30 *AS3745-2010* and *AS4083-2010* are not directly referenced in legislation relating to the State of NSW, so they are, in effect, non-mandatory.

OPTIONS

Option 1

- 31 The recommendation as at Paragraph 1 - 4. This is the recommended option.

Option 2

- 32 Council resolves not to adopt this report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

ITEM-54 CCL 25/08/20 - YOUNG ROAD, LAMBTON - INTERSECTION REALIGNMENT AND PEDESTRIAN REFUGE AT DURHAM ROAD AND INTERSECTION REALIGNMENT AT WALLARAH ROAD

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER TRANSPORT AND COMPLIANCE

PURPOSE

To approve the realignment of the intersection of Durham Road at Young Road Lambton, including kerb extension, kerb ramps and a pedestrian refuge; kerb extension and ramps at the intersection of Wallarah Road at Young Road; and realignment of the centre line on Young Road.

RECOMMENDATION

That Council:

- 1 Approve the realignment of the intersection of Durham Road at Young Road Lambton, including kerb extension, kerb ramps and a pedestrian refuge; kerb extension and ramps at the intersection of Wallarah Road at Young Road; and realignment of the centre line on Young Road, as shown in the plan at **Attachment A**.

KEY ISSUES

- 2 The project area has high pedestrian and vehicle activity at times, due to its proximity to McDonald Jones Stadium, Lambton High School and playing fields and parks. Multiple requests have been received for improved pedestrian facilities.
- 3 The proposal was scheduled for design in 2019/20 under City of Newcastle's (CN) Pedestrian Access and Mobility Plan (PAMP) Program. The design progressed and a proposal was exhibited for four weeks, with submissions closing on 13 April 2020. Details of the proposal were published on CN's website and copies of the brochure at **Attachment B** distributed to residents in the area. The exhibited proposal included:
 - i) Realignment of the kerb on the southern side of Young Road between Orlando Road and Durham Road to accommodate a pedestrian refuge on Young Road near Orlando Road.
 - ii) Relocation of the bus stop on the northern side of Young Road near Orlando Road further east.

- iii) Relocation of the bus stop on the southern side of Young Road near Wallarah Road further west.
 - iv) Construction of a pedestrian refuge on Durham Road at its intersection with Young Road.
 - v) Realignment of the intersections of Young Road with Durham Road and Wallarah Road.
 - vi) Construction of kerb ramps.
 - vii) Construction of a footpath on the southern side of Young Road.
- 4 Following public exhibition, a road safety audit of the proposal was undertaken. In response to issues raised during consultation, and in the road safety audit, several changes have been made. The key changes are removal of the proposed refuge on Young Road near Orlando Road from the scope of works and retention of the existing kerb line between Orlando Road and Wallarah Road. These changes ameliorate the high and medium risks identified in the audit and are reflected in the plan at **Attachment A**.
- 5 Eleven submissions were received. A summary of submissions is included at **Attachment C**. Key issues raised in the submissions and proposed responses are as follows:
- i) The southern kerb line between Orlando Road and Wallarah Road is relocated, which places the existing power pole inside the clear zone of westbound vehicles. Removal of parking increases the risk of collision.

Response: The proposed refuge on Young Road near Orlando Road will be removed from the project scope and the existing kerb line and parking will be retained.
 - ii) The bus stop on the northern side has been relocated to the east by approximately 24 metres. The resulting eastbound carriageway width is not adequate for a vehicle to safely pass a stationary bus without encroaching onto the wrong side of the road. A stopped bus also limits sight distance.

Response: The eastbound carriageway width has been increased to 5.2m by replacing the painted central median and realigning the road centreline linemarking. While the location of the proposed bus stop does not eliminate the potential for vehicles to encroach onto the incorrect side of the road while passing a stationary bus it does improve road safety by increasing vehicle sight distances from the Orlando Road intersection and vehicles travelling westbound on Young Road when a bus is stationary at the stop.

- iii) Large vehicles attempting the left turn at Orland Road (eastbound) will likely collide with the proposed pedestrian refuge and possibly the awning of the adjoining property.

Response: The proposed refuge on Young Road near Orlando Road will not be constructed.

- iv) The westbound carriageway has been widened into the existing footway on the south-eastern corner of the Orlando Road intersection. The proposed kerb does not line up with the kerb on the western side of the intersection. The combination of poor alignment, limited delineation and uneven pavement could lead to westbound vehicles misjudging the alignment and losing control.

Response: The proposed refuge on Young Road near Orlando Road will not be constructed.

- v) Vehicles turning right into Orlando Road are pushed away from the centre of the road by the proposed pedestrian refuge and will take up most of the westbound carriageway whilst waiting to turn. Westbound through vehicles attempting to undertake will have restricted space to do so, which may result in side-on collisions with vehicles stopped (or on approach) at the Orlando Road stop sign or rear-end collisions with the turning vehicles.

Response: The proposed refuge on Young Road near Orlando Road will not be constructed.

- vi) Although the bus stop has been relocated approximately 30 metres to the east, the angle of the first stopped bus still obstructs the line of sight to westbound vehicles from vehicles waiting at the Orlando Road stop sign wishing to proceed south or west. Westbound vehicles in Young Road may not have adequate time to react and stop to avoid vehicles proceeding through the stop sign in Orlando Road, resulting in side-on collisions.

