

REPORT ON NOTICE OF MOTION – BAR BEACH CAR PARK EARLIER CLOSURE OF GATES AT 9.00PM

REPORT BY: CITY INFRASTRUCTURE

CONTACT: EXECUTIVE DIRECTOR CITY INFRASTRUCTURE

EXECUTIVE DIRECTOR COMMENT

City of Newcastle (CN) has engaged professional security services through a \$1.9 million contract. The services play a key role in CN's ability to provide a safe environment for staff, the community, and public assets that doesn't unnecessarily deprive the community of evening access to public places including local beaches.

CN's security contractor undertakes patrols at Bar Beach car park nightly at 10pm, at which time the two gates are secured. Prior to locking the gates, the security representatives approach any vehicle on site and advise that the gates will be locked and request that they vacate the car park.

CN has reviewed GPS data provided by the security contractor which confirms the time of the gates being locked. A review of these reports shows that in the most recent six-month period, this has routinely occurred at 10pm.

While the gates act as a deterrent to cars accessing the car park, the low kerb and gutters of Memorial Drive do not prevent vehicles from unlawfully accessing the car park by bumping over the kerb and gutter.

One of the two gates at Bar Beach car park was recently damaged with replacement parts taking several weeks to be delivered. The gate was repaired on 23 February 2023 and CN expects that its inability to lock both gates at 10pm for much of February was directly responsible for an increase in vehicles entering the car park after 10pm. Unfortunately the gates were again damaged on 26 February. CN is now prioritising their repair and reviewing what actions can be taken to reduce the risk of future damage to the gates.

The car park closing time of 10pm was selected by CN with the objective of being consistent with how night time noise is regulated across the local government area.

The Noise Policy for Industry (2017) was developed by the NSW EPA with the intention of being used by local councils to assist with their planning and regulatory responsibilities. Specifically, the policy is often used for assisting with noise originating from vehicle movements within a premises and or on private roads.

The policy defines noise by periods of the day. Day (7am to 6pm), evening (6pm to 10pm) and night (10pm to 7am).

CN has not recently been contacted directly by residents regarding noise omitting from vehicles at the Bar Beach car park. One local resident who has stated that she represents local Bar Beach residents, has however emailed Ward One and Two Councillors as well as the State Member for Newcastle on the matter.

In response to the email to select Councillors, CN staff spoke with the NSW Police Newcastle Highway Patrol who confirmed they are working directly with the resident.

Highway Patrol stated that they have Memorial Drive on their daily task list to conduct patrols of the area. Further, they confirmed that the Bar Beach car park is sometimes used as a hangout for groups of young drivers who rev car engines, and excessively honk horns. Police confirmed that the behaviour also occurs along Memorial Drive itself and that considerable resources have been invested in addressing the antisocial behaviour. This includes issuing a significant number of fines.

Hooning behaviour is an offence under the Road Transport Act 2013. Police are the nominated authority responsible for enforcing the Road Transport Act. Residents are encouraged to report offences to the Police Assistance Line on 131 444.

Additionally, noisy vehicle exhaust can be reported to the NSW EPA via their website, mobile app, or 24/7 on 131 555.

The experience at Bar Beach isn't unique. Police identified a recent crack down on Saturday 11 February 2023 occurred on hooning drivers in the Camden area in south western Sydney. Twenty-seven cars were inspected by Police and Transport for NSW officers, with 23 defect notices issued for a range of vehicle maintenance issues, including unroadworthy tyres, exhausts, suspensions, lights, and other non-approved vehicle modifications.

Of the 23 defect notices issued, 14 cars were issued red label defects for dangerous faults and subsequently ordered off the road and towed from the scene. Six cars were issued yellow label defects for minor faults, requiring the drivers to fix the vehicle within a limited time frame. A total of 35 penalty notices were issued for failing to comply with vehicle standards. Seven cars failed to attend the vehicle inspection site and are expected to be charged with not complying with a notice to present a vehicle for inspection.

CN is also aware that several Councillors have been contacted by residents living opposite the Bar Beach car park regarding local busking occurring during the day and evening in the grassed area to the immediate south of the car park.

In response CN has reached out to the buskers, asking that music be set up to project towards the ocean rather than the residents living on Memorial Drive. Buskers were agreeable to the request, with the new layout taking effect from Friday 24 February 2023.

RECOMMENDATION

That Council:

- 1 Notes the concern of some residents regarding late-night anti-social behaviour at the Bar Beach car park.
- 2 Notes that City of Newcastle ensures reasonable security measures are undertaken, by locking the gates to the car park at Bar Beach at 10pm, and requesting cars to vacate prior to this. This timing is in alignment with NSW EPA

and Council policies and ensures consistency in approach to noise across the Newcastle LGA.

- 3 Notes that the NSW Police are the responsible authority for traffic related offences and that a first offence for hooning behaviour can attract a maximum court-imposed fine of \$3,300 with a second or subsequent offence of \$3,300 and 9 months imprisonment. A 12-month disqualification period can also apply.
- 4 Requests that CN staff undertake a review of signage in the Bar Beach car park to ensure both size and messaging clearly communicates the car park closing times and reminds motorists that any hooning behaviour can attract a fine of up to \$3,300.