



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 23 February 2021

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

18 February 2021

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**ORDINARY COUNCIL MEETING
23 February 2021**

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 1 DECEMBER 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 201201 Public Voice Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 1 December 2020 at 6.07pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, K Elliott, B Luke (*arrived 6.35pm*), J Mackenzie, A Robinson, E White and P Winney-Baartz.

Note: Councillor Robinson was present via video platform conferencing Zoom but his camera was off for the majority of the meeting.

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), Corrie Holford (Executive Assistant), M Murray (Chief of Staff), E Horder (Councillor Services/ Minutes), K Sullivan (Councillor 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

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a less than significant non-pecuniary interest in Item 1 – DA2015/0878.03 20A Hillview Crescent, The Hill stating that he lived in the suburb and would manage the conflict by remaining in the meeting for discussion on the item.

PUBLIC VOICE SESSIONS

**ITEM-1 PV 01/12/20 - DA2015/0878.03 - 20A HILLVIEW CRESCENT
THE HILL - MODIFICATION TO DA2015/0878 - INCLUDING
CHANGES TO FLOOR HEIGHTS AND PITCHING OF
ROOFS**

Mr Martin Cohen addressed Council and outlined concerns and objections to the development application. Ms Julia Nalivaiko and Richard Bennett on behalf of the DA applicant addressed Council in support of the development application.

**ITEM-2 PV 01/12/20 - DA2020/00189 - 11 ARGYLE STREET,
NEWCASTLE - MIXED-USE - STAGED DEVELOPMENT FOR
ALTERATIONS AND ADDITIONS AND PART CHANGE OF
USE**

Mr Jim Wiblen addressed Council and outlined concerns and objections to the development application. Ms Rebecca Boresch on behalf of the DA applicant addressed Council in support of the development application.

**ITEM-3 PV 01/12/20 - DA2018/01251.01 - 150 DARBY STREET,
COOKS HILL - REVIEW OF DETERMINATION - MIXED USE
DEVELOPMENT - COMMERCIAL PREMISES AND SHOP
TOP HOUSING**

Councillor Winney-Baartz declared a significant non-pecuniary interest in Item 3 – DA2018/01251.01 – 150 Darby St, Cooks Hill stating she would manage this conflict by removing herself from the Chamber. Councillor Winney-Baartz left the Chamber at 7.23pm and did not return prior to the meeting's close

Mr Glenn Burgess and Louisa Connors addressed Council and outlined concerns and objections to the development application. Mr Duncan Sproul on behalf of the DA applicant addressed Council in support of the development application.

The meeting concluded at 7.53pm.

MINUTES - BRIEFING COMMITTEE 1 DECEMBER 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 201201 Briefing 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 Briefing Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 1 December 2020 at 7.55pm.

PRESENT

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

Note: Councillor Robinson was admitted into the meeting via video conferencing platform Zoom, but his camera was turned off for the majority of the meeting.

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 (Chief of Staff), E Horder (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

BRIEFING COMMITTEE REPORTS

ITEM-2

BR 01/12/20 - CITIES LEADERSHIP INSTITUTE HEALTH INNOVATION

In September 2019 City of Newcastle participated in the Cities Leadership Institute tour of the US and Canada with a focus on health and innovation and was represented by Councillor Duncan.

The International Exchange on Health and Innovation created opportunity to learn and leverage concepts, tools, and experiences of cities leading the way on delivering health outcomes for their citizens. The tour provided delegates with unique access to experts and advisors leading innovative health strategies in cities with in-depth knowledge and connections to accelerate the growth of healthy communities across Australia.

Councillor Duncan provided an overview to the elected Council including a short video presentation.

The meeting concluded at 8.54pm.

MINUTES - ORDINARY COUNCIL MEETING 8 DECEMBER 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 201208 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 8 December 2020 at 8.36pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott (*retired 11.01pm*), B Luke (*retired 10.24pm*), J Mackenzie, A Robinson (*retired 9.44pm*), 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), A Jones (Director City Wide Services), J Baird (Museum Director), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), L Duffy (Manager Parks and Recreation), M Murray (Chief of Staff), J Vescio (Executive Officer), M Meehan (Media Advisor), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support), E Horder (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

APOLOGIES

MOTION

Moved by Cr Clausen, seconded by Cr Luke

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a significant non-pecuniary interest in Item 105 - Endorsement of Planning Proposal to Amend Newcastle Local Environmental Plan 2012 - 505 Minmi Road, Fletcher stating that he worked in the residential housing sector and would manage the conflict by leaving the Chamber for discussion on the item.

Councillor Elliott

Councillor Elliott declared a less than significant pecuniary interest in Lord Mayoral Minute Item 25 - Newcastle Offshore Wind stating that she worked in the renewal energy industry and any policy settings around renewable energy may benefit her business in the future. Councillor Elliott stated that she would leave the Chamber for discussion on the item.

The Lord Mayor, Cr Nelmes

The Lord Mayor declared a significant non-pecuniary interest in Item 105 - Endorsement of Planning Proposal to Amend Newcastle Local Environmental Plan 2012 - 505 Minmi Road, Fletcher based on her previous declaration on the item stating she would leave the Chamber for discussion on the item.

The Lord Mayor, Cr Nelmes

The Lord Mayor declared a significant non-pecuniary interest in Notice of Motion Item 29 - McDonalds based on her previous declaration on the item and, as she did at a previous meeting, would leave the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

**MINUTES - PUBLIC VOICE COMMITTEE 17 NOVEMBER 2020
MINUTES - ORDINARY COUNCIL MEETING 24 NOVEMBER 2020**

MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

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

Carried

Councillor Luke requested his name be recorded as having voted against adoption of the minutes.

LORD MAYORAL MINUTE

ITEM-25 LMM 08/12/20 - NEWCASTLE OFFSHORE WIND

Councillor Elliott left the meeting for discussion on the item at 8.39pm.

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Commends the NSW Parliament on the recent successful passing of the *Electricity Infrastructure Investment Bill 2020*, paving the way for the creation of the Hunter Renewable Energy Zone;
- 2 Notes that the legislation requires the Minister for Energy and Environment to 'prepare and provide a plan for the NSW renewable energy sector, in particular in relation to the operation of the sector and the manufacture and construction of infrastructure in the sector', in consultation with key Trade Unions;

- 3 Welcomes the recent emergence of large-scale offshore wind infrastructure as a viable renewable energy source with the potential to unlock \$30 billion of investment and create thousands of local, well paid jobs;
- 4 Notes that thousands of highly skilled workers that have traditionally been associated with the resources industry could see their jobs transferred directly into offshore wind, which has the potential to play a significant role in sustaining our state's future energy needs;
- 5 Notes that given the exceptional accessibility of the Port of Newcastle, and our existing local skills base, offshore wind provides a very real opportunity for an entirely new renewable energy infrastructure manufacturing industry to emerge in Newcastle and the Hunter, paving the way for our City to become a renewable energy hub of the entire Asia-Pacific region; and
- 6 Writes to the Minister for Energy and the Environment, the Hon. Matt Kean MP, asking for the both consideration of the inclusion of Offshore Wind in the recently announced Hunter Renewable Energy Zone, and to meet with a delegation of City of Newcastle, industry, business and Trade Union representatives to discuss the opportunities offshore wind presents for environmental sustainability, local jobs and economic diversification.

Carried

Councillor Elliott returned to the meeting at the conclusion of the item at 8.50pm.

ITEM-26 LMM 08/12/20 - CITY OF NEWCASTLE COVID-19 TASKFORCE UPDATE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the City Taskforce was established in April to provide local leadership during the COVID-19 pandemic, and established five clear work streams including advocacy, direct industry support, developing a local evidence base, transforming the local skills base, and most importantly, providing a collaboration forum for new ideas.
- 2 Sincerely thanks City Taskforce Members - key city leaders from across manufacturing, small business, tourism, transport and logistics, arts and culture, workers, education, business and community sectors, for their valuable contribution to our City's recovery. Industries represented, and their representatives on the City Taskforce have been:
 - Mr Michael DiRienzo – CEO, Hunter New England Health
 - Hunter New England Health
 - Hunter Business Chamber, CEO Mr Bob Hawes
 - Hunternet, CEO, Mr Tony Cade
 - Port of Newcastle, CEO, Mr Craig Carmody

- Newcastle Airport, CEO, Mr Peter Cock
- University of Newcastle, Vice-Chancellor, Professor Alex Zelinsky AO
- Samaritans, CEO & Chair of Third Sector Group, Mr Brad Webb
- Alloggio, CEO Mr Will Creedon (Tourism industry)
- Independent Creative Alliance Newcastle, Board Members, Ms Justine Cogan.
- Newcastle Permanent, CEO, Ms Bernadette Inglis
- Greater Bank, CEO, Mr Scott Morgan
- NIB, CEO, Mr Mark Fitzgibbon
- Mr Daniel Wallace / Mr Leigh Shears – Secretary, Hunter Workers
- Mr Philip Gardner - CEO, Wests Group
- Mr Peter Macadam - Director, Colliers International Newcastle
- Ms Alison McGaffin - Director Regional NSW - State Government Coordination

4 Sincerely thanks the members of the City Taskforce Action Team for their contribution to our City's recovery, including:

- Mr Rob Russell, CEO, Awabakal Local Aboriginal Land Council (First Nations)
- Mr Philip Gardner, CEO, Wests Group (Sport & Hospitality)
- Mr Tony Cade, CEO, Hunternet (Industry)
- Ms Emma Granger, Executive Officer Samaritans (Community)
- Ms Amy Delore, Policy and Public Affairs Manager, Hunter Business Chamber (Business)
- Ms Jane Gray, Executive Director, Partnerships Innovation and Research, HNEH (Health)
- Mr Leigh Shears, Campaigns Organiser/Secretary, Hunter Workers (Industry/Unions)
- Mr Mark McClean, Deputy Director Regional Development, Hunter and Central Coast, Regional NSW (NSW Government)
- Mr Peter McAdam, Director in Charge Colliers International (Development & Property)
- Mr Stephen Crowe, Executive Manager Corporate Affairs Newcastle Airport (Industry),
- Ms Justine Cogan, Independent Creative Alliance Newcastle, (Arts)
- Mr Will Creedon, CEO Alloggio (Tourism)
- Mr James Cudmore, Chief Customer and Product Officer Newcastle Permanent (Finance)
- Ms Fiona Bastian, Head of Government Relations University of Newcastle (Education)
- Mr Matthew Neat, Head of Corporate Affairs & Investor Relations NIB (Finance)
- Mr Craig Newham, Group Executive Sales, Marketing and Distribution Greater Bank (Finance)
- Mr Ross Caddell, Special Project Director Port of Newcastle (Industry)
- Ms Anita Hugo - Regional Director Hunter Property Council (Development & Property)

- Mr Tim Cotter, Regional Manager, Hunter Central Coast and North Coast NSW AusIndustry (Innovation)
 - Mr Trevor Stuart, Australian Industry Group (Industry)
 - Mr Warrick Jordan, Hunter Region Employment Facilitator, Federal Department of Education, Skills and Employment (Employment)
 - Ms Kate David, President, Hunter Young Professionals (Youth / Young Adults)
 - Ms Annette Gebhardt, CEO - Hunter Multicultural Communities (Multicultural Communities)
 - Ms Danielle O'Neill Vice President – Hunter Young Professionals (Youth / Young Adults)
 - Ms Ashley Harrison - Youth Mayor, Newcastle Youth Council (Youth)
 - Mr David Belcher, Executive Officer, Community Disability Alliance Hunter (Disability Communities)
 - Mr David Bliss, Shop, Distributive and Allied Employees' Association (SDA Newcastle and Northern Branch (Industry/Unions/Retail Sector))
- 4 Recognises Hunter New England Health, through CEO Michael DiRienzo and Executive Director, Partnerships, Innovation and Research, for providing the City Taskforce and City Taskforce Action Team with critical public health updates at each
- 5 Recognises the work of Dr Anthea Bill, Lead Economist, Hunter Research Foundation Centre in providing a critically important economic update to the City Taskforce, with the latest economic data key to the decision making and action item prioritisation of the City Taskforce;
- 6 Notes that initiatives of the City Taskforce include the establishment of:
- The Greater Newcastle Youth Employment Charter, recognizing the severe impact of COVID-19 on youth employment
 - Advocacy Work Streams that share our local stories and experiences with key State and Federal Government decision-makers, with distinct and agreed upon asks of government to support particular sectors in Newcastle, including targeted policy and initiatives in the Community Sector, Tourism Sector, Youth Unemployment, Arts Sector and Innovation Economy
 - An Industry Response Program - \$500,000 was invested into targeted support for hard-hit industries, with successful initiatives including:
 - **University of Newcastle - Hometown Holiday:** The Hometown Holiday project will incentivise Newcastle residents to have a 'hometown holiday' inclusive of overnight accommodation and curated experience itineraries. Locals will be encouraged to visit Newcastle as tourists and engage with the City as a tourism destination, providing economic benefits to local tourism businesses.

- **Field Frequency - Smart City LIVE Music TV Show:** Field Frequency will produce a live-stream music series, using live-stream broadcast collaborations to maximise the recovery of the local arts and entertainment industry. The show will showcase a diverse range of established musicians and new talent growing the City's identity as a collaborative and inclusive community.
 - **The Business Centre - Small Business Recovery Centre:** The COVID-19 Small Business Recovery Project will provide much needed support and advice to local businesses, curated and coordinated by the Business Centre and based at 265 King Street. The Centre will bring together government and non-government agencies, banks and financial services providers, mental health and well-being providers, to offer support and provide information, and services, that lead to sustainability and job creation, to small businesses during and after COVID-19.
 - **Hunter Writers Centre Inc - Multi-arts activation:** Hunter Writers Centre will lead a multi-arts activation benefiting local arts, cultural, and tourism businesses. The project will include exhibition studio spaces for Indigenous and non-Indigenous writers, musicians, visual and digital artists to develop work for exhibitions of cultural and maritime history and stories of local sites.
 - **The Olive Tree Market - The Olive Tree Virtual Online Platform:** The Virtual Olive Tree Market Platform, which will develop new income generating opportunities, capacity building and educational workshops for local creatives. Existing customers, supporters, and new online audiences will be targeted to buy local online, to re-connect and forge ongoing connections with creatives.
- 7 Notes that while it was intended for the City Taskforce to dissolve at the end of 2020, we recognise the immense benefit of collaborative, cross-sector decision making, and therefore request the functions of the Taskforce be transferred to the Strategy and Innovation Advisory Committee, Chaired by Deputy Lord Mayor, Cr Declan Clausen, as a mechanism to continue address COVID-19 pandemic matters as they arise.
- 8 Invites Dr Anthea Bill, Lead Economist, Hunter Research Foundation Centre, to present to Council in 2021 regarding Hunter Research Foundation Centre's City Taskforce Evaluation.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-103 CCL 08/12/20 - ADOPTION OF 2021 COUNCIL MEETING CYCLE

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council adopts the following meeting schedule for 2021:

- 1 i) For the period February 2021 to May 2021, July 2021 to August 2021 and October 2021 to November 2021 with meetings taking place on Tuesday commencing at 6.00pm:

Week 1	Advisory Committees (Quarterly as scheduled)
Week 2	Councillor Workshops
Week 3	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 4	Ordinary Council Meeting
Week 5	No scheduled meetings

- ii) For June 2021 with meetings taking place on Tuesday commencing at 6.00pm:

Week 1	Advisory Committees (Quarterly as scheduled)
Week 2	Councillor Workshops
Week 3	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 4	No meetings due to National General Assembly Conference
Week 5	Ordinary Council Meeting

CITY OF NEWCASTLE

- iii) For September 2021 with the meeting taking place on Tuesday commencing at 6.00pm:

Week 1	No scheduled meetings due to Council Election
Weeks 2 and 3	Commencement of Councillor Induction Program – no meetings
Week 4 (28 September 2021 OR Week 1 October pending declaration of the poll)	Ordinary Council Meeting (to be held in former Chamber at City Hall)

- iv) For December 2021 with meetings taking place on Tuesday commencing at 6.00pm:

Week 1 (7 December 2021)	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 2 (14 December 2021)	Ordinary Council Meeting
Weeks 3 to 4	No scheduled meetings

- 2 The location of all meetings with the exception of the September 2021 Ordinary Meeting, will be the City Administration Centre, 12 Stewart Avenue, Newcastle West, unless otherwise determined by the Chief Executive Officer (CEO) in consultation with the Lord Mayor.
- 3 For the purposes of the Instruments of Delegation to the Lord Mayor and CEO, Council's 'Recess Period' commences at midnight on Tuesday 8 December 2020 and ceases at midnight on Monday 8 February 2021.
- 4 Clause 7.1 of City of Newcastle's (CN) Code of Meeting Practice relating to meeting duration be amended to omit 9:30pm and instead insert 10:00pm. This means Committee, Ordinary and Extraordinary Council Meetings are to conclude no later than 10:00pm unless a resolution is passed to extend the duration of the meeting.

Carried

ITEM-106 CCL 08/12/20 - URBAN DESIGN REVIEW PANEL

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Adopt the revised Charter for the operation and management of a new Urban Design Review Panel (UDRP) at **Attachment A**.
- 2 Grant delegation to the Chief Executive Officer (CEO) to appoint a UDRP under State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), as outlined in the Minister for Planning’s (Minister) Instrument of Delegation at **Attachment B**.

