



City of
Newcastle



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 24 November 2020

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

18 November 2020

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**ORDINARY COUNCIL MEETING
24 November 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 20 OCTOBER 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 201020 Public Voice Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, 1st Floor, City Administration Centre, 12 Stewart Avenue, Newcastle West and on video conferencing platform Zoom on Tuesday 20 October 2020 at 6.00pm.

PRESENT

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

IN ATTENDANCE

Ken Liddell (Acting Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), J Rigby (Acting Director Infrastructure and Property), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), A Williams (Corporate Finance Planner), M Murray (Executive Officer), K Sullivan (Council Services/Minutes), E Horder (Council Services/Meeting Support), A Knowles (Council Services/Meeting Support) and G Axelsson (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

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Item 1 – DA2019/01334 - 5 Erina Place, North Lambton - Dual Occupancy - Two x Three-Bedroom Detached Dwellings and Two Lot Strata Subdivision in relation to a petition which had been circulated and sent to him with the expectation that it be tabled. Councillor Clausen stated that one of the signatories was the Member for Wallsend and made the declaration on the basis of shared political affiliation.

PUBLIC VOICE SESSIONS

**ITEM-1 PV 20/10/20 - DA2019/01334 - 5 ERINA PLACE, NORTH LAMBTON
- DUAL OCCUPANCY - TWO X THREE- BEDROOM DETACHED
DWELLINGS AND TWO LOT STRATA SUBDIVISION**

Mr Tony Pace and Mr Steven Boxie addressed Council and outlined concerns and objections to the development application. Ms Susan Irwin and Stephen Barr, Director Barr Property and Planning, on behalf of the DA applicant addressed Council in support of the development application.

The meeting concluded at 6.30pm.

MINUTES - ORDINARY COUNCIL MEETING 27 OCTOBER 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 201027 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

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CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 1st Floor, City Administration Centre, 12 Stewart Avenue, Newcastle West and on video conferencing platform Zoom on Tuesday 27 October 2020 at 6.06pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott (*retired 9.03pm*), B Luke, J Mackenzie, A Robinson, A Rufo (*retired 8.40pm*), E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), M Murray (Executive Officer), D Moldrich (Manager, Customer Experience), A Knowles (Council Services/Minutes), E Horder (Council Services/Meeting Support), K Sullivan (Council Services/Meeting Support) and G Axelsson (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 - ORDINARY COUNCIL MEETING 22 SEPTEMBER 2020

MOTION

Moved by Cr Byrne, seconded by Cr Clausen

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

**Carried
unanimously**

LORD MAYORAL MINUTE

**ITEM-20 LMM 27/10/20 - CITY OF NEWCASTLE SUBMISSION -
AUSTRALIAN PARLIAMENTARY INQUIRY INTO AUSTRALIAS
CREATIVE AND CULTURAL INDUSTRIES**

MOTION

Moved by Lord Mayor, Cr Nelmes

PART A

That City of Newcastle:

1. Notes that the Australian Parliamentary Standing Committee on Communications and the Arts has invited submissions regarding an Inquiry into Australia's Creative and Cultural Institutions;
2. Notes that Newcastle has a thriving arts and cultural scene where creative pursuits are encouraged and artistic flair is celebrated, with more artists per capita than any other city in Australia and that creative industries across the Hunter region are worth almost \$1 billion
3. Recognises the importance of our vibrant creative and cultural industries, and the devastating impact that the COVID-19 global pandemic has had on our makers, traders, creators, artists, designers and producers;
4. Notes that the City Taskforce, comprising of industry leaders from across our City has recognised recognized the valuable contribution the arts sector plays in creating vibrancy for our city and sustaining local jobs;
5. Notes that the City Taskforce, with the Independent Creative Alliance Newcastle [ICAN], believe that more is required to create new and ongoing opportunities in the Greater Newcastle area and that critical to the recovery of the creative sector in Newcastle is the need to address the glaring inconsistencies for both Federal and State Funding (Attachment A: The Newcastle Response: Arts Sector);
6. Makes a submission, on behalf of our local arts and cultural sector workers, to the Australian Parliamentary Inquiry in Australia's creative and cultural industries, noting the research and recommendations of the City Taskforce has developed in close consultation with the Independent Creative Alliance Newcastle (ICAN).

PART B City of Newcastle Civic Cultural Precinct

That City of Newcastle:

1. Supports the Community and Cultural Advisory Committee and Chairperson Cr Carol Duncan who have resolved to explore the creation of a formal Civic Cultural Precinct to ensure appropriate long-term planning for the protection of the City's cultural institutions, including:

- Newcastle Art Gallery
- University of Newcastle's School of Music and Conservatorium
- University House
- City Hall
- Civic Theatre
- Civic Playhouse
- Newcastle Region Library
- Wheeler Place
- Newcastle Visitor Information Centre
- Newcastle Museum
- Victoria Theatre

2. Includes City of Newcastle's support for the creation of a formal Civic Cultural Precinct, and the benefits of defining such a Precinct for economic development and protection of cultural heritage in Newcastle, in our submission to the Parliamentary Inquiry.

**Carried
unanimously**

**ITEM-21 LMM 27/10/20 - SPECIAL BUSINESS RATE AND NEWCASTLE
EVENTS SPONSORSHIP PROJECTS**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

Notes that Special Business Rates (SBR) are collected from businesses in Newcastle City Centre/Darby Street, Hamilton, Mayfield, New Lambton and Wallsend, and are reserved exclusively for the promotion, beautification and development of these business precincts with annual funding for the most creative and innovative project proposals distributed through a competitive application process, following recent reforms to improve the governance and transparency regarding the allocation of SBR funding;

- 1 Notes that in 2019, 15 events and promotions shared in more than \$820,000 in funding, including funding for the inaugural Big Picture Festival; the successful Makers & Traders of Newcastle Treasure Map, micro-activations and curated walking map initiatives, Kafey Café's successful activations of Hunter Street Mall and the Wallsend Christmas Carols;
- 2 Congratulates the 15 successful project applicants for the 2020 SBR Program who have received a share of \$935,000 in funding support for an incredibly diverse program of activations noting the innovation and successful adaptation of initiatives that will assist to activate our business precincts and support our local small businesses in the a COVID-safe way;
- 3 Congratulates the 16 recipients of funding from the Newcastle Events Sponsorship program, who have received a share of \$177,000 from the City of Newcastle to hold world-class events and activations across the City.

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

Against the Motion: Councillors Church, Elliott and Luke.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-74 CCL 27/10/20 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - ANNUAL REPORT

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (Register) (for the financial year 2019/2020) by the Chief Executive Officer (CEO); and
- 2 Commit to publishing the Register on City of Newcastle's (CN) website in accordance with the *Government Information (Public Access) Act 2009*.

**Carried
unanimously**

ITEM-82 CCL 27/10/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

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

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

Against the Motion: Councillors Church, Elliott and Robinson.

Carried

ITEM-75 CCL 27/10/20 - ADOPTION OF THE 2019/20 FINANCIAL STATEMENTS

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

PART A

That Council:

- 1 Receives and adopts City of Newcastle's 2019/2020 audited annual Financial Statements and Auditor's Report (**Attachment A**).

PART B

That Council:

- 1 Notes that in 2019-20, City of Newcastle spent more than 122% of what OLG guidelines required on asset maintenance, demonstrating a genuine commitment to maintaining the City's infrastructure. Over the past 5 years, CN has spent \$153m on renewing our assets.
- 2 Additionally, notes that the Audited component of the Annual Financials show that Council has prudently put aside over \$137 million in restricted reserves to ensure that it has sufficient funds to renew assets to the standard expected by the elected council and the community (pg 34 – Works Program – Infrastructure Backlog).
- 3 Notes that this could not have been achieved had difficult decisions not been made to ensure CN's long-term financial sustainability in 2015, while protecting local services and jobs.
- 4 Notes that councils in NSW are required to prepare a special schedule of infrastructure asset indicators within their annual financial report. These indicators include a 'building and infrastructure renewal ratio', an 'infrastructure backlog ratio', an 'asset maintenance ratio' and a 'cost to bring assets to agreed service level ratio'.
- 5 Notes that these indicators are NOT audited by the NSW Auditor General, and are developed by each council following guidelines from the Office of Local Government.
- 6 Notes a review for NSW Treasury's TCorp previously found that: "*the basis of information reported in Special Schedule 7 is quite variable between councils ... it will always remain problematic to compare one council's reported backlog quantum with another*"
- 7 Writes to the Minister for Local Government, Deputy Secretary Office of Local Government, Local Government NSW, and the Auditor-General seeking for the Special Schedule Report on Infrastructure Assets to be included as part of the mandatory audit of all council financials undertaken annually by the NSW Auditor General, to ensure a clear, consistent set of indicators are provided for all of NSW local government.

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Rufo

That Council vote on Part A and Part B in seriatim.

Defeated

AMENDMENT

Moved by Cr Church, seconded by Cr Elliott

That the City of Newcastle revert to the previous and historical method of accounting for the infrastructure backlog and update the report prior to it being submitted to the Office of Local Government.

The amendment moved by Councillor Church and seconded by Councillor Elliott was deemed unlawful.

Councillor Clausen withdrew Part B of the motion and foreshadowed Part B as a substantive motion.

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

For the Motion:

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

Against the Motion:

Councillors Church, Elliott and Robinson.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Notes that in 2019-20, City of Newcastle spent more than 122% of what OLG guidelines required on asset maintenance, demonstrating a genuine commitment to maintaining the City's infrastructure. Over the past 5 years, CN has spent \$153m on renewing our assets.
- 2 Additionally, notes that the Audited component of the Annual Financials show that Council has prudently put aside over \$137 million in restricted reserves to ensure that it has sufficient funds to renew assets to the standard expected by the elected council and the community (pg 34 – Works Program – Infrastructure Backlog).
- 3 Notes that this could not have been achieved had difficult decisions not been made to ensure CN's long-term financial sustainability in 2015, while protecting local services and jobs.

- 4 Notes that councils in NSW are required to prepare a special schedule of infrastructure asset indicators within their annual financial report. These indicators include a 'building and infrastructure renewal ratio', an 'infrastructure backlog ratio', an 'asset maintenance ratio' and a 'cost to bring assets to agreed service level ratio'.
- 5 Notes that these indicators are NOT audited by the NSW Auditor General, and are developed by each council following guidelines from the Office of Local Government.
- 6 Notes a review for NSW Treasury's TCorp previously found that: "*the basis of information reported in Special Schedule 7 is quite variable between councils ... it will always remain problematic to compare one council's reported backlog quantum with another*"
- 7 Writes to the Minister for Local Government, Deputy Secretary Office of Local Government, Local Government NSW, and the Auditor-General seeking for the Special Schedule Report on Infrastructure Assets to be included as part of the mandatory audit of all council financials undertaken annually by the NSW Auditor General, to ensure a clear, consistent set of indicators are provided for all of NSW local government.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott, Luke, Robinson and Rufo.

Carried

ITEM-76

CCL 27/10/20 - ADOPTION OF AMENDMENTS TO THE NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

PART A

- 1 That Council:

Adopts the amended Newcastle Development Control Plan 2012 (NDCP 2012) at **Attachment A**.

PART B

- 1 That Council:

Notes that a more wholistic review of the DCP is intended to be undertaken in 2021, to ensure that its provisions and controls are consistent with the vision outlined in the recently adopted Local Planning strategy (carried unanimously in May 2020).

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-77 CCL 27/10/20 - ADOPTION OF HERITAGE STRATEGY 2020/2030

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

1 That Council:

- i) Adopts the Heritage Strategy 2020-2030 at Attachment A with a report on progress with the delivery of the Action Plan to be presented to council within 12-months to include protection of the Wickham School of the Arts and Broadmeadow Railroad Locomotive Depot and associated rolling stock.

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

Against the Motion: Councillor Luke.

Carried

ITEM-78 CCL 27/10/20 - ENDORSEMENT OF HERITAGE AMENDMENTS TO NEWCASTLE LEP 2012

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

1 That Council:

- i) Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 in order to address various heritage matters.
- ii) Forward to the Minister for Planning the Planning Proposal for Gateway determination pursuant to section 3.34 of the EP&A Act.
- iii) Consult with the community and relevant government agencies as instructed by the Gateway Determination.
- iv) Receive a report on the Planning Proposal following the exhibition period.

AMENDMENT

Moved by Cr Church

That City of Newcastle provide councillors with a report on the merits of adding Newcastle Ocean Baths to the State Heritage Register.

Councillor Duncan and Councillor Byrne stated they would accept the amendment moved by Councillor Church into the motion.

The motion moved by Councillor Duncan and seconded by Councillor Byrne, as amended 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

ITEM-79 CCL 27/10/20 - ADOPTION OF PLANNING PROPOSAL TO AMEND NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 FOR LAND AT WICKHAM

MOTION

Moved by Cr Church, seconded by Cr Mackenzie

1 That Council:

- i) Adopts the Planning Proposal at **Attachment A** that includes various amendments to the Newcastle Local Environmental Plan 2012 to implement actions identified in the Wickham Masterplan.
- ii) Forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting the amendments be made.

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-80 CCL 27/10/20 - PUBLIC ART REFERENCE GROUP UPDATE

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the Public Art Reference Group Annual Report 2020 as at **Attachment A.**
- 2 Notes the Public Art in the Private Domain Procedures 2020 as at **Attachment B.**
- 3 Endorses the continuation of the Public Art Reference Group as a 'standing committee' of Council to continue outside the term of the elected Council.
- 4 Endorses expansion of the membership of the Public Art Reference Group in 2021 to include up to five external experts with:
 - i) Three positions for persons with a strong demonstrated relationship to Newcastle who have acclaimed reputations for excellence in the field/s of visual art, architecture, landscape architecture, cultural leadership and / or design;
 - ii) One specific position for a cultural knowledge holder from the Indigenous community; and
 - iii) One specific position for a heritage expert.
- 5 Terminates the previous Public Art and Placemaking Policy 2002 as at **Attachment C.**

Carried

ITEM-81 CCL 27/10/20 - ADOPTION OF AMENDED COMMUNITY PARTICIPATION PLAN

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

1 That Council:

- i) Adopts the amended Community Participation Plan at **Attachment A.**

Carried

Councillor Rufo retired from the meeting at 8.40pm.

NOTICES OF MOTION

**ITEM-27 NOM 27/10/20 - IMPLEMENTATION OF LIVE MUSIC AND
AFTER DARK STRATEGIES - PLANNING CERTIFICATES**

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That City of Newcastle:

- Note the outcomes of the endorsed Live Music Strategy and After Dark Strategy, with particular note to the support of Newcastle's Live Music Industry.
- Acknowledge the importance of growing the City's night time economy.
- Receive a report at the next Ordinary meeting to provide a detailed update of the progress of the implementation of Action 2 of the Live Music Strategy 'Develop a suite of planning controls to reduce the risk of land use conflict including notification in the Section 10.7(5) Planning Certificates.

**Carried
unanimously**

**ITEM-28 NOM 27/10/20 - BROADMEADOW HERITAGE RAIL - NSW
GOVERNMENT TRANSPORT HERITAGE ITEMS**

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That City of Newcastle:

- Notes the importance of the state heritage-listed Broadmeadow Rail Locomotive Depot.
- Notes community concern of the removal of heritage-listed rolling stock from Broadmeadow to Chullora, in particular some 22 items considered to be of particular relevance to the rail heritage of Newcastle and the Hunter Region.
- Write to the NSW Minister for Transport ensuring that any required approvals under Section 60 of the Heritage Act are obtained before any further removals of locomotive stock occur and noting that City of Newcastle will not support removal of the heritage items from Broadmeadow Rail Depot.
- The Greater Newcastle Metropolitan Plan identifies the site as the "Locomotive Depot Precinct" within the Broadmeadow Catalyst Area. This precinct is identified for investigation for medium density housing and business uses which do not impact on heritage values and respond to risk. Given the investigation for future development of the site, it is important and recommended that a Master Plan be commissioned to ensure that some part of the rolling stock can be incorporated into the heritage interpretation of the former use of the site when planning for the site's redevelopment.

