

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 23/03/2021 – UPDATE TO SPECIAL BUSINESS RATE
GUIDELINES**

PAGE 3	ITEM-29	Attachment A:	Special Business Rate Expression of Interest Guidelines
PAGE 21	ITEM-29	Attachment B:	Special Business Rate Expenditure Policy

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**CCL 23/03/2021 – UPDATE TO SPECIAL BUSINESS RATE
GUIDELINES**

ITEM-29 **Attachment A:** Special Business Rate Expression of Interest
Guidelines

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Special Business Rate Expression of Interest Guidelines







This document provides guidelines for Expressions of Interest (EOI) process to enter into Service Agreements with Businesses and Not for Profit Organisations for the purpose of promotion, beautification and development of the Special Business Rate (SBR) precincts of City Centre/Darby Street, Hamilton, Wallsend and New Lambton.

Suitable projects to be funded via the competitive EOI process include those that:

Provide positive promotional exposure for Newcastle

Provide economic benefit through increased tourist visitation and spending

Support business growth and employment

Enhance public places that provide for diverse activity and strengthen our social connections

Celebrate culture, heritage and place

Contribute to a creative, culturally rich and vibrant community

Contribute to safe activated places that are used by people day and night

Demonstrate a welcoming community that looks after each other

Contribute to active and healthy communities with physical, mental and spiritual wellbeing.

City of Newcastle (CN) commits itself to the following principles:

Provide accountability and transparency - merit-based provision of support and a system of accountability for the recipient.

Provide alignment with CN strategies and CN priorities outlined in the Newcastle 2030 Community Strategic Plan.

Facilitating active participation by community stakeholders in the use and development of Public Places.

Creating safe, vibrant and welcoming public places and neighbourhoods where people feel a strong sense of ownership in their community and a commitment to improving experiences.

Provide value for money - considers the value for money received in return for CN's investment

Creating Public Places that feel safe for all, including the most vulnerable in the community.

1.

Allocation of SBR Funds

Monies will be provided under a competitive expression of interest (EOI) process administered by CN.

- 1.1 The minimum amount of funding per application is \$4,000. The maximum amount of funding for City Centre/Darby Street SBR Precinct is \$500,000 and \$15,000 for Hamilton, Wallsend and New Lambton SBR Precincts.
- 1.2 CN may decide to offer to an applicant an amount less than what is applied for.
- 1.3 If a Service Agreement is entered, applicants are prohibited from seeking additional support (funding or in-kind) from CN for the same project/service/activity.
- 1.4 Multi-year applications will be at the invitation of CN.

2.

Program structure

- 2.1 CN will hold at least one competitive EOI each financial year subject to available funding.
- 2.2 CN will require all successful recipients to publicly acknowledge the City of Newcastle as a project/ event partner. The application form will require information on how this will be achieved (including, for example, the inclusion of CN's logo on advertising and collateral, invitations to events and functions for CN representative/s). For successful applicants, this requirement will be included in the Service Agreement and evidence will be required in the acquittal reporting.
- 2.3 CN will advertise the details of the EOI on CN's website and other forms of public media.
- 2.4 CN may host public information session(s) in connection with an EOI round to provide information to prospective applicants about the SBR process.
- 2.5 CN's Director Strategy and Engagement may determine to allocate a portion of the total funding available each financial year (along with any unexpended or returned funds) for ad hoc applications outside the competitive round(s). If such funding is allocated, it will be advertised on CN's website annually.

3.

Role of the Assessment Panel

- 3.1** An assessment panel will be convened to:
 - 3.1.1** Assess and approve EOIs.
 - 3.1.2** Authorise the payment of SBR funding to successful applicants.

4.

Quorum and attendance at Assessment Panel meetings

- 4.1** A quorum of the Assessment Panel meetings will comprise three of the members provided in Annexure A Clause 3.
- 4.2** The Relevant CN Officer will convene meetings of the Assessment Panel and other CN officers may attend as necessary. Only the Assessment Panel members listed in Annexure A Clause 3 have voting capacity.
- 4.3** All Assessment Panel members and CN officers in attendance must ensure they meet their obligations under the Code of Conduct at all times; as well as obligations under other relevant legislation and SBR Expenditure Policy.

5.

Eligibility Criteria

- 5.1** EOIs must comply with the following eligibility criteria:
 - 5.1.1** Applicants must be a registered organisation with an ABN (or ACN) or Not for Profit organisation;
 - 5.1.2** Applications from businesses must demonstrate partnership with the community;
 - 5.1.3** Applicants must be able to demonstrate that the project will predominantly benefit businesses of the SBR Precinct;
 - 5.1.4** Only one application per project, per financial year, may be successful in obtaining funding from CN;
 - 5.1.5** Applicants must lodge a completed application using CN's EOI Application Form in accordance with these guidelines;