Response: No alternative location has been deemed suitable for the bus stop. The proposed location provides a significant improvement in vehicle sight distance between vehicles at the Orlando Road intersection and vehicles travelling westbound on Young Road when a bus is stationary at the stop compared to the current bus stop location.

FINANCIAL IMPACT

- 6 Construction of the footpath, refuge at Durham Road and intersection realignment works are included in CN's 2020/21 PAMP Program, with an adopted budget of \$300,000. The current estimated construction cost is under this limit.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The project aligns with the following Newcastle 2030 Community Strategic Plan Directions:

Integrated and Accessible Transport

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

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

Liveable Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The proposal is consistent with policy positions outlined in the Newcastle Transport Strategy to prioritise the needs of pedestrians and cyclists and reduce traffic speeds.
- 9 Approval of the refuge and intersection realignments is not delegated to CN officers and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 10 Medium and high risks identified in the road safety audit have been addressed in the revised proposal. The design has been undertaken in accordance with relevant Austroads and Transport for NSW guides.

RELATED PREVIOUS DECISIONS

- 11 Nil.

CONSULTATION

- 12 The Newcastle City Traffic Committee (NCTC) considered the outcomes of community consultation at its meeting held on 20 July 2020 (Item 94) and endorsed referral of the revised proposal to Council for determination. NCTC approved the plan at **Attachment A**.
- 13 The proposal has not been considered by the Infrastructure Advisory Committee. The project is considered routine.

BACKGROUND

- 14 Young Road (Orlando Road to Turton Road) is classified as a collector road under CN's road hierarchy. Its topography and relatively straight alignment encourage speeding in the project vicinity. Realignment of the intersections with Wallarah Road and Durham Road and construction of the refuge in Durham Road aim to moderate speeding behaviour, in addition to improving pedestrian safety. Near misses have also been reported at the intersection of Young Road with Orlando Road, with incidences of vehicles failing to adhere to the stop controls on Orlando Road. This matter has been referred to the NSW Police for action.

OPTIONS

Option 1

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

Option 2

- 16 Council does not approve the proposed changes. This area is regularly subject to high pedestrian use and it currently lacks facilities for universal access. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 54 Attachment A: Plan – Young Road, Lambton from Orlando Road to Durham Road

Item 54 Attachment B: Consultation Brochure – Young Road, Lambton

Item 54 Attachment C: Summary of Submissions – Young Road, Lambton

Item 54 Attachments A - C distributed under separate cover

ITEM-55 CCL 25/08/20 - ADOPTION OF ASSET MANAGEMENT POLICY 2020

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

PURPOSE

To adopt the revised Asset Management Policy.

RECOMMENDATION

That Council:

- 1 Adopts the revised Asset Management Policy (Policy) as at **Attachment A**.

KEY ISSUES

- 2 The Policy was developed to guide City of Newcastle's (CN) Asset Management Planning documents as an integral part of CN's Resourcing Strategy. CN's Resourcing Strategy is a requirement under the Integrated Planning and Reporting (IP&R) Framework legislated under the *Local Government Act 1993* (Act).

FINANCIAL IMPACT

- 3 The integration of the Policy and Asset Management Planning documents into CN's Long Term Financial Plan ensures financial sustainability of CN managed assets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 4 The Policy aligns 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.

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 5 The adoption of the Policy will replace previous versions. The implementation of this Policy will support CN's Asset Management Strategy and better align with CN's Service Asset Plans

RISK ASSESSMENT AND MITIGATION

- 6 There are no risks associated with the adoption of the revised Policy and it will enable CN to comply with legislative requirements of the Act.

RELATED PREVIOUS DECISIONS

- 7 At the Ordinary Council meeting of 28 July 2016 Council endorsed the Asset Management Policy (Version 3).
- 8 Previous versions of the Policy had been endorsed by Council at the Ordinary Council meetings of 7 August 2012 (Version 2) and 20 April 2010 (Version 1).

CONSULTATION

- 9 Consultation was undertaken internally with all Service Units in July 2020. Comments were received which have been incorporated in the refinement and finalisation of the revised Policy.
- 10 As an operational Policy, the revised Policy was not publicly exhibited, and external consultation is not required.

BACKGROUND

- 11 Asset Management is the systematic and coordinated activities and practices of CN to ensure optimised and sustainable delivery of objectives through cost effective lifecycle management of assets.
- 12 CN's Asset Management Planning documents include the Policy, Asset Management Strategy, and Service Asset Plans which detail the requirements to effectively manage the City's assets, which only exist to support services. These documents are incorporated into CN's Resourcing Strategy which is an IP&R requirement legislated under the Act.

OPTIONS

Option 1

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

Option 2

14 Council not adopt the revised Asset Management Policy. This is not the recommended option

REFERENCES

ATTACHMENTS

Item 55 Attachment A: Asset Management Policy 2020

Item 55 Attachment A distributed under separate cover

**ITEM-56 CCL 25/08/20 - PUBLIC EXHIBITION OF DRAFT
STRATEGIC SPORTS PLAN**

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

PURPOSE

To place the draft Strategic Sports Plan (the draft Plan) on public exhibition.