Carried

ITEM-108 CCL 08/12/20 - MARYLAND DRIVE, MARYLAND - PROPOSED PEDESTRIAN REFUGES NEAR GRANGE AVENUE AND HOLYWELL STREET

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Approve construction of a pedestrian refuge on Maryland Drive near Grange Avenue, Maryland, as shown at **Attachment A**.
- 2 Approve construction of a pedestrian refuge on Maryland Drive near Holywell Street, as indicated at **Attachment B**, subject to funding.

**Carried
unanimously**

ITEM-113 CCL 08/12/20 - LED STREET LIGHTING UPGRADE

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Resolves that, under section 55(3)(i) of the *Local Government Act 1993* (Act), calling tenders for the LED street lighting upgrade would not achieve a satisfactory outcome, as the monopoly nature of services means that there is only one company that could tender.
- 2 Enter into a contract with Ausgrid in the amount of \$4,000,000 to replace all remaining non-efficient residential and main road street lighting with LED lighting.

**Carried
unanimously**

ITEM-101 CCL 08/12/20 - CODE OF CONDUCT ANNUAL STATISTICS

MOTION

Moved by Cr Byrne, seconded by Cr Dunn

That Council:

- 1 Notes City of Newcastle's Code of Conduct Complaints Statistics Report for the period 1 September 2019 to 31 August 2020 at **Attachment A**.

**Carried
unanimously**

ITEM-102 CCL 08/12/20 - 'STAIRWAY TO HEAVEN' CONCEPT

MOTION

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

That Council:

- 1 Endorses the 'Stairway to Heaven' concept, which seeks to open up connections and view lines from Newcastle foreshore and the Hunter Street Mall to Christ Church Cathedral.
- 2 Notes that City of Newcastle's (CN) 59 year old Mall Car Park is not proposed to be reconstructed as a stand-alone car park due to its poor structural condition and significant costs to make the building safe, compliant and operational.
- 3 Authorises the Chief Executive Officer (CEO) to undertake feasibility analysis and discussions to progress the 'Stairway to Heaven' concept, including:
 - i) Exploring the potential for the Mall Car Park site to be redeveloped to deliver the concept, the protection of public car spaces (estimated at 380) and social infrastructure to ensure these components are provided in any new concept;
 - ii) Entering into without prejudice discussions with Iris Capital regarding the potential for its adjoining development to integrate with redevelopment of the Mall Car Park site to deliver the concept;
 - iii) Assessing requirements for the provision of on-going public car parking capacity for CBD;
 - iv) Ensuring, and where necessary strengthening, controls in the Newcastle Development Control Plan 2012 (NDCP 2012) to protect view corridors to Christ Church Cathedral;

Ensuring an appropriate financial return and arrangements for CN and ratepayers.

- 4 Refers the matter to the Asset Advisory Committee and the Urban Design Consultative Group for advice.
- 5 Notes that any final decision to proceed will be subject to Council approval, and usual approval and public exhibition processes will apply to any development applications.

**Carried
unanimously**

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

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

Council extend its meeting to 11.00pm.

Carried

ITEM-104 CCL 08/12/20 - ADOPTION OF SECTION 7.12 NEWCASTLE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2019 (UPDATE DECEMBER 2020)

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Section 7.12 Local Infrastructure Contributions Plan 2019 (Update December 2020) (**Attachment A**).

For the Motion:

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

Against the Motion:

Nil.

Carried

ITEM-105 CCL 08/12/20 - ENDORSEMENT OF PLANNING PROPOSAL TO AMEND NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 - 505 MINMI ROAD, FLETCHER

The Lord Mayor and Councillor Church left the meeting for discussion on the item at 9.25pm.

The Deputy Lord Mayor, Councillor Clausen, took the Chair.

In moving the motion, the Deputy Lord Mayor moved an alternate motion comprising Parts A, B and C.

MOTION

Moved by Deputy Lord Mayor, Cr Clausen, seconded by Cr Byrne

PART A

That Council:

1. Does not endorse the Planning Proposal to rezone 505 Minmi Road Fletcher, and maintains current zoning for the site (E4) as per the Newcastle Local Environment Plan 2012.
2. Prior to being presented with any further planning proposals for this site, requires all required environmental studies and analysis be undertaken to: *“address the inherent constraints and hazards of the land and the interdependent analysis of these constraints ... [as these studies] may result in significant amendments to the Planning Proposal”* (Officers report, paragraphs 16-18).

PART B

That Council:

1. Notes correspondence from the NSW Minister for the Environment, The Hon Matt Kean MP, seeking Council's advice on land that may have strategic potential to be acquired by the State for inclusion as part of the NSW National Parks Estate.
2. Writes to Minister Kean and DPIE recommending that the NSW Government considers the inclusion 505 Minmi Road into the National Parks estate, noting the property's strategic importance to the Green Corridor, and its proximity to the existing Blue Gum Hills Regional Park and Hexham Wetlands National Park.

PART C

That Council:

1. Amends the adopted Local Strategic Planning Statement (LSPS) to remove references to 505 Minmi Road as a 'Housing Release Area', by reverting all references relating to 505 Minmi Road to those contained within the draft Plan (originally endorsed by Council in December 2019 – see Attachment 3).

For the Motion:

Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Duncan, Dunn, Elliott, Mackenzie, White and Winney-Bartz.

Against the Motion:

Councillors Luke and Robinson.

Carried

The Lord Mayor and Councillor Church returned to the meeting at 9.44pm and the Lord Mayor resumed the Chair.

Councillor Robinson retired from the meeting at 9.44pm.

ITEM-107 CCL 08/12/20 - IMPLEMENTATION OF LIVE MUSIC AND AFTER DARK STRATEGIES - PLANNING CERTIFICATES

In moving the motion, Councillor Duncan stated she was moving an additional Part B.

MOTION

Moved by Cr Duncan, seconded by Cr Clausen

PART A

That Council:

- 1 Notes that the notation provided at **Attachment A** will be placed on part (5) of section 10.7 Planning Certificates for all properties within the Newcastle Local Government Area (LGA), to notify future purchasers of properties of City of Newcastle's (CN) adopted Live Music Strategy and Newcastle After Dark Night-time Economy Strategy.
- 2 Notes that local conveyancers will be advised of the new notation and the benefits of purchasers obtaining the full section 10.7(2) and (5) Planning Certificates along with a Frequently Asked Questions fact sheet for purchasers.

PART B

- 1 Receive a briefing from the relevant NSW Government agency or Office of Live Music on the new laws.
- 2 Seeks a report from Officers at the next meeting of Council on the opportunities the new laws provide in the delivery of CN's Live Music Strategy and After Dark Strategy.

**Carried
unanimously**

ITEM-109 CCL 08/12/20 - FORT SCRATCHLEY HISTORICAL SOCIETY INCORPORATED - MEMORANDUM OF UNDERSTANDING

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Endorses the Memorandum of Understanding with the Fort Scratchley Historical Society Incorporated as provided in **Attachment A** and delegates authority to the Lord Mayor to sign the document on behalf of Council.

For the Motion:

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

Against the Motion:

Nil.

Carried

ITEM-110 CCL 08/12/20 - ADOPTION OF STRATEGIC SPORTS PLAN

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council:

- 1 Adopts the Strategic Sports Plan at **Attachment A**.

The Lord Mayor proposed a Part B to the motion.:

PART B

That Council includes the provision of both recreational and competition Basketball facilities in the Strategic Sports Plan.

Councillor Winney-Baartz and Councillor Byrne accepted the Lord Mayor's proposal to the motion.

For the Motion:

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

Against the Motion:

Councillors Church and Elliott.

Carried

ITEM-111 CCL 08/12/20 - ADOPTION OF CARRINGTON GREENSPACE MASTERPLAN

MOTION

Moved by Cr White, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Carrington Greenspace Masterplan at **Attachment A**.

**Carried
unanimously**

ITEM-112 CCL 08/12/20 - TENDER REPORT - PARKING METER SERVICES - 2021/125T

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That the recommendation at **Attachment A** be adopted.

The Chief Executive Officer reported the outcome of Item 98 - Tender Report – Provision of Security Services - 2020/232T.

- 1 Council resolves that, under section 55(3)(i) of the *Local Government Act 1993*, calling tenders for the provision of parking meter services would not achieve a satisfactory outcome, as the proprietary nature of services means that there is only one company that could tender.
- 2 City of Newcastle enters into a contract with Duncan Solutions in the amount of \$377,124 per annum (excluding GST) indexed over the life of the contract for the provision of Parking Meter Services pursuant to Contract No. 2021/125T as follows:
 - i) Parking Enterprise Management System (PEMS)
 - ii) PEMS Field Maintenance Module
 - iii) Credit Card Transaction Fees
 - iv) Supply of Replacement Parts

**Carried
unanimously**

Councillor Luke retired from the meeting at 10.24pm.

At this stage of the meeting, Councillor Clausen gave notice of a late item of business.

NOTICES OF MOTION

ITEM-29 NOM 24/11/20 - MCDONALDS

The Lord Mayor left the meeting for discussion on the item at 10.26pm.

The Deputy Lord Mayor, Councillor Clausen, took the Chair.

MOTION

Moved by Cr Elliott, seconded by Cr Church

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.

The Deputy Lord Mayor proposed the motion be reworded to read as follows:

Council invite McDonalds Restaurants to a workshop with Ward 1 Councillors on the safety, security and cleanliness measures that are in place at the King Street, Newcastle West McDonalds' premises and any future measures currently being planned. Representatives of the NewWest Community Group (2 or 3 representatives) be invited to participate.

Councillor Elliott and Councillor Church accepted the Deputy Lord Mayor's proposed wording as the motion.

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

For the Motion: Deputy Lord Mayor, Cr Clausen and Councillors Church, Clausen, Duncan, Elliott, White and Winney-Baartz.

Against the Motion: Councillors Byrne and Dunn.

Carried

The Lord Mayor returned to the meeting at 10.37pm and resumed the Chair.

ITEM-34 NOM 08/12/20 - DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN AND CHILDREN

In moving the motion, Councillor Duncan updated point one to reflect current statistics.

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That City of Newcastle:

- 1 Notes that, tragically, at least 50 women have been murdered in Australia this year due to gender-based violence (as at 3 December 2020).
- 2 Receives a report with an update on the actions of the unanimously supported Notice of Motion adopted on 24 July 2018, including an update on CN's policies or plans that support existing domestic violence support organisations and women's refuges within the CN LGA, including Got Your Back Sista, NOVA for Women and children, and others.
- 3 Ensure that CN workplace policies are reviewed to provide safe and effective mechanisms for staff to report incidents of inappropriate workplace behaviours, and that CN staff and Councillors are offered opportunities to engage in further learning about gender-based discrimination.
- 4 Write to the NSW Office of Local Government requesting explanation of measures in place to ensure the respect and protection of elected officials, particularly women, in their workplace and in the conduct of their duties.

As seconder of the motion, Councillor Winney-Baartz proposed that Notice of Motion Item 36 - Coercive Control be dealt with in conjunction with the item. Councillor Winney-Baartz proposed it form Part B with point 5 being amended as follows:

PART B

That City of Newcastle

- 1 Recognise that coercive control is a silent and dangerous problem for people in our city, particularly women and the elderly;
- 2 Recognise that not all people in unhealthy relationships or suffering coercive control are aware that it is happening to them, nor realise that there are support services available to them;
- 3 Recognise domestic violence is a continuing problem in our city, particularly for women and their children;
- 4 Applaud the services that are providing support and assistance to sufferers of domestic violence;

- 5 City of Newcastle partners with its charity partner 'Got Your Back Sista' to investigate and support the publication and promotion of a pocket guide in relation to coercive control.
- 6 Provide this pocket guide to a range of locations and to health and support service providers, to assist people to understand what help is available.

Councillor Duncan accepted Part B to the motion.

With the inclusion of Part B, Councillor Elliott indicated she would withdraw the substantive motion (Item 36).

The Lord Mayor proposed that Council write to the Member for Blue Mountains, Trish Doyle, Leader of the Opposition, Jodie Mackay and their requisite ministers as well as the Premier of NSW, Gladys Berejiklian to reiterate City of Newcastle's support for legislation that is currently being worked on regarding coercive control.

Councillors Duncan and Winney-Baartz accepted the Lord Mayor's proposal into the motion as Part C.

As the meeting was nearing 11.00pm, the following procedural motion was moved:

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Byrne

Council extend the meeting to 11.30pm.

Carried

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

**Carried
unanimously**

Councillor Elliott retired from the meeting at 11.01pm.

ITEM-35 NOM 08/12/20 - VIRUS ESCAPEES SEEKING PROVINCIAL AUSTRALIA (VESPAS)

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Notes that COVID-19 related flexible work arrangements has accelerated a previous trend of residents leaving capital cities for a 'sea change' or 'tree change'.

- 2 Notes the description of this accelerated trend as VESPAs – Virus Escapees Seeking Provincial Australia: early- to mid-career professionals (often in highly paid industries with young families) seeking the “safety, security, space, affordability, and lifestyle” of provincial cities within striking distance of capital cities.
- 3 Explores opportunities to accentuate the benefits of this trend to Newcastle, within existing economic development and marketing budgets, with the aim of promoting Newcastle to VESPAs as a lifestyle city for innovative and creative talent: given our close proximity to Sydney, attractive lifestyle and culture, relative affordability, and high quality of life.

**Carried
unanimously**

ITEM-36 NOM 08/12/20 - COERCIVE CONTROL

Item 36 - Coercive Control was dealt with in conjunction with Item 34 - Domestic Violence and Violence Against Women and Children.

Councillor Elliott had left the meeting 11.01pm and in her absence Councillor Church moved a procedural motion to withdraw Notice of Motion Item 36.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Mackenzie

Notice of Motion Item 36 - Coercive Control be withdrawn.

**Carried
unanimously**

LATE ITEMS OF BUSINESS

ITEM-37 NOM 08/12/20 - LOVE LAMBTON 150 YEARS EVENT

The Lord Mayor advised that she had been informed by Councillor Clausen of a late item of business and the business proposed was of great urgency on the grounds that the matter of *Notice of Motion - Love Lambton 150 Years Event*, submitted by Councillors Rufo, Clausen and Winney-Baartz was required to go before Council prior to the next scheduled Council meeting.

Councillor Clausen was asked to outline the reasons for Council to consider the late item of business:

- a decision of Council is required prior to the next scheduled Council meeting in February 2021, as the advance commitment of a modest sum of ratepayers' funds is vital to ensure this community event to mark the 150th anniversary of Lambton, can proceed in June next year.

- The funds would be used immediately to secure a range of entertainment providing certainty for the event organisers and the local community and, in turn, attracting additional support and potentially further funding in the form of local business sponsorship for the event.
- Waiting for the February Ordinary Council meeting to make a decision to commit these funds would not provide sufficient lead time for event organisers to properly plan, market and deliver this event and as such the event would almost certainly not take place. This would be a poor outcome for the Ward 3 community and is a view shared by his colleagues Councillors Rufo and Winney-Baartz.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

The matter of the Love Lambton 150 Years Event be heard as a late item of business in accordance with the Code of Meeting Practice and as outlined by Councillor Clausen.

**Carried
unanimously**

The Lord Mayor ruled the matter of Love Lambton 150 Years Event to be of great urgency on the grounds that it required a decision by Council before the next scheduled Council meeting.

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That City of Newcastle

1. Recognises the 150th anniversary of the Municipality of Lambton in June 2020.
2. Provides \$10,000 in cash and in-kind support to support the delivery of the event.

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

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

Carried

Council resolved into confidential session at 11.08pm.

During confidential session:

- All staff other than the Director of People and Culture, Manager Legal and Councillor Services left the Chamber or were removed to the waiting room on video conferencing platform Zoom for Item 12 - Chief Executive Officer Annual Performance Report.
- Mr Stephen Blackadder, Blackadder Associates, was present on video conferencing platform Zoom for Item 12 - Chief Executive Officer Annual Performance Report.
- All staff other than the Chief Executive Officer, Director Governance, Manager Legal, Councillor Services and IT Meetings Support left the Chamber or were removed to the waiting room on video conferencing platform Zoom for Item 13 - Code of Conduct Matter.
- Councillor Clausen (as the complainant) left the Chamber for discussion on Item 13 – Code of Conduct Matter at 11.52pm and returned to the meeting at 12.25am, Wednesday 9 December 2020
- Councillor Elliott (the respondent) to the complaint on Item 13 – Code of Conduct Matter) had retired from the meeting at 11.01pm and it was noted that she was unable to make an oral or written submission when she may ordinarily have that choice.
- As a result of Item 13 - Code of Conduct Matter being recommitted, Councillor Clausen (as the complainant) left the Chamber for discussion on the item at 12.27am, Wednesday 9 December 2020, and returned to the meeting at 12.36am, Wednesday 9 December 2020.

As the time was nearing 11.30pm, the following procedural motion was moved.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Byrne

Council extend the meeting to midnight.

Carried

At 11.52pm, the following procedural motion was moved.

PROCEDURAL MOTION

Moved by Byrne, seconded by Cr Mackenzie

Council extend the meeting to 12.30am.

**Carried
unanimously**

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

Council move back into open Council.

Council reconvened open session at 12.25am, Wednesday 9 December 2020, and the Lord Mayor reported the outcomes of Item 12 - Chief Executive Officer Annual Performance Report in confidential session.