- Liaise with a rail heritage consultant to identify the items **most significant** to the Newcastle/Hunter Region. CN to investigate adding them to the CN LEP listing of the roundhouse buildings with a view to having those items additionally added to the State listing of the buildings and report back to Council keeping in mind the time-sensitive nature of this issue.

**Carried
unanimously**

CONFIDENTIAL REPORTS

ITEM-9 CON 27/10/20 – CODE OF CONDUCT MATTER

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Duncan

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

Carried

Council moved into confidential session at 9.03pm.

During confidential session:

- Councillor Elliott (the respondent to the complaint) retired from the meeting prior to commencement of Item 9 – Code of Conduct Matter.
- Councillor Clausen (the complainant) left the Chamber for discussion on Item 9 – Code of Conduct Matter as required by the Code of Conduct.
- Only the Chief Executive Officer, Director Governance, Manager Legal, Councillor Services Team and IT Meetings Support remained in the meeting for Item 9 – Code of Conduct Matter.

As the meeting was nearing 9.30pm, the following procedural motion was moved.

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr White

That the duration of the meeting be extended for 30 minutes.

**Carried
unanimously**

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

Council move into open session.

Carried

Councillor Clausen and Council staff returned to the meeting in the Chamber and video conferencing platform Zoom at 9.56pm.

Council moved into open session at 9.56pm and the Chief Executive Officer reported the outcome of confidential session.

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 notes that an investigation was undertaken into a Code of Conduct complaint against a councillor in accordance with the Procedures for the Administration of the Code of Conduct;
- 2 receives the Final Investigation Report of the Conduct Reviewer at **Attachment A**;
- 3 accepts the finding of the Conduct Reviewer that on 9 October 2019, Councillor Kath Elliott breached clauses 3.1(c), 8.10 and 8.11 of the Code of Conduct for Councillors (the Code), by failing to protect, and publicly disclosing, confidential information discussed during part of a Council meeting that was closed to the public in accordance with section 10A(1) of the Local Government Act 1993 (the Act); and include the findings of the investigation report listed at clauses 7.3 to 7.7 inclusive as provided in Attachment A as follows:

7.3 Having regard to the totality of the evidence, Clr. Elliott's conduct is in breach of the Code and is of a sufficiently serious nature.

7.4 Clr. Elliott's conduct of releasing the confidential commercial information in her comment broadcast on NBN News and having thereafter, on the following day, lodged a Notice of Motion in which she (and other councillors) sought to have confidentiality over that same information lifted and made public demonstrate a knowing disregard for her obligations as a Councillor with respect to the protection, use and maintenance of confidential information.

7.5 Whilst it is accepted that there were speculative reports in the media at the time Clr. Elliott made her comments to the NBN News, there had been no formal lifting of the confidentiality restriction at this time, and her comment became the first to be able to be clearly attributed to a member of Council by the people of Newcastle. Regardless of Clr. Elliott's intentions and motivations for sharing this information with the public, the fact remains that she was beholden to the policies and legislation that prohibited her doing so.

7.6 It is noted that Clr. Elliott quoted a figure which was higher than that included in the confidential report. Whilst on one view this might be seen as mitigating against a finding that she released the exact specifics of the confidential information, quoting a figure that was higher than the actual amount had the potential to cause harm to Council's reputation and to mislead the constituency. Further, it had the potential to place Council at risk of breaching a commercial contract to which they were a party.

7.7 To the best of the knowledge of the investigator, at no stage has Cllr. Elliott sought to apologise or express contrition for her actions.

- 4 notes that Councillor Elliott was consulted by the Conduct Reviewer throughout the investigation and was provided with a formal opportunity to make a written or oral submission to Council;
- 5 in accordance with section 440G of the Act and based on the findings and recommendation of the Conduct Reviewer, formally censures Councillor Elliott for breaching clauses 3.1(c), 8.10 and 8.11 of the Code; and
- 6 treats this confidential report and attachment relating to the matters specified in section 10A(2)(i) of the Act as confidential.

Carried

The meeting concluded at 10.01pm.

REPORTS BY COUNCIL OFFICERS

ITEM-83 **CCL 24/11/20 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 AUGUST TO 31 OCTOBER 2020**

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

PURPOSE

To table the Register of Disclosures of Interest (Register) for the period 1 August and 31 October 2020 received from designated persons in accordance with the Code of Conduct for Staff.

RECOMMENDATION

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 August to 31 October 2020) by the Chief Executive Officer (CEO).

KEY ISSUES

- 2 City of Newcastle's (CN) 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
 - b) becoming aware of an interest they are required to disclose that has not previously been disclosed; and
 - ii) The CEO to table all lodged Returns at the first Ordinary Council Meeting held after the lodgment date; 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 include:
 - i) CEO (General Manager);
 - ii) Senior staff; and
 - iii) CN officers designated because of the exercise of CN functions.

FINANCIAL IMPACT

- 4 There is no budget implication in noting the Register.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 The tabling of the Register 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

- 6 A register containing Councillor, Executive Leadership Team, and Audit and Risk Committee member Returns is made publicly available on CN's website. Returns of other Designated Persons may be accessed by the public on request in accordance with the GIPA Act.

RISK ASSESSMENT AND MITIGATION

- 7 Lodgment and tabling of the Register supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements.

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 25 August 2020, Council noted the tabling of Returns by designated officers (for the period 1 May to 31 July 2020) by the CEO.

CONSULTATION

- 9 No consultation was required as this is a statutory process under the Code of Conduct for staff.

BACKGROUND

- 10 Not applicable.

OPTIONS

Option 1

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

Option 2

12 Council does not adopt the recommendation. The Code of Conduct for Staff requires the Returns to be tabled at a Council meeting. Failure to do so would constitute a breach of the Code. This is not the recommended option.

REFERENCES

Code of Conduct for Staff

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

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 – Register of Disclosures of Interest to be tabled.

ITEM-84 CCL 24/11/20 - ADOPTION OF THE 2025 CLIMATE ACTION PLAN

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER COMMUNITY STRATEGY AND INNOVATION

PURPOSE

To adopt the 2025 Climate Action Plan (2025 CAP).

RECOMMENDATION

That Council:

- 1 Adopts the 2025 Climate Action Plan at **Attachment A**.

KEY ISSUES

- 2 Council at its Ordinary Meeting on 28 May 2019 made a Climate Emergency Declaration recognising that there is a Climate Emergency.
- 3 Council resolved to place the draft 2025 CAP on public exhibition for 28 days at the Ordinary Council Meeting held on 28 July 2020.
- 4 Public exhibition of the draft 2025 CAP closed on 31 August 2020 with 63 submissions received. **Attachment B** provides a detailed report on the engagement activities undertaken during the submission period and summary of feedback received.
- 5 Based on the community engagement received, sixteen changes have been made to the draft 2025 CAP, providing additional information and clarifying the principles and actions as per section 7 of **Attachment B**.

FINANCIAL IMPACT

- 6 Actions in the 2025 CAP will be delivered over multiple financial years. Adoption of the 2025 CAP will allow implementation of actions to commence in the 2021/22 financial year.
- 7 Actions in future years will be developed as part of the development of City of Newcastle's (CN) Delivery Program and Operational Plans, allowing for the assessment of risks, costs and benefits.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Integrated and Accessible Transport

- 1.1a Support implementation of the regional transport strategy
- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3c Implement technology solutions to improve transport infrastructure and experiences, and encourage mobility innovation.

Protected Environment

- 2.1a Improve waste minimisation and recycling practices in homes, work places, development sites and public places
- 2.1b Investigate and implement renewable energy technologies
- 2.1c Encourage energy and resource efficiency initiatives
- 2.2a Provide and advocate for protection and rehabilitation of natural areas
- 2.2b Encourage and support active community participation in local environmental projects
- 2.3a Ensure decisions and policy response to climate change remains current and reflects community needs
- 2.3b Support individuals and communities to prepare respond and recover from emergency events.

Liveable Built Environment

- 5.2b Plan for an urban environment that promotes active and healthy communities
- 5.4a Advocate for implementation of energy and resource efficiency in new developments.

Smart and Innovative

- 6.1b Attract new business and employment opportunities
- 6.2a Support and advocate for innovation in business, research activities, education and creative industries.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting
- 7.2b Provide timely and effective advocacy and leadership on key community issues
- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance
- 7.4b Provide services that deliver on sustainable community service expectations.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 This plan replaces and updates the 2020 Carbon and Water Management Action Plan which is a supporting plan to the Newcastle Environmental Strategy.

RISK ASSESSMENT AND MITIGATION

- 10 CN has formally committed to the Paris Climate Agreement goals and acknowledged that there is a Climate Emergency.
- 11 The 2025 CAP contains practical actions to reduce emissions in line with the commitments and obligations associated with CN's membership of the Global Covenant of Mayors for Climate and Energy, Cities Power Partnership, Climate Emergency Australia and other supporting networks.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting held on 28 February 2017, Council resolved to prepare a draft plan to address the urgent need for action on Climate Change, including how CN could fast track achieving 100% renewables and net zero emissions.
- 13 At the Ordinary Council Meeting held on 25 July 2017, Council resolved to become a partner of the Climate Council's Cities Power Partnership and commit to five key actions to reduce carbon emissions.
- 14 At the Ordinary Council Meeting held on 27 February 2018, Council resolved to become a member of the International Council for Local Environmental Initiatives (ICLEI) and commit to the requirements of the Global Covenant of Mayors for Climate & Energy.
- 15 At the Ordinary Council Meeting held on 11 December 2018, Council resolved to commit formally to the principles and targets of the Paris Climate Agreement and develop a pathway to achieve greenhouse gas (GHG) emissions reduction necessary to meet a 1.5° Celsius outcome.
- 16 At the Ordinary Council Meeting held on 28 May 2019, Council made a Climate Emergency Declaration recognising that there is a Climate Emergency.
- 17 At the Ordinary Council Meeting held on 28 July 2020, Council resolved to place the draft 2025 Climate Action Plan at on public exhibition for 28 days.

CONSULTATION

- 18 CN undertook a range of approaches and activities to promote the public exhibition and invite feedback, including digital mechanisms to accommodate COVID-19 restrictions. CN's website was utilised with a dedicated engagement webpage containing the draft 2025 CAP, supporting information through an online document library linking key documents, and a submission webform to assess the level of support and feedback on targets. The 'Have Your Say' webpage received over 8,500 page views.
- 19 Consultation and engagement undertaken through the exhibition period included three online community stakeholder sessions with over 100 attendees and a briefing to the Liveable Cities Advisory Committee.

- 20 Further engagements were undertaken with business and industry stakeholders, through public forums and internal workshops.
- 21 Discussion was also undertaken with neighbouring councils and State Government departments.
- 22 Further detail of the engagement process is outlined in **Attachment B**.

BACKGROUND

- 23 CN's 2020 Carbon and Water Management Action Plan (CWMAP) is nearing the end of its delivery term. The CWMAP was operational between 2012-2020 and delivered a range of actions and initiatives to reduce CN's emissions.
- 24 The 2025 CAP enhances CN's investment and provides an update to climate mitigation, emission reduction and resource efficiency initiatives; focusing on both CN operations and the broader Newcastle Local Government Area. The four-year plan will be in operation between 2021-2025 with targets to achieve CN's goal of net zero emissions.
- 25 CN engaged consultants to undertake a detailed investigation of best practice actions, emission reduction pathways and assistance with facilitation of online engagement workshops. The results and recommendations of this investigation and feedback have been incorporated into the action plan.

OPTIONS

Option 1

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

Option 2

- 27 Council resolves not to adopt the 2025 Climate Action Plan. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 84 Attachment A: 2025 Climate Action Plan

Item 84 Attachment B: Public Exhibition – 2025 CAP Engagement Report

Item 84 Attachments A-B distributed under separate cover

ITEM-85 CCL 24/11/20 - ADOPTION OF LOCAL HOUSING STRATEGY

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

PURPOSE

To adopt the Local Housing Strategy.

RECOMMENDATION

- 1 That Council:
 - i) Adopts the Local Housing Strategy (LHS) (**Attachment A**).
 - ii) Refers the LHS to the Department of Planning, Industry and Environment (DPIE) for endorsement.
 - iii) Rescinds the Newcastle Affordable Living Plan 2018 (NALP 2018) as it is superseded by the LHS.

KEY ISSUES

- 2 The draft LHS and supporting Implementation Plan (Plan) at **Attachment B** were placed on public exhibition between 24 August 2020 and 21 September 2020. In total, 18 written submissions were received – eight from individuals and ten from organisations including industry representatives and community housing providers. A further 129 responses were received from the online web survey.
- 3 The Engagement Activity and Survey Report is provided at **Attachment C**. A summary of submissions is at **Attachment D**. **Attachment E** provides a summary of changes made post exhibition to the LHS and Plan in response to issues raised in submissions.
- 4 Overall the feedback was supportive of the draft LHS and Plan. Key issues raised include:
 - i) Collaboration between City of Newcastle (CN), community housing providers, government agencies and industry bodies is required for effective implementation of actions in the LHS and for the future work to be undertaken regarding housing affordability and diversity.

- ii) Provision of affordable housing should consider the needs of diverse groups, and the action to prepare an affordable housing contributions scheme should ensure that this does not come at the cost of viable development.
 - iii) Managing any increase in housing density to ensure diverse and affordable housing is provided close to centres, infrastructure and places of employment.
 - v) Ensuring current investigation sites for residential subdivisions are considered through the LHS.
- 5 An on-line survey was used to understand how community and stakeholders prioritise housing issues. When asked to rank a range of considerations regarding housing needs, the highest ranked responses were:
- i) Access to open space, beaches and / or bushland (ranked first).
 - ii) Close to local shops and services (ranked second).
 - iii) General neighbourhood walkability (ranked third).
 - iv) Affordability (ranked fourth).
- 6 Of the six Housing Priorities, 'Achieving higher environmental sustainability standards for housing' was ranked as the most important.
- 7 In response to this feedback the following changes have been made:
- i) Various actions in the Plan have been refined and commencement dates revised to ensure the Plan is achievable, aligned with other internal work and reflects the concerns, priorities and insight of the public and industry alike.
 - ii) Areas where residential subdivisions will be considered have been extended to include Wallsend and Elermore Vale.
- 8 Refer to **Attachment E** for the full list of changes made to the LHS and Plan.
- 9 As the scope of the LHS includes affordable living, the NALP adopted at the Ordinary Council Meeting held on 22 May 2018 to "*guide and improve the provision and inclusion of affordable housing throughout the city*" has been superseded by the LHS and is therefore redundant. Actions in the NALP 2018 were considered in the preparation of the LHS, and where required, actions have been updated and incorporated in the Plan for the LHS.

FINANCIAL IMPACT

- 10 Implementation of the LHS will require funding and this will be considered through the Delivery Plan and budget review process.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The LHS is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan.

Integrated and Accessible Transport

- 1.1a Support implementation of the regional transport strategy.

Protected Environment

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

Inclusive Community

- 4.1b Support initiatives and facilities that encourage social inclusion and community connections.
- 4.1c Improve, promote and facilitate equitable access to services and facilities.

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.
- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.
- 5.4a Advocate for implementation of energy and resource efficiency in new developments.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 In accordance with action 19.1 of the Greater Newcastle Metropolitan Plan 2018 (GNMP), the LHS is required to be prepared by the end of 2020 and endorsed by DPIE. CN has been liaising with DPIE in the preparation of the LHS and will seek endorsement of the final LPS after it has been approved by Council.
- 13 The Plan has been prepared as a working document to translate the findings of the LHS into actions. The Plan is a separate document to the LHS so that it can be reviewed each year and reported through the Integrated Planning and Reporting Framework.
- 14 The LHS will be reviewed every four years, in coordination with the review of the Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS).

RISK ASSESSMENT AND MITIGATION

- 15 The LHS has been prepared in accordance with DPIE guidelines and directions set by the GNMP and LSPS. Alliance with the direction of these two documents reduces risk in implementing the LHS.