- 5.1.6** The project/service/activity must occur in a publicly accessible place within close proximity of the SBR Precinct;
 - 5.1.7** The project/service/activity must be consistent with the community values defined in the Newcastle 2030 Community Strategic Plan;
 - 5.1.8** The Applicant is responsible for obtaining all regulatory approvals for the project/service/activity;
 - 5.1.9** Applicants must provide evidence that they have appropriate insurances in place if requested by CN;
 - 5.1.10** Applicants must provide evidence that they have obtained the consent of the property owner;
 - 5.1.11** Applicants must meet at least one quarter of the total project cost for applications on private property (as defined in clause 9.3); and
 - 5.1.12** Applications for infrastructure upgrades over \$1,000 must include a minimum of two quotes.
- 5.2** The following are ineligible for funding:
- 5.2.1** Late or incomplete applications;
 - 5.2.2** Funding for administrative functions associated with a project/service/activity;
 - 5.2.3** Applicants who have overdue or non-compliant acquittals from previous funding from CN under any of CN's funding programs;
 - 5.2.4** Events, projects or activities with a religious, political or sectarian purpose, where that purpose may exclude or offend members of the broader community;
 - 5.2.5** EOIs seeking funds for retrospective projects or activities;
 - 5.2.6** General fundraising appeals;
 - 5.2.7** Proposals that duplicate a project, service or activity already existing within the SBR Precinct;
 - 5.2.8** Purchase of land or buildings;
 - 5.2.9** Applications seeking funds for prize money, gifts or awards including gift vouchers;
 - 5.2.10** Applications for events that have previously received funding under any CN grant or sponsorship programs or SBR EOI rounds for a period of 5 years or more;

- 5.2.11** Applications seeking funds for personal benefit such as travel, meal or accommodation costs;
- 5.2.12** Applicants who have an outstanding debt(s) to CN;
- 5.2.13** Applicants who have had a previous Funding or Service Agreement with CN terminated due to a breach of the agreement.
- 5.2.14** Applications for profit generating activities by individuals or companies; and
- 5.2.15** Applications assessed by CN to hold unacceptable risk. Applicants may be required to submit a preliminary risk assessment for any activities with potential high risk. Applicants will be notified of the requirement prior to the assessment process commencing.

6.

Assessment Code

- 6.1** Applications that satisfy the Eligibility Criteria set out in Section 5 will be assessed against the following Assessment Criteria:
 - 6.1.1** Show evidence of local community involvement, interest group and /or local business partnership(s), assessed through the range of groups involved;
 - 6.1.2** Deliver place activation or marketing and promotion, increase safety and/or amenity, assessed through number, age range and diversity of participants and or total audience;
 - 6.1.3** Deliver community benefit to those who live, work and/or recreate in the place through enhancement of community wellbeing, economic and business development, innovation and creativity, healthy lifestyles or community infrastructure assessed through opportunity for community members to be involved or new/refreshed infrastructure provided;
 - 6.1.4** Capacity of the organisation to successfully complete the project (Note: CN may assess all available information regarding the applicant/application and project/service/activity when making this assessment including data from previous projects);
 - 6.1.5** The extent to which the budget is comprehensive, realistic and provides value for money;
 - 6.1.6** The extent to which other third-party funds are committed by the applicant to supplement SBR funds; and
 - 6.1.7** To ensure projects are sustainable, the project has a clear beginning and end or demonstrates that any ongoing or recurrent costs of the project can be met by the applicant once the Service Agreement funding has been expended.

7.

Assessment of Applications

- 7.1** The Relevant CN Officer will conduct a preliminary assessment against the Eligibility and Assessment Criteria set out in Sections 5 and 6 of these guidelines.
- 7.2** The Relevant CN Officer is authorised to amend estimates and projections included in the application prior to assessment, based on information available to CN or CN's experience. Any significant changes should be notified to the applicant with the reasoning documented.
- 7.3** If the applicant does not agree with amendments suggested by the relevant CN officer, the application will still be presented to the Assessment Panel for assessment with information from the Relevant CN Officer as to why amendments are recommended.
- 7.4** The Assessment Panel will be convened to assess applications. The Panel's assessment must be recorded on an evaluation form and retained in CN's records management system.
- 7.5** Following a preliminary assessment, the Relevant CN Officer will present all applications to the Panel with a recommendation on eligibility.
- 7.6** Allocation of funding will be made in accordance with the Panel's assessment results.
- 7.7** Each CN officer involved in the assessment and approval of applications under this section must comply with CN's Code of Conduct, in particular, the provisions covering Conflicts of Interest.
- 7.8** All decisions of CN are final, and no negotiations will be entered into with successful or unsuccessful applicants.

8.

Agreements, payments and acquittals

- 8.1** Payments will be made to applicants in accordance with the milestones agreed with the applicant and documented in the Service Agreement.
- 8.2** All payments under the Service Agreement must be invoiced to CN in accordance with achievement of the milestones documented in the Service Agreement.
- 8.3** All invoices must be received before the end of the financial year in which the Service Agreement was executed.
- 8.4** CN will not be liable for any amounts over and above the funding amount as set out in the Service Agreement.

9.