ITEM-12 CON 08/12/20 - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

- 1 Council receives the 2020 CEO annual performance review report 'Performance Review - City of Newcastle Chief Executive Officer 2020' submitted by Blackadder Associates Pty Ltd (**Attachment A**).
- 2 Council notes the Performance Review Panel's recommendation that the CEO has performed at a very high level and is to be congratulated on the outcomes achieved in 2020.
- 3 Council notes the CEO request not to apply any increase in remuneration this year arising from the annual review of performance and recognising the impact of COVID-19 on the organisation.
- 4 This confidential report relates to the matters specified in section 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

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

Against the Motion: Councillor Church.

Carried

ITEM-13 CON 08/12/20 - CODE OF CONDUCT MATTER

The Chief Executive Officer proceeded to report the outcome of Item 13 - Code of Conduct Matter in confidential session.

In the report back to Council, the Chief Executive Officer commenced reading recommendations 1 - 6 of the confidential report.

Councillor Church raised a point of order stating that Council had resolved to lay the item on the table and did not endorse the recommendations of the confidential report.

The Lord Mayor did not uphold the point of order stating that she believed the procedural motion as resolved comprised recommendations 1 - 6 in addition to the matter being laid on the table and the request for a memo.

As mover and seconder of the procedural motion, Councillors White and Winney-Baartz confirmed that recommendations 1 - 6 were included in the resolution to lay the matter on the table and that the matters specified in section 10A(2)(i) of the Local Government Act 1993 outlined in the report and attachment would remain confidential.

Councillor Church stated that the confidential recommendations were sourced from the report and covered by confidentiality and should not be read in the public domain.

Given confusion around the confidential discussion, the Lord Mayor suggested that the item be recommitted.

As the time was nearing 12.30am, the following procedural motion was moved.

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Winney-Baartz

The meeting be extended to 1.00am.

Carried

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Byrne

Council recommit Confidential Item 13 - Code of Conduct Matter.

Carried

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Winney-Baartz

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

Carried

Council moved into confidential session at 12.27am, Wednesday 9 December 2020.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

Council move back into open Council.

Council moved back into open session at 12.36am, Wednesday 9 December 2020, and the Chief Executive Officer reported the outcomes of Item 13 - Code of Conduct Matter in confidential session.

ITEM-13 CON 08/12/20 - CODE OF CONDUCT MATTER

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Winney-Baartz

- 1 That Council lays on the table recommendations 1 - 6.
 - 1 notes that an investigation was undertaken into a Code of Conduct complaint against Councillor Kath Elliott. The investigation was undertaken by a Conduct Reviewer independent of City of Newcastle (CN), in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
 - 2 receives the Final Investigation Report of the Conduct Reviewer in relation to the complaint at **Attachment A**;
 - 3 notes that Councillor Elliott was consulted by the Conduct Reviewer throughout the investigation and that prior to imposing a sanction, Councillor Elliott was provided with a formal opportunity to make a written or oral submission to Council;
 - 4 accepts the finding of the Conduct Reviewer in relation to the complaint that at the Extraordinary Council meeting held on 11 February 2020, Councillor Elliott breached clause 20.5 of the Code of Meeting Practice and clause 3.1(b) of the Code of Conduct for Councillors, by removing confidential papers from the confidential session of the meeting and refused to return the confidential papers when requested;
 - 5 in accordance with section 440G of the Local Government Act 1993 and based on the findings and recommendation of the Conduct Reviewer:
 - (i) formally censures Councillor Elliott for breaching clause 20.5 of the Code of Meeting Practice and clause 3.1(b) of the Code of Conduct for Councillors, on the grounds that Councillor Elliott engaged in the following forms of conduct:
 - (a) did not return the confidential Business Papers at the conclusion of the Meeting as directed under the Code of Meeting Practice; and
 - (b) conducted herself in a manner that is contrary to statutory requirements, or CN's administrative requirements or policies; and

(ii) due to the repeated and serious nature of this matter, refers the matter to the Office of Local Government for further action under the misconduct provisions of the Local Government Act 1993;

6 treats this confidential report and attachment relating to the matters specified in section 10A(2)(i) of the Local Government Act 1993 as confidential.

to ensure procedural fairness to Councillor Elliott noting both the time of night and some Councillors were unable to be present when they ordinarily may choose to be present, and given the time of year procedural fairness may not be able to be afforded to Councillor Elliott.

2 Councillors request a memo about the impact to the reputation and punitive impacts on the City of Newcastle given the serious nature of the allegation.

**The meeting concluded at 12.41am.
Wednesday 9 December 2020.**

REPORTS BY COUNCIL OFFICERS

**ITEM-1 CCL 23/02/21 - COUNCILLOR REPRESENTATION ON
EXTERNAL COMMITTEE - NEWCASTLE ART GALLERY
FOUNDATION BOARD**

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

PURPOSE

To note Councillor Jason Dunn's resignation from the Newcastle Art Gallery Foundation Board (Board) and appoint a replacement Councillor as City of Newcastle's (CN) representative and nominated Director.

RECOMMENDATION

That Council:

- 1 Notes Councillor Dunn's resignation from the Newcastle Art Gallery Foundation Board received on 17 February 2021; and
- 2 Nominates and appoints [insert Councillor name] as City of Newcastle's representative and nominated Director on the Newcastle Art Gallery Foundation Board until the day before the next local government election.

KEY ISSUES

- 3 Councillor Jason Dunn was appointed as CN's representative to the Board for the duration of the Council term (to 3 September 2021 taking into account the postponement of local government election to 2021).
- 4 Councillor Dunn submitted his written resignation on 17 February 2021 resulting in a vacancy in CN's position on the Board.
- 5 CN may nominate and appoint a replacement Councillor to the vacant position on the Board in accordance with the Board's Constitution (**Attachment A**).

FINANCIAL IMPACT

- 6 Councillor members do not receive any remuneration for participation on the Board and there is no financial cost to CN relating to the appointment.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 Councillor representation on external committees is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan.

Open and Collaborative Leadership

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

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

Open and Transparent Governance Strategy

4.5 Promote an organisation that eliminates or minimises risk.

4.6 Ensure accountability for public money and high levels of service, governance, quality, professional conduct and compliance with professional standards and other legislative requirements.

IMPLEMENTATION PLAN/IMPLICATIONS

8 CN will write to the Board advising of CN's replacement Councillor representative.

RISK ASSESSMENT AND MITIGATION

9 Council's representation on external committees fosters relationships with stakeholders as well as being a means of consultation with the community.

RELATED PREVIOUS DECISIONS

10 At the Ordinary Council Meeting held on 24 October 2017 Councillor Dunn was appointed as Council's representative to the Newcastle Art Gallery Foundation Board for the duration of the Council term.

CONSULTATION

11 Nil.

BACKGROUND

12 Nil.

OPTIONS

Option 1

13 The recommendation as at Paragraphs 1 – 2. This is the recommended option.

Option 2

- 14 Council resolves to not appoint a replacement Councillor representative to the Board. Not appointing a replacement Councillor representative will result in the Board not meeting its full membership. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 1 Attachment A: Newcastle Art Gallery Foundation Board Constitution

[http://www.nagfoundation.org.au/uploads/sample-images/NAGF%20Constitution%20\(as%20adopted%20at%20EGM%202919\).pdf](http://www.nagfoundation.org.au/uploads/sample-images/NAGF%20Constitution%20(as%20adopted%20at%20EGM%202919).pdf)

ITEM-2 CCL 23/02/21 - NOMINATION TO LIST NEWCASTLE RECREATION RESERVE (KING EDWARD PARK) ON THE STATE HERITAGE REGISTER

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

PURPOSE

To endorse the nomination to list Newcastle Recreation Reserve on the NSW State Heritage Register.

RECOMMENDATION

That Council:

- 1 Endorses the nomination at **Attachment A** to list Newcastle Recreation Reserve on the NSW State Heritage Register (SHR).

KEY ISSUES

- 2 With reference to the SHR curtilage plan dated 14 October 2020 (**Attachment B**), the proposed SHR listing includes the following sites:
 - i) King Edward Park (Crown Reserve 570075, including Bogey Hole Baths, Lot 7004, DP1077043 including public reserve, drinking fountain and rotunda, with City of Newcastle (CN) as owner and as the Crown land Reserve Manager, (with the exception of Bogey Hole Baths which is Crown land under the care and control of the NSW Government);
 - ii) Arcadia Park (Crown Reserve 570075, Lots 7003 and 7004, DP1077043 with CN as owner and as the Crown land Reserve Manager);
 - iii) The Obelisk Tennis Courts (Crown Reserve 570075, Lot 7004, DP1077043 with CN as owner and as the Crown land Reserve Manager);
 - iv) Obelisk Park (Lot 1238, DP1096744, Community Land vested in CN);
 - v) Shepherds Hill Defence Reserve Military Installations (Crown Reserve 170100, Lot 3116, DP755247 including residence, observation post and gun emplacement, with CN as owner and as the Crown land Reserve Manager), Aboriginal name Khanterin; and
 - vi) Cliffside above South Newcastle Beach (abutting Crown Reserve 570019 ie. the eastern boundary of Lot 7059 DP 1116454, to the foot of the cliff-face ie. to the western kerbside of Shortland Esplanade, thence adjoining King Edward Park), Aboriginal name Yi-ran-na-li.

- 3 This SHR nomination excludes the King Edward Headland Reserve (former Newcastle Bowling Club – Lot 3109 DP755247), which is owned by the Awabakal Local Aboriginal Land Council (LALC).
- 4 Standard exemptions apply to all SHR listed items and these enable certain maintenance and management activities and works to be exempt from approval under the *Heritage Act 1977*. This set of standard exemptions is extensive and means CN, as owner and manager of the SHR listed items will not need approval from Heritage NSW for most minor works and maintenance activities. The standard exemptions include matters such as maintenance and cleaning, alteration and repairs to non-significant fabric, repair or replacement of non-significant services, non-significant telecommunications infrastructure, fire safety detection and alarm systems, excavation, painting, restoration of significant fabric, temporary structures, vegetation regeneration activities, signs, filming, temporary relocation of moveable heritage items, safety and security, and emergency situations and lifesaving.
- 5 In addition to standard exemptions, site specific exemptions (SSEs) can be granted by the Minister and detailed in the SHR listing which exempt such works and / or activities from approval under the *Heritage Act 1977*. CN is currently working with the Heritage Council to draft SSEs for the Newcastle Recreation Reserve SHR nomination. These site specific exemptions would apply to operational activities in respect of maintenance, management and construction of approved development, and are proposed to include works associated with asset maintenance, public safety, tree removal, garden maintenance, signage and special events and approved developments such as Bathers Way.
- 6 The nomination to list the Newcastle Recreation Reserve on the SHR is consistent with CN's Heritage Strategy 2020-2030 which includes actions in relation to supporting the public nominations application process for creating new and amending existing heritage items.
- 7 By supporting a SHR nomination that aligns to the Community Strategic Plan (CSP), CN formally acknowledges that the Newcastle Recreation Reserve is a site of considerable cultural, historic and heritage significance to the people of NSW; not only from a perspective of European settlement, but also as a significant site for the Aboriginal community. Furthermore, by being listed on the SHR, CN will be in a stronger position to obtain funding from Government and non-government sources to undertake heritage projects relating to the site.

FINANCIAL IMPACT

- 8 Work will be undertaken by CN within current allocated work programs and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 9 The nomination to list the Newcastle Recreation Reserve on the SHR is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan.

Vibrant and Activated Public Spaces

- 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.

Liveable and Distinctive Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 The recommended Council resolution on whether to support the listing of the Newcastle Recreation Reserve on the SHR will be forwarded to the Heritage Council for consideration. The SHR nomination process can proceed while the SSEs are being finalised with Heritage Council.

RISK ASSESSMENT AND MITIGATION

- 11 Should the SHR listing be successful, the standard exemptions and agreed SSEs will enable CN to continue to undertake its management and maintenance activities, including being able to respond to matters of public safety without requiring approval under the *Heritage Act 1977*.

RELATED PREVIOUS DECISIONS

- 12 At Ordinary Council Meeting held on 28 June 2016, Council resolved to support the listing of the Newcastle Recreation Reserve on the SHR. This resolution included support for inclusion of the Headland Reserve in the SHR listing.

CONSULTATION

- 13 A public exhibition period inviting written submissions to the Heritage Council was held between 13 November 2020 and 7 January 2021. CN advised the Heritage Council during the public exhibition period that CN would provide its formal position on the SHR nomination following the Ordinary Council Meeting on 23 February 2021.

BACKGROUND

- 14 The sites within the curtilage of the Newcastle Recreation Reserve SHR nomination that are currently identified in Schedule 5 of the Newcastle Local Environmental Plan 2012 are listed as follows:
- i) Item I460 - Shepherds Hill Defence Group Military Installations – State significance.
 - ii) Item I579 – King Edward Park Group (Bogey Hole Public Baths) – State significance.
 - iii) Item I580 - King Edward Park Group (includes public reserve, drinking fountain and rotunda) – State nominated.
 - iv) Item I581 – Obelisk – Local significance.
- 15 In July 2012, an application was submitted to the Heritage Council by the University of Newcastle’s Coal River Working Party to nominate Newcastle Recreation Reserve on the SHR. This SHR nomination included the Headland Reserve (former Newcastle Bowling Club site). In May 2015, the Court declared the development application consent for a function centre and associated development at the former Newcastle Bowling Club and the permissibility of that use was invalid. At the Ordinary Council Meeting held in June 2016, Council resolved to support the Newcastle Recreation Reserve SHR nomination. Following the successful Aboriginal land claim of this Headland Reserve site in June 2018 and objection to its inclusion by the new owner, the Minister determined in September 2020 not to list the Newcastle Recreation Reserve on the SHR. Instead, the Minister recommended the Heritage Council give fresh consideration to list the Newcastle Recreation Reserve on the SHR.
- 16 The Heritage Council resolved in November 2020 to consider a new SHR nomination for the Newcastle Recreation Reserve (which excluded the Headland Reserve site).

OPTIONS

Option 1

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

Option 2

- 18 Council resolves not to support the nomination to list the Newcastle Recreation Reserve on the SHR. This option will not achieve the strategic directions of the CSP and will be inconsistent with the Newcastle Heritage Strategy 2020-2030. This is not the recommended option.

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REFERENCES

ATTACHMENTS

Item 2 Attachment A: Newcastle Recreation Reserve (under consideration)
February 2021

Item 2 Attachment B: State Heritage Register – Proposed Curtilage for
Investigation dated 14 October 2020

Item 2 Attachments A - B distributed under separate cover

ITEM-3 CCL 23/02/21 - TERMINATION OF OUTDATED POLICIES

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To terminate outdated policies to ensure all City of Newcastle (CN) policies are current, relevant and accurately reflect the services and work of CN.

RECOMMENDATION

That Council:

- 1 Terminates the following City of Newcastle (CN) policies which have been superseded by more recent legislation and guidance.
 - i) Building Waste Container (Bulk Waste) Policy;
 - ii) House Numbering Guide Policy; and
 - iii) House Numbering Policy.

KEY ISSUES

- 2 CN has a robust policy framework as a key element of good governance, supporting efficient and effective evidence-based decision making. Existing policies are reviewed on a regular basis, consistent with best practice.
- 3 Terminating outdated policies ensures CN continues to focus on relevant and significant policies.
- 4 The Building Waste Container (Bulk Waste) Policy has not been updated since 1991. The policy has been superseded by the NSW Government Technical Direction on the placement of bulk and skip waste containers (2009), which is overseen by NSW Roads and Maritime Services.
- 5 The House Numbering Guide Policy and House Numbering Policy have been superseded by the NSW Government Address Policy and User Manual (2019).

FINANCIAL IMPACT

- 6 There is no budget implication in terminating these policies.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The termination of outdated policies is consistent with the following strategic directions of the Newcastle 2030 Strategic Plan:

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable matter.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

Open and Transparent Governance Strategy

- 4.1 Accountable to actions it takes to support a strong governance framework.

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 If terminated, these policies will be removed from CN's website. Decision making will be informed by reference to the contemporary guidance outlined in Paragraphs 4 and 5 as appropriate.

RISK ASSESSMENT AND MITIGATION

- 9 These policies are effectively obsolete. Not terminating them risks outdated, irrelevant and unsupported information being accessed and relied on by staff and / or members of the public.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 14 May 1991, Council adopted the Building Waste Container (Bulk Waste) Policy.
- 11 At the Ordinary Council Meeting held on 25 June 1991, Council amended the Building Waste Container (Bulk Waste) Policy.
- 12 At the Ordinary Council Meeting held on 15 September 2009, Council adopted the House Numbering Policy and House Numbering Guide Policy.

CONSULTATION

- 13 Internal consultation has been undertaken to ensure NSW Government manuals and policies replace the CN policies sought to be terminated and that the policies are no longer operational.

BACKGROUND

- 14 Outdated policies are terminated as required when they are superseded by more recent legislation and guidance, or by the adoption of new policies.