RELATED PREVIOUS DECISIONS

- 16 At the Ordinary Council Meeting held on 23 June 2020, Council resolved to place the draft LHS and Plan on public exhibition.

CONSULTATION

- 17 The draft LHS and Plan were placed on public exhibition between 24 August 2020 to 21 September 2020. Throughout the public exhibition period, CN facilitated extensive community engagement including administering an online survey; information sessions; a short informative video; a game made in partnership with the University of Newcastle and social media posts.

- 18 Discussions (both virtual and in person) were held with various stakeholders, including the Liveable Cities Advisory Committee, the Affordable Living Working Party, the Newcastle Youth Council and the Access Advisory Committee. The Liveable Cities Advisory Committee was briefed on the outcomes of the public exhibition period and final LHS at their meeting held on 3 November 2020.
- 19 The draft LHS was circulated to internal and external stakeholders. Exhibition material was made available on the Have Your Say webpage and advertised through social media. Zoom information sessions were held for industry and community members. Refer to the Engagement Activity and Survey Report **(Attachment C)**.

BACKGROUND

- 20 The GNMP requires Councils to prepare local strategies to deliver housing.
- 21 CN's adopted LSPS contains actions to finalise the LHS to guide the development of sustainable, affordable and inclusive housing across the Local Government Area and to set a vision and framework for the provision of housing across CN over the next 20 years.
- 22 CN undertook a detailed investigation into the local housing market, demographics and housing needs, including population and dwellings projections for the next 20 years. The results and recommendations of this investigation are provided in the Newcastle Housing Needs and Local Character Evidence Report **(Attachment F)**. The LHS extensively draws from the findings of this report.

OPTIONS

Option 1

- 23 The recommendations as at paragraph 1. This is the recommended option.

Option 2

- 24 Council resolves not to adopt the Local Housing Strategy. This option will not provide the best practice strategic framework for CN over the next 20 years, will not achieve the strategic directions of the CSP, and will be inconsistent with directions set by the GNMP and the LSPS. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 85 Attachment A: Local Housing Strategy

Item 85 Attachment B: Local Housing Strategy Implementation Plan

Item 85 Attachment C: Engagement Activity and Survey Report

Item 85 Attachment D: Summary of Submissions

Item 85 Attachment E: Summary of changes to the Local Housing Strategy and Implementation Plan

Item 85 Attachment F: Newcastle Housing Needs and Local Character Evidence Report

Item 85 Attachments A-F distributed under separate cover

ITEM-86 CCL 24/11/20 - ENDORSEMENT OF THE ANNUAL REPORT

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER COMMUNITY STRATEGY AND INNOVATION

PURPOSE

To endorse City of Newcastle's (CN) 2019/20 Annual Report (Report) in accordance with section 428 of the Local Government Act 1993 (Act) and clause 217 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

- 1 Endorses City of Newcastle's 2019/20 Annual Report and its submission to the NSW Minister for Local Government by 30 November 2020.

KEY ISSUES

- 2 The Report has been prepared to showcase CN's achievements against the strategic objectives and performance measures outlined in the 2018-2022 Delivery Program and the 2019/20 Operational Plan, as required by the Act.
- 3 The Report addresses the seven key focus areas identified in the Newcastle 2030 Community Strategic Plan (CSP): Integrated and Accessible Transport; Protected Environment; Vibrant, Safe and Active Public Places; Inclusive Community; Liveable Built Environment; Smart and Innovative; and Open and Collaborative Leadership.
- 4 To comply with section 428 of the Act and clause 217 of the Regulation, CN must provide a copy of the Report to the NSW Minister for Local Government; and place a copy on CN's website by 30 November 2020. CN is also required to report on achievements against its Delivery Program in the Report.

FINANCIAL IMPACT

- 5 Costs associated with preparation of the Report were met from existing operational budgets. There are no other direct financial implications arising from the report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The Report outlines CN's performance against the seven strategic directions documented within the CSP.

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 The Annual Report will be submitted to the Minister and placed on CN's website by 30 November 2020.

RISK ASSESSMENT AND MITIGATION

- 8 CN is required to undertake planning and reporting activities in accordance with the Local Government Act 1993 and clause 217 of the Local Government (General) Regulation 2005.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 23 June 2019, Council adopted the 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan).
- 10 At the Ordinary Council Meeting held on 27 October 2020, Council adopted the audited 2019/20 Annual Financial Statements.

CONSULTATION

- 11 There is no requirement for public consultation for the Annual Report.

BACKGROUND

- 12 The Report addresses all statutory requirements as outlined in the Act and the Regulations.

OPTIONS

Option 1

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

Option 2

- 14 Council resolves not to endorse the 2019/20 Annual Report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 86 Attachment A: City of Newcastle's 2019/20 Annual Report

Item 86 Attachment A distributed under separate cover

**ITEM-87 CCL 24/11/20 - PUBLIC EXHIBITION OF DRAFT 2021-2025
DESTINATION MANAGEMENT PLAN**

**REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER
MAJOR EVENTS AND CORPORATE AFFAIRS**

PURPOSE

To place the draft 2021-2025 Destination Management Plan (DMP) on public exhibition for stakeholder and community feedback.

RECOMMENDATION

That Council:

- 1 Places the draft 2021-2025 Destination Management Plan at **Attachment A** on public exhibition for six weeks prior to final consideration by Council.

KEY ISSUES

- 2 The visitor economy is an important economic driver for Newcastle contributing \$945m in economic output in 2019 according to Tourism Research Australia. To ensure the future sustainability and growth of the visitor economy, a strategic plan that identifies opportunities, initiatives and actions based on an all-of-sector approach is required.
- 3 The DMP provides a pathway, developed and agreed with tourism stakeholders, for City of Newcastle (CN) to lead and establish strategic partnerships with industry and government to position Newcastle as a premier destination.
- 4 To be effective requires a multi-agency approach with CN working collaboratively with State Government, tourism industry groups and the private sector to support and deliver infrastructure investment and development, placemaking development and management, investment and resident attraction, services to businesses and the community, multi-agency event support, industry development and positive visitor experiences.

FINANCIAL IMPACT

- 5 Costs for the exhibition of the DMP are funded within existing budgets.
- 6 Projects and initiatives arising from the DMP will be delivered over multiple financial years subject to available funding as determined during the annual corporate planning and budget process.
- 7 CN is not responsible for all the projects and initiatives in the DMP, with some projects resting with other stakeholders.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Vibrant, Safe and Active Public Places

- 3.2a Celebrate Newcastle's cultural heritage and diversity
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

Inclusive Community

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

Liveable Built Environment

- 5.1a Protect and promote our unique built and cultural heritage.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The DMP supersedes all previous plans and has been developed with a broad range of stakeholders including State Government tourism agencies, local tourism industry, relevant industry groups and businesses. The DMP is based on research and analysis of the city's visitor economy and future development.
- 10 The DMP relies on a whole of industry approach to support and expand the Newcastle visitor economy as it recovers in a post Covid-19 environment.
- 11 CN's focus will be to foster local, regional and state strategic relationships, manage the 'Newcastle' destination brand, facilitate destination marketing activity in key target markets, support industry education, and develop visitor information, maps and guides to enhance the visitor experience.
- 12 Initiatives outlined in the DMP will be supported by CN managed facilities and community assets that offer a unique visitor experience.

RISK ASSESSMENT AND MITIGATION

- 13 The DMP is a statement of intent that CN will lead the growth and sustainability of the Newcastle visitor economy through collaboration and strategic partnerships to ensure private sector investment, State Government and tourism industry collaboration and partnerships based on best practice destination management as developed by Australian Regional Tourism Ltd.
- 14 A lack of collaboration and/or investment by the private sector is a risk to achieving initiatives in the DMP and to destination management generally. Ongoing growth and sustainability of the visitor economy requires an integrated all-of-sector approach. The DMP provides a blueprint to ensure strategic collaborations and partnerships are developed and sustained to drive positive outcomes and successfully deliver initiatives.

- 15 The long-term impacts of the pandemic are unknown. There is a direct financial impact and change to the tourism landscape in terms of operators and suppliers. The implementation of the DMP requires establishing relationships with new operators and providing extensive support to encourage investment to the events and tourism sectors.
- 16 A DMP is a mandatory requirement to be eligible for funding and marketing partnerships with Destination NSW.

RELATED PREVIOUS DECISIONS

- 17 Nil.

CONSULTATION

- 18 The DMP has been co-developed with stakeholders including NTIG, Destination NSW and local operators; addressing strategic issues raised by industry including the lack of bookable and distributable product, and the need for collaboration and partnerships.
- 19 Presentations on the DMP were given to the Strategy and Innovation Advisory Committee on 5 November 2019 and 3 November 2020.
- 20 A Councillor Workshop was held on 10 November 2020.

BACKGROUND

- 21 The visitor economy is a significant contributor to Newcastle's economy, in 2019 the visitor economy supported 4,920 local jobs with an economic output of \$945m. In 2019, Newcastle attracted 5.1m visitors across domestic day trip, domestic overnight and international market segments with travel attributed to visiting friends and relatives followed by business travel and holiday leisure.
- 22 CN plays an integral role in supporting visitor economy growth and sustainability through significant investment in: visitor servicing; event sponsorship and attraction; CN owned and managed community and tourism facilities and assets; tourism destination brand management including all digital assets; and destination promotion activity.
- 23 The DMP has been developed to ensure the growth and viability of the Newcastle visitor economy, enabling it to become resilient to external influences and changes in a dynamic and competitive market. It includes a situation analysis of the existing tourism environment, a concise set of strategic issues and opportunities, initiatives to direct sustainable growth of tourism and an action plan that provides specific, tangible actions to deliver the strategic directions.

- 24 The DMP is aligned to the Newcastle 2030 Community Strategic Plan and feeds into the Destination Sydney Surrounds North Destination Management Plan, Destination NSW Statewide DMP and NSW 2030 Visitor Economy Industry Action Plan that allows CN to access Destination NSW funding opportunities.

OPTIONS

Option 1

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

Option 2

- 26 Council resolves not to place the Draft 2021 – 2025 Destination Management Plan on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 87 Attachment A: Draft 2021 – 2025 Destination Management Plan

Item 87 Attachment A distributed under separate cover

**ITEM-88 CCL 24/11/20 - DRAFT COMMUNITY LAND PLAN OF
MANAGEMENT - PUBLIC EXHIBITION**

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

PURPOSE

To submit a draft Community Land Plan of Management (CLPoM) to the Department of Planning, Industry and Environment - Crown Lands (Crown Lands) in accordance with Section 39 of the Local Government Act 1993 (Act).

RECOMMENDATION

That Council:

- 1 Submits the draft Community Land Plan of Management (CLPoM) (**Attachment A**) to Crown Lands in accordance with land-owner notification under Section 39 of the Act.
- 2 Following approval from Crown Lands, places the draft CLPoM on public exhibition for a period of 28 days with submissions received for 42 days in accordance with Section 38 of the Act.
- 3 Requests that a report on submissions received be brought back to the Council following the public exhibition period.

KEY ISSUES

- 4 In accordance with the Crown Land Management Act 2016 (CLM Act), councils are responsible for dedicated or reserved land as if it were public land under the Act with most of the land being classified as “community land”.
- 5 A review of City of Newcastle’s (CN’s) Plan of Management (PoM) framework has been undertaken to comply with the provisions of the CLM Act and to simplify the overall framework.
- 6 CN has five Generic PoMs, being Sportsland, Neighbourhood Parks, General Community Use, Playground and Bushland, that cover community land across the city. These plans were adopted by Council in December 2000.
- 7 Under the new PoM framework, CN’s five Generic PoMs plus site-specific PoMs for the Glendore Community Facility, Wallsend Brickworks Park and Newcastle Coastal will be repealed and consolidated into the draft CLPoM.

- 8 Incorporating five generic PoMs and several site-specific PoMs into the draft CLPoM avoids duplication of common information, centralises the mapping of community land parcels and provides one reference point for staff and the community to view all information.

FINANCIAL IMPACT

- 9 Exhibition of the draft CLPoM does not have a financial impact.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The draft CLPoM aligns with the following Newcastle 2030 Community Strategic Plan directions:

Protected Environment

- 2.2a Provide and advocate for protection and rehabilitation of natural areas.
- 2.2b Encourage and support active community participation in local environmental projects.

Vibrant, Safe and Active Public Places

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.
- 3.1b Enhance our beaches and coastal areas through upgraded facilities.
- 3.2a Celebrate Newcastle’s cultural heritage and diversity.

Inclusive Community

- 4.2a Ensure people of all abilities can enjoy our public places and spaces.
- 4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services.
- 4.2c Promote recreation, health and wellbeing programs.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The draft CLPoM provides a consistent framework and approach to management of community land and allows management decisions to be made appropriate to the category of land.

RISK ASSESSMENT AND MITIGATION

- 12 There is no risk in placing the draft CLPoM on public exhibition. The exhibition process will enable CN to comply with legislative requirements of the Act as well as the CLM Act.
- 13 In accordance with legislation, any changes to the categorisation of community land requires a public hearing and endorsement of the Minister for Water, Property and Housing.

RELATED PREVIOUS DECISIONS

- 14 The five generic PoMs, adopted by Council in December 2000 were created in response to the Act requirements that community land must be included within a PoM. Since that time a number of minor amendments have also been adopted by Council.
- 15 At the 26 April 2017 Ordinary Council Meeting Council endorsed the exhibition of a draft CLPoM that was however ultimately not brought back to Council for approval due to changes introduced as part of the CLM Act.

CONSULTATION

- 16 CN has engaged with neighbouring Councils on the PoM framework review process for reference and consistency.
- 17 Crown Lands has been consulted throughout this process.
- 18 With Crown Lands consent, the draft CLPoM will be exhibited in accordance with the following consultation process:
 - i) The draft CLPoM will be placed on public exhibition for a period of 28 days, with submissions received for 42 days.
 - ii) The draft CLPoM will be advertised on CN's website.
 - iii) Copies of the draft CLPoM will be made available on request at Newcastle City Library and Council's Customer Service Centre.

BACKGROUND

- 19 Under the Act all Community Land is required to have a PoM. Councils have until June 2021 to have PoMs for Crown reserves land where Council is a Crown Land Manager (CLM).
- 20 Under the CLM Act CN is authorised to manage Crown reserves as a CLM. Council managed Crown reserves are generally classified as community land and categorised under the Act.

- 21 Land within the draft CLPoM has been categorised according to the Act. The categories for community land are Natural Areas (including sub-categories of bushland, wetlands, foreshores, escarpments, watercourses), Sportsground, Park or General Community Use (which can include swimming centres, community facilities and drainage reserves).
- 22 Community land contained in a specific PoM (ie National Park) or '*devolved*' land has not been included in the draft PoM.
- 23 The initial categorisations of relevant Crown land parcels (where CN is the CLM) were approved by the Minister for Lands and Forestry (Minister) on 22 February 2019. Additional categories were approved by the Minister on 27 August 2020.
- 24 The Foreshore PoM contains both Community and Crown land and is required to be reviewed in line with the CLM Act prior to June 2021. That review is not a subject of this report.
- 25 The CLM Act requires CLM to obtain written advice from a qualified Native Title Manager for any PoM that covers Crown land that is not '*excluded land*'. CN engaged Lands Advisory Services (LANDSAS) to undertake a full Native Title Assessment of all Crown land where CN is the designated CLM. LANDSAS's Native Title assessment has been incorporated into the draft CLPoM.

OPTIONS

Option 1

- 26 The recommendations at Paragraphs 1-3.

Option 2

- 27 The draft CLPoM, not be referred to Crown Lands or placed on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 88 Attachment A:** Draft Community Land Plan of Management
Item 88 Attachment B: Review of the Management Actions of the eight current PoMs addressed previously

Item 88 Attachments A-B distributed under separate cover

**ITEM-89 CCL 24/11/20 - PROPOSED ROAD CLOSURES - 144
BOUNDARY ROAD, WALLSEND**

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

PURPOSE

To close two parcels of road reserve at 144 Boundary Road, Wallsend, and sell the land to the adjoining property owners.