Notification and Payments

- 9.1** All applicants will be notified of the outcome of their application.
- 9.2** No payments will be made before the Service Agreement is signed by both parties.
- 9.3** Payment will be in accordance with the Service Agreement.
- 9.4** CN officers as outlined in Schedule 1 can authorise payment of SBR funding.
- 9.5** Awarding of funding from CN via a Service Agreement in no way implies any ongoing funding commitment or obligation by CN including for payments for works (including maintenance) delivered outside of the financial year in which the project was agreed to be completed.
- 9.6** Awarding of a Service Agreement does not imply that CN has given any other consent. Applicants should note that many activities require approvals and consents from CN, NSW Police and other state government agencies and that they are wholly responsible for obtaining such approvals. The failure to obtain approvals will void the Service Agreement and may in result in funding being revoked even where works have been completed.

10.

Acquittal Report

- 10.1** Successful applicants must provide a final acquittal report to CN within the timeframe specified in the Service Agreement.
- 10.2** The information required will be specified in the Service Agreement and may include:
 - 10.2.1** Final accounts (audited, if appropriate).
 - 10.2.2** Evidence of how CN was acknowledged during the project.
 - 10.2.3** An assessment of the outcomes realised against the outcomes anticipated or estimated in the EOI application form.
 - 10.2.4** Formal advice of funds not spent (funds not expended for the purpose outlined in the application must be returned to CN).