OPTIONS

Option 1

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

Option 2

16 Council does not adopt the recommendation. This is not the recommended option.

REFERENCES

Building Waste Container Policy

<https://www.newcastle.nsw.gov.au/getmedia/c82fbf32-c12c-4921-ba93-2858090d0c02/Building-Waste-Container-Policy>

NSW Government Technical Direction – Placement of bulk and skip waste containers

<https://www.newcastle.nsw.gov.au/getattachment/Council/Forms-Publications/Forms/REGULATORY-building-waste-container/RMS-Guidelines-form-Placement-of-Building-Waste-Containers.pdf.aspx?lang=en-AU>

House Numbering Guide Policy

https://www.newcastle.nsw.gov.au/getmedia/2c2b76e0-e7d8-4a0a-a9cf-0c63a1fc798b/House_Numbering_Guide

House Numbering Policy

https://www.newcastle.nsw.gov.au/getmedia/c43988a9-90ed-4c9c-b6c9-3975dcd3886d/House_Numbering_Policy

NSW Government Address Policy and User Manual

https://www.gnb.nsw.gov.au/_data/assets/pdf_file/0020/223346/NSW_Address_Policy_and_User_Manual.pdf

ATTACHMENTS

Nil

ITEM-4 CCL 23/02/21 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 NOVEMBER 2020 - 31 JANUARY 2021

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To table the Register of Disclosures of Interest (Register) for the period of 1 November 2020 to 31 January 2021 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 November 2020 to 31 January 2021) 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.

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 Returns received from Councillors, Executive Leadership Team, and Audit and Risk Committee members are 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 24 November 2020, Council noted the tabling of Returns by designated persons (for the period 1 August to 31 October 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 Nil.

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>

ATTACHMENTS

Register of Disclosures of Interest to be tabled.

ITEM-5 CCL 23/02/21 - NATURAL DISASTER CLAUSE - NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

PURPOSE

To include the natural disaster Local Environmental Plan (LEP) clause within the Newcastle Local Environmental Plan (NLEP 2012).

RECOMMENDATION

That Council:

- 1 Confirms to the NSW Department of Planning, Industry and Environment (DPIE) that it wishes to have the natural disaster clause, **(Attachment A)** inserted into the Newcastle Local Environmental Plan 2012 (NLEP 2012).

KEY ISSUES

- 2 On 4 August 2020, the DPIE released a draft natural disaster LEP clause intended to support homeowners to rebuild dwellings that had been damaged or destroyed in a natural disaster. Adopting the clause is optional.
- 3 The clause would apply to Development Applications (DAs) where development consent is sought to repair or replace a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster. The natural disaster clause will remove the need for applicants to:
 - i) Prepare formal requests to vary a development standard (Clause 4.6); or
 - ii) Demonstrate the continuance of an existing use in circumstances where dwelling houses or secondary dwellings are no longer permitted with consent in the relevant zone (applicants will need to demonstrate that the existing dwelling was lawfully erected).
- 4 Any DA lodged under the clause would still be subject to a full merit assessment.
- 5 City of Newcastle (CN) prepared a submission on the draft LEP clause **(Attachment B)** and expressed interest in including the optional clause within the NLEP 2012. DPIE released the final natural disaster clause and associated guidelines **(Attachment C)** along with a request for CN to confirm its intention to include the natural disaster clause within the NLEP 2012 and the zones to which it will apply by 15 February 2021.

- 6 A Councillor memo was issued on 11 February 2021 advising of the final draft clause and the intention to request that DPIE insert the clause into the NLEP 2012 by way of an amending State Environmental Planning Policy (SEPP).
- 7 The natural disaster clause will apply to the following zones, being zones where dwelling houses are currently permissible or where dwelling houses have been permissible under previous LEPs and currently benefit from existing use rights:
 - i) R2 Low Density Residential
 - ii) R3 Medium Density Residential
 - iii) R4 High Density Residential
 - iv) B1 Neighbourhood Centre
 - v) B2 Local Centre
 - vi) B4 Mixed-Use
 - vii) IN2 Light Industrial
 - viii) RE2 Private Recreation
 - ix) E2 Environmental Conservation
 - x) E3 Environmental Management
 - xi) E4 Environmental Living
- 8 The clause will provide a practical pathway for those affected by natural disaster to rebuild in a timely manner. The following matters support inclusion of the clause:
 - i) The clause will enable the processing of a DA in a timely manner in a post-natural disaster context, assisting with the assessment and approval of insurance claims.
 - ii) The clause only permits the reconstruction / repair of dwellings and secondary dwellings.
 - iii) CN cannot refuse a DA where the clause applies on the basis that it does not meet a development standard, however all DAs will still be subject to merit assessment.
 - iv) Applicants will still be required to establish existing use rights in zones where dwellings / secondary dwellings are otherwise prohibited. Where there are uncertainties about existing use rights, there will be sufficient records (eg. Hunter Water) for verification purposes.

- v) Potential land use conflicts can be managed on a case-by-case basis and are unlikely to represent a significant proportion of DAs.
 - vi) Any DA seeking to utilise the clause will still need to be accompanied by all other supporting documentation (including contamination certificates etc) in accordance with CN's Newcastle Development Control Plan 2012 (NDCP 2012) and be notified in accordance with the Community Participation Plan.
 - vii) CN's established assessment and regulatory processes will reasonably offset any potential impacts associated with potential misuse of the clause.
- 9 CN's submission on the draft clause recommended that the term 'natural disaster' be defined in LEPs. DPIE has responded that it does not intend to insert a definition for natural disaster in the standard LEP. Instead the guidance material explains the different circumstance where a natural disaster could occur, specifically:
- i) *Natural disasters are naturally occurring, rapid onset events that cause serious disruption to life or property in a community or region, such as floods, bushfires, earthquakes, storms, cyclones, storm surges, landslides and tsunamis. A natural disaster can include a state of emergency declared under section 33 of the State Emergency and Rescue Management Act 1989.*
 - ii) *The guidance material clarifies that the clause only applies to the 'rebuilding or repair of damage or destruction caused by or because of any of these events.'*
- 10 CN determines whether a property has been affected by a natural disaster and whether the clause applies in the case of a DA. While there may be instances where homeowners seek to use the clause inappropriately, CN's established assessment and regulatory processes will be able to offset any potential impacts associated with potential misuse of the clause.

FINANCIAL IMPACT

- 11 The insertion of the natural disaster clause into the NLEP 2012 does not create any financial impacts on CN.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 12 The insertion of the natural disaster clause into the NLEP 2012 is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Protected Environment

- 2.3b Support individuals and communities to prepare respond and recover from emergency events.

Liveable Built Environment

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

Open and Collaborative Leadership

- 7.4b Provide services that deliver on sustainable community service expectations.
- 7.4c Provide the community with responsive customer service.

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 Councils that expressed an interest during the exhibition of the draft natural disaster clause and confirmed that position following release of the final clause, will have the clause inserted into their LEPs by way of an amending SEPP.
- 14 After this period, councils wishing to adopt the natural disaster clause would need to prepare formal Planning Proposals.

RISK ASSESSMENT AND MITIGATION

- 15 The clause is intended to assist homeowners recovering from a natural disaster by facilitating the rebuild and repair of damaged dwelling houses and secondary dwellings. While there may be potential for inappropriate use of the clause, it is considered that CN's assessment and regulatory processes can manage this so that it does not outweigh the potential benefits of the clause.
- 16 The guidance material prepared by DPIE, provides advice on the circumstances that could be considered a natural disaster, which can assist CN in applying the clause. In addition, CN could make a formal resolution following a significant weather event, declaring that the weather event will be considered a natural disaster for the purposes of applying the clause.

RELATED PREVIOUS DECISIONS

- 17 Nil.

CONSULTATION

- 18 The draft clause, guidance material, consultation paper and Frequently Asked Questions were published on the Planning Portal by DPIE. Councils were notified directly by DPIE.

BACKGROUND

- 19 Many people in New South Wales were impacted by bushfires or floods last summer and are now seeking planning approvals to enable them to rebuild or repair their homes. DPIE is working with councils to help communities recover after natural disasters and has prepared an optional clause for LEP's to support the rebuild and repair of dwellings following a natural disaster.

OPTIONS

Option 1

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

Option 2

- 21 Not support the inclusion of the clause in the NLEP 2012. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 5 Attachment A: Final natural disaster clause

Item 5 Attachment B: Submission on draft natural disaster clause

Item 5 Attachment C: Department of Planning, Industry and Environment guidance document

Item 5 Attachments A - C distributed under separate cover

ITEM-6 CCL 23/02/21 - WOOD STREET, NEWCASTLE WEST - ONE WAY TRAFFIC FLOW SOUTHBOUND AND ANGLE PARKING BETWEEN HUNTER STREET AND KING STREET

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

PURPOSE

To change Wood Street Newcastle West from two-way traffic to one-way traffic southbound, introduce angle parking on the eastern side between Hunter and Parry Streets and install a raised pedestrian zebra crossing in Wood Street south of Hunter Street.

RECOMMENDATION

That Council:

- 1 Approve the one-way southbound traffic direction, angle parking and raised pedestrian zebra crossing in Wood Street, Newcastle West between Hunter and Parry Streets as shown in **Attachment A**.

KEY ISSUES

- 2 When Transport for NSW (TfNSW) planned the detailed design of the Hunter Street traffic signals upgrade at the entrance to the new bus interchange, pedestrian safety at the eastern end of the traffic signal was raised as a concern due to the short distance of Wood Street to the traffic signal.
- 3 TfNSW (RMS) traffic signal design warrants (Version 1.4) recommend side streets (such as Wood Street) should not be less than 30 metres from signals. In the new traffic signal design, Wood Street is 10 metres east of the traffic signals on Hunter Street. In this situation, a driver turning left from Wood Street into Hunter Street is likely to be focused on traffic which could increase the likelihood of drivers not observing a red signal light or pedestrians crossing Hunter Street.
- 4 To address this safety issue, a long term solution will be implemented to convert Wood Street to one-way traffic flow. Traffic flow will be changed to southbound only (ie. in the direction of Hunter Street to Parry Street only), and will only allow left-in turns from Hunter Street to Wood Street.
- 5 At its meeting on 17 August 2020, the Newcastle City Traffic Committee (item no. 503) endorsed the project for Council's final determination.

- 6 With one-way traffic flow, parking will be increased by implementing angle parking on the eastern side of Wood Street. The angle parking will increase parking by up to 18 parking spaces.
- 7 Wood Street between Hunter and Parry Streets caters for an average traffic volume of 419 vehicles per day (November 2020 survey) which will meet the criteria for angle parking. Northbound and southbound traffic flow average 209 and 210 vehicles per day, respectively.
- 8 In addition, directional signage (City Administration Centre and Digital Library signs) were installed at intersections of Wood Street and Stewart Avenue with Hunter Street and at Parry Street and Stewart Avenue on 2 February 2021.

FINANCIAL IMPACT

- 9 CN has submitted the project for funding to the NSW Safer Roads Program 2021/2022. The estimated cost is \$383,700. CN has been advised that a decision is expected in April 2021. If the submission is not successful, the project will be listed in the Local Area Traffic Management (LATM) Program awaiting funding from future CN budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 This project is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan.

Vibrant, Safe and Active Public Places

- 3.3 Safe and activated places that are used by people day and night.

Livable Built Environment

- 5.4 Sustainable infrastructure to support a livable environment.

Integrated and Accessible Transport

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The project is consistent with the Newcastle Transport Strategy to improve conditions for pedestrians.
- 12 Approval of the changes is not delegated to CN officers and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 13 The project was initiated following a risk assessment of the bus interchange project highlighting pedestrian safety and the proximity of the minor intersection (Wood Street) to the signal as a risk.
- 14 The proposal provides improved pedestrian and cyclist accessibility, amenity, and safety. The work will be undertaken in accordance with relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

- 15 Nil.

CONSULTATION

- 16 CN consulted TfNSW to address safety at the intersection of Wood Street and Hunter Street near the traffic signal at the bus interchange.
- 17 Community consultation was conducted with residents and businesses / employees around the Wood Street area. Leaflets were distributed to residents and businesses in the area bounded by the railway line, Tudor Street, Hebburn Street, Warrah Street, Stewart Avenue, King Street National Park Street and Beresford Street. A copy of the leaflet was posted on CN website inviting public comments. A copy of the leaflet for the project concept plan is shown in **Attachment A**.
- 18 17 responses were received with 11 in support of the proposal with comments as shown in **Attachment B**.

BACKGROUND

- 19 This project was initiated when the upgrade of the traffic signals at Hunter Street and the new bus interchange was developed. There were safety issues raised as part of the risk assessment of the traffic signals due to the short distance of Wood Street and Hunter Street intersection to the pedestrian signal crossing.

OPTIONS

Option 1

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

Option 2

- 21 Council does not adopt the recommendation. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 6 Attachment A: Wood Street, Newcastle West - Community Consultation
Leaflet for Project Concept Plan

Item 6 Attachment B: Wood Street, Newcastle West - Community Consultation
Results

Item 6 Attachments A – B distributed under separate cover

ITEM-7 CCL 23/02/21- ADOPTION OF PARKING PLAN

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

PURPOSE

To adopt the Parking Plan – On Our Streets.

RECOMMENDATION

That Council:

- 1 Adopt the Parking Plan – On Our Streets at **Attachment A**.
- 2 Notes that implementation will be staged over several years, in accordance with agreed priorities and resourcing, as outlined in the Implementation Plan at **Attachment B**.

KEY ISSUES

- 3 At the Ordinary Council Meeting held on 24 November 2020, Council resolved to place the draft Parking Plan on exhibition for a period of eight weeks.
- 4 The 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. The draft Plan was 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.
- 5 The draft Parking Plan was exhibited from 25 November 2020 to 25 January 2021 with 43 submissions received. **Attachment B** provides a report on the engagement activities during the submission period and a summary of submissions and feedback received.
- 6 A number of submissions related to application of the Parking Management Framework, as adopted by Council in 2015 and incorporated in the draft Parking Plan (under Objective 2 – Manage Parking Demand). The Parking Management Framework is a tool that identifies triggers for intervention and potential action focuses on action to manage parking demand and utilisation, with a target occupancy of 85% of spaces widely viewed as the optimum capacity for on-street parking.

- 7 Whilst many submissions supported time restrictions as part of the Parking Management Framework, and several highlighted the role for increased parking enforcement, a number of submissions noted opposition to the introduction of parking meters, including Cooks Hill Community Group and local residents, specifically opposed to paid parking in Cooks Hill.
- 8 Several submissions highlighted the need for additional parking management measures in Wickham. It should be noted that there is no current or planned intention to introduce paid parking in either suburb.
- 9 Lack of perceived parking in the City Centre was identified in a number of submissions. Some submissions called for more parking to be provided in apartment buildings, re-opening of the Mall Car Park and / or construction of new parking facilities via the use of ratepayers' funds.
- 10 Proposed actions to explore reinvestment of paid parking income, parking districts and pricing structures were supported in the early stakeholder consultation and in the submission by the Hunter Business Chamber.
- 11 A number of changes have been made to the Parking Plan in response to submissions and for clarity or conciseness. These are noted in **Attachment C**.
- 12 Implementation will be staged over several years, in accordance with agreed priorities and resourcing, as noted in the Implementation Plan at **Attachment D**.
- 13 Importantly, the Plan incorporates a key objective to engage with stakeholders when implementing new or changed parking arrangements (Objective 6). The Plan commits City of Newcastle (CN) to evidence-based decisions and genuine engagement, commensurate with the scale of change.

FINANCIAL IMPACT

- 14 Actions in the Parking Plan will be delivered over multiple financial years. Adoption of the Plan will allow preliminary actions to be included in the draft 2021/22 Operational Plan, subject to resourcing.
- 15 Actions in future years will be developed as part of the development of CN's Delivery Program and Operational Plans, allowing for the assessment of risks, costs and benefits.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 16 The Parking Plan is aligned with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

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

17 The Implementation Plan at **Attachment D** shows indicative timing of actions. The Implementation Plan is a separate document to the Parking Plan so that it can be reviewed each year and reported through the Integrated Planning and Reporting Framework.

RISK ASSESSMENT AND MITIGATION

18 The Parking Plan commits CN to better management of parking in the Newcastle Local Government Area (LGA) through evidence-based decision-making, alignment with strategic objectives, ongoing education, communication and engagement. This alignment strengthens the Plan and reduces any risks associated with its implementation.

RELATED PREVIOUS DECISIONS

19 At the Ordinary Council Meeting held on 24 November 2020, Council resolved to place the draft Parking Plan on exhibition for a period of eight weeks.

CONSULTATION

20 A series of early engagement workshops with key stakeholders was held in September 2020, to explore issues around streetscapes, cycling, parking and implementation. Outcomes of the workshops informed preparation of the Parking Plan. 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

21 The draft Parking Plan was exhibited from 25 November 2020 to 25 January 2021, through a dedicated 'Have Your Say' page on CN's website. 43 submissions were received, with the majority made online through the exhibition web page.

BACKGROUND

22 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.

23 Recent parking utilisation surveys undertaken prior to COVID-19 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 LGA are now experiencing similar issues, albeit to lesser and varying extents.

24 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.

OPTIONS

Option 1

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

Option 2

26 Council resolve not to adopt the Parking Plan. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 7 Attachment A: Parking Plan – On Our Streets
Item 7 Attachment B: Summary of Submissions – Exhibition of Draft Parking Plan
Item 7 Attachment C: Summary of Changes to the Exhibited Draft Parking Plan
Item 7 Attachment D: Implementation Plan

Item 7 Attachments A – D distributed under separate cover

ITEM-8 CCL 23/02/21 - ADOPTION OF CYCLING PLAN

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

PURPOSE

To adopt the Cycling Plan – On Our Bikes.