RECOMMENDATION

That Council:

- 1 Endorse the closures of the Boundary Road, Wallsend, road reserves adjacent to Lot 3057 DP 1208470 as shown at **Attachment A**.
- 2 Approve the sale of the 6.92ha and 11.01ha parcels of land as shown at **Attachment B**, to the adjoining owners for \$725,000 (plus GST).
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to affect the transactions.

KEY ISSUES

- 4 Once closed and transferred the road closure applicant has agreed to consolidate the road closure lots within their property, being 144 Boundary Road, Wallsend. The applicant has agreed to pay all costs associated with the closure.
- 5 The road reserves proposed to be closed are unformed roads. Following the closure and sale of the roads, the applicant is planning a residential subdivision. A new road network will be incorporated into any proposed subdivision and these roads will be vested to City of Newcastle (CN) under the normal regulatory process.
- 6 Any development of the land sold to the adjoining owner or any future successor in title would be subject to separate development consent.
- 7 The proposed road closure will be advertised for public comment and any submissions received will be forwarded with the application to the NSW Land Registry Services (LRS) for consideration.

FINANCIAL IMPACT

- 8 CN will receive \$725,000 (plus GST) from the closures and sales, with all costs including legal, survey and service relocation borne by the applicant. The proposed purchase price is based on an independent valuation of the land following the road closure, and has been agreed upon by all parties.
- 9 The revenue from the sale of the land will be transferred to CN's 'Works Program: Specific Projects' internal reserve.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The proposed road closure aligns with the following Newcastle 2030 Community Strategic Plan directions:

Liveable Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The road closure process involves public notification of the proposal for 28 days and CN entering into a deed of agreement with the adjoining owner. The applicant is required to arrange and provide a survey plan, lodge a Development Application and Subdivision Application for endorsement of the road closure plan, thereby creating the separate lots for sale.
- 12 After endorsement and registration of the plan at the LRS, the Crown then publishes the closure in the NSW Government Gazette. After amendments to the title, the land will be sold to the applicant.
- 13 The anticipated timeframe for the road closure process is expected to be 24 months.

RISK ASSESSMENT AND MITIGATION

- 14 There is a risk of the road closure not being supported by the relevant authorities. The applicant will pay all outgoings associated with the application and therefore CN is not financially exposed.

RELATED PREVIOUS DECISIONS

- 15 Nil

CONSULTATION

- 16 The road closure will be advertised for public comment, for a period of 28 days, with the adjoining property owners and relevant authorities being notified directly.

BACKGROUND

- 17 In March 2020, a planning and surveying consultant acting for the landowners contacted CN with a request to close two sections of road reserve adjoining 144 Boundary Road, Wallsend, in preparation for a proposed residential housing estate development.
- 18 An independent valuation of the sections of road to be closed and sold was undertaken in August 2020, providing a purchase price of \$725,000 (plus GST).
- 19 In June 2020, the applicants formally advised CN that they wished to proceed with the road closure application.

OPTIONS

Option 1

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

Option 2

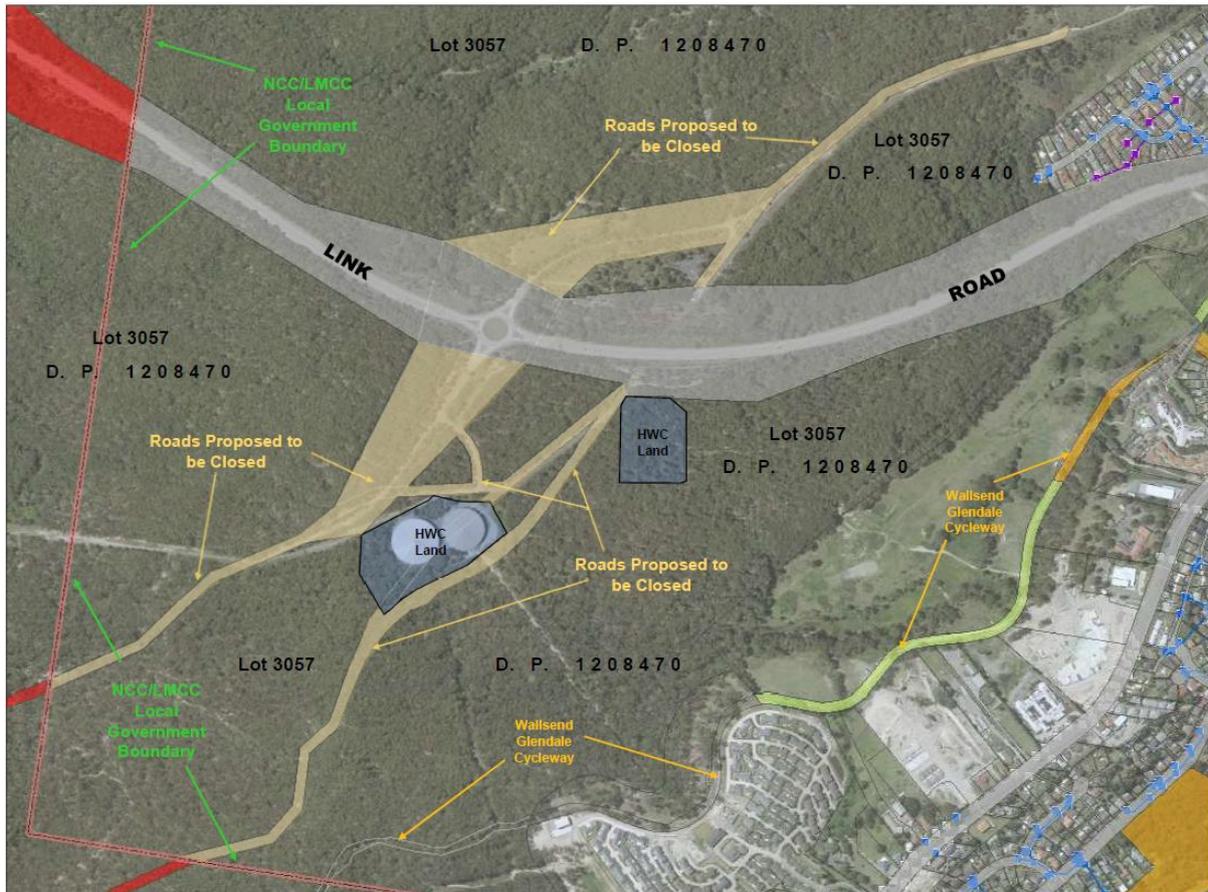
- 21 Council resolves not to consent to the proposed closures and subsequent sale of the sections of road reserve adjoining 144 Boundary Road, Wallsend. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 89 Attachment A:** Aerial site diagram showing proposed road closures adjoining 144 Boundary Road, Wallsend.
- Item 89 Attachment B:** Survey excerpt showing proposed road closure areas adjoining 144 Boundary Road, Wallsend.

Item 89 Attachment A



ITEM-90 CCL 24/11/20 - VARIATIONS TO DEVELOPMENT STANDARDS

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

PURPOSE

To report on development variations approved between 1 July and 30 September 2020 in accordance with the reporting requirements of the Secretary of the Department of Planning, Industry and Environment's concurrence to vary development standards in the Newcastle Local Environmental Plan 2012.

RECOMMENDATION

That Council:

- 1 Receives the report on approved development variations between 1 July and 30 September 2020 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

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 of DPIE's (Secretary) concurrence for exceptions to development standards for applications made under clause 4.6 of the NLEP 2012. The Secretary has provided a concurrence to NSW Councils, subject to conditions, to vary development standards proposed in applications. That concurrence, and the reporting and record keeping requirements are outlined in Planning Circular PS 20-002 issued on 5 May 2020.
- 3 This report addresses the requirement that all variations approved under delegation must be tabled at a meeting of the Council at least once each quarter.
- 4 A total of 15 Development Applications (DA) were determined between 1 July and 30 September 2020 that proposed a variation to a development standard as outlined in Table One below.

Table One

Variation to Development Standard	Required Determining Authority	Number determined between 1 July and 30 September 2020
10% or less	Under delegation	11
Greater than 10% or a variation to a non-numerical development standard	Council or where appropriate the Regional Planning Panel	4
Total		15

- 5 The concurrence issued by the Secretary, requires all DAs, Modifications to DAs and Requests for Reviews, with variations greater than 10%, to be determined by Council or where appropriate the Regional Planning Panel. All applications effected by this requirement are outlined in Table Two below.

Table Two

Development Application number	Determining Authority	Date determined
DA2020/00378	Council	19 May 2020
DA2019/01378	Council	18 August 2020
DA2018/00797	Council	18 August 2020
DA2020/00123	Council	18 August 2020

FINANCIAL IMPACT

- 6 Nil

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 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

- 8 A report of all development approved variations has been delivered to the DPIE and the register of all development variations has been updated on City of Newcastle's (CN) website.
- 9 A report will be tabled to Council each quarter detailing all approved applications with a development variation, in accordance with the requirements of the Secretary's concurrence.

RISK ASSESSMENT AND MITIGATION

- 10 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.
- 11 By implementing required reporting measures and record keeping arrangements, CN will comply with the requirements of the Secretary's concurrence.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting held on 25 August 2020, Council received the report on approved development variations between January and July 2020.

CONSULTATION

- 13 Applications that propose a variation to a development standard are placed on public exhibition prior to the determination of the application.
- 14 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 (DAC) or where appropriate, the Regional Planning Panel for determination, enabling greater public scrutiny of the decision.
- 15 Any submissions received as a result of public notification are taken into consideration prior to the determination of the application.

BACKGROUND

- 16 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.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

- Item 90 Attachment A:** Report on all approved development variations between 1 July and 30 September 2020

CITY OF NEWCASTLE

Item 90 Attachment A

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb	Postcode	Category of development	Environmenta l planning instrument	Zoning of land	Development standard to be varied	Justification of variation of	Extent of variation	Determination by	Date DA determined
DA2020/00567	A	164389	0	21	Yule Road	Merewether	2291	Residenti al Alteration s and Additions	LEP2012	R2	Buildin g Height	Not have unreasonable impact on amenity of area	8%	Council	21/09/2020
DA2019/01258	6	20017	0	278	Park Avenu e	Kotara	2289	Residenti al Multi Unit	LEP2012	R2	Buildin g Height	Not have unreasonable impact on amenity of area	6.3%	Council	21/09/2020
DA2020/00378	5	1005778	0	40	Gipp s Stree t	Carrington	2294	Residenti al Alteration s and Additions	LEP2012	R2	Floor Spac e Ratio	Not have unreasonable impact on amenity of area	22%	Council	18/09/2020
DA2020/00399	1	194810	0	50	Fullerto n Street	Stockton	2295	Residenti al Single Dwelling	LEP2012	R2	Floor Spac e Ratio	Not have unreasonable impact on amenity of area	9.4%	Council	3/09/2020
DA2020/00196	3	630673	0	14	Charlott e Street	Merewether	2291	Residential Single Dwellin g	LEP2012	R2	Buildin g Height	Not have unreasonable impact on amenity of area	9.4%	Council	2/09/2020
DA2019/01378	0	62579	0	131	Beaumont Street	Hamilton	2303	Mixed Use	LEP2012	B2	Buildin g Height	Achieves underlying objectives of height control	1%	Council	27/08/2020
	0	62579	0	131	Beaumont Street	Hamilton	2303	Mixed Use	LEP2012	B2	Floor Spac e Ratio	Achieves underlying objectives of FSR control	47.5%	Council	27/08/2020

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DA2020/00616	8	137444	0	24	Anderton Street	Islington	2296	Residential Alterations and Additions	LEP2012	R3	Floor Space Ratio	Not have unreasonable impact on amenity of area	6.3%	Council	26/08/2020
DA2020/00123	25	129426	0	15	Clyde Street	Stockton	2295	Residential Alterations and Additions	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of area	11.1%	Council	24/08/2020

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2018/00797	30	1083348	0	31	Hudson Street	Hamilton	2303	Mixed Use	LEP2012	B4	Building Height	Not have unreasonable impact on amenity of area	13.5%	Council	24/08/2020
	31	1083348	0	31	Hudson Street	Hamilton	2303	Mixed Use	LEP2012	B4	Building Height	Not have unreasonable impact on amenity of area	13.5%	Council	24/08/2020
DA2020/00618	2	1230668		32	Scenic Drive	Merewether	2291	Residential Alterations and Additions	LEP2012	R2	Building Height	Achieves underlying objectives of height control	5.2%	Council	21/08/2020
DA2020/00136	11	1079338	0	76	Linwood Street	Wickham	2293	Residential Alterations and Additions	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	81.7%	Council	7/08/2020
DA2020/00536	125	95107	0	40	Kenrick Street	The Junction	2291	Residential Secondary Occupancy	LEP2012	R3	Floor Space Ratio	Achieves desired future character of the area	4.4%	Council	29/07/2020

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DA2020/00376	102	1244790	0	18	Bellbird Close	Fletcher	2287	Residential Multi Unit	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	10%	Council	27/07/2020
DA2018/01504	1	112416	0	66	Hannell Street	Wickham	2293	Mixed Use	LEP2012	B4	Building Height	Achieves desired future character of the area	9.5%	Council	16/07/2020
	2	112416	0	66	Hannell Street	Wickham	2293	Mixed Use	LEP2012	B4	Building Height	Achieves desired future character of the area	9.5%	Council	16/07/2020

ITEM-91 **CCL 24/11/20 - ENDORSE A PLANNING PROPOSAL TO REZONE AND RECLASSIFY LAND AT 233 WHARF ROAD AND REZONE LAND 150 AND 150A, 250 SCOTT STREET, NEWCASTLE**

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

PURPOSE

To endorse an amendment to the Newcastle Local Environmental Plan 2012 to rezone and reclassify 233 Wharf Road (Boat Harbour car park) and rezone Parcel 12 of the former rail corridor which includes 250, part 150 and 150A Scott Street and part 280 Hunter Street and adopt a new site-specific section in the Newcastle Development Control Plan 2012.

RECOMMENDATION

That Council:

- 1 Endorses the Planning Proposal (**Attachment A**) prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012).
- 2 Forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting an amended NLEP 2012 be prepared and made.
- 3 Adopts the new section 6.01.04 Key Precincts – ‘I. Multi-purpose Community Space Precinct’ of section 6.01 City Centre of the Newcastle Development Control Plan 2012 (NDCP 2012), coming into effect upon gazettal of the amended NLEP 2012 (**Attachment B**).
- 4 Notes the submissions received during public exhibition and at the Public Hearing advocating for the sites to be used for community purposes and for future engagement opportunities (**Attachments C and D**).

KEY ISSUES

- 5 In September 2016, Council resolved to endorse a Planning Proposal for surplus rail corridor land between Worth Place and Watt Street Newcastle and to forward the Planning Proposal to the DPIE for Gateway determination. The Planning Proposal proposed that Parcel 12 be zoned SP3 Tourist.

- 6 The Gateway determination included several conditions, including the removal of Parcel 12 (Part 150 Scott Street Newcastle) from the Planning Proposal which had previously been identified by Urban Growth as for development. DPIE determined this parcel of land should be deferred until further investigations had been undertaken of the future use of CN's adjacent car park.
- 7 The Planning Proposal was endorsed by Council at the Ordinary Council Meeting held on 26 March 2019. A Gateway Determination was received on 13 August 2019. Pre-exhibition and public agency consultation occurred with Hunter and Central Coast Development Corporation (HCCDC), Transport for NSW (TfNSW) and Subsidence Advisory NSW as per the requirements of Gateway Determination.
- 8 The amended site-specific NDCP 2012 section 6.01.04 Key Precincts – I. Multi-purpose Community Space Precinct was prepared following the Public Agency feedback and adopted for exhibition at the Ordinary Council Meeting held on 10 December 2019.
- 9 The Planning Proposal and amended NDCP 2012 were both placed on public exhibition between 3 February 2020 and 2 March 2020. Four submissions were received, including one petition with 119 signatures. The petition was objecting to any development of the Boat Harbour car park and advocating for a strategic response to transport and parking in the city centre. One submission was received from TfNSW that outlined requirements for any future development application for the site.
- 10 A Public Hearing was originally scheduled for 7 April 2020 but cancelled due to COVID-19 restrictions. A rescheduled independently facilitated Public Hearing was held on 6 August 2020 for the proposed reclassification of 233 Wharf Road, Newcastle (Boat Harbour car park) from 'community' to 'operational' land. Four people attended the Public Hearing and one community member submitted a written submission in lieu of attendance. All participants were opposed to the proposed reclassification. A report on the outcomes of the Public Hearing was prepared by the independent facilitator which details the feedback received (**Attachment D**).
- 11 The key matters raised in submissions and expressed at the Public Hearing are summarised below:
 - i) The significance of views through to the harbour and a desire to maintain an open connection with the city.
 - ii) Significant concerns regarding the cumulative loss of car parking in the city centre and a desire to retain car parking as a component of any future development, if it were to proceed.