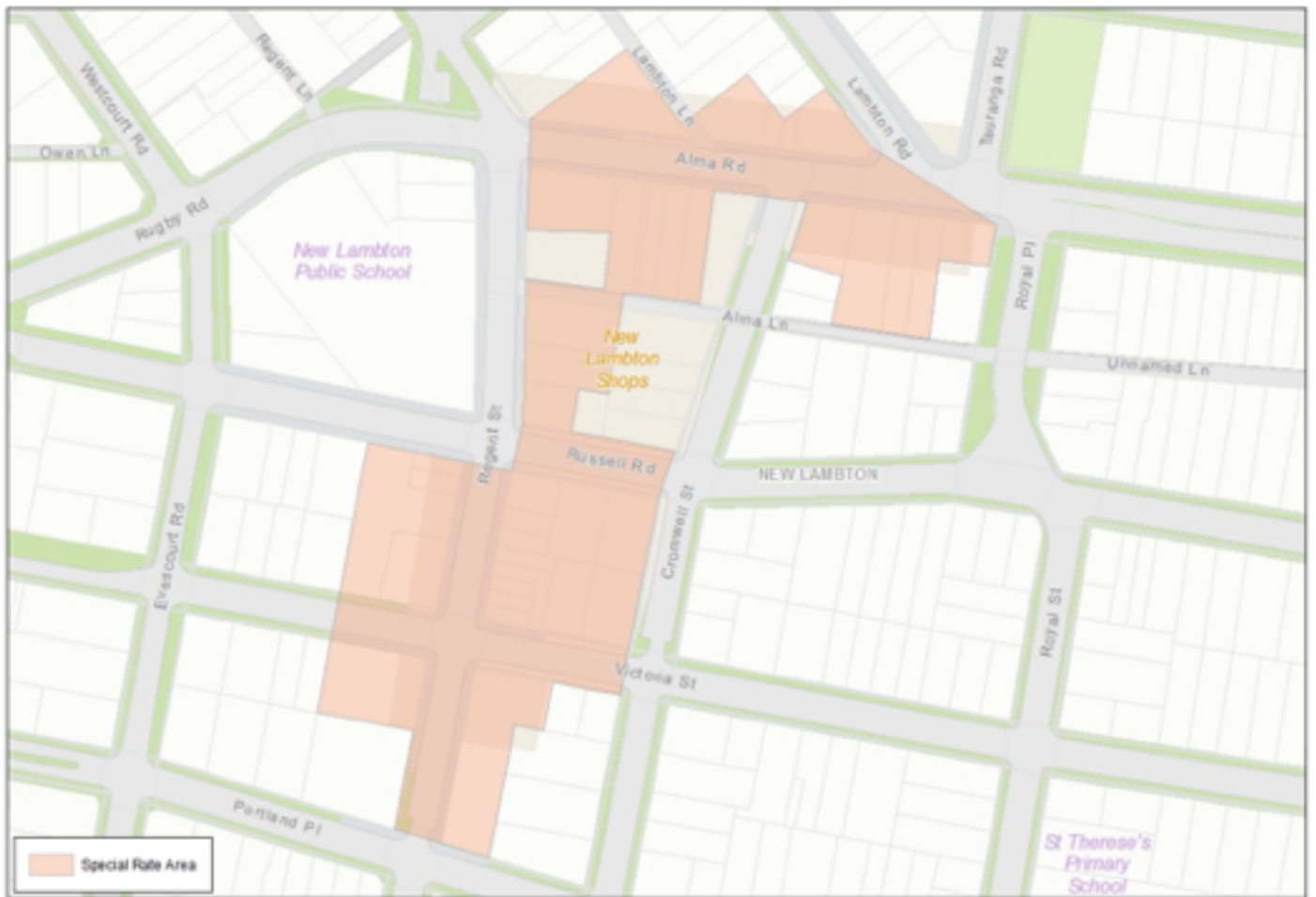
Annexure A – Definitions

- 1 **Service Agreement** means the agreement entered into by CN and an applicant whose Expression of Interest has been successful.
- 2 **Special Business Rate (SBR)** means the special business rate levy paid by businesses within the Special Business Rate Precincts to CN.
- 3 **Assessment Panel** means the panel comprising:
 - 3.1 Lord Mayor (or nominee).
 - 3.2 Director Strategy and Engagement (or nominee).
 - 3.3 Manager Community, Strategy and Innovation (or nominee).
 - 3.4 Councillor from relevant ward.
 - 3.5 Chair of relevant Business Improvement Association (or nominee).
- 4 **SBR Precinct** means the precincts within the Newcastle Local Government Area which pay a Special Business Rate Levy as identified in Annexure B.
- 5 **Public Places** means
 - 5.1 Community land owned by CN;
 - 5.2 Land over which CN has care and control; or
 - 5.3 Publicly accessible land owned by another government body or property owner where written permission has been granted for a community project accessible to the general public.
- 6 **Relevant CN Officer** means the CN employee responsible for administering the SBR Funds.
- 7 **CEO** means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.
- 8 **City of Newcastle (CN)** means Newcastle City Council.
- 9 **Council** means the Elected Council.
- 10 Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of these guidelines.

Annexure B - Hamilton SBR Precinct Map



New Lambton SBR Precinct Map



Wallsend SBR Precinct Map



City Centre/Darby Street SBR Precinct Map



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ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 23/03/2021 – UPDATE TO SPECIAL BUSINESS RATE
GUIDELINES**

ITEM-29 **Attachment B:** Special Business Rate Expenditure Policy

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Special Business Rate Expenditure

August 2019

Table of Contents

Part A Preliminary	1
1 Purpose	1
2 Scope.....	1
3 Principles	1
Part B Expenditure of SBR Monies	2
4 Allocation of SBR monies.....	2
5 Program structure	2
Part C Eligibility and assessment.....	3
6 Eligibility Criteria.....	3
7 Assessment Criteria	3
Annexure A Definitions.....	4
Annexure B SBR Precinct Maps	5
8 Hamilton SBR Precinct Map.....	5
9 New Lambton SBR Precinct Map	6
10 Wallsend SBR Precinct Map	7
11 City Centre/Darby Street SBR Precinct Map	8
12 Mayfield SBR Precinct Map.....	9

Part A Preliminary

1 Purpose

- 1.1 The purpose of the Special Business Rate Expenditure Policy (the Policy) is to provide a framework for City of Newcastle (CN) to expend Special Business Rate (SBR) monies on Projects for the purpose of promotion, beautification and development of SBR Precincts, being: City Centre/Darby Street, Hamilton, Mayfield, Wallsend and New Lambton.
- 1.2 In accordance with the Local Government Act 1993 (s495(2)), CN has applied a SBR Levy to the SBR Precincts, being rateable lands, which, in CN's opinion:
 - 1.2.1 benefits or will benefit from the works, services, facilities or activities; or
 - 1.2.2 contributes or will contribute to the need for the works, services, facilities or activities; or
 - 1.2.3 has or will have access to the works, services, facilities or activities.
- 1.3 CN is committed to expending the SBR monies for the purpose of promotion, beautification and development of the relevant SBR Precincts in accordance with this Policy.

2 Scope

- 2.1 The Policy applies to the expenditure of SBR monies.
 - 2.1.1 Matters relating to the collection, administration and management of the SBR monies are not applicable to this Policy.

3 Principles

- 3.1 Expenditure of SBR monies will be in accordance with the following principles:
 - 3.1.1 **Provide accountability and transparency** - merit-based provision of support and a system of accountability that complies with the Local Government Act 1993.
 - 3.1.2 **Provide alignment with CN strategies** and CN priorities outlined in the Newcastle 2030 Community Strategic Plan.
 - 3.1.3 **Facilitating active participation by community stakeholders** in the use and development of Public Places.
 - 3.1.4 **Creating safe, vibrant and welcoming Public Places and neighbourhoods** where people feel a strong sense of ownership in their community and a commitment to improving experiences.
 - 3.1.5 **Provide value for money** - considers the value for money received in return for CN's investment.
 - 3.1.6 **Creating Public Places that feel safe** for all, including the most vulnerable in the community.

Part B Expenditure of SBR Monies

4 Allocation of SBR monies

- 4.1 CN will determine, at its discretion, the amount of SBR monies to be made available for expenditure each year in accordance with this Policy, having reference to the amount of SBR monies collected each year and CN's annual budget process.
- 4.2 SBR monies must be allocated to the SBR Precinct for which they were collected.
- 4.3 CN will expend SBR monies via any of the following means, at its discretion:
 - 4.3.1 A service arrangement with a Business Improvement Association (BIA); or
 - 4.3.2 A service arrangement with a BIA Support service; or
 - 4.3.3 A competitive Expression of Interest (EOI) process administered by CN; or
 - 4.3.4 Projects and activities delivered by CN which meet the requirements of this Policy.