RECOMMENDATION

That Council:

- 1 Adopt the Cycling Plan at **Attachment A**.
- 2 Notes that implementation will be staged over several years, in accordance with agreed priorities and resourcing, as outlined in the Implementation Plan at **Attachment D**.

KEY ISSUES

- 3 At the Ordinary Council Meeting held on 24 November 2020, Council resolved to place the draft Cycling Plan on public exhibition for a period of eight weeks.
- 4 The 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. 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.
- 5 The draft Cycling Plan was exhibited from 25 November 2020 to 25 January 2021. A total of 1,295 submissions were received, of which 1,229 were form emails related to a single issue (discussed further below). **Attachment B** provides a summary of the submissions.
- 6 Maps of proposed routes, as included in the draft Plan, were able to be viewed on an interactive map on the 'Have Your Say' page. 129 comments were made on the Social Pinpoint map. These are summarised at **Attachment C**.
- 7 Overall, the objectives, commitments and actions outlined in the draft Cycling Plan were well supported.

- 8 Separation of cyclists from motorised traffic was strongly supported. Many submissions, including that by the Newcastle Cycleways Movement, also noted support for separation of cyclists and pedestrians, for reasons of speed differentials and comfort of pedestrians, among others.
- 9 A related issue is the cost of delivery and use of road space. For proposed routes shown in the Plan, it is intended that feasibility investigations be undertaken to assess options for A to B connections (including alignments on other than the road network), and their impacts, to determine preferred alignments and treatments to progress to detailed design and construction.
- 10 Concerns about delivery, staff resourcing and budget allocation were raised in multiple submissions. Frustration with perceived lack of progress in recent years was evident in comments. Transparent annual reporting was also requested and has been incorporated into the final Plan.

Proposed Connection from Blue Gum Road to Newcastle Inner City Bypass Underpass

- 11 The draft Plan indicated a connection from the cycleway west of Blue Gum Road Jesmond to the Newcastle Inner City Bypass tunnel entrance near the Regal Cinema. The connection was also shown in the 2012 Newcastle Cycling Strategy and Action Plan. 1,229 form emails and six other submissions noted objections or concerns about the proposed connection, notably impacts on parking and the Regal Cinema.
- 12 A draft public domain plan which included this proposal was exhibited in mid-2018. Approximately 2,000 responses were received, the majority being form emails from Regal Cinema users / associates objecting to the proposed loss of parking. The centre upgrade project was placed on hold, as was the shared path.
- 13 Our Budget 2020/21 includes funding for construction of part of the Stage 2 connection, from the Blue Gum Road roundabout to just east of the transport stop (which will be upgraded). Path users will be directed into the unformalised car park, to make their own way to the tunnel entrance. The car park will not be affected and is not included in the scope of works. Construction work is programmed to commence in March 2021 and was widely promoted as part of the 2020/21 adopted budget.
- 14 The section linking the transport stop with the University Drive underpass, has not been designed, nor its alignment finalised. A timeframe for recommencement of the Moore Street Neighbourhood Centre public domain plan project, which includes the path connection, has not been determined.

Proposed Cycleway on Corlette Street

- 15 The draft Plan indicated new routes and significant upgrades, including Corlette Street, which is part of Regional Route R1, from Swansea to Newcastle and of the proposed Merewether to the City Centre route. The existing treatment consists of on road symbols. Feasibility and concept design have been undertaken for this section, for which a bicycle boulevard treatment, essentially, traffic calming, is proposed. No further work has been undertaken on this section since early 2018 and the proposed treatment has not been presented to the Newcastle City Traffic Committee for endorsement for exhibition.
- 16 A number of submissions referred to Corlette Street, noting objections to any loss of parking, suggesting one-way traffic arrangements or requesting further information. The Cycling Plan indicates that early engagement will be undertaken in development of cycling proposals. It is intended that draft concepts for the City Centre to The Junction section be exhibited and feedback sought prior to recommencement of further design work.

Competitive Cycling, Sports Cycling, Mountain Biking

- 17 The Cycling Plan focuses on improving safety, encouraging more people to ride and increasing mode share to cycling for transport. The needs of sports cyclists are not specifically addressed though were raised in a number of submissions, for example.
- 18 At the Ordinary Council Meeting held on 8 December 2020, Council adopted the Strategic Sports Plan. One of its overarching recommendations is for City of Newcastle (CN) to develop a long-term plan, in conjunction with other stakeholders, to examine issues and needs of competitive on-road and off-road cycling disciplines. It is considered that these matters are best addressed on a regional basis.
- 19 In response to feedback through submissions and Social Pinpoint comments, changes have been made to the Cycling Plan and maps. **Attachment D** provides a list of changes.

FINANCIAL IMPACT

- 20 Significant investment over a sustained period of at least ten years will be required to achieve a connected, safe cycling network.
- 21 Actions in the Cycling Plan will be delivered over multiple financial years. Adoption of the plan will allow preliminary actions to be included in the draft 2021/22 Operational Plan, subject to resourcing.
- 22 Actions in future years will be developed as part of the development of CN's Delivery Program and Operational Plans, allowing for the assessment of risks, costs and benefits.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 23 The Cycling Plan is aligned with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Integrated and Accessible Transport

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

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

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

- 24 The Implementation Plan at **Attachment D** shows indicative timing of actions. The Implementation Plan is a separate document to the Cycling Plan so that it can be reviewed each year and reported through the Integrated Planning and Reporting Framework.

RISK ASSESSMENT AND MITIGATION

- 25 The 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. Early engagement will assist in identification of issues and constraints for each route.

RELATED PREVIOUS DECISIONS

- 26 At the Ordinary Council Meeting held on 24 November 2020, Council resolved to place the draft Cycling Plan on exhibition for a period of eight weeks.

CONSULTATION

- 27 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.

28 A series of early engagement workshops with key stakeholders was held in September 2020, to explore issues around streetscapes, cycling, parking and implementation. Outcomes of the workshops informed preparation of the Cycling Plan. 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

29 The draft Cycling Plan was exhibited from 25 November 2020 to 25 January 2021, through a dedicated 'Have Your Say' page on CN's website.

30 Councillors were briefed on the outcomes of the exhibition process at a workshop held on 16 February 2021.

BACKGROUND

31 CN's previous cycling plan, the Newcastle Cycling Strategy and Action Plan, was adopted in March 2012. The 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.

OPTIONS

Option 1

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

Option 2

33 Council does not adopt the Cycling Plan. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 8 Attachment A: Cycling Plan

Item 8 Attachment B: Summary of Submissions – Draft Cycling Plan

Item 8 Attachment C: Summary of Key Points – Social Pinpoint Map - Draft Cycling Plan

Item 8 Attachment D: Summary of Changes to the Draft Cycling Plan and Maps

Item 8 Attachment E: Implementation Plan

Item 8 Attachments A – E distributed under separate cover

ITEM-9 CCL 23/02/21 - PUBLIC EXHIBITION OF THE DRAFT ECONOMIC DEVELOPMENT STRATEGY

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

PURPOSE

To publicly exhibit the draft 2030 Economic Development Strategy (EDS).

RECOMMENDATION

That Council:

- 1 Places the draft 2030 Economic Development Strategy at **Attachment A** on public exhibition for 28 days.

KEY ISSUES

- 2 City of Newcastle's (CN) Economic Development Strategy 2016-2019 has passed its delivery term. A new strategy is required to strengthen existing and create new economic opportunities. This strategy is timely as it responds to the significant impact COVID-19 has had on the city's economy.
- 3 The new EDS offers a transformative approach to economic development with a deliberate people-centred and place-led approach, with the view that the success of the local economy is built on the talent, skills and ingenuity of its people. These skills lead to innovation, creativity and ultimately the formation of new jobs and investment supported by key city infrastructure and enhanced by a vibrant lifestyle.
- 4 The EDS targets ten-year outcomes (2020s) for the Newcastle economy achieved through a four-year delivery program and one-year action plans (**Attachment B**). It is proposed that the EDS will be refreshed every four years, with the next revision scheduled for 2025.
- 5 The EDS is based on the New Local theoretical framework, which provides a people-centred and place-led approach to economic development. The delivery program provides a suite of opportunities for local residents and seeks to attract new talent to the city. The programs will be inclusive and, in some cases, targeted to minority and/or marginalised population groups.

FINANCIAL IMPACT

- 6 Costs associated with the exhibition process will be funded within existing budgets.

- 7 The draft EDS will be delivered over multiple financial years commencing in the 2021/22 financial year. Actions requiring funding will be identified in CN's Delivery Program and Operational Plans, allowing CN to undertake actions as funding and resources are confirmed.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The draft EDS is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Vibrant, Safe and Active Public Places

- 3.1c Support and deliver cultural and community programs, events and live music
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs
- 3.3a Collaborate with local groups and services to address crime and safety issues
- 3.3b Plan for a night-time economy, characterised by creativity, vibrancy and safety, that contributes to cultural and economic revitalisation.

Inclusive Community

- 4.1a Acknowledge and respect First Nations peoples
- 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
- 4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services.

Liveable Built Environment

- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Smart and Innovative

- 6.1a Recognise and strengthen Newcastle's role as a metropolitan capital and hub for education, health, tourism, creative, port and logistics industries
- 6.1b Attract new business and employment opportunities
- 6.2a Support and advocate for innovation in business, research activities, education and creative industries
- 6.2b Support and advocate for the small business sector
- 6.3a Facilitate events that attract visitors and support the local economy and the vibrancy of Newcastle
- 6.3b Work with the tourism sector to further develop Newcastle as a visitor and event destination

- 6.3c Work with businesses, planners and government at all levels to facilitate key infrastructure to support business growth
- 6.3d Foster a collaborative approach to continue city centre renewal.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting
- 7.2b Provide timely and effective advocacy and leadership on key community issues
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders
- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 This plan replaces and updates the existing Economic Development Strategy 2016-2019.

RISK ASSESSMENT AND MITIGATION

- 10 The Newcastle economy suffered severe impacts due to COVID-19 with unemployment peaking at 11% compared to 4% prior to the pandemic. It has since recovered somewhat to 7% (December). Young people were more severely impacted with unemployment climbing to almost 30% during the early stages of the pandemic. All levels of government have a role to play in responding to the current economic crisis. Local government cannot be seen to be inward looking during a time of crisis for residents.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 22 September 2015, Council resolved to adopt the 2016 – 2019 Economic Development Strategy.

CONSULTATION

- 12 In developing the 2030 EDS, extensive stakeholder and expert engagement has been undertaken. Through a community-wide survey and 11 workshops, over 400 people were engaged. Comprehensive engagement reports are included at **Attachment C** and **Attachment D**.
- 13 Engagement included workshops with CN's Strategy and Innovation Advisory Committee, City Taskforce and representatives of business, innovation and community sectors.

- 14 Engagement included targeted conversations with population groups most impacted by the COVID-19 economic recession. In particular, discussions with young people were conducted in partnership with TAFE NSW, Hunternet, University of Newcastle and Hunter Young Professionals. Engagement also included people from non-English speaking backgrounds at workshops with English as a Second Language students from TAFE NSW.

BACKGROUND

- 15 CN's EDS 2016-2019 has reached the end of its delivery term.
- 16 Expert input was provided by consultants Village Well and Michael Shuman, who led workshops on the ten 'New Local' principles (**Attachment E**). These principles inform a new people-centred and place-led approach to building resilient and regenerative communities in a post COVID-19 and climate change world.

OPTIONS

Option 1

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

Option 2

- 18 Council resolves to not place the draft EDS on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 9 Attachment A:** Draft Economic Development Strategy for the 2020s
Item 9 Attachment B: Draft Economic Development Strategy Action Plan
Item 9 Attachment C: Economic Development Strategy Engagement Report
Item 9 Attachment D: City Plan Economic Development Strategy Engagement Report
Item 9 Attachment E: New Local Final Report

Item 9 Attachments A - E distributed under separate cover

ITEM-10 CCL 23/02/21 - PUBLIC EXHIBITION OF THE DRAFT GRANTS POLICY AND SPONSORSHIP POLICY

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

PURPOSE

To publicly exhibit the draft Community Grants Policy and draft Sponsorship Policy.

RECOMMENDATION

That Council:

- 1 Places the draft Community Grants Policy (**Attachment A**) and draft Sponsorship Policy (**Attachment B**) on public exhibition for 28 days.

KEY ISSUES

- 2 Council approval is sought to place the draft Community Grants Policy and draft Sponsorship Policy (draft Policies) on public exhibition from 24 February 2021 to 24 March 2021.
- 3 The relevant legislation associated with the draft Policies is section 356 of the Local Government Act, which addresses when a council can provide financial assistance.
- 4 The draft Policies respond to the Grants and Sponsorship Review conducted in 2019 involving community engagement and staff engagement, the review of existing CN documentation and best practice research.
- 5 The draft Policies provide the framework for CN grant and sponsorship funding.
- 6 A key theme from consultation was the desire for equitable access to funding. Only 15% of total grant funding available in 2019/20 was for community-led projects (e.g. not tied to a narrow focus or subject to strict eligibility criteria). In addition, no funding categories were available for community led projects with environmental, social, heritage, or arts and culture outcomes.
- 7 In addition to the proposed grants and sponsorship programs, CN provides funding through other programs and projects including the Special Business Rate Program (approximately \$900,000) and the New Annual Festival (approximately \$900,000).
- 8 Guidelines developed and reviewed annually will detail available funding available and allocation across streams. Draft Guidelines have been included at **Attachment C** and **Attachment D** as supporting documentation.

- 9 Allocation of Grant and Sponsorship funding will continue to be determined through the annual budget process.

FINANCIAL IMPACT

- 10 No financial impact. Grant and Sponsorship budget allocations will be determined annually as part of CN's Delivery Program and Operational Plans, allowing for assessment of risk, costs and benefits.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The draft Policies align with the following Newcastle 2030 Community Strategic Plan directions:

Vibrant, Safe and Active Public Places

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs
- 3.1b Enhance our beaches and coastal areas through upgraded facilities
- 3.1c Support and deliver cultural and community programs, events and live music
- 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
- 4.1c Improve, promote and facilitate equitable access to services and facilities
- 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.

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
- 7.3b Provide clear, consistent, accessible and relevant information to the community
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 The Draft Community Grants Policy consolidates and replaces the following policies:
- a) Recreation Facilities Grant Program Policy
 - b) Youth Week Grant Policy
 - c) Community Place Making Grant Policy
 - d) Council Support for Arts and Cultural Organisations in Newcastle.
- 13 The Draft Sponsorship Policy consolidates and replaces the following policies:
- a) Event Sponsorship Policy
 - b) Economic Development Sponsorship Policy.

RISK ASSESSMENT AND MITIGATION

- 14 There is no risk in placing the draft Policies on public exhibition.

RELATED PREVIOUS DECISIONS

- 15 There are no previous Council resolutions in relation to these Policies.

CONSULTATION

- 16 The draft Policies respond to the Grants and Sponsorship Review that included consultation with community and staff, review of existing CN documentation and best practice research.
- 17 The draft Policies will be placed on public exhibition for 28 days and promoted through CN's website and social media channels inviting submissions from internal and external stakeholders.

BACKGROUND

- 18 A Grants and Sponsorship Review was undertaken in 2019 to identify opportunities for better community outcomes and organisational efficiencies.
- 19 A recommendation of the report was a consolidation of current administrative processes, including the consolidation of Policies.
- 20 The draft Policies have been formulated with consideration of the core principles identified in the Grants and Sponsorship Review. They are Transparent, Equitable, Effective, Efficient, Collaborative and Sustainable outcomes.

OPTIONS

Option 1

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

Option 2

22 The draft Policies are not placed on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 10 Attachment A: Draft Community Grants Policy

Item 10 Attachment B: Draft Sponsorship Policy

Item 10 Attachment C: Draft Community Grant Programs – Guidelines

Item 10 Attachment D: Draft Sponsorship Programs – Guidelines

Item 10 Attachments A - D distributed under separate cover

ITEM-11 CCL 23/02/21 - VARIATIONS TO DEVELOPMENT STANDARDS

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

PURPOSE

To report on development variations approved between 1 October 2020 and 31 December 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 October and 31 December 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 Environment 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 19 Development Applications (DA) were determined between 1 October and 31 December 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 October and 31 December 2020
10% or less	Under delegation	13
Greater than 10% or a variation to a non-numerical development standard	Council or where appropriate the Regional Planning Panel	6
Total		19

- 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	15 September 2020
DA2020/00443	Council	20 October 2020
DA2019/01352	Council	20 October 2020
DA2019/00824	Council	20 October 2020
DA2020/00758	Council	1 December 2020
DA2018/00773	Council	8 December 2020

FINANCIAL IMPACT

- 6 Nil

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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 CN received reports on the development variations approved in the last 12 months as listed in Table Three.