RECOMMENDATION

That Council:

- 1 Places the draft Strategic Sports Plan (**Attachment A**) on public exhibition for 42 days; and
- 2 Requests that a report on submissions received be brought back to the Council following the public exhibition.

KEY ISSUES

- 3 The development of the draft Strategic Sports Plan is a significant step towards the City of Newcastle's (CN) strategic approach to the provision of sportsgrounds and activities within the Newcastle Local Government Area (LGA).
- 4 The provision of green spaces, especially sports fields, plays an essential role in providing a safe, active and connected community as well as supporting health and wellbeing, including during the current COVID-19 pandemic.
- 5 The draft Plan objectively addresses future demands within the city and informs the ongoing supply, maintenance and upgrading of sporting infrastructure considering the current and future needs of the sporting community. The draft Plan is based on evidence-based research and addresses key issues raised by stakeholders.
- 6 The draft Plan provides strategic guidance and facility direction to 2031 for 13 outdoor sports while recognising key growth areas such as the western corridor and the importance of interdependencies with key regional development projects such as the Broadmeadow Sports and Entertainment precinct.
- 7 There are 63 sportsground venues (140 fields) in the Newcastle LGA with a total land area of approximately 370.5ha. A high concentration of sportsgrounds are located in the east and central areas.

- 8 Based on 2018 data supplied by regional and state sporting associations, there are approximately 41,790 active members across the sports which are the focus of the draft Plan.
- 9 The City has a fragmented distribution of grounds, many located close to residents, and many have only a single field of play with poor drainage and limited capacity for expansion. Only 46% of the fields are floodlit to an adequate standard for training and night competition, with many having facilities and amenities in need of upgrade or renewal.
- 10 A detailed utilisation study indicates there is an adequate supply of land for sportsgrounds (with 54% of fields currently under utilised) however the current allocations do not optimise usage potential with a greater concentration of supply and demand in the eastern and central parts of the city. A need to address growth in the western corridor is acknowledged in the draft Plan.
- 11 A comprehensive 6-stage approach was implemented to prepare the draft Plan. Recommendations have been based on the vision:

to support the health and wellbeing of the community through the provision and management of land, facilities and/or services for sport and a set of six guiding principles.
- 12 Critical to this approach was the extensive consultation with stakeholders which took place during 2019.
- 13 The key issues arising from the 2019 consultation are categorised into four broad areas:
 - i) Communication / Administration
The delivery of projects and on ground works is poorly understood by clubs. This leads to club's being reluctant to invest in improvements as well as in some cases tenure being uncertain. The fees and charges structure and incumbency/access to grounds is also cumbersome.
 - ii) Facilities
The need for infrastructure upgrades at many grounds was highlighted alongside inadequate access to playing areas (for some sports). High level facilities are not at the desired standard and conflicts with extended seasons and lack of facilities in western corridor continue to be challenging for clubs.
 - iii) Neighbouring LGAs
The interdependency of facilities in neighbouring areas capable of staging state/regional events need to be carefully considered. Significant recognition of the potential of the proposed Broadmeadow Sports and Entertainment Precinct, sports tourism opportunities and demands for upgraded facilities will facilitate pressure to maintain facilities at a high level.

iv) Other stakeholders

CN needs to integrate with the Broadmeadow Sports and Entertainment Precinct, partnership opportunities with the Department of Education. Consultation was also undertaken with the Office of Sport, University of Newcastle and Hunter Academy of Sport.

FINANCIAL IMPACT

14 Exhibition of the draft Plan does not have a financial impact.

15 The actions in the draft Plan will be delivered over multiple financial years. Actions that require funding will be identified in CN's Delivery Program and Operational Plans, allowing CN to undertake the actions as funding/resources allow.

COMMUNITY STRATEGIC PLAN ALIGNMENT

16 The draft Plan aligns with the following Newcastle 2030 Community Strategic Plan directions:

Vibrant, Safe and Active Public Places

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

Inclusive Community

4.2a Ensure people of all abilities can enjoy our public places and spaces.

4.2c Promote recreation, health and wellbeing programs.

Livable Built Environment

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

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

Smart and Innovative

6.3a Facilitate events that attract visitors and support the local economy and the vibrancy of Newcastle.

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 17 The draft Plan provides a strategic framework to guide the future direction for sport in the Newcastle LGA. The recommendations will allow for more effective and strategic decision making for the management of sports facilities and assist in improving relationships with the sporting community.
- 18 Implementation of the Plan will require further planning and prioritisation of recommendations to ensure integration with Our Budget, Service Asset Plans, Workforce Planning and resource allocation.

RISK ASSESSMENT AND MITIGATION

- 19 There is no risk in placing the draft Plan on public exhibition.

RELATED PREVIOUS DECISIONS

- 20 There are no previous Council resolutions in relation to this Plan.

CONSULTATION

- 21 There has been extensive consultation and engagement undertaken with key stakeholders as part of the preparation of the draft Plan:
 - i) February to April 2019 – Engagement with user groups, regional associations, neighboring LGAs and State Government agencies.
 - ii) October 2019 to February 2020 - Feedback from sporting clubs, associations on a Preliminary Directions Report through information sessions, submissions and discussions with CN staff.
 - iii) Two Councillor Workshops (10 September 2019 and 14 July 2020).
- 22 The draft Plan will be placed on public exhibition for 42 days and promoted through CN's website and social media sites allowing for submissions from internal and external stakeholders.