5 Program structure

- 5.1 CN will publish annual Guidelines to support implementation of the Policy, including the Assessment Criteria to support the competitive EOI process.
- 5.2 Guidelines will be approved annually by CN Director Strategy and Engagement.
- 5.3 Funding allocated via a competitive EOI process will be required to comply with the SBR Guidelines provided by CN and will be administered by a service agreement.
- 5.4 CN requires all Projects funded via SBR to publicly acknowledge CN.
- 5.5 CN will publish the details of each Project funded via SBRs on CN's website.
- 5.6 CN may host public information session(s) to provide information to prospective applicants about the program.

Part C Eligibility and assessment

6 Eligibility Criteria

- 6.1 Applicants seeking SBR monies via a service arrangement (as outlined in section 4.2.1 or 4.2.2) or a competitive EOI process (as outlined in section 4.2.3) must comply with the following Eligibility Criteria:
 - 6.1.1 Applicants must be a registered organisation with an ABN (or ACN) or Not for Profit organisation. Consideration may be given to applications from individuals where their application is auspiced by, or partnering with, a registered organisation;
 - 6.1.2 The Project must occur in a publicly accessible place within a SBR Precinct. Consideration may be given to Projects within close proximity of a SBR Precinct provided applicants can demonstrate a clear nexus and benefit for the SBR Precinct;
 - 6.1.3 The Project must be for the purpose of promotion, beautification and development of one or more SBR Precincts.

7 Assessment Criteria

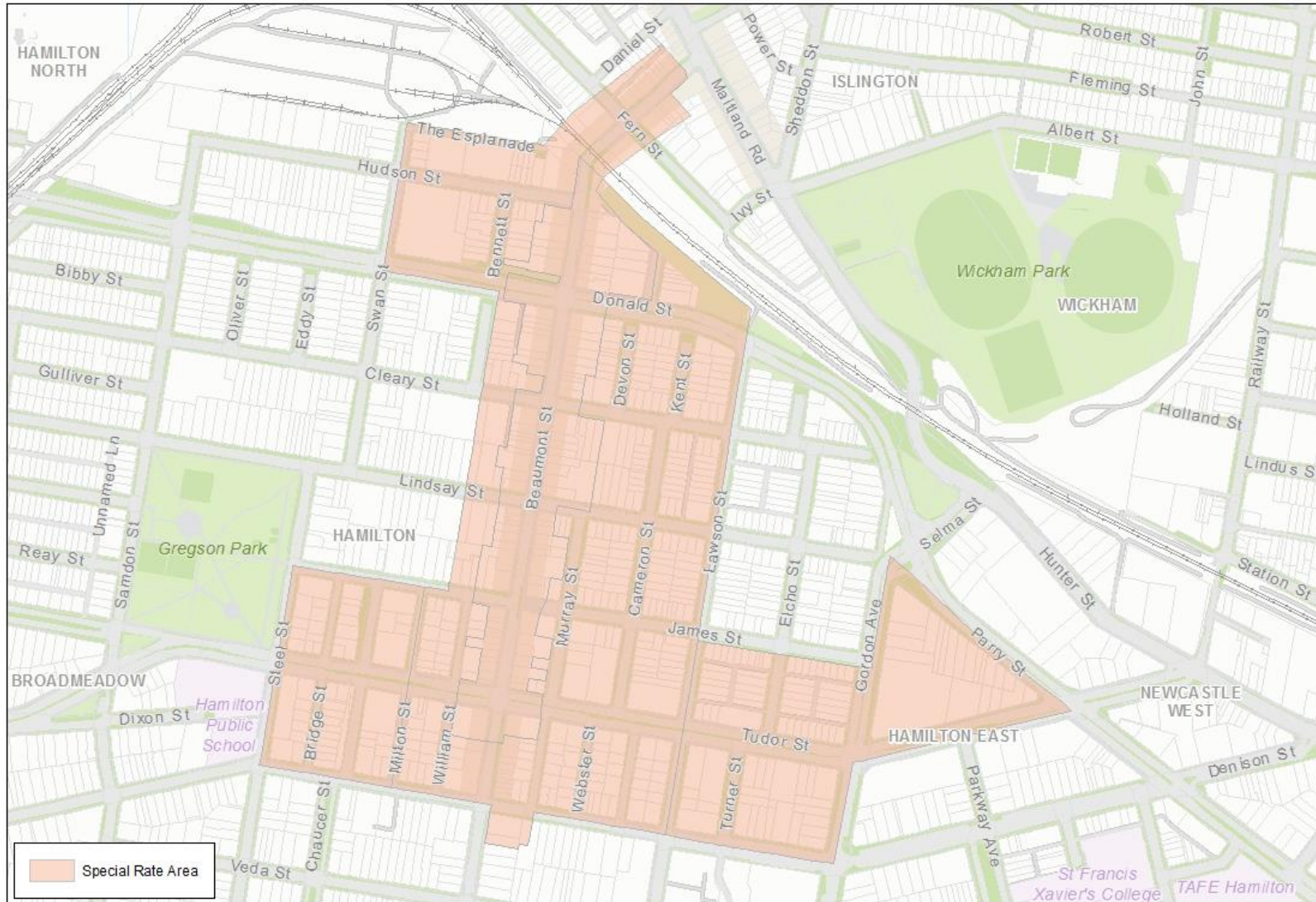
- 7.1 Projects that satisfy the Eligibility Criteria set out in section 6 will be scored against Assessment Criteria which will be published by CN in Guidelines each year and which will generally be designed to assess:
 - 7.1.1 Evidence of partnerships between businesses in the SBR Precinct;
 - 7.1.2 How the Project aims to promote, beautify and develop the SBR Precinct, for example through increase in safety or amenity, place activation, economic and business development, innovation and creativity, healthy lifestyles or infrastructure;
 - 7.1.3 How the Project addresses the principles of the Newcastle 2030 Community Strategic Plan;
 - 7.1.4 The relevant capacity and experience of the organisation to successfully complete the Project; and
 - 7.1.5 The extent to which the budget is comprehensive, realistic and provides value for money.