Table Three

Ordinary Council Meeting held	Period contained in report
25 August 2020	1 January to 31 July 2020
24 November 2020	1 August to 30 October 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 11 Attachment A:** Report on all approved development variations between 1 October and 31 December 2020

CITY OF NEWCASTLE

Item 11 ATTACHMENT A

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 of	Extent of variation of	Determination by	Date DA determined
DA2018/00773	11	1106378	0	73	Railway Lane	Wickham	2293	Mixed	Local Environmental Plan 2012	B4	Building Height	Achieves desired future character for the area	87%	Council under assumed concurrence	10/12/2020
DA2019/00824	3	38005	0	33	Lloyd Street	Merewether	2291	Residential New second occupancy	Local Environmental Plan 2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	56%	Council under assumed concurrence	28/10/2020
DA2019/01352	11	1044112	0	64	Frederick Street	Merewether	2291	Residential Alterations and additions	Local Environmental Plan 2012	R2	Building Height	Achieves underlying objectives of height control	9.7%	Council under assumed concurrence	22/10/2020
											Floor Space Ratio	Achieves underlying objectives of the floor space ratio control	17%	Council under assumed concurrence	22/10/2020
DA2020/00378	5	1005778	0	40	Gipps Street	Carrington	2294	Residential Alterations and additions	Local Environmental Plan 2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	22%	Council under assumed concurrence	9/10/2020
DA2020/00420	14	2029	0	7	Whitton Street	Wallsend	2287	Residential New multi unit	Local Environmental Plan 2012	R2	Lot Size	Justification: Consistent with the aims of Clause 4.1 of the NLEP2012	9.9%	Council under assumed concurrence	6/10/2020
DA2020/00426	24	35833	0	26	Light Street	Bar Beach	2300	Residential Single new dwelling	Local Environmental Plan 2012	R3	Building Height	Achieves underlying objectives of height control	2.6%	Council under assumed concurrence	16/10/2020

CITY OF NEWCASTLE

Ordinary Council Meeting 23 February 2021

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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
DA2020/00434	2	153844	0	10	Ridge Street	Merew ether	2291	Residential New second occupancy	Local Environmental Plan 2012	R2	Building Height	Achieves underlying objectives of height control	1.04%	Council under assumed concurrence	12/10/2020
DA2020/00443	1	104145	0	9	Beach Street	New castle East	2300	Residential Alterations and additions	Local Environmental Plan 2012	R3	Floor Space Ratio	Achieves underlying objectives of the floor space ratio control	40%	Council under assumed concurrence	11/11/2020
DA2020/00448	104	111243	0	121	Mitchell Street	Merew ether	2291	Residential New second occupancy	Local Environmental Plan 2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	8%	Council under assumed concurrence	14/10/2020
DA2020/00526	1	780479	0	57	Wilton Street	Merew ether	2291	Residential Single new dwelling	Local Environmental Plan 2012	R2	Floor Space Ratio	Achieves underlying objectives of the floor space ratio control	10%	Council under assumed concurrence	15/10/2020
DA2020/00610	4	113657	0	19	Young Street	Carrington	2294	Residential Single new dwelling	Local Environmental Plan 2012	R2	Floor Space Ratio	Achieves underlying objectives of the floor space ratio control	5.01%	Council under assumed concurrence	23/11/2020
DA2020/00620	51	858303	0	16	Lloyd Street	Merew ether	2291	Residential Alterations and additions	Local Environmental Plan 2012	R2	Building Height	Compatible with streetscape (bulk, scale and mass)	8.7%	Council under assumed concurrence	9/12/2020
DA2020/00675	871	755247	0	42	Elder Street	Lambton	2299	Residential Other	Local Environmental Plan 2012	R2	Lot Size	Compatible with established subdivision pattern	7%	Council under assumed concurrence	20/11/2020
DA2020/00689	A	36941	0	54	Hunter Street	Stockton	2295	Residential Single new dwelling	Local Environmental Plan 2012	R2	Building Height	Achieves underlying objectives of height control	8.3%	Council under assumed concurrence	13/11/2020

CITY OF NEWCASTLE

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
DA2020/00717	22	32721	0	5	Hillview Crescent	The Hill	2300	Residential Alterations and additions	Local Environmental Plan 2012	R2	Building Height	Not have unreasonable impact on amenity of area	17%	Council under assumed concurrence	2/12/2020
DA2020/00726	12	92	0	53	Mary Street	Jesmond	2299	Residential New multi unit	Local Environmental Plan 2012	R2	Lot Size	Does not set an undesirable precedent	9%	Council under assumed concurrence	13/11/2020
DA2020/00748	A	355519	0	74	Forfar Street	Stockton	2295	Residential New second occupancy	Local Environmental Plan 2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	9.41%	Council under assumed concurrence	4/11/2020
DA2020/00758	11	38649	0	59	Scenic Drive	Merewether	2291	Residential Alterations and additions	Local Environmental Plan 2012	R2	Building Height	Not have unreasonable impact on amenity of area	14.3%	Council under assumed concurrence	14/12/2020
DA2020/00797	1	18030	0	20	Wilton Street	Merewether	2291	Residential Single new dwelling	Local Environmental Plan 2012	R2	Floor Space Ratio	Achieves underlying objectives of the floor space ratio control	9.97%	Council under assumed concurrence	24/12/2020

ITEM-12 CCL 23/02/21 - LIQUOR AMENDMENT BILL 2020 UPDATE

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

PURPOSE

To provide a report on implications for the delivery of the City of Newcastle's Live Music and After Dark Strategies arising from the Liquor Amendment Act 2020.

RECOMMENDATION

That Council

- 1 Receives the update report on the Liquor Amendment Act 2020 as per **Attachment A**.

KEY ISSUES

- 2 On 27 November 2020, the Liquor Amendment (24-hour Economy) Bill 2020 was assented, becoming the Liquor Amendment (Night-time Economy) Act 2020 (Act) enacting legislative changes including amendments to:
 - a) The Liquor Act 2007;
 - b) The Gaming and Liquor Administration Act 2007;
 - c) The Environmental Planning and Assessment Act 1979;
 - d) The Standard Instrument (local environmental plans) Order 2006; and
 - e) The Roads Act 1933.
- 3 The amendments came into force in a staggered process commencing on 11 December 2020 and extending until June 2022. Collectively, the amendments represent considerable change to the legislative landscape governing night-time economies.
- 4 City of Newcastle (CN) will need to consider the implications, opportunities and challenges as outlined in this report.
- 5 The focus of the Act is increased flexibility in liquor licensing with reference to small bars and precincts, and support for the live music industry which has been particularly impacted by Covid-19. The objectives are aligned with CN's Newcastle After Dark Night-time Economy Strategy 2018-2022, and Live Music Strategy 2019-2023.
- 6 The Act's stated primary aims is to:
 - a) Remove outdated restrictions on live entertainment
 - b) Provide incentives for live music and entertainment in venues
 - c) Support small bars to provide more diverse offerings

- d) A new incentive and demerit points system for licensed venues
 - e) Provide councils more options to encourage live music and performance
 - f) Enable establishment of 'Special Entertainment Precincts'
 - g) Establish new Cumulative Impact Assessment legislation for managing high density of licensed premises in designated precincts (currently focused on Sydney CBD and Kings Cross).
- 7 In addition, a range of amendments have been adopted relating to the regulation of same-day alcohol delivery, changes to online and venue signage, and ancillary amendments aimed at streamlining process.
- 8 The changes present opportunities and challenges for implementing CN's endorsed strategies designed to stimulate the city's night-time economy. However, already complex regulatory issues including balancing the interests of residents and night-time economy businesses and participants are accentuated.
- 9 An extended overview of the amendments and implications for CN are outlined in **Attachment A**.

FINANCIAL IMPACT

- 10 There is no direct financial implications arising from this report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The Live Music Strategy and After Dark Strategy are consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Vibrant, Safe and Active Public Places

- 3.1 Public places that provide for diverse activity and strengthen our social connections.
- 3.2 Culture, heritage and place are valued, shared and celebrated.
- 3.3 Safe and activated places that are used by people day and night.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 Implementation relates to actions within CN's After Dark Strategy 2018-2022 and Live Music Strategy 2019-2023.

RISK ASSESSMENT AND MITIGATION

- 13 The Live Music and After Dark strategies create a vision and direction for Newcastle's night-time economy and associated sectors. Implementation of the strategies will ensure evidence-based planning and assessment is used in decision making.

RELATED PREVIOUS DECISIONS

- 14 At the Ordinary Council Meeting on 8 December 2020, Council resolved to seek a report on the implications of the Liquor Amendment Bill 2020 for the delivery of the Live Music and After Dark Strategies
- 15 At the Ordinary Council Meeting on 16 April 2019, Council unanimously resolved to adopt the Live Music Strategy 2019 - 2023.
- 16 At the Ordinary Council Meeting on 27 November 2018, Council unanimously resolved to adopt the Newcastle After Dark Strategy 2018 - 2022.

CONSULTATION

- 17 On 9 February 2021, a briefing was provided to Council by representatives of the Live Music Office and Liquor and Gaming NSW.

BACKGROUND

- 18 CN has led and participated in a range of night-time economy planning and strategic activities over the last decade; culminating in the adoption of the Newcastle After Dark Strategy 2018-2022 and Live Music Strategy 2019 – 2023.
- 19 CN provided a submission to the 24-Hour Economy Amendment Bill 2020 consultation. This submission is at **Attachment B**.
- 20 CN is currently involved in a whole of government trial of relaxed trading restrictions for low impact venues (small bars and restaurants) which provides for 2am trading for participating small bars, and the capacity to serve cocktails after 10pm. The trial commenced on 1 October 2020 and is ongoing with no incidents of alcohol-related violence in any participating venues, and a very small number of noise complaints.
- 21 A community survey conducted by CN as part of the trial's agreed consultation and engagement has gauged support for greater diversity of small venues. 940 submissions were received with 85% from the Newcastle local government area (LGA) (99% from lower Hunter) representing all age categories (18 to 70+) and 42 suburbs across the LGA.
- 22 Survey analysis indicates that 74% of respondents are strongly in favour of more small and diverse venues (53% extremely supportive, 21% very supportive, 6% not supportive at all). Similarly, support for venues trading later is strong, with 66% of respondents extremely or very supportive (and 12% not supportive at all).
- 23 The top five experiences survey respondents sought were place activation (64%), more live music (57%), small bars (55%), public spaces designed for night-time use (53%) and late-night meals at restaurants (51%). The summary information sheet from this survey is **Attachment C**.

OPTIONS

Option 1

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

Option 2

25 Council resolves not to receive the report on the Liquor Amendment Act 2020.
This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 12 Attachment A: Report on the Liquor Amendment Act 2020
Item 12 Attachment B: CN submission to the Liquor Amendment Bill
Item 12 Attachment C: Newcastle After Dark Community Survey Report

Item 12 Attachments A - C distributed under separate cover

ITEM-13 CCL 23/02/21 - DECEMBER 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 31 December 2020, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 The December 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 impact on City of Newcastle's (CN) budgeted operating by \$1.7m, with an adjusted forecast annual budget deficit of \$22.3m for the year ended 30 June 2021. This is below the original Adopted Budget deficit of \$22.7m.
- 3 The adjustments recommended through the December Quarterly Budget Review Statement require CN to use an additional \$3.1m of funds. CN is now forecasting to use \$27.4m in cash reserves for the full financial year 2020/21 and is forecast to hold \$22.6m in unrestricted cash reserves at 30 June 2021.
- 4 The 2020/21 works program was reviewed as part of the December 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 a nominal net impact and the works program remains at \$116.3m.
- 5 The December 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.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 This report aligns with the following strategic direction of the Newcastle 2030 Community Strategic Plan:

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 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 of the recommendation 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).
- 11 At the Ordinary Council Meeting held on 24 November 2020, Council adopted the September 2020 Quarterly Budget Review.

CONSULTATION

- 12 A workshop was conducted with Councillors on 16 February 2021.

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 13 Attachment A: December 2020 Quarterly Budget Review Statement

Item 13 Attachment A distributed under separate cover

ITEM-14 CCL 23/02/21 - SIX MONTHLY 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 progress against City of Newcastle's 2018-2022 Delivery Program, in accordance with section 404(5) of the Local Government Act 1993.

RECOMMENDATION

That Council:

- 1 Receives the Six-Monthly Performance Report on the 2018-2022 Delivery Program, as per **Attachment A**.

KEY ISSUES

- 2 To comply with section 404(5) of the Local Government Act 1993 (Act), City of Newcastle (CN) must provide regular reports (at least bi-annual) on progress against the Delivery Program (2020/21 Our Budget).

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 4 The Six-Monthly Performance Report outlines CN's performance against the Newcastle 2030 Community Strategic Plan's (CSP) seven strategic directions.

IMPLEMENTATION PLAN/IMPLICATIONS

- 5 This report aligns to the CSP strategic direction 'Open and collaborative leadership':
 - 7.4a Continuous improvement in service delivery based on accountability, transparency and good governance.

RISK ASSESSMENT AND MITIGATION

- 6 CN is required to undertake planning and reporting activities in accordance with the Act and the Local Government (General) Regulation 2005. Section 404(5) of the Act requires progress reports to be provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

RELATED PREVIOUS DECISIONS

- 7 At the Ordinary Council Meeting held on 23 June 2020, Council resolved to adopt the 2020/21 Our Budget (2018-2022 Delivery Program and 2020/21 Operational Plan).
- 8 At the Ordinary Council Meeting held on 24 November 2020, Council resolved to receive the September Quarterly Performance report on the 2018-2022 Delivery Program.

CONSULTATION

- 9 There is no requirement for public consultation on this report.

BACKGROUND

- 10 The Delivery Program (2020/21 Our Budget) is aligned with the seven strategic directions contained in the CSP endorsed by Council on 26 June 2018.
- 11 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 reviewed annually and adopted by 30 June of the relevant year.
- 12 The Six-Monthly Performance Report highlights CN's progress against the strategic objectives and performance measures outlined in the 2018-2022 Delivery Program (2020/21 Our Budget), as required by the Act.
- 13 The Six-Monthly Performance Report addresses the seven strategic directions contained in the CSP: (1) Integrated and Accessible Transport, (2) Protected Environment, (3) Vibrant, Safe and Active Public Places, (4) Inclusive Community, (5) Liveable Built Environment, (6) Smart and Innovative; and (7) Open and Collaborative Leadership.

OPTIONS

Option 1

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

Option 2

- 15 Council resolves not to receive the Six-Monthly Performance Report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 14 Attachment A: Six-Monthly Performance Report on the 2018-2022 Delivery Program (2020/21 Our Budget)

Item 14 Attachment A distributed under separate cover

ITEM-15 CCL 23/02/21 - 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 January 2021.
- 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 January 2021

KEY ISSUES

- 2 At the end of January 2021 the consolidated YTD actual operating position is a surplus of \$4.9m which represents a positive variance of \$14.2m against the budgeted YTD deficit of \$9.2m. 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 \$20.6m.
- 3 The net funds generated as at the end of January 2021 is a surplus of \$17.8m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$24.6m to the YTD budgeted deficit position of \$6.8m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of January 2021 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 25 September 2018 Council adopted to receive an Executive Monthly Performance Report for July to May no later than one month after the month being reported as part of the annual financial reporting framework.
- 10 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.

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 15 Attachment A: Executive Monthly Performance Report – January 2021

Item 15 Attachment A distributed under separate cover

ITEM-16 CCL 23/02/21 - AUDIT AND RISK COMMITTEE 2019/20 ANNUAL REPORT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To table the Audit and Risk Committee (Committee) Annual Report for the 2019/2020 financial year and note the 2020/2021 Forward Internal Audit Plan.

RECOMMENDATION

That Council:

- 1 Receive the Audit and Risk Committee's Annual Report for the 2019/2020 financial year at **Attachment A**; and
- 2 Notes the 2020/2021 Forward Internal Audit Plan at Appendix A of Attachment A.

KEY ISSUES

- 3 The Committee is required to report annually to Council in accordance with the Committee Charter and Office of Local Government's Internal Audit Guidelines.

FINANCIAL IMPACT

- 4 External Committee members are remunerated for their services, and CN co-sources its internal audit function through the engagement of an external service provider. All expenses were within the 2019/20 adopted budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 The tabling of the Annual Report is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan:

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

Open and Transparent Governance Strategy

- 4.5 Promote an organisation that eliminates or minimises risk.
- 4.6 Ensure accountability for public money and high levels of service, governance, quality, professional conduct and compliance with professional standards and other legislative requirements.

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 The Committee will continue to meet in 2021 as follows:
 - i) 4 March 2021
 - ii) 3 June 2021
 - iii) 2 September 2021
 - iv) 11 October 2021
 - v) 2 December 2021

RISK ASSESSMENT AND MITIGATION

- 7 CN has an Enterprise Risk Management Framework which provides a consistent and structured approach to identifying, managing and embedding risk management into strategic and operational processes.
- 8 CN's Internal Audit function is a key control to identifying, managing and mitigating risks. Internal Audit works in collaboration with senior management to create value by identifying opportunities to improve the efficiency and effectiveness of business operations. The Committee provides oversight to the Internal Audit function and risk management process receiving reports on a quarterly basis.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 25 February 2020, Council received the Audit and Risk Committee Annual Report for the 2018/2019 financial year.

CONSULTATION

- 10 The Annual Report was approved by the Committee at its meeting held on 10 December 2020.

BACKGROUND

- 11 The Committee provides independent oversight and monitoring of CN's Internal Audit function as part of the organisational governance framework. This oversight includes evaluating and improving the effectiveness of risk management, internal controls and governance processes, fraud and corruption, internal and external reporting, and internal and external audit and compliance.

Internal Audit partners with Service Units and Executive Leadership Team to deliver recommendations for improvement across the organisation.

- 12 The Committee's membership of three (3) independent members and two (2) Councillors is in accordance with the Office of Local Government Internal Audit Guidelines (September 2010) and the Audit and Risk Committee Charter (approved by Council at the Ordinary Council Meeting held on 27 February 2018).