- iii) Concerns relating to the proposed reclassification of the land from community to operational. These concerns include:
 - a) the site will be sold, and the community will lose a valuable asset
 - b) the site will be leased to a commercial operator that provides no community benefit
 - c) if zoned SP3 Tourist, the site will be leased for use as a hotel or other non-community use permitted in that zone.
 - iv) Concerns about the proposed SP3 Tourist zone with some suggesting that the RE1 Public Recreation zone be kept for Boat Harbour car park and extended over Parcel 12, which is currently zoned SP2 Infrastructure. The intended outcome would be the extension of the Market Street Lawn to make the site a part of the Foreshore area.
 - v) Concerns about the proposed planning controls for the site primarily relating to the proposed 14m height and floor space ratio (FSR). Concerns were also raised about the bulk and scale of any future development and its relationship with Market Street Lawn and Foreshore Park.
 - vi) Several submissions sought further details regarding the proposed multi-purpose community facility. It is noted that this was a condition on the Gateway Determination issued by the NSW DPIE. Submitters sought a commitment from City of Newcastle (CN) that the site will be used for community purposes.
- 12 The matters raised in submissions are further outlined in **Attachment C**.
- 13 Following community feedback, additional consideration was given to applying the RE1 Public Recreation zone to 250 Scott Street (Parcel 12) which would result in an RE1 zone across both sites. While the permitted land uses are similar for both zones, the intended future use of the site as a multi-purpose community facility does not align with the zone objectives of the RE1 Public Recreation zone. The SP3 Tourist zone is more conducive for the longer-term intentions to activate the western end of Market Street Lawn and indicates that the land will not be solely used for car parking and open space.
- 14 A review of the proposed planning controls was undertaken to identify any provisions that could further address community concerns. The NLEP 2012 and NDCP 2012 provisions adequately prioritise protecting significant views, maintaining open connections with the harbour and delivering a high-quality community facility and public domain that exhibits design excellence aligned with broader community needs and aspirations.
- 15 On 28 August 2020, CN accepted transfer of 250 Scott Street, Newcastle from HCCDC, nominating an operational classification for the land for the purpose of expanding the Boat Harbour car park. The transfer was notified on 28 September 2020.

FINANCIAL IMPACT

- 16 There are no financial implications as a result of the Planning Proposal or proposed reclassification. The Planning Proposal and reclassification establish a framework that will enable the future use of the site for an appropriate community use.
- 17 Future planning for the site for the extension of the Boat Harbour car park in the short to medium term is estimated to be in the vicinity of \$200,000. Funds of a corresponding amount have been provided to CN by HCCDC, with work on the car park extension proposed to commence this year subject to approval of the September quarterly review by the Council. Additional site investigations are likely to be required to confirm the extent of the Boat Harbour archaeology, stormwater infrastructure and mine subsidence in the area. These matters will need to be addressed should future detailed planning proceed.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Liveable Built Environment

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

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 19 The implementation of the recommendations of this report will ensure that the NLEP 2012 reflects the strategies and actions within Newcastle Urban Renewal Strategy and Greater Newcastle Metropolitan Plan.

RISK ASSESSMENT AND MITIGATION

- 20 The process of amending an LEP is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces risk to CN by ensuring that a Planning Proposal is prepared consistent with relevant strategic planning documents and determined in an appropriate timeframe.

RELATED PREVIOUS DECISIONS

- 21 At the Ordinary Council Meeting held on 26 March 2019, Council resolved to endorse a Planning Proposal to rezone and classify 233 Wharf Road, Newcastle and rezone 150, Part 150A and 250 Scott Street, Newcastle.
- 22 At the Ordinary Council Meeting held on 24 September 2019, Council resolved to apply an operational classification to 250 Scott Street, Newcastle for the purpose of expanding the Boat Harbour car park.

CONSULTATION

- 23 The Planning Proposal and amended NDCP 2012 were publicly exhibited between 3 February 2020 and 2 March 2020.
- 24 Consultation was undertaken with the following public authorities and agencies in accordance with the Gateway Determination:
- i) Subsidence Advisory NSW
 - ii) Hunter and Central Coast Development Corporation
 - iii) Transport for NSW.
- 25 An independently facilitated Public Hearing was held on 6 August 2020 for the proposed reclassification of 233 Wharf Road, Newcastle (Boat Harbour car park) from 'community' to 'operational' land.
- 26 A Public Voice Meeting was held on 17 November 2020 to discuss the reclassification and rezoning of 233 Wharf Road, Newcastle (Boat Harbour car park).
- 27 Extensive consultation and advocacy was undertaken in 2016 regarding Urban Growth's original proposal for the former heavy rail corridor which resulted in an additional 3,000sqm of public space being included in the final proposal.

BACKGROUND

- 28 At the Ordinary Council Meeting held on 27 September 2016, Council resolved to endorse a Planning Proposal for surplus rail corridor land between Worth Place and Watt Street Newcastle and to forward the Planning Proposal to the DPIE for Gateway determination. The Planning Proposal proposed that Parcel 12 be zoned SP3 Tourist and did not include the adjoining CN car park. On 13 December 2016, a Gateway determination was issued by the DPIE.
- 29 The Gateway determination included several conditions, including the removal of Parcel 12 (Part 150 Scott Street Newcastle) from the Planning Proposal. DPIE determined this parcel of land should be deferred until further investigations had been undertaken of the future use of CN's adjacent car park.

OPTIONS

Option 1

- 30 The recommendation as at Paragraphs 1 - 4. This is the recommended option.

Option 2

- 31 Council resolves not to proceed with the Planning Proposal. This option would not provide consistent zoning across both sites and allow for the future development of a multi-purpose community space. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 91 Attachment A:** Planning Proposal – 233 Wharf Road and 250 Scott Street Newcastle - Proposed Amendments to the Newcastle Local Environmental Plan 2012
- Item 91 Attachment B:** Draft Section 6.01.04 Key Precincts – '1. Multi-purpose Community Space Precinct' of section 6.01 City Centre of the Newcastle Development Control Plan 2012
- Item 91 Attachment C:** Summary of submissions and responses to matters raised during public exhibition period and at the Public Hearing
- Item 91 Attachment D:** Report on the outcomes of the Public Hearing to reclassify 233 Wharf Road, Newcastle dated August 2020

Item 91 Attachments A-D distributed under separate cover

**ITEM-92 CCL 24/11/20 - ADOPTION OF PLANNING AGREEMENT -
73 - 79 RAILWAY LANE, WICKHAM**

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

PURPOSE

To endorse the Planning Agreement for 73 - 79 Railway Lane, Wickham.

RECOMMENDATION

- 1 That Council:
 - i) Endorses the Planning Agreement for 73-79 Railway Lane, Wickham and authorises the Chief Executive Officer (CEO) to execute the Planning Agreement (**Attachment A**).

KEY ISSUES

- 2 The offer to enter into a Planning Agreement was submitted by the applicant with lodgement of DA2018/00773 for alterations and additions to a mixed-use development. The development application is seeking a variation to the maximum building height permitted by the Newcastle Local Environmental Plan 2012 (NLEP 2012) of 24m to allow a development up to approximately 45m.
- 3 The 45m height limit is identified for this site in the Wickham Masterplan (WMP) (adopted on 28 December 2017) as being acceptable if a good planning outcome can be achieved. The intent of the Planning Agreement is to contribute \$955,000 towards the provision of community infrastructure and public amenities in Wickham to achieve a planning outcome as outlined in the WMP. It is intended that the monetary contribution will be pooled with other similar contributions offered through Planning Agreements in Wickham to focus on delivering public domain works in proximity to the development as well as Wickham Park.
- 4 The draft Planning Agreement was exhibited from 28 September 2020 to 27 October 2020 with two submissions received. The first submission stated that it did not object to the application but raised concerns that the increase in residential density will lead to an increase in the number of noise complaints from live music venues, which may impact their operation and vibrancy of the City. The submission requests that "Council put future occupants on notice that they are living next door to an active hotel with a right to host live acts and that while it acts in accordance with its consents and noise standards, it has a right to co-exist within the residential neighbourhood."

- 5 The issues raised in this submission are not directly related to the draft Planning Agreement, however noise impacts have been considered in the assessment of the development application for this site, which has been the subject of comprehensive acoustic reports addressing both potential noise impacts from the railway operations and adjoining uses. The development application has been assessed by City of Newcastle's (CN) Senior Environment Protection Officers and considered acceptable subject to conditions if the application is approved by Council.
- 6 The second submission from local community group, GLOW seeks a meeting with CN Planners to discuss involvement in planning for local infrastructure and community benefit projects, exceedance of the NLEP 2012 controls and implementation of the WMP. A meeting was held with GLOW on 5 November 2020 to discuss the implementation of the WMP, where it was agreed to continue discussions on the community infrastructure incentives scheme as part of preparing the updated WMP.
- 7 The WMP is currently being reviewed and updated. The review will examine the implementation of the community benefit scheme outlined in the Masterplan. The community benefit scheme identified redevelopment sites where increased density would be permitted where a predetermined quantifiable community benefit is provided. It is intended that the updated Masterplan will provide more detail and certainty around how the community benefit scheme will operate. Consultation with the community will occur during exhibition of the updated WMP, should it be supported for placement on public exhibition. Engagement with the community will include discussion on the types of community infrastructure projects that could be provided as part of this scheme.

FINANCIAL IMPACT

- 8 The Planning Agreement will assist CN to provide community infrastructure in Wickham not otherwise able to be funded through Section 7.12 Infrastructure Contributions.
- 9 The Planning Agreement requires the payment of a monetary contribution in connection with the proposed development of land at Lot 110 DP 1018454 and Lot 11 DP 1106378, 73-79 Railway Lane, Wickham. The proposed monetary contribution is \$955,000. The Planning Agreement does not exclude the application of Section 7.12 contributions.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The Planning Agreement is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Liveable Built Environment

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

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The developer will pay a monetary contribution of \$955,000 (indexed by Consumer Price Index from the date the Planning Agreement is executed to the date of payment).
- 12 The Planning Agreement includes a requirement that the monetary contribution must be paid in full prior to the issue of the Occupation Certificate for the development.
- 13 The monetary contribution is to contribute towards the provision of public amenities and infrastructure to support implementation of the WMP. It is intended that the funds be pooled with other similar contributions offered with Planning Agreements in Wickham to focus on delivering public domain works in proximity to the development as well as Wickham Park.

RISK ASSESSMENT AND MITIGATION

- 14 An independent review has been undertaken of the offer to ensure it is acceptable and consistent with CN's interests and the approach taken on other development sites. The review concluded that the offer to enter into a Planning Agreement was in the public interest and could be accepted by CN.
- 15 The negotiation and preparation of the Planning Agreement is consistent with CN's Planning Agreement Policy. This Policy was adopted to regulate the way in which CN will consider, accept and implement offers made by developers to enter into Planning Agreements.
- 16 Adherence to the legislative framework outlined in CN's Planning Agreement Policy and the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Environmental Planning and Assessment Regulation (EP&A Regulation) reduces the risk to both the developer and CN.

RELATED PREVIOUS DECISIONS

- 17 At the Ordinary Council Meeting held on 22 September 2020, Council resolved to exhibit the draft Planning Agreement for 28 days.

CONSULTATION

- 18 The draft Planning Agreement was publicly exhibited from 28 September 2020 to 27 October 2020. The exhibition material was placed on CN's website in accordance with the EP&A Regulation and consistent with CN's adopted Community Participation Plan.
- 19 Two submissions were received. The first is in relation to concerns about new residents complaining of noise from local music venues. It is considered that the assessment of the relevant development applications adequately considers impacts from noise on adjoining / nearby land.
- 20 The second submission seeks further participation in identifying community benefit projects and planning for Wickham. Further opportunities for community involvement will continue through the development of an updated WMP. The current Planning Agreement supports implementation of the Masterplan.

BACKGROUND

- 21 DA2018/00773 seeks alterations and additions to DA2016/00384 and includes an offer to enter into a Planning Agreement. The proposal requests a variation to the maximum building height of 24m under the NLEP 2012. DA2018/00773 is subject to a Class 1 Appeal lodged in the Land and Environment Court by the developer against the deemed refusal of the application.

OPTIONS

Option 1

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

Option 2

- 23 Council resolves not to adopt the Planning Agreement. This will not allow the developer to make a community benefit contribution toward implementing the WMP. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 92 Attachment A: Planning Agreement – 73-79 Railway Lane, Wickham

Item 92 Attachment A distributed under separate cover

ITEM-93 CCL 24/11/20 - DRAFT PARKING PLAN - PUBLIC EXHIBITION

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

PURPOSE

To place the draft Parking Plan on public exhibition.

RECOMMENDATION

That Council:

- 1 Place the draft Parking Plan at **Attachment A** on public exhibition for a period of six weeks.

KEY ISSUES

- 2 The way parking is managed has implications for a range of economic, environmental and social outcomes, including urban form, vitality of centres and travel choices. As such, it needs to be firmly aligned with the goals and objectives enunciated in City of Newcastle's (CN) key strategic documents.
- 3 At the Ordinary Council Meeting held on 26 May 2015, Council adopted a framework for management of on-street parking that sets triggers for intervention and responses based on achieving efficient utilisation of spaces. At a subsequent meeting held on 11 December 2018, Council resolved to authorise the Chief Executive Officer (CEO) to establish and operate or remove parking schemes.
- 4 Recent parking utilisation surveys undertaken in the City Centre and surrounding areas have indicated that interventions are required to achieve more efficient utilisation of spaces. Other local centres throughout the Newcastle Local Government Area (LGA) are now experiencing similar issues, albeit to lesser and varying extents.
- 5 The draft Parking Plan is a 10-year plan to guide parking management in Newcastle and support the vision for a smart, liveable and sustainable global city. It has been informed by a review of key regional and local strategic documents; research on active transport, parking issues and parking management; review of practices of other Councils; and outcomes of early engagement with a wide range of stakeholders.

- 6 Early engagement workshops indicated that stakeholders recognise that some form of parking restraint is required to achieve mode shift; consider that local reinvestment of parking revenue would increase appreciation of the merits of paid parking; and support greater transparency in decision making and early and ongoing engagement regarding changes to parking management.
- 7 The draft Parking Plan includes objectives and actions reflecting the key issues and challenges evident from literature analysis and engagement. It recognises that there are gaps in information and operational policies which need to be addressed and that measures can be taken in the short to medium term to better manage parking demand and utilisation and support overarching goals for mode shift and compact, walkable, mixed-use and vibrant centres.
- 8 The draft Parking Plan focuses on action to manage parking demand and utilisation. A target occupancy of 85% of spaces is widely viewed as the optimum capacity of on-street parking. That is, approximately one in seven spaces should be free. At this level, parking resources are well used but people can still easily find a space.
- 9 The draft Parking Plan supports parking access for residents and businesses, however, over time, aims to shift prioritisation to space for people (for people movement and improved amenity of public spaces) over cars to encourage mode shift to sustainable transport modes.
- 10 Charging the right price for parking – noting paid parking schemes have operated in Newcastle since 1957 – is an important mechanism to help manage parking demand. The draft plan proposes to develop a policy for local reinvestment of parking revenue, with consideration to be given to types of projects funded, spatial nexus for funds raised, and how projects will be identified and prioritised.
- 11 The draft Parking Plan references Movement and Place, a cross-government framework for planning and managing roads and streets in NSW. Movement and Place recognises that streets are places for people to live, work and spend time, and is about balancing the movement of people and goods with the amenity and quality of places.
- 12 During the COVID-19 pandemic in early 2020, CN modified its parking enforcement by taking a more relaxed approach to permissible parking offences and focusing on those offences that relate to the safety of road users and the general community. CN also introduced a free residential parking permit to key health care workers and emergency services personnel to help them respond faster to emergencies during the COVID-19 pandemic. This action led to some complaints from small business who felt the temporary approach saw a reduction of parking spaces available for customers.