BACKGROUND

- 23 Due to competing and increasing demands for CN sporting assets, a strategic approach is required to ensure the current and future needs of the City's sporting community were addressed in a holistic manner.
- 24 CN engaged Otium Planning Group to review CN's sporting provision, develop recommendations and provide a strategic direction for the future supply of sporting and recreation facilities.

- 25 The development of the draft Plan involved a very high level of community consultation and engagement with sporting clubs and associations, neighbouring councils and State Government agencies.
- 26 The draft Plan is based on evidence-based research and addresses key issues raised by stakeholders. Individual sport summaries and venue specific recommendations are provided to guide future asset and infrastructure planning and provision.
- 27 The draft Plan is supported by the following resources:
- i) Background Research and Analysis (Vol 1)
 - ii) Sports Facilities Hierarchy (Vol 2)
 - iii) Capital Works Prioritisation Guide (Vol 3)

OPTIONS

Option 1

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

Option 2

29 The draft Plan not be placed on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 56 Attachment A: Draft Strategic Sports Plan

Item 56 Attachment A distributed under separate cover

**ITEM-57 CCL 25/08/20 - AUTHORISATION FOR SIGNING OF THE
FINANCIAL STATEMENTS FOR THE YEAR ENDED 30
JUNE 2020**

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

PURPOSE

To authorise the signing of City of Newcastle's (CN) Statements by Councillors and Management as required for the Financial Statements for the year ended 30 June 2020 which must be prepared and referred to CN's Auditors, NSW Audit Office, in accordance with Section 413 of the *Local Government Act 1993* (Act).

RECOMMENDATION

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2020 is underway and upon completion they will be referred to CN's Auditors, NSW Audit Office, in accordance with Section 413(1) of the Act.
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the responsible Accounting Officer to sign the Statements by Councillors and Management in accordance with Section 413(2) of the Act at the conclusion of the external audit (**Attachments A and B**).

KEY ISSUES

- 3 CN is required under Section 413(1) of the Act to prepare Financial Statements each year and refer them for audit. Section 413(2) of the Act requires that the Financial Statements must include:
 - i) A General Purpose Financial Statement; and
 - ii) Any other matter prescribed by the regulations; and
 - iii) A statement in the approved form by the Council as to its opinion on the General Purpose Financial Statements and Special Purpose Financial Statements.

- 4 Attached to this report are the Statements by Councillors and Management which the Lord Mayor, a Councillor, the Chief Executive Officer and the responsible Accounting Officer must sign in accordance with Section 413(2)(c) of the Act, to confirm that the Financial Statements have been prepared in accordance with the applicable legislation, regulations, accounting standards and reporting codes.
- 5 The audit will commence on 7 September 2020. When the audit is finalised a report will be provided to Councillors, as soon as practicable, detailing the relevant findings together with the auditors' opinion on the Financial Statements.
- 6 In accordance with Section 419 of the Act, CN will present signed Financial Statements for the year ended on 30 June 2020 at the Ordinary Council Meeting to be held on 27 October 2020.
- 7 From 19 October 2020 to 23 October 2020, under Section 420 of the Act, members of the public can make submissions to CN with respect to CN's audited Financial Statements or CN's Auditors Report.
- 8 In accordance with Section 416(1) of the Act, a copy of the audited Financial Statements, together with Attachments A and B signed in accordance with the recommendation at paragraph 2 must be provided to the Office of Local Government by no later than 30 November 2020. The Office of Local Government has written to CN emphasising the necessity to meet this timeframe. CN intends to submit its statements no later than 31 October 2020.

FINANCIAL IMPACT

- 9 CN's Operational Plan includes a budget amount of \$148,600 for the external audit of the 2019/20 Financial Statements. The current cost estimate provided by the auditors is \$148,600.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' in particular:

7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The legislative deadlines and proposed timeline to complete the audit of the Financial Statements are as follows:
 - i) 25 August 2020 – Council authorises the Statements by Councillors and Management to be signed in accordance with the recommendation at paragraph 2 above.

- ii) 7 September 2020 – External audit commences.
 - iii) 8 October 2020 – Draft Financial Statements provided to Audit and Risk Committee for review.
 - iv) 13 October 2020 – Closed Councillor Workshop on draft Financial Statements for the year ended 30 June 2020 undertaken by CN officers with the external audit partner in attendance.
 - v) 27 October 2020 – Completed and signed Financial Statements and Audit Report for the year ended 30 June 2020 presented at the Ordinary Council Meeting.
 - vi) 31 November 2020 – Final date for the Financial Statements for the year ended 30 June 2020 to be submitted to the Office of Local Government and the Australian Bureau of Statistics in accordance with Section 417(5) of the Act.
- 12 CN's Auditors have presented their schedule and an update on the audit plan and their progress to the meeting of the Audit and Risk Committee held on 5 March 2020. The Auditors will provide a further update to the meeting of the Audit and Risk Committee on 8 October 2020. The draft Financial Statements will be presented to Councillors at a closed workshop to be held on 13 October 2020.