OPTIONS

Option 1

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

Option 2

- 14 Council does not adopt the recommendations. This is not the recommended option.

REFERENCES

Office of Local Government - Internal Audit Guidelines

<https://www.olg.nsw.gov.au/wp-content/uploads/Internal-Audit-Guidelines-September-2010.pdf>

Audit and Risk Committee Charter

<https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Legal%20and%20Governance/Audit%20Committee/Audit-and-Risk-Committee-Charter.pdf>

ATTACHMENTS

Item 16 Attachment A: Audit and Risk Committee Annual Report 2019/2020

Item 16 Attachment A distributed under separate cover

ITEM-17 CCL 23/02/21 - TENDER REPORT - GEOTECHNICAL INVESTIGATION AND DESIGN PANEL CONTRACT - CONTRACT 2021/221T

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

PURPOSE

To accept a tender panel for the provision of geotechnical investigation and design services for various projects throughout the Local Government Area (LGA).

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

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.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for Geotechnical Investigation and Design for Contract No. 2021/221T.

- 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 This tender is for geotechnical investigation and design services for works within the City of Newcastle (CN) LGA. The works are casual, on demand as required over a three-year period. The works will include geotechnical testing and analysis, pavement investigation and design services for the design, construction and maintenance of CN assets.
- 3 It is intended to engage tenderers as a prequalified panel engagement.

Contract Term

- 4 The contract period is from 1 March 2021 to 28 February 2024.

Advertising of Tenders

- 5 The tender was advertised in the Newcastle Herald on 28 November 2020, the Sydney Morning Herald on 24 November 2020, and nationally on the Tenderlink website.

Tenders Received

- 6 Tenders closed at 2pm on Tuesday 15 December 2020. Tender submissions were received from:
- i) Cardno (NSW/ACT) Pty Ltd;
 - ii) CMW Geosciences (NSW) Pty Ltd;
 - iii) Coffey Services Australia Pty Ltd;
 - iv) Consulting Earth Scientists Pty Ltd;
 - v) Douglas Partners Pty Ltd;

- vi) Golder Associates Pty Ltd;
- vii) Hunter Civilab Pty Ltd;
- viii) RCA Australia Pty Ltd;
- ix) SLR Consulting Australia Pty Ltd;
- x) SMEC Australia Pty Ltd; and
- xi) WSP Australia Pty Ltd.

Evaluation Process

7 The tenders were assessed against the following criteria:

- | | |
|------------------------------------|-----|
| i) Tender Price | 45% |
| ii) Management and Staff Resources | 25% |
| iii) Previous Experience | 15% |
| iv) Supplier Diversity | 5% |
| v) Workplace Health and Safety | 10% |

8 The tenders were assessed by a Tender Assessment Panel (Panel) comprising of CN officers including the Civil Project Officer, Civil Engineer and Graduate Engineer. The Panel was selected based on experience and knowledge of the project.

9 The Contracts Management team provided probity for the tender evaluation in accordance with CN's Procurement Policy.

Recommended Tenderer

10 The recommended tenders have been assessed as satisfying the requirements of CN. They have demonstrated a capability to undertake the work to a high standard and have been selected as providing the best value for money.

11 Tender rates were assessed on an estimated volume of work to be completed under a single engagement. This estimate included a single investigation on a local road (Pavement Testing for 1,400m² of road pavement). These values will vary based on the project scope and the associated ground conditions, which will be determined as work programs are identified.

12 The Panel assessed the tenders to ensure that the successful tenderers are capable of providing the best value for money to CN, whilst also being capable of meeting CN's delivery targets for the contract period.

FINANCIAL IMPACT

- 13 The total estimated expenditure for the three year contract term is \$1.2 million, which would be adjusted as required to fall within the adopted project budgets for the 2021/22, 2022/23 and 2023/24 financial years.

IMPLICATIONS

Policy Implications

- 14 This project aligns with the following Newcastle 2030 Community Strategic Plan directions:
- i) Integrated and Accessible Transport,
 - ii) Protected Environment, and
 - iii) Liveable Built Environment.

Environmental Implications

- 15 The recommended tenderers have demonstrated an ability to undertake the works in a manner utilising best environmental management practices. The recommended tenderers also have appropriate environmental systems.
- 16 Tenderers will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for management of traffic control, noise and waste management.

Ecological Sustainability

- 17 The recommended tenderers do not have a specific ecologically sustainable development policy in place. Despite this, 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

- 18 Implementation of the recommendation allows CN to undertake geotechnical investigation and design works as required, throughout the LGA. CN does not have the internal resources (staff, plant, equipment and laboratory facilities) required to undertake this work internally.

CONSULTATION/COMMUNICATION

- 19 No external consultation is required in preparation of this tender.

BACKGROUND

- 20 The tendered contract was for geotechnical investigation and design services. The purpose being to engage external resources as required in delivery of CN's works program.

- 21 The tender provides CN with the option of accepting more than one tender. This is considered necessary to ensure that CN can obtain the services of a suitable, cost effective contractor to meet CN's timeframes.
- 22 The proposed contracts are a standing offer arrangement. That is, costs to CN are only incurred when CN requests works during the contract period.
- 23 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

- 24 The recommendation as at **Confidential Attachment A**. This is the recommended option.

Option 2

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

Option 3

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

Option 4

- 27 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

- 28 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.

ATTACHMENTS

Item 17 Attachment A: Confidential Recommendation

Item 17 Attachment B: Confidential Tender Evaluation Matrix - Summary

Refer Confidential Agenda 23 February 2021 for Attachments A - B

**ITEM-18 CCL 23/02/21 - SUPPLY OF ROCK BAGS FOR STOCKTON -
CONTRACT NO. 2021/060T**

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

PURPOSE

To approve an exemption to tender under Section 55(3)(k) of *the Local Government Act 1993* (Act) due to the emergency circumstances at Stockton Beach in July 2020.

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to entering into a contract for the supply of rock bags for Contract No. 2021/060T.

- 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

Contract

- 2 This contract was for the supply and delivery of 900 rock bags for emergency works at Stockton Beach.

Contract Term

- 3 The supply term of the contract was four weeks.

Tender Exemption

- 4 The contract with the Tenderer was for a sum detailed at confidential **Attachment A**. A contract of this value normally requires tenders to be called.
- 5 Under Section 55(3)(i) of the Act an exemption to calling tenders for a contract of this value is permissible in the case of an emergency, but requires a Council resolution.
- 6 Due to the emergency nature of the remediation works, the time constraints required the procurement process to commence immediately. The Tenderer is the only supplier able to provide the specific product, being Kyowa Bags, originating from Japan.

FINANCIAL IMPACT

- 7 The contract was funded from the 2020/2021 Capital Works program.

IMPLICATIONS

Policy Implications

- 8 This project aligns with the following Newcastle 2030 Community Strategic Plan direction:

- i) Protected Environment - our unique environment will be understood, maintained and protected.
- 9 This project will enable the implementation of City of Newcastle's (CN) strategic objectives in relation to the Community Assets and Open Space Policy.

Environmental Implications

- 10 This contract is for the supply of rock bags only. No further environmental implications are relevant.

Social Implications

- 11 CN's emergency response to the erosion event to mitigate potential further expediated erosion or property damage will have positive social impacts as opposed to the social impacts of inaction.

Ecological Sustainability

- 12 The recommended tenderer does not have a specific ecologically sustainable development policy in place. Despite this, 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

- 13 Implementation of the recommendation will not significantly impact CN's services or resources. Delivery of the project and ongoing maintenance will be managed by the Assets and Projects service unit.

CONSULTATION/COMMUNICATION

- 14 Due to the emergency nature of the procurement the matter was approved through a Single Quote Acceptance (SQA) by the Chief Executive Officer.

BACKGROUND

- 15 A SQA was completed to engage the Tenderer to supply and deliver the rock bags as recommended by coastal engineers.
- 16 Clause 17.5 of CN's Procurement Policy supports the SQA due to the specialist nature of the procurement, and there being only one demonstrated supplier that met the requirements.
- 17 Under Section 55 of the Act, CN would normally be required to call tenders for a contract of this value. However, the Act does allow exemptions from calling tenders in the case of an emergency.
- 18 Section 55(3)(k) of the Local Government Act allows this type of exemption, but it requires a Council resolution.

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

22 Council resolves not to accept the 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

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

ATTACHMENTS

Item 18 Attachment A: Confidential Recommendation - Refer Confidential Agenda 23 February 2021

NOTICES OF MOTION

ITEM-1 NOM 23/02/21 - PERMANENTLY RAISE THE RATE

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

PURPOSE

The following Notice of Motion was received on Thursday 11 February 2021 from the abovenamed Councillors.

MOTION

That Council:

- 1 Notes that the severe economic impacts of the COVID-19 pandemic have been cushioned by Commonwealth, State and Local policy interventions, including the JobSeeker and JobKeeper payments;
- 2 Notes the City's ongoing advocacy to ensure a coordinated national response to the COVID-19 pandemic, including its unanimous resolution in response to a Lord Mayoral Minute on 24 March 2020 and successive joint advocacy of the City Taskforce which predated the JobKeeper payment.
- 3 Notes that prior to the \$550 per fortnight increase in the JobSeeker payment in April 2020, the JobSeeker/NewStart rate had not been increased in real terms in 26 years. Recipients were living well below the poverty line, unable to cover basic living costs such as rent, fresh food and medication [**Attachment A**];
- 4 Notes that the JobSeeker coronavirus supplement has been reduced to just \$150 per fortnight, and is scheduled to be removed completely on 31 March 2021, returning more than 1.7 million recipients and their families into poverty;
- 5 Notes that as of December 2020, 10,481 Novocastrians are receiving the JobSeeker or Youth Allowance Payments, a 50% increase on JobSeeker/NewStart recipients compared with pre-COVID. Notes, with concern, that this is only 1,400 fewer recipients than the peak of COVID (May 2020) [**Attachment B**];
- 6 Notes that from April to December 2020, the JobSeeker Coronavirus Supplement provided **\$80.5 million** in additional support to these Novocastrians [**Attachment C**];

- 7 Notes that numerous academic studies, reports undertaken by Treasury, and comments from the RBA Governor confirm that this supplement has had an immediate and direct economic stimulus benefit, as the “bulk of recipients spend the income they get”;
- 8 Notes calls from a wide cross section of Australians to permanently Raise the Rate, including:
- a. Australia’s chief banker, RBA Governor Philip Lowe
 - b. The Business Council of Australia, who have said that the low JobSeeker rate: “erodes the capacity of people to present themselves well or maintain their readiness for work”
 - c. The Australian Council of Social Services
 - d. The Grattan Institute
 - e. The Sydney Morning Herald Editorial Board
 - f. Respected economists, including Professor Jeff Borland, who found that the JobSeeker supplement had: “not made it harder to fill jobs, nor has it slowed the rate of people obtaining employment”.
 - g. The Reference Group on Welfare Reform to the Minister for Social Services
 - h. City of Newcastle (unanimously on 25/09/2018); and
- 9 Calls on the Prime Minister, Treasurer and Commonwealth Parliament to permanently raise the rate of JobSeeker by between \$185 per week and \$275 per week.

BACKGROUND

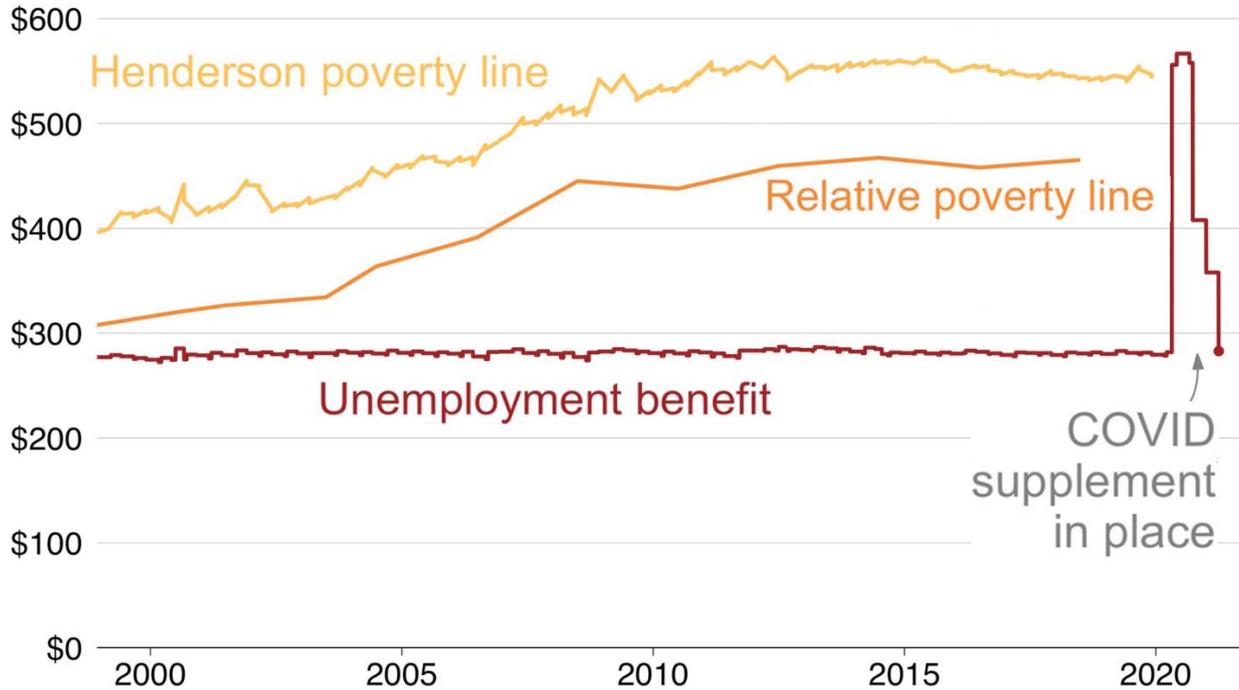
Nil.

ATTACHMENTS

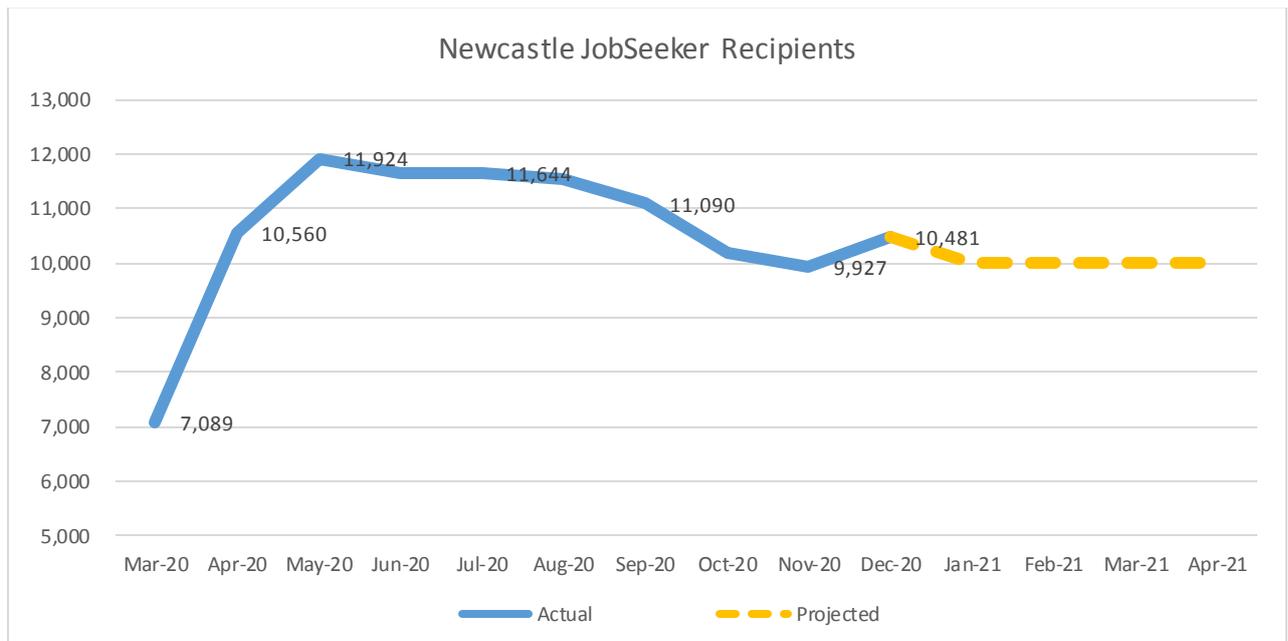
- NOM Item 1 Attachment A:** Poverty lines and unemployment benefits per week, inflation adjusted in 2020 dollars (Grattan Institute 2021)
- NOM Item 1 Attachment B:** Newcastle LGA recipients of JobSeeker (adapted from Services Australia, 2021)
- NOM Item 1 Attachment C:** Total benefit received from the JobSeeker Coronavirus Supplement to the Newcastle LGA per month (actual and projected) adapted from Services Australia (2021)

NOM Item 1 - Attachment A: Poverty lines and unemployment benefits per week, inflation adjusted in 2020 dollars (Grattan Institute 2021)