Annexure A Definitions

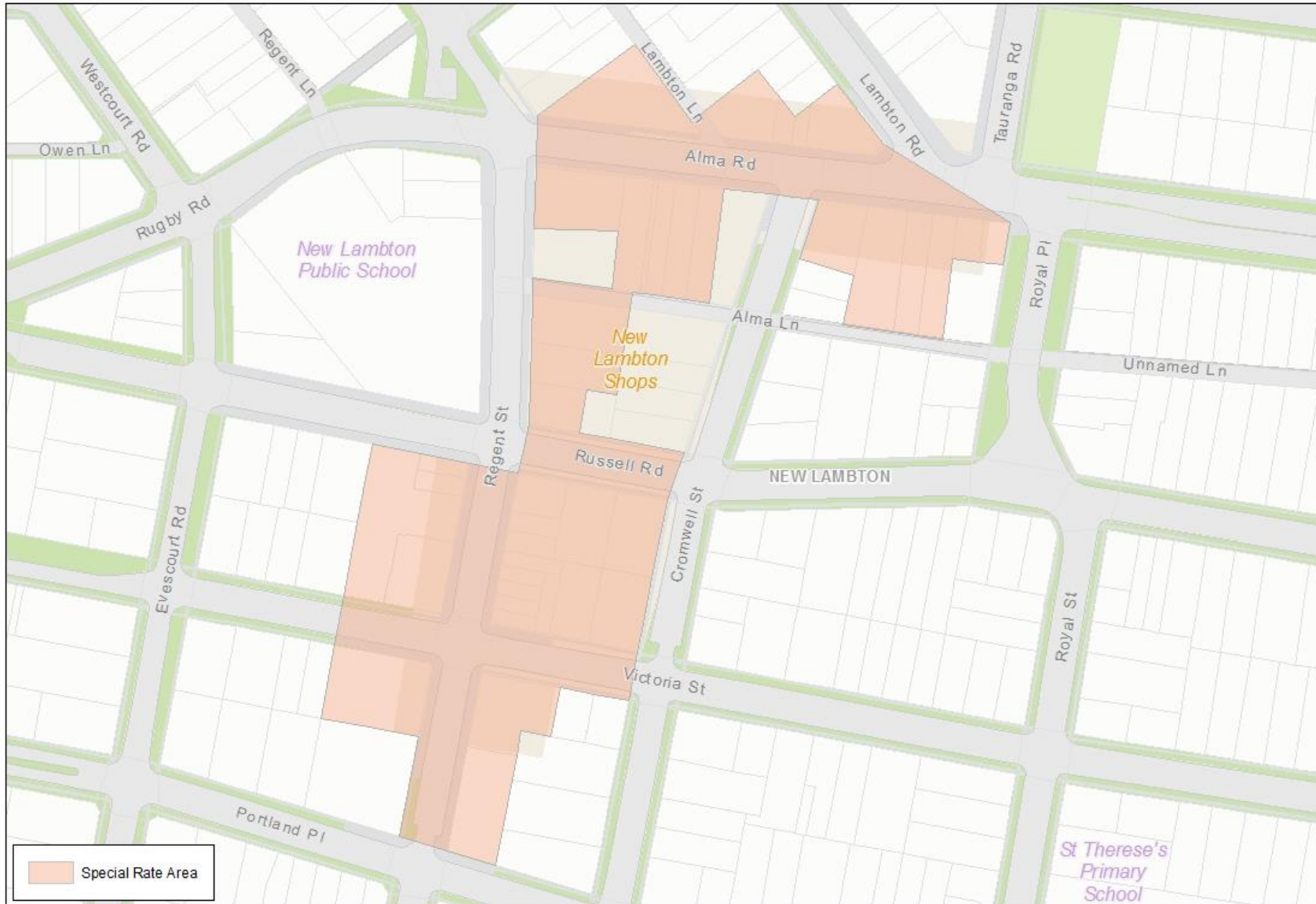
1. **Assessment Criteria** means the method used to evaluate and measure an application.
2. **Business Improvement Association** means an independent organisation representing businesses within a SBR Precinct.
3. **City of Newcastle (CN)** means Newcastle City Council.
4. **Council** means the Elected Council.
5. **Eligibility Criteria** means an attribute that must be complied with.
6. **Expression of Interest (EOI)** process means a request for information that demonstrates capacity to perform a service.
7. **Guidelines** means any Guidelines published in connection with CN's Expression of Interest in any year.
8. **Project** means works, services, facilities, events or activities.
9. **Public Places** means:
 - 9.1 Community land owned by CN;
 - 9.2 land over which CN has care and control; or
 - 9.3 publicly accessible land owned by another government body or property owner where written permission has been granted for a community project accessible to the general public.
10. **SBR Precinct** means the precincts within the Newcastle Local Government Area which pay a Special Business Rate as identified in Annexure B.
11. **Special Business Rate (SBR)** means a special rate as provided in s. 492 of the Local Government Act 1993.
12. Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