RISK ASSESSMENT AND MITIGATION

- 13 CN's Financial Statements are prepared in accordance with the relevant legislation and are referred to CN's Auditors, NSW Audit Office, in accordance with Section 413 of the Act.

RELATED PREVIOUS DECISIONS

- 14 At the Ordinary Council Meeting held on 27 August 2019, Council resolved to authorise the Lord Mayor, a Councillor, the Chief Executive Officer and the responsible Accounting Officer to sign the relevant Statements in accordance with Section 413(2) of the Act at the conclusion of the external audit.

CONSULTATION

- 15 Not applicable.

BACKGROUND

- 16 This report and its associated approval by way of Council resolution will ensure that the Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Act is approved and signed by the relevant parties in order to complete the process for lodgement of the audited Financial Statements with the Office of Local Government by 31 November 2020.

OPTIONS

Option 1

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

Option 2

18 The recommendations as at paragraphs 1 and 2 are not endorsed. This will result in a breach of Section 413 of the Act. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 57 Attachment A: Statement by Councillors and Management made pursuant to Section 413(2) of the Act – General Purpose Financial Statements for the year ended 30 June 2020.

Item 57 Attachment B: Statement by Councillors and Management made pursuant to Section 413(2) of the Act – Special Purpose Financial Statements for the year ended 30 June 2020.

Item 57 Attachment A

Newcastle City Council

General Purpose Financial Statements

for the year ended 30 June 2020

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 August 2020.

Nuatali Nelmes
Lord Mayor

Councillor

Jeremy Bath
Chief Executive Officer

Scott Moore
Responsible Accounting Officer

Item 57 Attachment B

Newcastle City Council

Special Purpose Financial Statements

for the year ended 30 June 2020

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement, *'Application of National Competition Policy to Local Government'*,
- the Division of Local Government Guidelines, *'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality'*,
- the Local Government Code of Accounting Practice and Financial Reporting, and
- the NSW Office of Water *Best-Practice Management of Water and Sewerage Guidelines*.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year,
- accord with Council's accounting and other records; and
- present overhead reallocation charges to the businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 August 2020.

Nuatali Nelmes
Lord Mayor

Councillor

Jeremy Bath
Chief Executive Officer

Scott Moore
Responsible Accounting Officer

**ITEM-58 CCL 25/08/20 - INVESTMENT AND BORROWING POLICY
ANNUAL REVIEW**

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

PURPOSE

To adopt the updated Investment and Borrowing Policy.

RECOMMENDATION

- 1 That Council adopts the updated Investment and Borrowing Policy (Policy) as at **Attachment A**.

KEY ISSUES

- 2 Investment Policy Guidelines issued by the Department of Premier and Cabinet, May 2010, recommend that a Council's Investment Policy be reviewed, and any amendments approved, by Council resolution annually. The current Investment and Borrowing Policy was adopted on 27 August 2019.
- 3 Section 625 of the *Local Government Act 1993* (NSW) (Act) requires Council to invest money that is not, for the time being, required by Council for any other purpose, only in the form of an investment notified by order of the Minister published in the Gazette.
- 4 Following a review of the Policy, including consultation and recommendations advocated by City of Newcastle's (CN) independent investment advisor, three amendments have been proposed.
- 5 The first amendment is a correction of the Term to Maturity threshold for Greater than 1 year investments. It is necessary to revise the existing Maximum Term to Maturity of 70% to 75% so that the total percentage of investments (both Less than 1 year of 25% and Greater than 1 year of 75%) equals 100%.
- 6 The second amendment is the addition of a 10% sub cap to BBB rated Investments Greater than 3 years. This will enable a maximum portfolio holding of 30% can be of BBB rated investments over 1 year of which a maximum of 10% can be held in BBB rated investments over 3 years maturity.

- 7 The third amendment relates to the Borrowings subsection and is a change to the benchmark for the Debt Service Cover Ratio, in order to align with the appropriate calculation of the performance measure as disclosed in our Annual Financial report.

8 The three amendments are summarized in the following table:

Policy Clause	Existing	Proposed	Reason for change
<p>6.4.6.2 Maturity risk Framework</p>	<p>Maximum term to maturity >1 year 70%</p>	<p>Maximum term to maturity >1 year 75%</p>	<p>Amend the maturity threshold of Greater than 1 year investments to correct the administrative oversight in the previous version. Last year the Less than 1 year term was revised from 30% down to 25% and the correlated amendment to the Greater than 1 year maturity term was not updated within the Policy and remained at 70%.</p> <p>It is necessary to revise the existing Maximum Term to Maturity of 70% to 75% so that the total percentage of investments (both Less than 1 year of 25% and Greater than 1 year of 75%) equals 100%.</p> <p>This has not affected the application of the Policy in practice during the year as it is implicit that total thresholds are based on 100% of the portfolio and therefore the interpretation for all reporting and compliance purposes was performed with a 25 / 75 percentage split.</p>
<p>6.4.6.2 Maturity risk framework</p>	<p>Maximum term to maturity (BBB rating limit) >1 year (maximum of 30% to BBB)</p>	<p>Maximum term to maturity (BBB rating limit) >1 year (maximum of 30% to BBB) >3 years (maximum of 10% to BBB)</p>	<p>To provide an additional layer of credit risk protection to the current rating limit of a maximum of 30% of BBB ratings over 1 year. It is proposed to split this out for further maturity durations by adding a sub-limit of 10% for BBB rated investments greater than 3 years.</p> <p>The policy update reads a maximum portfolio holding of 30% can be of BBB rated investments over 1 year <i>of which</i> a maximum of 10% can be held in BBB rated investments over 3 years maturity.</p> <p>A supplementary factor to this proposed amendment relates to CN remaining eligible for external low cost funding as per the Tcorp Lending Policy, which has restrictions on holding long term BBB rated investments.</p>