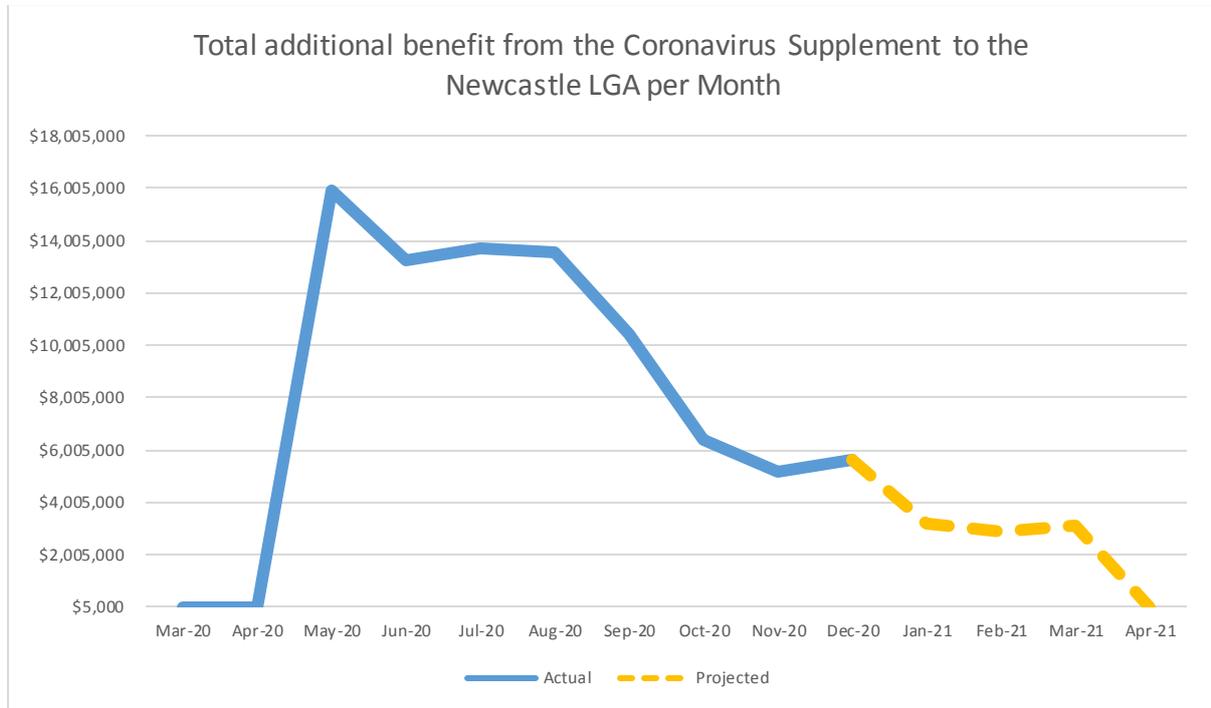
Poverty lines and unemployment benefits per week



NOM Item 1 Attachment B: Newcastle LGA recipients of JobSeeker (adapted from Services Australia, 2021)



NOM Item 1 Attachment C: Total benefit received from the JobSeeker Coronavirus Supplement to the Newcastle LGA per month (actual and projected) (adapted from Services Australia, 2021)



ITEM-2 NOM 23/02/21 - KEEPING THE NEWCASTLE OCEAN BATHS FREE

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 11 February 2021 from the abovenamed Councillors.

MOTION

That Council:

- 1 Notes that when the Newcastle Ocean Baths were first opened in 1918 an entry fee was charged. From 1922 to 1953 this fee was collected by a private operator;
- 2 Notes that the Newcastle Ocean Baths were made free following a hard-fought campaign in 1953 led by Newcastle Labor councillors, with fierce opposition from conservative councillors and some residents' groups;
- 3 Reaffirms the current Council's enduring commitment to maintaining the Newcastle Ocean Baths as a safe, free public facility, accessible to all Novocastrians regardless of socio-economic status, gender, age, mobility or background;
- 4 Notes that the design tender for Stage 1 (incorporating restoration of the pool and promenade) has been awarded, with construction expected to commence early in the new financial year following further community consultation. Stage 2 (renewal of the pavilions and upper-level public domain space), will occur following further consultation to ensure they meet the needs of all users;
- 5 Notes that Council has reserved the \$9.5 million proceeds from the sale of the Frederick Ash Building as funding for the renewal of the Baths; and
- 6 Continues to engage with a broad cross-section of the Newcastle community on upgrades of the Newcastle Ocean Baths, while addressing misinformation that has been spread about this topic.

BACKGROUND

Free-Admission Move At Ocean Baths

A move will be made next week to have Newcastle Council's Ocean Baths made available to the public free of charge.

Labor's West Ward representative (Ald. Alder) said today that he would move to this effect at the full council meeting on Tuesday night.

Last night the council rejected a move that it should take over control of the baths itself at existing charges after the Town Clerk (Mr. Burges) reported that it would probably lose about £2000 a year by doing so. Instead, it will extend the lease to the present lessee for another two years after it expires in September and has approved entrance fee increases of twopence for adults and a penny for children.

"I can see no reason why,

at the expiration of the new lease, the council should not let the people have this amenity free of charge," Ald. Alder said today.

"We make the Merewether baths available at no charge and what is the difference? They have to be cleaned and painted and generally maintained the

same as the Ocean Baths, and council's own workmen do that job. They could also do the necessary work on the Ocean Baths.

"Every week we pay out a lot of money for maintenance of cricket pitches and ovals and sports areas. We make a contribution to the various bowling clubs. There seems to be no just reason why we cannot also do something for the people who like to swim, instead of imposing extra charges on them as we did last night.

"I will also move that the shop situated at the Ocean Baths be taken over and run under council control."

Maryville Fire

Engines from Cook's Hill and Tighe's Hill brigades turned out to a small fire at the rear of the Valet Laundry in Maryville last night. They quickly extinguished the blaze which was in a quantity of rubbish.

<p>Ocean Baths Control</p> <h1>Move Fails In Council</h1> <p>Newcastle City Council decided last night not to take over the control of Ocean Baths when the present lease expires in September.</p> <p>The decision was made on the casting vote of the Lord Mayor (Ald. Purdue). The council asked the Town Clerk (Mr. Burges) for a report on the staff that would be required to run the baths, the charges which would have to be made for admission, and any complications which might arise from council control.</p> <p>Till the report has been tabled, the council deferred an application by the lessee, Mr. J. Stewart, for a renewal of his lease and permission to charge increased admission prices.</p> <p>A recommendation from the Finance Committee that Mr. Stewart be granted a further lease for two years, and the new admission charges be approved was defeated.</p> <p>"Many Complaints"</p> <p>When the adoption of the committee's recommendation was moved, Ald. Jones proposed an amendment that the council take over operation of the baths from the expiry of the present lease.</p> <p>dertakings. It should not be concerned about running the baths at a loss so long as it provided proper bathing facilities for the public.</p> <p>The Deputy Lord Mayor (Ald. McDougall) said it was elementary that before the council attempted to take over the baths it should find out what the possible income and expenditure would be.</p> <p>Complaints about the condition of the water in the baths could not all be laid at the door of the lessee. The council's officers regularly supervised the baths, and advised that there was no justice in the complaints.</p> <p>"I saw the lessee at the baths and he had a lot of complaints about this council and what it had not done to improve the baths," he said.</p> <p>"I mentioned the complaints about the water and he said he did his utmost to keep it clean. My inquiries showed that he did. He can only take what water is offering outside the pool and when there is a fresh in the river the water is muddy everywhere."</p>	<h1>Association Not For Free Baths</h1> <p>Newcastle East Civic Association decided last night not to support a City Council move to take over the Ocean Baths and admit the public free.</p> <p>The Treasurer (Mr. H. G. Pearce) moved that the association congratulate Ald. McDougall and endorse the council taking over the baths and running them free of charge.</p> <p>[At a City Council meeting on May 12, Labour aldermen moved that the council take over the baths. Ald. McDougall supported the move when they agreed to add that there be no admission charge.]</p> <p>Mr. Pearce said the council received £400 a year by leasing the baths. If it took control it could easily get £200 a year as rent from the flat now occupied by the lessee. It could also obtain revenue by leasing cubicles and costumes. This would more than pay a man's wages to look after the baths.</p> <p>The Town Clerk (Mr. Burges) might be right when he said it would cost the council £2000 a year to run, but much of that was already being spent by the council in maintenance.</p>
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BATHS FREE, BUT NO SWIMMING TO-DAY

Newcastle Ocean Baths will be free to the public to-day for the first time since 1918, but no one will be able to swim there till to-morrow.

The baths have been emptied and are being limewashed and cleared of sand.

Newcastle City Council decided to discontinue its system of leasing the baths and to allow the public to use the pool free.

Work on the baths began in 1911 with blasting of the rock. Between then and 1913 the bathing area was prepared

and the wall and side promenades were constructed. Later a pumping plant was procured for filling the basin in calm weather.

From 1918, when further improvements were made, including erection of dressing sheds, the council charged admission.

In 1922 a major scheme was completed and there was an official opening ceremony for the new buildings on November 25. From then till to-day the baths have been leased to various tenderers, who paid the council for the right to manage the baths and charge for admission.

At the 1922 opening ceremony, the then Mayor (Ald. H. P. Cornish) said the council had received £4391 in revenue from the baths since 1918.

But during the previous season the council felt the cost of running the baths was too heavy and the margin of profit too small, so it called for tenderers for a lease. The highest tenderers were Messrs. J. L. Clayton and F. E. Moxey and they were given a three-year lease.

Mr. Clayton managed the baths for another four years after the first joint lease had expired, then it was leased

for 19 years by Mr. C. Hocquard, and for five years by Mr. J. Stewart, who has now been appointed subsidised lessee to run the baths on the free basis for the council.

Ald. Cornish said in 1922 that the capital cost of the baths was £16,400. The State Government donated £4000 to the project and the rest was financed by loan funds.

Since 1922, the council has received £12,500/10/ in revenue from leasing the baths. How much it spent on the baths between 1922 and 1933 is not known, but from 1938 to 1952 it spent £9400/4/9 on restoration of storm damage, and repairs to buildings, equipment, and the promenade.

Told To Keep Union Rules Ex-organiser

Deciding that Mr. W. P. Manning, a former organiser, had not fully observed the union rules, the Building Workers' Industrial Union agreed to a motion deploring his stand.

BALLOT CHANGE

any changes in existing or the Newcastle City December.

the A.L.P. (Ald. Breen) said the Labour Party, following the last meeting of the Newcastle Municipal Assembly, would field a complete team of candidates for every ward.

These teams were—

Central: Messrs. R. Bates, W. J. Lambert and A. McE Lagan, jun.

Mid-West: Ald. Edden and Gascoine, and Mr. P. Mulhearn.

West Ward: Ald. Ball and

ATTACHMENTS

Nil

ITEM-3 NOM 23/02/21 - A NOVOCASTRIAN IN THE WHITE HOUSE

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

PURPOSE

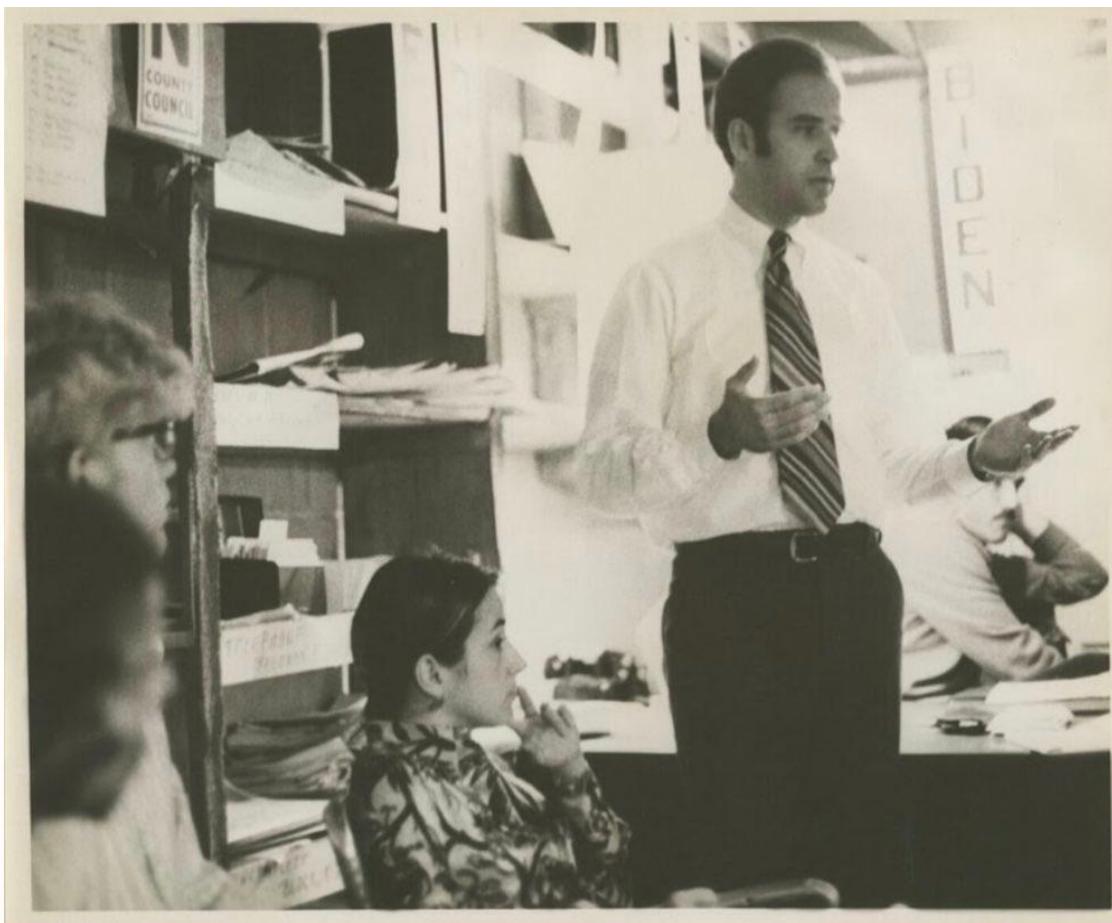
The following Notice of Motion was received on Thursday 11 February 2021 from the abovenamed Councillors.

MOTION

That Council:

- 1 Congratulates former New Castle County Councillor Joe Biden on his election to the office of President of the United States of America;
- 2 Notes the President Biden's political career began in 1970 as a New Castle County Councillor in New Castle County, Wilmington, Delaware;
- 3 Notes that both Newcastle, Australia and New Castle, Delaware are part of the Newcastle's of the World friendship network;
- 4 Congratulates the President and his Vice President, Hon Kamala Harris, on the decisive actions of their new Administration, including in combatting COVID-19 and by returning the United States to the Paris Climate Change Agreement;
- 5 Notes that Australia's Ambassador to the United States, His Excellency Arthur Sinodinos AO, is a proud Novocastrian, and is an informal ambassador for Newcastle, Australia in Washington, D.C.; and
- 6 Writes to the United States' representative in Australia, Chargé d'Affaires His Excellency Dr Michael Goldman, and Consul General to Sydney, Ms Sharon Hudson-Dean, expressing the City's congratulations to the President and Vice President, and seeking to maintain the strong relationship between the City of Newcastle and the United States.

BACKGROUND



1970: During the New Castle County Council campaign. Biden campaign

ATTACHMENTS

Nil

ITEM-4 NOM 23/02/21 - PETROLEUM EXPLORATION PERMIT (PEP 11)

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 Friday 12 February 2021 from the abovenamed Councillors.

MOTION

That Council:

- 1 Reiterates its previous opposition to any extension of Petroleum Exploration Permit 11 (PEP11), which expired on 12 February 2021, due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries off the coast of Newcastle;
- 2 Notes that despite the Permit's expiry, exploration activity continues in a 'holdover period' while an extension is considered by the Joint Authority;
- 3 Notes that approval of any extension requires the joint approval of the NSW Government via Deputy Premier, The Hon John Barilaro MP, and the Commonwealth Government via Minister for Resources, Water and Northern Australia, The Hon Keith Pitt MP;
- 4 Notes that the Deputy Premier has already indicated his objection, and confirmed that his Government will not be issuing a concurrence to an extension; and
- 5 Writes to Minister Pitt, reiterating City of Newcastle's strong opposition to the future extension of the PEP11 gas exploration licence, and to offshore oil and gas mining off the coast of Newcastle.

BACKGROUND

Petroleum Exploration Permit 11 - known as PEP 11 - covers 4,500 square kilometres of ocean, from Newcastle, through the Central Coast to Manly. This much-loved and beautiful marine environment is an area of rich biodiversity and is part of the whale migration path. This coastline is also home to internationally famous beaches and sustains significant local industry and tourism.

The Exploration Permit expires on 12 February 2021, unless renewed. The project proponents are seeking a renewal of the permit and variation of the conditions to allow for exploratory drilling.



ATTACHMENTS

Nil.

CONFIDENTIAL REPORTS

ITEM-1 CON 23/02/21 - ORGANISATIONAL CHANGE

REPORT BY: PEOPLE AND CULTURE

CONTACT: DIRECTOR PEOPLE AND CULTURE

REASON FOR CONFIDENTIALITY

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

Section 10A(2)(a) of the Act provides that Council can close a meeting to consider personnel matters concerning particular individuals.

Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:

- a include only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
- b occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to Section 10A(2)(a) personnel matters concerning particular individuals.
- B The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- C Council is required to determine the organisation structure. This structure impacts particular individuals within the organisation and should remain confidential until those individuals have been consulted.