Annexure B SBR Precinct Maps

8 Hamilton SBR Precinct Map



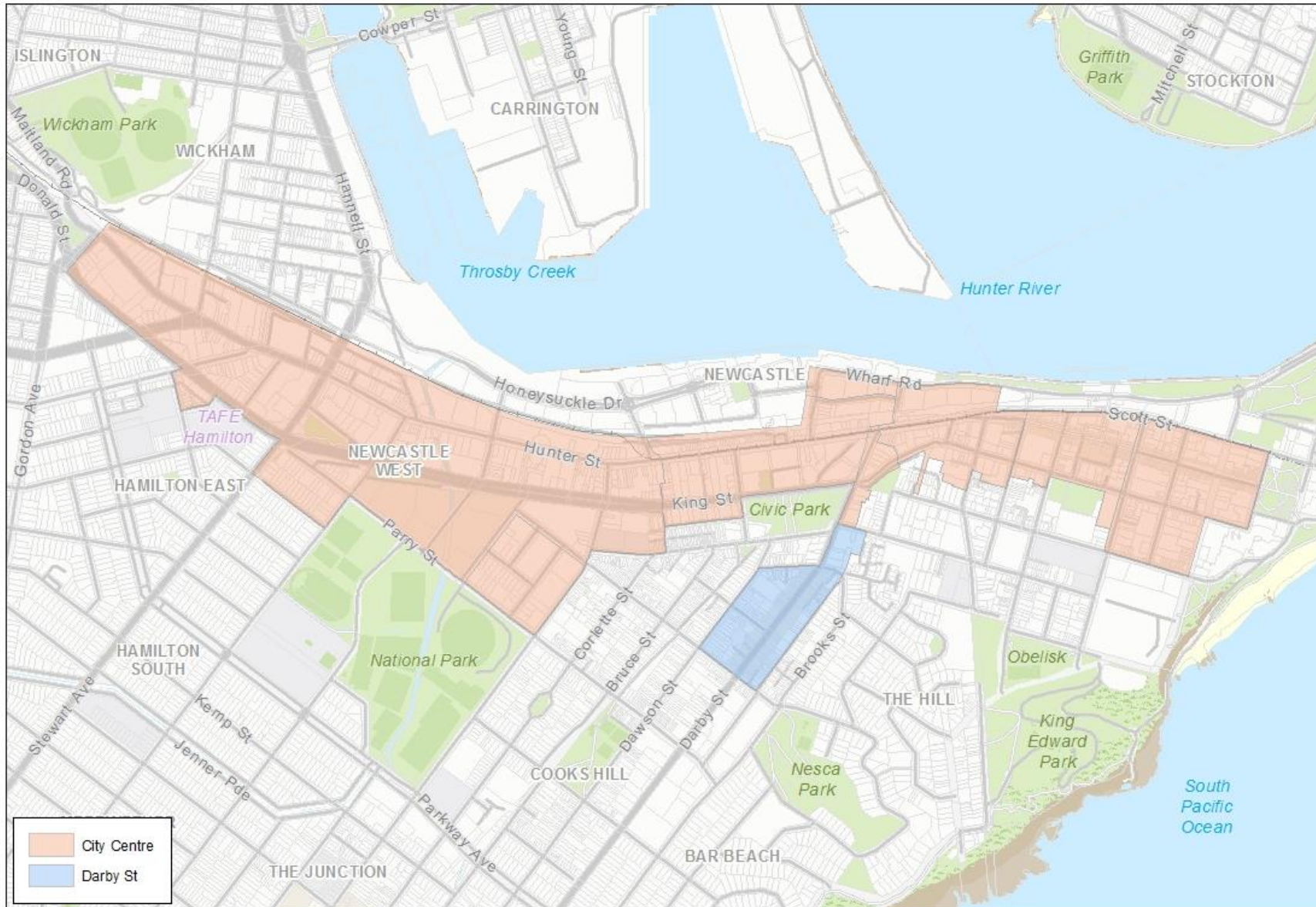
9 New Lambton SBR Precinct Map



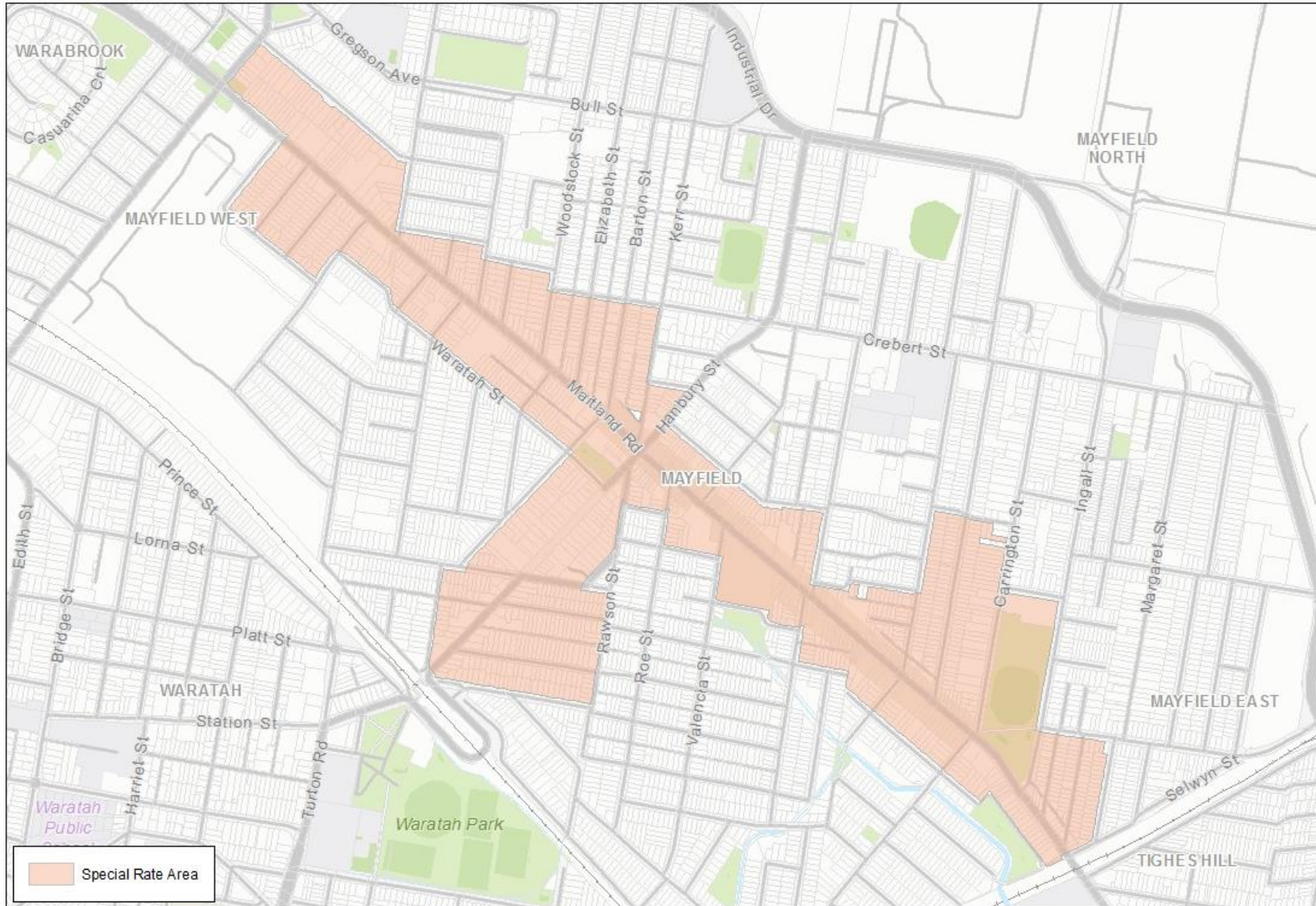
10 Wallsend SBR Precinct Map



11 City Centre/Darby Street SBR Precinct Map



12 Mayfield SBR Precinct Map



Document Control

Policy title	Special Business Rate Expenditure Policy
Policy owner	Manager Corporate and Community Planning
Policy expert/writer	Manager Corporate and Community Planning
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Procedure owner	N/A
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Approved by	Council
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Legislative amendments	N/A
Relevant strategic direction	Vibrant and Activated Public Places
Relevant strategy	Newcastle 2030 Community Strategic Plan
Relevant legislation/codes	Ss.409 and 495 - Local Government Act 1993 (NSW)
Other related policies/ documents/ strategies	Newcastle After Dark 2018 – 2021 Live Music Strategy 2019 – 2022 Cultural Strategy 2016 – 2019 Economic Development Strategy 2016 – 2019 Safe City Plan 2017 – 2020 Disability Inclusion Action Plan 2016 Expression of Interest Guidelines
Related forms	N/A
Required on website	Yes
Authorisations	N/A