Policy Clause	Existing	Proposed	Reason for change
<p>Part C Borrowings 13.1.2 Principles</p>	<p>Debt Service Cover Ratio of 4%</p>	<p>Debt Service Cover Ratio of Greater than 2x</p>	<p>An update to bring the Policy performance measure into alignment with its relevant benchmark. The Debt Service Cover Ratio described in the previous version of the Policy referred to a benchmark of no greater than 4%. This benchmark relates to a different financial measure – The Debt Service Ratio, as opposed to the Debt Service Cover ratio. Both measures are valid prescribed calculations with related Benchmarks set by the Office of Local Government.</p> <p>The Debt Service Cover Ratio is the performance measure publicly reported in CN's Annual Financial Statements and therefore it is proposed to keep this measure and change the Policy benchmark of 4% to align with the appropriate calculation and benchmark; being a Debt Service Cover Ratio of 'Greater than 2x'.</p> <p>CN's 2019 Annual Financial statement disclosed a Debt Service Ratio of 6.8 times, comfortably above the industry benchmark of greater than 2 times. The ratio measures the availability of operating cash to service debt. The higher the ratio, the greater the capacity for CN to take on and service debt.</p>

FINANCIAL IMPACT

- 9 There are no direct financial costs associated with this recommendation.
- 10 Investment decisions will continue to be made in accordance with legislative requirements and stated Policy objectives, which remain unchanged.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The Investment and Borrowing Policy Annual Review is consistent with the strategic direction of the Newcastle 2030 Community Strategic Plan, including:

Open and Collaborative Leadership

- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 If adopted, a copy of the finalised Policy document will be made available to the public on CN's website.
- 13 Review of the adopted Policy will be due within twelve months from the date of this report.
- 14 Information on CN's investments will continue to be reported to Council on a monthly basis.

RISK ASSESSMENT AND MITIGATION

- 15 The Policy complies with section 625 of the Act, the Local Government (General) Regulation 2005, the Investment Order 2011 and the Office of Local Government's Investment Policy Guidelines (May 2010).
- 16 The Policy ensures officers delegated authority to manage CN's investments exercise care, diligence and skill that a prudent person would exercise in investing. An independent investment advisor provides advice and recommendations to support the prudent management of CN's investments.
- 17 A risk management framework is inbuilt within the Policy that recognises risks associated with CN's investments providing tolerance and permitted exposure levels to these risks. In comparison to the existing Policy the changes proposed provide greater clarity and strengthen this risk management framework.

RELATED PREVIOUS DECISIONS

- 18 At the Ordinary Council Meeting held on 27 August 2019, Council resolved to adopt the existing Policy.

CONSULTATION

- 19 The Policy review included consultation and recommendations advocated by CN's appointed Independent Investment Advisor.

BACKGROUND

- 20 Nil.

OPTIONS

Option 1

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

Option 2

- 22 Council resolves not to adopt the Investment and Borrowing Policy. Council has a legislative requirement to review and adopt an Investment Policy each year. This is not the recommended option.

REFERENCES

Local Government Act 1993 (NSW) - Section 625
Local Government (General) Regulation 2005
Revised Ministerial Investment Order (12 January 2011)
Investment Policy Guidelines, Office of Local Government (May 2010)

ATTACHMENTS

Item 58 Attachment A: Updated Investment and Borrowing Policy

Item 58 Attachment A distributed under separate cover

ITEM-59 CCL 25/08/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

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

KEY ISSUES

- 2 At the end of July 2020 the consolidated YTD actual operating position is a surplus of \$3.3m which represents a positive variance of \$3.3m against the budgeted YTD break-even position. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year budget for 2020/21 is a deficit of \$22.7m.
- 3 The net funds generated as at the end of July 2020 is a surplus of \$5.8m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$2.5m. This is primarily due to a timing variance in the delivery of CN's works program with a higher amount 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 July 2020 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 25 September 2018 Council adopted to receive an Executive Monthly Performance Report for July to May no later than one month after the month being reported as part of the annual financial reporting framework.
- 10 The Investment Policy Compliance Report included in the Executive Monthly Performance Report includes a specific confirmation in regard to compliance with part E of the Investment Policy.

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 59 Attachment A: Executive Monthly Performance Report – July 2020

Item 59 Attachment A distributed under separate cover

ITEM-60 CCL 25/08/20 - APPOINTMENT OF DEPUTY LORD MAYOR

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To elect a Deputy Lord Mayor for the remainder of the term of Council.