FINANCIAL IMPACT

- 13 Costs associated with the exhibition process will be met within existing budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 14 The draft Parking Plan is aligned with several strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Integrated and Accessible Transport

- 1.3c Implement technology solutions to improve transport infrastructure and experiences and encourage mobility innovation.

Inclusive Community

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

Liveable Built Environment

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

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 15 The actions in the draft Parking 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.

RISK ASSESSMENT AND MITIGATION

- 16 The draft Parking Plan commits CN to work towards better management of parking in the Newcastle LGA based on an evidence-based approach reflecting best practice and community aspirations.
- 17 Parking management measures are often contentious. The draft Parking Plan commits to evidence-based decisions and outlines actions for ongoing education, communication and engagement.

RELATED PREVIOUS DECISIONS

- 18 At the Ordinary Council Meeting held on 26 May 2015, Council endorsed managing parking in the Newcastle City Centre and surrounding commercial centres as a travel demand management tool. Council adopted a framework for management of on-street parking that sets triggers for intervention and responses based on achieving efficient utilisation of spaces.

- 19 At the Ordinary Council Meeting held on 11 December 2018, Council authorised the CEO to establish and operate or remove parking schemes as provided under the Road Transport (General) Regulation 2013 within the Newcastle LGA.

CONSULTATION

- 20 At a Councillor Workshop held on 21 July 2020, Councillors were briefed on the development of the Parking Plan. Similar presentations were made to the Liveable Cities Advisory Committee and Strategy and Innovation Advisory Committee in August 2020. Councillors were briefed on the draft Parking Plan at a workshop held on 17 November 2020.
- 21 A series of early engagement workshops with key stakeholders was held in September, to discuss the roles of parking in contributing to our vision for a smart, liveable, sustainable city, and explore challenges and opportunities. The workshops explored draft principles and issues around streetscapes, cycling, parking and implementation. Stakeholders consulted included:
- i) Transport for NSW
 - ii) Department of Regional NSW
 - iii) Hunter and Central Coast Development Corporation
 - iv) University of Newcastle
 - v) Property Council
 - vi) Urban Development Institute of Australia
 - vii) Newcastle Cycleways Movement
 - viii) Hunter Business Chamber
 - ix) Representative for Business Improvement Associations
 - x) CN Liveable Cities Advisory Committee
 - xi) CN Strategy and Innovation Advisory Committee
 - xii) CN Cycling Working Party
- 22 Key outcomes of the workshops are summarised at **Attachment B**.

BACKGROUND

- 23 CN manages approximately 350 on-street pay-and-display ticket meters covering in excess of 2,800 on-street parking spaces across the Newcastle City Centre and its environs. Parking enforcement patrols are carried out across 11 areas in the Newcastle City Centre, a further 45 suburban areas, 11 suburban commercial centre off-street car parks, 10 private car parks and 67 primary and secondary schools.
- 24 Management of parking needs to be aligned with and complement CN's efforts to improve walking and cycling infrastructure and planning for compact, mixed-use neighbourhoods, and acknowledge the reality that provisions for sustainable transport access and the needs of different activity centres varies throughout the LGA.

OPTIONS

Option 1

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

Option 2

26 Council resolves not to place the draft Parking Plan on public exhibition. This is not the preferred option.

REFERENCES

ATTACHMENTS

Item 93 Attachment A: Draft Parking Plan

Item 93 Attachment B: Cycling and Parking Stakeholder Engagement Report

Item 93 Attachments A- B distributed under separate cover

ITEM-94 CCL 24/11/20 - DRAFT CYCLING PLAN - PUBLIC EXHIBITION

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

PURPOSE

To place the draft Cycling Plan on public exhibition.

RECOMMENDATION

That Council:

- 1 Place the draft Cycling Plan at **Attachment A** on public exhibition for a period of six weeks.

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 6 March 2012, Council adopted the Newcastle Cycling Strategy and Action Plan (NCSAP). It is timely to reconsider City of Newcastle's (CN) aspirations for cycling, and how they are to be achieved.
- 3 The draft Cycling Plan reflects changes to the strategic framework for cycling which has occurred in the intervening period and responds to contemporary issues, opportunities and challenges that influence the cycling space. It also reflects the outcomes of early engagement workshops with key stakeholders along with survey responses from the community and input from CN's Cycling Working Party.
- 4 The draft Cycling Plan is a 10-year framework which sets out the goal, objectives and actions, that, if implemented as planned, will support realisation of the community's desire for a safe, connected cycling network.
- 5 In doing so, it will achieve the strategic direction for transport in the Newcastle Community Strategic Plan 2030:

Transport networks and services will be well connected and convenient. Walking, cycling and public transport will be viable options for the majority of our trips.
- 6 Directly aligned with the CSP, mode shift to active transport is also the focus of CN's Newcastle Transport Strategy (2014).

- 7 The barriers to cycling participation are well-known and have not changed significantly since adoption of the NCSAP. Consistent with wider research findings, surveys undertaken in Newcastle consistently point to safety and the lack of separation from motorised traffic as the key obstacle. Without this, significant mode shift is unlikely.
- 8 The draft Cycling Plan commits CN to infrastructure that is separated from motorised traffic and / or treatments that achieve a low speed, low volume environment. It incorporates the Movement and Place Framework, a cross-Government framework for planning and managing roads and streets in NSW, and the Safe System Approach which aims to design and build a transport system that will protect road users and reduce the number of deaths and serious injuries.
- 9 The COVID-19 response and its associated physical distancing requirements saw a significant increase in the popularity of cycling in Newcastle and cities around the world. The response has also seen strong collaboration across NSW Government agencies to instigate and foster measures to increase active travel, including trial reductions in speed limits and funding for pop-up cycleways (for example along Honeysuckle Drive). The draft Cycling Plan seeks to build on this momentum.

FINANCIAL IMPACT

- 10 Costs associated with the exhibition process will be met within existing budgets.
- 11 Significant investment over a sustained period of at least ten years will be required to achieve a connected, safe cycling network. The actions in the draft Cycling 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

- 12 The draft Cycling Plan is aligned with several strategic directions of the Newcastle 2030 Community Strategic Plan, including:

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.

Inclusive Community

- 4.2a Ensure people of all abilities can enjoy our public places and spaces.
- 4.2c Promote recreation, health and wellbeing programs.

Liveable Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 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.

RISK ASSESSMENT AND MITIGATION

- 14 The draft Cycling Plan commits CN to work towards provision of a safe, connected network based on an evidence-based approach reflecting best practice and community aspirations.

RELATED PREVIOUS DECISIONS

- 15 At the Ordinary Council Meeting held on 6 March 2012, Council adopted the Newcastle Cycling Strategy and Action Plan.
- 16 At the Ordinary Council Meeting held on 12 December 2018, Council adopted a new Advisory Committee structure. The Liveable Cities Advisory Committee, which was established with effect from 1 July 2019, subsequently re-established the Cycling Working Party, which has been in place since 2012, for the purpose of providing guidance on the implementation of the NCSAP and input into its review.

CONSULTATION

- 17 CN conducted a survey in late April to mid-May 2020 to gain information about perceptions of cycling in Newcastle, cycling behaviours, incentives to increase cycling and barriers for non-riders. The survey was based on a similar study undertaken in 2014, to allow comparison of results. More than 2,380 surveys were completed. Key results are included in the Cycling Strategy Snapshot Report 2020 at **Attachment B**.
- 18 At a Councillor Workshop held on 21 July 2020, Councillors were briefed on the development of the Cycling Plan. Similar presentations were made to the Liveable Cities Advisory Committee and Strategy and Innovation Advisory Committee in August 2020. Councillors were also briefed on the draft Cycling Plan at a workshop held on 17 November 2020.
- 19 The Newcastle Cycling Working Party has met six times since July 2019 to review and provide input to support development of the draft Cycling Plan.

20 A series of early engagement workshops with key stakeholders were held in September 2020 to discuss the role of cycling in contributing to CN's vision for a smart, liveable and sustainable global city, and explore challenges and opportunities. The workshops explored draft principles and issues around streetscapes, cycling, parking and implementation. Stakeholders consulted included:

- i) Transport for NSW
- ii) Department of Regional NSW
- iii) Hunter and Central Coast Development Corporation
- iv) University of Newcastle
- v) Property Council
- vi) Urban Development Institute of Australia
- vii) Newcastle Cycleways Movement
- viii) Hunter Business Chamber
- ix) Representative for Business Improvement Associations
- x) CN's Liveable Cities Advisory Committee
- xi) CN's Strategy and Innovation Advisory Committee
- xii) CN's Cycling Working Party

21 Key outcomes of these workshops are summarised at **Attachment C**.

BACKGROUND

22 Cycling is one of the most sustainable forms of transport, producing negligible carbon emissions. Walking and riding are efficient ways to travel short distances, reduce congestion, lower emissions and pollutants, and increase the vibrancy of local places. Significant health benefits accrue from more active lifestyles, both for the individual and society collectively.

23 The mapping of cycling routes in the draft Cycling Plan is a simpler representation of the existing and proposed routes included in the 2012 document. Over decades of bike planning, routes have been based on consideration of topography, observations of usage, employment and education nodes, attractors such as shopping centres, parks and beaches and linkages between them. Unlike the mapping in the previous strategy, the form of treatment (for example, shared path, on road separated) is not shown, as these are largely undetermined. The treatment or treatments will be determined through feasibility studies, in which the constraints, potential options and implications and associated costs are analysed.

OPTIONS

Option 1

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

Option 2

25 Council resolves not to place the draft Cycling Plan on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 94 Attachment A: Draft Cycling Plan

Item 94 Attachment B: Cycling Strategy Snapshot Report 2020

Item 94 Attachment C Cycling and Parking Stakeholder Engagement Report

Item 94 Attachments A-C distributed under separate cover

ITEM-95 CCL 24/11/20 - SEPTEMBER QUARTERLY BUDGET REVIEW

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

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 30 September 2020, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 The September Quarterly Budget Review Statement includes adjustments to the adopted budget to reflect trends identified in the actual operating performance to date for the 2020/21 financial year. The operational budget variations have improved City of Newcastle's (CN) budgeted operating deficit by \$2.2m and now forecast an annual budget deficit of \$20.6m for the year ended 30 June 2021.
- 3 The adjustments recommended through the September Quarterly Budget Review Statement require CN to use \$1.3m less funds than predicted in the adopted budget. CN is now forecasting to use \$24.3m in cash reserves for the full financial year 2020/21 and is forecast to hold \$20.9m in unrestricted cash reserves at 30 June 2021.
- 4 The 2020/21 works program was reviewed as part of the September Quarterly Budget Review Statement and scheduling changes were made to projects to ensure CN was best placed to respond to community priorities. Overall the scheduling changes have had no net impact and the works program remains at \$116.3m.
- 5 The September Quarterly Budget Review Statement reflects economic factors from the on-going COVID-19 pandemic. CN is experiencing lower than anticipated revenues and additional expenditure as part of phase II of the Council approved Community and Economic Resilience Package and a boosted \$116m works program estimated to create up to 700 local jobs.

FINANCIAL IMPACT

- 6 The budget variations recommended through the September Quarterly Budget Review Statement are presented in more detail in **Attachment A**.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 This report aligns to the Community Strategic Plan under the strategic direction:

Open and collaborative leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2018 - 2022 Delivery Program and 2020/21 Operational Plan in a cost effective and efficient manner.

RISK ASSESSMENT AND MITIGATION

- 9 Adoption by Council at the Ordinary Council Meeting to be held on 24 November 2020 will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council meeting held on 23 June 2020, Council adopted the 'Our Budget' (2018 - 2022 Delivery Program and 2019/20 Operational Plan).

CONSULTATION

- 11 A workshop was conducted with Councillors on 17 November 2020 to provide detailed information and a forum to ask questions.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 95 Attachment A: September Quarterly Budget Review Statement

Item 95 Attachment A distributed under separate cover

ITEM-96 CCL 24/11/20 - SEPTEMBER QUARTERLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER COMMUNITY STRATEGY AND INNOVATION

PURPOSE

To report on City of Newcastle's (CN) progress against the 2018-2022 Delivery Program for the September Quarter, in accordance with Section 404(5) of the Local Government Act 1993 (Act).

RECOMMENDATION

That Council:

- 1 Receives the September Quarterly Performance report on the 2018-2022 Delivery Program, as per **Attachment A**.

KEY ISSUES

- 2 To comply with section 404(5) of the Act, CN must ensure that regular reports are completed on the progress of 'principle activities' in the 2018-2022 Delivery Program (2020-21 Our Budget). The provision of quarterly updates by CN is over and above the requirement under the Act for reporting at least every six months.
- 3 The September Quarterly Performance report outlines CN's progress against the strategic objectives and performance measures contained in the 2018-2022 Delivery Program (2020-21 Our Budget), as required by the Act.
- 4 The September Quarterly Performance report addresses the seven key focus areas identified in the Newcastle 2030 Community Strategic Plan (CSP): Integrated and Accessible Transport, Protected Environment, Vibrant, Safe and Active Public Places, Inclusive Community, Liveable Built Environment, Smart and Innovative and Open and Collaborative Leadership.

FINANCIAL IMPACT

- 5 Costs associated with the preparation of the report are met from existing operational budgets. There are no other direct financial implications arising from the report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The September Quarterly Performance Report outlines CN's performance against the seven strategic directions documented within the CSP.

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 A copy of the September Quarterly Performance Report on the 2018-2022 Delivery Program will be made publicly available on CN's website.

RISK ASSESSMENT AND MITIGATION

- 8 CN is required to undertake planning and reporting activities in accordance with the Act and Regulation.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 23 June 2020, Council adopted the 2018-2022 Delivery Program and 2020-21 Operational Plan (2020-21 Our Budget).
- 10 At the Ordinary Council Meeting held on 25 February 2020, Council received the Six-Monthly Performance report.

CONSULTATION

- 11 There is no requirement for consultation on the September Quarterly Performance Report.

BACKGROUND

- 12 CN's Delivery Program (2020-21 Our Budget) aligns with the seven strategic directions identified in the CSP endorsed by Council at the Ordinary Council Meeting held on 26 June 2018.
- 13 The Delivery Program (2020-21 Our Budget) is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are required to be reviewed annually and adopted by 30 June of the relevant year.

OPTIONS

Option 1

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

Option 2

- 15 Council resolves not to receive the September Quarterly Performance report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 96 Attachment A: September Quarterly Performance on the 2018-2022 Delivery Program (2020/21 Our Budget)

Item 96 Attachment A distributed under separate cover

ITEM-97 CCL 24/11/20 - 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 October 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 October 2020.

KEY ISSUES

- 2 At the end of October 2020 the consolidated YTD actual operating position is a surplus of \$4.9m which represents a positive variance of \$11.5m against the budgeted YTD deficit of \$6.6m. 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 October 2020 is a surplus of \$10.9m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$17.2m to the YTD budgeted deficit position of \$6.3m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of October 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:

Open and collaborative leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

- i) CN's adopted annual financial reporting framework;
- ii) CN's Investment Policy and Strategy; and
- iii) Clause 212 of the Regulation and section 625 of the Act.

RISK ASSESSMENT AND MITIGATION

8 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

9 At the Ordinary Council Meeting held on 25 September 2018 Council adopted to receive an Executive Monthly Performance Report for July to May no later than one month after the month being reported as part of the annual financial reporting framework.

10 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 97 Attachment A: Executive Monthly Performance Report – October 2020

Item 97 Attachment A distributed under separate cover

ITEM-98 CCL 24/11/20 - TENDER REPORT - PROVISION OF SECURITY SERVICES - CONTRACT 2020/232T

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

PURPOSE

To accept a tender for the provision of security services in accordance with Contract No. 2020/232T.

Due to the estimated total value of the contract exceeding \$1 million, the Chief Executive Officer's delegation requires a resolution of Council to accept the tender.

REASON FOR CONFIDENTIALITY

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

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

GROUNDS FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tender for the provision of security services for Contract No. 2020/232T.
 - B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
 - C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 The tender is to provide an integrated range of security services for 76 City of Newcastle (CN) sites. The service includes:
 - i) mobile patrols, static guards, foot patrols, and crowd control,
 - ii) 24/7 monitoring of sites with security alarm systems,
 - iii) mobile patrol responses to activated alarms,
 - iv) incident reporting, and
 - v) contractor performance reporting.
- 3 The tender is a schedule of unit rates tender. These include rates for nightly mobile patrols to specified sites, hourly rates for static and mobile guard services, 24/7 monitoring of facilities with security alarms, and dispatching patrols to activated alarms.

Contract Term

4 The contract term is two years, with the option of extension for a further two periods of 12 months each at CN’s discretion.

Advertising of Tenders

5 The tender was advertised in the Newcastle Herald on 12 September 2020, the Sydney Morning Herald on 15 September 2020, and nationally on the Tenderlink website.

Tenders Received

6 Tenders closed at 2pm on Tuesday 6 October 2020. Seven tender submissions were received from:

- i) Balance Security Solutions Pty Ltd.,
- ii) BSMS Security,
- iii) Certis Security Australia Pty Ltd,
- iv) CVEM Security Group Pty Ltd,
- v) ECS International Security and Investigations Pty Ltd.,
- vi) Secom Australia Pty Ltd., and
- vii) Southern Cross Protection Pty Ltd.

Evaluation Process

7 The tenders were assessed against the following criteria:

- | | |
|--|-----|
| i) Tender price | 45% |
| ii) Additional services | 5% |
| iii) Management and supervision | 10% |
| iv) Resources and organisational structure | 10% |
| v) Physical resources | 10% |
| vi) Sub-contractors | 5% |
| vii) Referees | 5% |
| viii) WHS | 5% |
| ix) Industrial relations | 5% |

- 8 The tenders were assessed by a tender assessment panel comprising CN officers including the Manager Property and Facilities, Administrative Buildings Coordinator, Summerhill Site Operations Manager, and Cultural Venues Coordinator.

Recommended Tender

- 9 The recommended tenderer achieved the highest qualitative ranking and has been assessed as providing the best value for money tender considering all price and non-price factors relevant to the proposed contract.
- 10 The recommended tenderer has been delivering security services in the Newcastle area for many years and provides local employment opportunities. They have a management team based in Newcastle with local knowledge of the area and CN's requirements. They will perform the service from their Newcastle based office.

Financial Impact

- 11 All service costs and expenditure under the proposed contract will be funded from operational budgets

IMPLICATIONS

Environmental Impacts

- 12 The recommended tenderer has an Ecologically Sustainable Development (ESD) Policy that aligns with CN's requirements and expectations. As part of this, the recommended tenderer considers the environmental aspects of its operations and seeks to effectively manage associated risks.

Ecological Sustainability

- 13 The recommended tenderer has an ESD Policy in place. The recommended tenderer has not been prosecuted for environmental offences, nor is it involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

IMPLEMENTATION

- 14 The recommended tenderer is the current provider of security services to CN. Implementation of the recommendation will have no impacts on CN's operational activities.
- 15 By accepting this tender there will be no transitional delays or additional financial impost from installing new communication devices in approximately 30 security systems across the Local Government Area.

CONSULTATION/COMMUNICATION

- 16 The tender preparation and tender assessment were overseen by CN's Administrative Buildings Coordinator in consultation with all CN internal stakeholders. The preparation included a comprehensive review of the current security services and input from required areas of CN. From this review, the scope of services and service levels were determined and specified in the tender.
- 17 CN also consulted with the Australian Security Industry Association to ensure the service and tender requirements were consistent with current national security industry standards and awards.

BACKGROUND

- 18 The management of providing security requires a mix of internal and external communication, information and intelligence gathering and specialist advice to review services and service levels in an environment exposed to changing external influences. The services provided under the security contract play a key role in CN's ability to provide a safe environment for staff, the public and CN's assets.
- 19 Since 2003, CN has consolidated all security service management under the responsibility of one service unit. Prior to this, security services within CN were managed independently across multiple service units which lead to various contractors, inconsistent service costs and in some cases, duplication of service delivery.
- 20 CN continuously performs comprehensive reviews of security service requirements to meet internal customer needs, provide a measure of crime prevention at CN assets and facilities, assist in deterring anti-social behavior, and enhance public safety at public sites controlled by CN.
- 21 The proposed contract specifies the patrol and guard services, as well as 24/7 monitoring of electronic security systems to various facilities throughout the City. It also includes a comprehensive incident reporting system. The incident reporting system has enabled CN to allocate resources to areas at increased risk of theft, vandalism and anti-social behavior and has significantly improved internal communication on security related matters, as well as externally with the provider and the NSW Police.

OPTIONS

Option 1

22 The recommendation as set out in **Confidential Attachment A**. This is the recommended option.

Option 2

23 Council defers a decision at this time to allow further consideration of the tenders received. This is not the recommended option.

Option 3

24 Council resolves not to accept any tender and invite fresh tenders. This is not the recommended option.

Option 4

25 Council resolves not to accept any tender and enter into negotiations with any party with a view to entering into a contract. Council must state a reason for this in its resolution. This is not the recommended option.

Option 5

26 Council resolves not to accept any tender and not proceed with the contract. Council must state a reason for this in its resolution. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 98 Attachment A: Confidential Recommendation

Item 98 Attachment B: Confidential Tender Evaluation Matrix - Summary

Item 98 Attachments A-B refer to Confidential Council Meeting Agenda 24 November 2020.

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 and Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of the council.
- 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 Resolve to acquire 77 Dangerfield Drive, Elernore Vale (Lot 6, DP 826092) as shown at **Attachment A**.
- 2 Resolve that the land be classified as Community Land and categorised as Natural Area Bushland.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to affect the transaction.

KEY ISSUES

- 4 The Land is bounded by City of Newcastle (CN) owned Community Land and Transport for NSW proposed road for the Rankin Park to Jesmond section of the Newcastle Inner City Bypass.
- 5 The adjoining Community Land is categorised as Natural Area Bushland and zoned E3 Environmental Management.
- 6 The Land is zoned part E3 Environmental Management and part SP2 Infrastructure.

- 7 The environmental and ecological benefits as a result of the acquisition of the Land will be:
- i) to aid the planning and management of CN's Fire Trail and Asset Protection Zones (APZ);
 - ii) to ensure protection of native flora and fauna, including protected species, specifically, tetratheca, ground orchids and squirrel glider habitats by maintaining the bushland corridor; and
 - iii) to provide connectivity from north to south within Jesmond bushland for ground and arboreal mammals.
- 8 A small linear section of the most northerly boundary of the Land can be incorporated in the shared path improvement project that connects Elermore Vale to the new John Hunter Hospital precinct.
- 9 The vegetational value of the Land is estimated at approximately \$570,000.
- 10 The purchase price is within 10% of the valuation.
- 11 In accordance with the *Local Government Act 1993* (Act), the acquisition requires Council approval.

FINANCIAL IMPACT

- 12 The purchase will be funded from CN's 'Works Program: Specific projects' internal reserve.
- 13 Funding for any future use or activation of the site will be subject to usual budget processes.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 14 The proposed acquisition aligns with the following Newcastle 2030 Community Strategic Plan directions:

Protected Environment

2.2a Provide and advocate for protection and rehabilitation of natural areas.

IMPLEMENTATION PLAN/IMPLICATIONS

- 15 Ownership of the Land will meet the objective of CN's Jesmond to Rankin Park Complex - Vegetation Management Plan (2012).

RISK ASSESSMENT AND MITIGATION

- 16 There is no foreseeable risk with the proposed acquisition.

RELATED PREVIOUS DECISIONS

17 Nil

CONSULTATION

18 There is no requirement for consultation on the proposed acquisition.

BACKGROUND

19 In 1982, the Land was previously intended to be dedicated as public reserve as part of an approved subdivision.

20 In 1988, CN approved the deferral of the dedication subject to a future rezoning proposal.

21 In 1992, CN rejected a rezoning proposal. No conditions for the original dedication were imposed on the landowner.

22 In August 2020, the Land was put on the market for sale by Expression of Interest (EOI), noting offers over \$500,000 would be considered.

23 CN submitted an EOI on 10 September 2020 to the sales agent, Colliers International.

24 Due to the environmental and ecological importance of the site to the adjoining bushland, CN, by separate letter to the vendor, requested direct negotiation by private treaty.

25 After direct negotiation, CN and the vendor have agreed on a purchase price (**Attachment B**).

OPTIONS

Option 1

26 The recommendation as at Paragraph 1 to 3. This is the recommended option.

Option 2

27 To not proceed with the acquisition. This is not the recommended option.

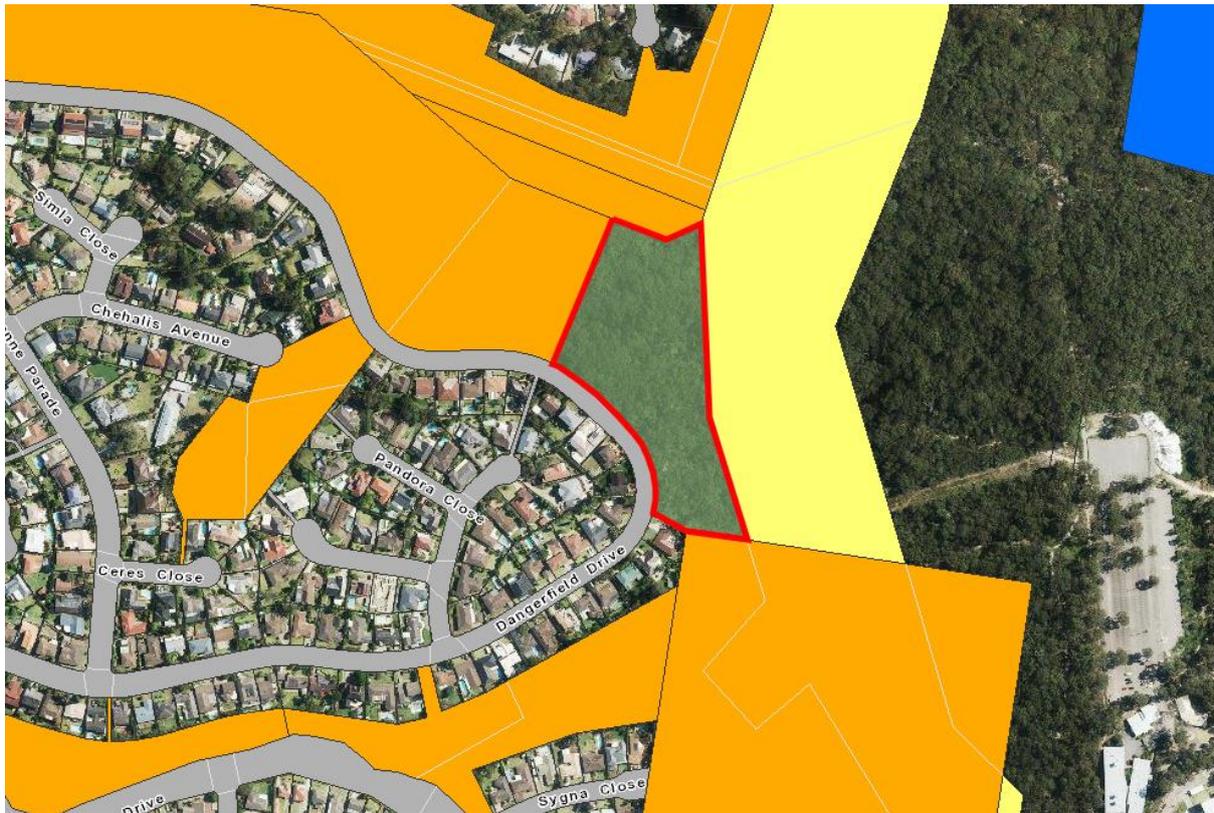
REFERENCES

ATTACHMENTS

Item 99 Attachment A: Aerial Site Diagram

Item 99 Attachment B: Confidential – Valuation – refer to Confidential Council Meeting Agenda 24 November 2020.

Item 99 Attachment A



Key



Community Land



Future Jesmond - Rankin Park Bypass



Subject Land (77 Dangerfield Drive, Elmore Vale)

**ITEM-100 CCL 24/11/20 - EXTENSION OF RECYCLABLES
PROCESSING CONTRACT**

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

PURPOSE

To extend contract 2020/277T for the processing of recyclables.

REASON FOR CONFIDENTIALITY

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

Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of council.

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

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of the council.

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

RECOMMENDATION

1 See Confidential **Attachment A**.

KEY ISSUES

- 2 In February 2020 CN entered into a 12 month processing contract with IQ Renew which also included one (1) x 12 month option to extend at Council's discretion.
- 3 As a result of significant financial impacts on the recycling industry predominantly associated with what is commonly referred to as China National Sword (CNS), this contract was varied to:
 - i) split the collection from the processing obligations; and
 - ii) remove the obligation to process from Solo.
- 4 The current collection contract with Solo expires in November 2022. There is no option for extension of this contract, nor would its extension be recommended.
- 5 Whilst it is strategically advantageous to contractually separate collection and processing, it is appropriate and normal practice to procure these services at the same time. In order to facilitate ongoing recyclables and processing, it is proposed to continue the existing arrangements for the processing contract with IQ Renew for 21 months and negotiate a further extension of 2020/277T (IQ Renew) to align with the expiration of the collections contract 2012/360T (Solo) on 12 November 2022.
- 6 The Federal Government has recently announced export bans on key materials collected at kerbside and has also announced a significant fund (\$190M to date) to build capacity to process recyclable material and create markets within Australia.

- 7 This fund is likely to create a correction in the domestic recycling market through the development of new and expanded materials recycling facilities (MRF). It is therefore further advantageous to CN to delay tendering for a new recyclables processing contract until 2022.

FINANCIAL IMPACT

- 8 Costs associated with extension of the existing contract will be met by CN's current budget.
- 9 These services relate directly to the cost of delivering waste management services funded from the Domestic Waste Management Service Charge (DWMSC).

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 This project aligns with the following Newcastle 2030 Community Strategic Plan (CSP) direction:

Protected and Enhanced Environment

- 2.1.1 Improve waste minimisation and recycling practices in homes, work places, development sites and public spaces.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The current contract with IQ Renew for the processing of recyclables expires in February 2021, with an extension to November 2022 subject to a resolution of Council to align with the expiration of the existing collection contract in November 2022.
- 12 If the existing processing contract is not extended there is a risk that Council will be in a position where it has no contract in place to process recyclables.

RISK ASSESSMENT AND MITIGATION

- 13 There are significant time pressures associated with the current contract with IQ Renew which expires in February 2021. If the contract is not extended, Council will have limited alternative options to take recyclable material for processing from mid February 2021. An extension to November 2022 aligns both the collection and processing contracts and ensures the interface for the deposit location for collection vehicles is resolved between both contracts.

RELATED PREVIOUS DECISIONS

- 14 At the Ordinary meeting on 1 May 2012, Council awarded the 10-year contract for the provision of kerbside recyclables collection and processing to Solo Waste Pty Ltd.
- 15 At the Extraordinary Meeting on 11 February 2020, Council varied the contract for the provision of kerbside recyclables collection and processing with Solo Waste Pty Ltd.
- 16 At the Extraordinary Meeting on 11 February 2020, Council awarded a contract for the provision of recyclables processing to IQ Renew.

CONSULTATION

- 17 Nil.