RECOMMENDATION

That Council:

- 1 Elects a Deputy Lord Mayor by open voting in accordance with the process set out in the *Local Government (General) Regulation 2005 (NSW)* (Regulation).
- 2 Elects [*insert name of Councillor*] as Deputy Lord Mayor for the period 13 September 2020 until the day before the next ordinary election.

KEY ISSUES

- 3 At the Ordinary Council Meeting held on 28 August 2018, Council resolved that the term of the Deputy Lord Mayor be for the period 26 September 2018 to 12 September 2020. This period would have aligned with the next ordinary election which was scheduled to occur on 13 September 2020. Councillor Declan Clausen was elected Deputy Lord Mayor for the term.
- 4 In March 2020, the Minister for Local Government postponed the ordinary election in response to the COVID-19 pandemic. The date of the next ordinary election has been declared as 4 September 2021.
- 5 Section 231 of the *Local Government Act 1993 (NSW)* (Act) provides that Councillors may elect a Councillor to be the Deputy Lord Mayor.
- 6 The Deputy Lord Mayor is responsible for exercising functions of the Lord Mayor at the Lord Mayor's request or if the Lord Mayor is prevented from exercising that function because of illness, absence or otherwise, or if there is a casual vacancy in the office of the Lord Mayor.
- 7 The Deputy Lord Mayor must be nominated and elected in accordance with the process set out in Schedule 7 of the Regulation:

1 Returning Officer

The General Manager (or a person appointed by the General Manager) is the returning officer.

2 Nomination

- (1) *A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.*
- (2) *The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the Council meeting at which the election is to be held.*

3 Election

- (1) *If only one Councillor is nominated, that Councillor is elected.*
- (2) *If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the Council meeting at which the Council resolves on the method of voting.*
- (4) *In this clause:
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.*

- 8 Given the Ordinary Council Meeting on 25 August 2020 is to be held by way of audio-visual technology, it is recommended that open voting by way of a show of hands is used as the method for the election.

FINANCIAL IMPACT

- 9 Expenses incurred by the Lord Mayor, Deputy Lord Mayor and Councillors are governed by the Councillor Expenses and Facilities Policy and budgeted for in the 2020/2021 Our Budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The appointment of Deputy Lord Mayor is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 Implementation of the resolution will occur immediately following the Council meeting in preparation for the commencement of the new period on 13 September 2020.

RISK ASSESSMENT AND MITIGATION

- 12 The Act governs the roles, responsibilities and obligations of the Lord Mayor, Deputy Lord Mayor and Councillors. Councillors are trained in these roles, responsibilities and obligations during the induction program and ongoing professional development. As such, Councillors are aware of the requirements of the role of Deputy Lord Mayor.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 28 August 2018, Council resolved the term of the Deputy Lord Mayor be for the period 26 September 2018 until 12 September 2020, with Councillor Clausen being elected as Deputy Lord Mayor for that period.

CONSULTATION

- 14 Not applicable.

BACKGROUND

- 15 Not applicable.

OPTIONS

Option 1

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

Option 2

- 17 That Council does not hold an election for the position of Deputy Lord Mayor. There may be occasions where the Deputy Lord Mayor is required to undertake the functions of the Lord Mayor. This is not the recommended option.

REFERENCES

OLG Council Circular 20-25 - the date of the next ordinary local government elections is 4 September 2021

<https://www.olg.nsw.gov.au/council-circulars/20-25-the-date-of-the-next-ordinary-local-government-elections-is-4-september-2021/>

ATTACHMENTS

Nil.

ITEM-61 CCL 25/08/20 - TRANSFER OF CIVIC HOTEL LIQUOR LICENCE

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

PURPOSE

To endorse the transfer of the Civic Hotel Liquor Licence.

REASON FOR CONFIDENTIALITY

The confidential attachment has been classified confidential in accordance with the provisions of the *Local Government Act 1993 (Act)* as follows:

- Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:
 - a only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security and;
 - b the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- B The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- C The meeting will discuss commercial in confidence property offers by private parties.

RECOMMENDATION

That Council:

- 1 Endorse running an Expression of Interest (EOI) for the transfer of the former Civic Hotel Liquor Licence (Licence).
- 2 Endorse the transfer to a successful proponent for an amount that meets or exceeds the current valuation of the Licence.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.
- 4 Endorse the proceeds be transferred to City of Newcastle's (CN) 'Works Program: Specific Projects' internally restricted reserves.
- 5 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

KEY ISSUES

- 6 Hotel licences are distinguished from other liquor licences, such as restaurants, in that for the most part new licences are not granted.
- 7 For a new hotel to be established in new premises, it is almost always the case that a licence must be purchased from an existing property and transferred to the new site.
- 8 Hotel licences can be seen as a tradeable commodity, with its value affected by the market forces of supply and demand.
- 9 Liquor and Gaming NSW allow the transfer of liquor licences to new premises and licensees.

- 10 The Licence is excess to CN needs.
- 11 CN has obtained a valuation of the Licence as shown at **Attachment A**.
- 12 It is proposed that an EOI is run for the transfer of the Licence. Submissions would be assessed on meeting or exceeding the valuation, the proponent's proposed use and offering, as well as the amount offered for CN to effect the transfer.

FINANCIAL IMPACT

- 13 The proceeds of the sale will be allocated to CN's 'Works Program: Specific Projects'.
- 14 The successful proponent will be responsible for all costs associated with the transfer.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 15 The transfer aligns with the following Newcastle 2030 Community Strategic Plan directions:

Vibrant, Safe and Active Public Places

3.3b Plan for a night-time economy, characterised by creativity, vibrancy and safety, that contributes to cultural and economic revitalization.

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 16 CN will run an EOI for the transfer of the Licence.
- 17 CN officers will prepare the relevant documentation for the Chief Executive Officer or their delegate to execute the documentation to effect the transaction.

RISK ASSESSMENT AND MITIGATION

- 18 There are no foreseen risks associated with the transfer of the Licence.

RELATED PREVIOUS DECISIONS

- 19 Nil.

CONSULTATION

20 On 6 August 2020 the Asset Advisory Committee endorsed the recommendation in this report.

BACKGROUND

21 CN owned the former Civic Hotel which burnt down in 2009. Subsequent to that, the land was sold to the University of Newcastle to build their NUspace building.

22 CN retained ownership of the Licence attached to the Hotel and the Licence is now dormant.

23 The Licence was offered for sale as part of the EOI for the sale of the former City Administration Centre building with no interest.

OPTIONS

Option 1

24 The recommendation as at Paragraphs 1 to 5. This is the recommended option.

Option 2

25 To not proceed with recommendation and retain the dormant Licence. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 61 Attachment A - refer to Confidential Council Meeting Agenda 25 August 2020

NOTICES OF MOTION

ITEM-18 NOM 25/08/2020 - NEWCASTLE INNER CITY BYPASS

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

PURPOSE

The following Notice of Motion was received on 13 August 2020 from the abovenamed Councillors.

MOTION

That Council:

1. Notes its previous resolutions of 28 June 2016 and 26 March 2019 (unanimously carried) regarding the Newcastle Inner City Bypass and need to incorporate planning for future transport connections
2. Notes that Transport for NSW (TfNSW) has recently released revised designs for the Bypass
3. Notes that the revised designs include a range of minor amendments to the designs, many of which deliver improvements requested by City of Newcastle
4. Despite many improvements, notes that the 2020 design plan still does not include a left turn ramp from McCaffrey Drive into the bypass (traffic from west to north).
5. Notes the immediate strategic importance of urgently reviewing the road design to ensure that allowance is made to incorporate a future rapid transport connections between the University of Newcastle at Callaghan and John Hunter Hospital, noting the strategic research and innovation links, and significant upgrades proposed at both campuses
6. Engages with the University of Newcastle and Hunter New England Health, and writes to the NSW Government (Minister for Transport and Roads, Minister for Regional Transport and Roads, Minister for Health and Medical Research, and Parliamentary Secretary for the Hunter) and the Member for Wallsend, seeking inclusion of a rapid transport connection between John Hunter Hospital and the University of Newcastle on the new road.

BACKGROUND

TfNSW Community Update, July 2020

<https://www.rms.nsw.gov.au/projects/01documents/newcastle-inner-city-bypass/rankin-park-to-jesmond/rankin-park-jesmond-project-update-2020-07.pdf>

ATTACHMENTS

NOM Item 18 Attachment A: Previous Resolutions: 28/06/16 and
26/03/19

NOM Item 18 Attachment A

ITEM-64 CCL 28/06/16 - NEWCASTLE INNER CITY BYPASS

Councillor Clausen requested the matter of the Newcastle Inner City Bypass be heard as a late item of business in accordance with Clause 20 of Council's Code of Meeting Practice. He stated that the matter was of great urgency as submissions closed on 16 June 2016 which prevented the matter being included in the final business paper.

PROCEDURAL MOTION

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

The matter of the Newcastle Inner City Bypass be heard as a late item of business.

MOTION

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

That Council:

- 1 Endorses the submission from Officers dated 16 June to RMS regarding the Revised Strategic Design of the Newcastle Inner City Bypass Rankin Park to Jesmond.
- 2 Supports the public statement from Hunter New England Health and calls on RMS to deliver a full interchange to the John Hunter Hospital.
- 3 Supports residents' concerns and calls on RMS to deliver a full interchange at McCaffrey Drive to prevent a 'rat run' through local streets and John Hunter's internal road network.
- 4 Supports cyclists concerns and calls on RMS to implement design changes to mitigate the need for cyclists to traverse three additional sets of traffic lights when travelling east / west to / from Wallsend on the off road cycle path.

Carried

**ITEM-10 NOM 26/03/19 - LIGHT RAIL EXPANSION - JOHN HUNTER
HOSPITAL AND THE NEWCASTLE INNER CITY BYPASS**

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Reiterates its support for an expanded light rail network, as previously articulated in Council's Connecting Newcastle vision.
2. Notes commitments from both sides of Government for a \$780 million upgrade to the John Hunter Hospital, and \$280 million for the final stage of the Newcastle Inner City Bypass (Rankin Park to Jesmond).
3. Advocates with the incoming NSW Government for appropriate allowance to be made within these projects for the future expansion of light rail to connect the City centre with John Hunter Hospital and the University of Newcastle.

**Carried
unanimously**