BACKGROUND

- 18 Council resolved to commence a ten year contract with Solo Waste Pty Ltd for the collection and processing of recyclable material in November 2012. This contract included both the collection and processing of recyclables in one contract, which has been an historical approach.
- 19 Through mutual agreement, the Solo sub-contractor Polytrade was allowed to exit its agreement for processing in January 2019.
- 20 A contract for a short-term processing arrangement was subsequently awarded by the Council to IQ Renew for 12 months.

OPTIONS

Option 1

- 21 The recommendation as at **Attachment A**.

Option 2

- 22 Council go back to market using similar approaches to the current contract. This is not recommended as this model has resulted in the failures Council has previously experienced.

Option 3

- 23 Council continue with its current dual contracts approach. This option is unlikely to be approved by the NSW Environment Protection Authority as the transfer facility being used at the SWMC is temporary in nature.

Option 4

- 24 Council ceases the delivery of the recycling service, or places the recyclables in landfill for a period. This is not recommended as it counter to State and Federal policy and direction and does not reflect community expectations.

REFERENCES

ATTACHMENTS

Item 100 Attachment A: Confidential Recommendation - refer to Confidential Council Meeting Agenda 24 November 2020.

NOTICES OF MOTION

ITEM-29 NOM 24/11/20 - MCDONALDS

COUNCILLORS: J CHURCH AND K ELLIOTT

PURPOSE

The following Notice of Motion was received on Tuesday 10 November 2020 from the abovenamed Councillors.

MOTION

That City of Newcastle:

Request that McDonalds Restaurants provide Councillors with a briefing on the safety, security and cleanliness measures that are in place at the King St, Newcastle West McDonalds' premises and any future measures currently being planned.

BACKGROUND

Residents in the Newcastle West area have contacted Councillors on a number of occasions regarding the issues related to late night revelling in the city centre; in particular, noise, traffic, anti-social and illegal behaviour, safety, security and rubbish.

It is acknowledged that McDonalds in King St is a 24 hour per day restaurant and highly regarded, key retail business in Newcastle West End.

Newcastle West Residents have recently advised a number of Councillors that there are a number of issues surrounding the area of McDonalds. In particular, there are significant numbers of late night revellers and others, spending considerable amounts of time in and around the restaurant, with some unlawful activities noticed and apparently "drawing" people to the area.

McDonalds has implemented security measures including securing toilet facilities and engaging security guards.

In discussions between the residents and McDonalds', McDonalds has indicated they it would like to be part of a solution to make the Newcastle West area a safer, cleaner and more amendable area in the late night and early hours.

It is acknowledged that there is currently a development application on foot for neighbouring late night premises to expand, which will increase the number of patrons into the area.

It is timely that Councillors gain an increased understanding of the situation as it relates to safety, security, cleanliness and noise mitigation.

It would be useful to understand the implications that this may have on satellite businesses such as McDonalds, and what the plans are for managing increased trade, and any opportunities for Council and McDonalds Restaurants to work together to mitigate increased impacts or risks.

ATTACHMENTS

Nil.

ITEM-30 NOM 24/11/20 - KEEP NEWCASTLE STREETS AND CREEKS CLEAR OF ABANDONED SHOPPING TROLLEYS

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

PURPOSE

The following Notice of Motion was received on Thursday 12 November 2020 from the abovenamed Councillors.

MOTION

That Council:

- 1 Notes the negative impact of abandoned shopping trolleys on community amenity, safety and the environment, and the costs to council associated with their removal and management
- 2 Notes that the NSW Government are presently undertaking a review of the Impounding Act 1993 which may provide local governments across NSW with additional powers to manage the issue of abandoned shopping trolleys
- 3 Calls on trolley owners, especially the major supermarkets and local shopping centre management, to take a more proactive approach to managing their assets, and preventing them from ending up in public places, on roads, or in creeks and waterways
- 4 Notes that other NSW Councils have sought to address this issue through the inclusion of controls within their Development Control Plans (DCP, extract from Liverpool City Council's DCP attached). Notes that any new development control would not be retrospective, and could only come into effect for new supermarket and shopping centre development approvals.
- 5 Includes appropriate development controls in the 2021 review of the Newcastle Development Control Plan (DCP) to minimise the abandonment of shopping trolleys in the Newcastle LGA.

BACKGROUND

Abandoned and/or unattended shopping trolleys have an adverse effect upon community amenity and the environment. Trolleys, when left unattended away from supermarkets and shopping centres, may become a hazard to both pedestrians and motorists or find their way into our creeks, waterways and bushland environments.

Councils are limited in enforcing this issue, as they can only fine customers who are caught abandoning trolleys in public places, which is impractical and almost impossible to enforce.

The responsibility should instead sit with supermarkets and shopping centres in the first instance.

Local Government NSW has recently called on the state government to introduce tougher laws to allow councils to impound trolleys and charge a deterrent fee to owners of abandoned trolleys. At the LGNSW conference in October 2019, councils reiterated previous conference decisions to push the state government to change the laws so shopping trolleys were recognised as property of individual supermarkets, and abandoned trolleys defined as litter. The NSW Government has responded by commencing a review of the Impounding Act.

While reform is needed at the NSW Government level, actions can be taken by City of Newcastle to minimise the impact of abandoned shopping trolleys on the community.

A number of supermarkets in the Newcastle LGA already have coin operated trolleys, or smart wheel locks, which incentivise their return and prevent trolleys from becoming a nuisance.

ATTACHMENTS

NOM Item 30 Attachment A:

Liverpool DCP – Shopping Trolleys

NOM Item 30 Attachment A

28. Shopping Trolleys

Applies to

This section applies to any development that will provide shopping trolleys for customers.

Background

Abandoned shopping trolleys are a major problem throughout the Liverpool LGA as they tend to end up in streets, parks and waterbodies.

Objectives

To minimise the abandonment of shopping trolleys.

Controls

1. A management plan is required for all businesses that offer the use of trolleys to their customers. At a minimum the management plan must contain the following elements:
 - A list of contacts for the store/premises (including phone numbers).
 - A statement verifying that trolley management will be undertaken in accordance with the relevant consent (the consent is to be attached as an addendum once issued).
 - Methods for identifying shopping trolleys that belong to a specific business (e.g. serial numbers, company logo, tracking device etc.).
 - A schedule for the daily collection of abandoned shopping trolleys, including details of trolley collection routes.
 - Details of a trolley containment system which restricts the removal of trolleys from the premises.
 - Measures to ensure that any trolleys reported as posing a risk or nuisance, are collected immediately upon notification (this may require an "after hours" collection service).
 - A register of all trolleys that have been reported or collected (including instances where the trolley was not found at the reported location).
 - Methods for warning customers about the consequences of abandoning or removing trolleys from the premises.
 - A site plan of the premises showing the location of trolley bays and exit points.

Note:

Council must be notified of any updates to the plan of management.

2. A trolley containment system must be provided for businesses with 20 or more trolleys. Such examples include:
 - Coin/token operated system with refund
 - Trolleys with wheel locks activated by a radio signal or magnetic strip
 - Radio signal transmitters on trolleys

**ITEM-31 NOM 24/11/20 - OFFSHORE COAL, OIL AND GAS
EXPLORATION AND MINING**

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 12 November 2020 from the abovenamed Councillor.

MOTION

That the City of Newcastle:

- Reaffirms its opposition to both offshore exploration and mining activity due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
- Notes the Motion to the Federal Parliament by the Member for MacKellar Mr Jason Falinski opposing oil and gas drilling off the coast of Sydney and opposing the renewal of the Petroleum Exploration Permit 11 (PEP11) License on 19th October 2020.
- Notes further the contributions to the debate by Federal MPs representing coastal communities impacted by PEP11 and potential future offshore mining in this license area.
- Expresses its gratitude in writing to the MPs who supported the motion to oppose the renewal of PEP11, including: Mr Jason Falinski MP, Ms Emma McBride MP, Mr Dave Sharma MP, Ms Sharon Claydon MP, Mr Trent Zimmerman MP, Mr Pat Conroy MP, Ms Julie Owens MP, and Ms Zali Steggall OAM, MP.

BACKGROUND

In October 2008, Newcastle Council agreed to oppose offshore coal gasification and to advocate for the prohibition of coal exploration off the Newcastle coastline. Through the "Protection of the Newcastle Coastline and Marine Environment Notice of Motion", Council committed to actively engage with the Newcastle community on the impacts of such offshore mining proposals and to support any appropriate community campaign or event related to this issue. This position has been reaffirmed by motions of this Council in February 2018 and May 2019.

This motion acknowledges with gratitude the advocacy of Federal members of Parliament that have expressed opposition to the renewal of Petroleum Exploration Permit 11 (PEP 11). PEP 11 is located primarily in Commonwealth waters off the NSW coast between Newcastle and Wollongong, and covers over 8,200 km². On January 10 2018, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) approved a seismic survey to further

understand the shallow subsurface geology and potential drilling hazards in the permit zone. PEP 11 is due to expire in February 2021, and the decision to renew the license is the joint responsibility of the federal and NSW state governments.

Offshore oil and gas exploration and drilling puts at risk local fishing and tourism industries that rely on healthy oceans and a vibrant marine and coastal environment. Seismic exploration has been shown to negatively impact on marine habitat and biodiversity, with pronounced impacts on benthic invertebrates, which are the beginning of the marine food chain. These impacts will have flow-on effects for Newcastle's commercial fishing industry.

There is no social license for offshore oil and gas development on Newcastle's pristine coastline, and the risks associated with both exploration and mining activities are potentially catastrophic, unacceptable and cannot be effectively mitigated.

ATTACHMENTS

Nil.

ITEM-32 NOM 24/11/20 - STRONGER COMMUNITY COUNCIL GRANTS SCHEME

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 12 November 2020 from the abovenamed Councillor.

MOTION

That City of Newcastle

- 1 Notes that every council in NSW has projects that have strong community support and genuine urgency, such as improved community facilities, essential local services and delivering quality green open space, and further notes the critical importance of State Government grants funding in the delivery of these projects through due process.
- 2 Expresses its deep concern with the lack of integrity measures surrounding the \$252 million Stronger Communities Fund administered by the NSW Coalition Government, including the lack of compliance with the obligations of public authorities to maintain records under the State Records Act.
- 3 Expresses its strong condemnation of the creation and administration of a \$252 million fund for local council projects that was never publicly notified to councils or to the NSW government peak body, Local Government NSW.
- 4 Writes to the Minister for Local Government to communicate these concerns and to request assurances that all future funding schemes for local councils administered by the NSW Government are publicly notified, transparent, merit-based and fair.

BACKGROUND

The NSW Government established a \$252 million state government funding scheme called the “Stronger Communities Fund” to deliver state government grants to councils in the lead up to the 2019 state election.

The Stronger Communities fund was initially designed to provide funding for councils that had been merged. In late June 2018 the Guidelines were changed so that grants could be handed over to any council that had been merged or been the subject of a merger proposal that did not go ahead. This expanded the scheme to cover 33 councils.

The funding was allocated by the Premier (\$141.8 million), Deputy Premier (\$61.3 million) and Local Government Minister (\$48.9 million). Up to 95% of the funding was delivered to councils in coalition held state government seats.

The creation of the fund was not publicly announced. Councils were not informed of the fund or the right to make an application. No notice was provided to the Local Government Association. The government identified the projects to be funded, sent those councils the applications to sign and return and then paid the councils directly. No evidence exists of any merit assessment of any project. Many projects were identified for funding before the guidelines were adopted.

The NSW Upper House required the government to provide all of the documents relied upon by the Premier in approving the \$141.8 million of projects. Just one council, Hornsby Council, received \$90 million as approved by the Premier. The Government responded to the call for papers by advising the Upper House on two separate occasions that no documents existed.

In a hearing of the Parliament's Public Accountability Committee on 24 October 2020, the Premier's Senior Policy adviser advised the committee that the documents detailing the advice given to the Premier and the Premier's approval of projects were shredded and the electronic copies were deleted by the Premier's office. The former NSW Auditor General has stated that the destruction of documents by the Premier's Office may be a breach of the State Records Act.

ATTACHMENTS

Nil.

ITEM-33 NOM 24/11/20 - SUPPORT FOR A GLOBAL FUR BAN

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 12 November 2020 from the abovenamed Councillor.

MOTION

That City of Newcastle

1. Reviews its event policies, terms and guidelines associated with the use of Council land to prohibit the sale of fur products, mislabelled fake fur products, and other exotic animal skins on Council property, including looking at how an exemption for Aboriginal and Torres Strait Islander vendors that may be impacted could be applied;
2. Writes to the Minister for Home Affairs the Hon. Peter Dutton, to investigate prohibiting the import of all fur into Australia and introduce random forensic testing of imported fake fur products; and
3. Promotes through its website or other suitable communications channels:
 - a) Information to help local residents and businesses report the sale of suspected illegal animal products to the relevant authorities; and
 - b) Ethical and sustainable alternatives to reselling or throwing out old or vintage fur products.

BACKGROUND

There is widespread condemnation across the community for the animal cruelty that occurs during the production of fur, especially in other countries. Global animal justice campaigns have highlighted appalling practices, including animals kept in small cages unable to act out their natural behaviours, after which they are killed in harrowing ways including electrocution, bludgeoning or being skinned alive.

Increased awareness of this cruelty has reduced consumer demand for fur products, but recent inquiries have shown that some producers and vendors are now mislabelling fur products as 'fake fur'. Forensic tests on products labelled as fake fur, including on clothing and fluffy toys sold at the Queen Victoria and South Melbourne markets, showed the products were made from racoon and racoon dog fur – animals known to be mistreated in fur harvesting facilities.

Similarly, the trade in exotic animal skins, such as snakes, alligators, crocodiles and other reptiles is cruel and has significant negative environmental impacts, with wild animals removed from their native habitat and harvested for skins.

Eliminating the trade in fur and exotic animal skins requires State and Federal Government actions, and potentially international treaties. However, local government can assist through advocacy, awareness raising and by preventing the sale of these products on their land.

There is no documented evidence of the sale of fur products on City land at the present time, but this should not preclude Council from enacting appropriate preventative measures. For example, the NCC Events Plan (2016), the NCC Events Guide (2017) and the application requirements for event authorisation could be reviewed and amended as appropriate to prevent the sale of fur and exotic animal skins on City land, and help reduce markets for these cruel industries. The City is committed to protecting our biodiversity, flora and fauna, and to deliver on our values of being honest and ethical. It is therefore critical we work to ensure fur is not sold on Council premises.

ATTACHMENTS

Nil.

REPORT ON NOTICE OF MOTION – NOM 24/11/20 - SUPPORT FOR A GLOBAL FUR BAN

REPORT BY: INFRASTRUCTURE AND PROPERTY

CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY

DIRECTOR COMMENT

City of Newcastle (CN) has a range of venues, community halls and park reserves that can be hired for public and private events.

CN's property portfolio consists of 15 community halls available for hire, and approximately 50 leases to community groups such as surf clubs, childcare centres and other groups, which are either land-only or premises (building) leases. None of the hired halls or community groups trade commercially; providing community services only.

In terms of commercial leases, CN manages 31 commercial leases across 25 properties that trade in goods or services. Of those commercial leases, one tenant trades in fashion and apparel sales. The tenant has confirmed in writing that they do not trade or retail fur products.

CN's Newcastle Venues service books out function space at historic CN facilities. These functions and events have not involved the sale of fur products or exotic animal skins.

In open spaces, CN licences a wide range of events and activities on community owned land, including parks and beaches. Approvals for activities on Community Land are issued under Section 68, Part D of the *Local Government Act 1993*.

A review of open space licences issued since 2017 shows that no event licences have been issued for events specifically related to the sale of fur, or the trading of fur products. CN has not received correspondence to indicate that any trader or market operating with an event license has been engaged in the sale of fur or exotic animal skin products.

CN has received no complaints regarding the sale of fur either at its facilities, properties, venues or at events licensed by CN.

RECOMMENDATION

That Council:

- 1 Notes that there is no information to suggest that the sale of fur products or exotic animal skins currently occurs on City of Newcastle land or premises.