



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 25 February 2020

TIME: 6.00pm

VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

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

Wednesday 19 February 2020

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ORDINARY COUNCIL MEETING 25 February 2020
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FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT www.newcastle.nsw.gov.au

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 3 DECEMBER 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 191203 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

Attachment A

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 3 December 2019 at 5.39pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen (*arrived 5.51pm*), C Duncan, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), M Murray (Chief of Staff, Lord Mayor's Office), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

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.

MESSAGE OF ACKNOWLEDGEMENT

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

APOLOGIES

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

The apologies submitted on behalf of Councillors Dunn and White be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PV 03/12/19 - NEWCASTLE MARITIME MUSEUM SOCIETY

Mr Bob Cook, President Newcastle Maritime Museum Society and Mr Howard Dick, community representative addressed Council and outlined their goals surrounding the Maritime Heritage Collection.

**ITEM-2 PV 03/12/19 - DA2018/00968 - 37 ALFRED STREET NEWCASTLE
EAST - DWELLING ALTERATIONS AND ADDITIONS**

Ms Susann Visintin addressed Council and outlined concerns and objections to the development application.

Ms Sally Scarborough, DA applicant, addressed Council in support of the development application.

The meeting concluded at 7.06pm.

MINUTES - ORDINARY COUNCIL MEETING 10 DECEMBER 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 191210 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

Attachment A

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 10 December 2019 at 5.35pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), L Duffy (Manager Parks and Recreation), S Gately (Manager Libraries and Learning), S Grierson (Manager Transport and Compliance), D Manderson (Manager Civil Construction and Maintenance), J Rigby (Manager Assets and Projects), D Moldrich (Manager Customer Experience), A Vine (Manager Property and Facilities), P Dickson (Chief Information Officer), K McKellar (Manager Depot Operations), D O'Hara (Manager Civic Services), P McCarthy (Urban Planning Section Manager), N Kaiser (Media and Stakeholder Relations Manager), E Dowswell (Media and Communications Advisor), M Murray (Chief of Staff, Lord Mayor's Office), K Sullivan (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

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 Luke, seconded by Cr Rufo

The apologies submitted on behalf of Councillors Dunn, Robinson and White be received and leave of absence granted.

Carried

PRESENTATION

Local Government NSW Excellence in the Environment Awards

Councillor Clausen reported that on 3 December 2019 he attended the Local Government NSW Excellence in the Environment Awards in Sydney along with the Director Strategy and Engagement and Manager Corporate and Community Planning.

City of Newcastle was awarded the major prize overall for local sustainability and the Louise Petchell Memorial award was individually awarded to City of Newcastle staff member, Adam Clarke, Program Co-ordinator Corporate and Community Planning. Mr Clarke was recognised for his work on solar farm, smart city, electric vehicle charging and smart pole delivery for innovation and sustainability.

Councillor Clausen presented the awards to the Lord Mayor and Mr Clarke.

PROCEEDINGS IN BRIEF

Council adjourned to hold the Extraordinary Development Applications Committee at 5.42pm.

Council reconvened at 5.52pm.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 19 NOVEMBER 2019
MINUTES - ORDINARY COUNCIL MEETING 26 NOVEMBER 2019

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

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

Carried

LORD MAYORAL MINUTE

Nil.

REPORTS BY COUNCIL OFFICERS

ITEM-93 CCL 10/12/19 - CODE OF CONDUCT STATISTICS REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Notes City of Newcastle's Code of Conduct Statistics Complaints Report for the period 1 September 2018 to 31 August 2019 at **Attachment A**.

**Carried
unanimously**

ITEM-94 CCL 10/12/19 - EMERGENCY MANAGEMENT CENTRE

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Approves the construction of the Local Emergency Operations Centre (LEOC) as shown in the Level 6 Plan and Renders at **Attachment A**.

**Carried
unanimously**

ITEM-96 CCL 10/12/19 - AFFIXING COUNCIL SEAL TO DEEDS OF INDEMNITY FOR NEWCASTLE AIRPORT COMPANIES

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Enter into, and affix Council's seal to the following:
 - i) Deed of Indemnity between Newcastle City Council and Port Stephens Council indemnifying Samantha Martin-Williams, Director of Greater Newcastle Aerotropolis Pty Ltd; and
 - ii) Deed of Indemnity between Newcastle City Council and Port Stephens Council indemnifying Samantha Martin-Williams, a Director of Newcastle Airport Pty Ltd;

on the grounds that the Deeds of Indemnity relate to the business of Council.

**Carried
unanimously**

ITEM-99 CCL 10/12/19 - DRAFT AMENDMENT TO NEWCASTLE DCP 2012 - 233 WHARF ROAD AND 250 SCOTT STREET, NEWCASTLE

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Place the draft amendments to the NDCP 2012 (**Attachment A**) on public exhibition concurrently with the Planning Proposal for the subject land for 28 days.
- 2 Receive a report back to Council following public exhibition of the draft NDCP 2012 and Planning Proposal.

For the Motion:

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

Against the Motion:

Nil.

Carried

ITEM-101 CCL 10/12/19 - CLASSIFICATION OF COUNCIL LAND - 452 KING STREET, NEWCASTLE WEST

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Resolve to classify 452 King Street, Newcastle (Lot 2 DP 1252378) as operational land for the purposes of the *Local Government Act 1993*.

**Carried
unanimously**

ITEM-95 CCL 10/12/19 - ADOPTION OF PROCUREMENT POLICY

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts the Procurement Policy at **Attachment A**.
- 2 Sustainable procurement (26) needs further enhancement to preference suppliers that support the achievement of the United Nations SDGs and the monitoring and implementation of Part D & E are referred to the Strategy and Innovation Advisory Committee for a report back to Council.

- 3 Authorises the Chief Executive Officer, in consultation with the Lord Mayor, to make any administrative changes to the Policy, where necessary, to reflect changes in legislation or maintain business continuity for City of Newcastle (CN).

Carried

ITEM-97 CCL 10/12/19 - ENDORSEMENT OF DRAFT LOCAL STRATEGIC PLANNING STATEMENT FOR EXHIBITION

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Place the draft Local Strategic Planning Statement (**Attachment A**), Housing Needs and Character Study Evidence Report (**Attachment B**) and Employment Lands Strategy (**Attachment C**) on public exhibition for 28 days.
- 2 Authorise the Chief Executive Officer to make minor amendments to the attached draft LSPS prior to public exhibition to reflect comments from Councillors and the Liveable Cities Advisory Committee.
- 3 Receive a report back to Council following public exhibition on the outcomes.

Councillor Mackenzie, Chair of the Liveable Cities Committee, tabled the following submission in respect to Part 2 of the motion.

The Liveable Cities Advisory Committee reviewed the draft Local Strategic Planning Statement (LSPS) at its December 3rd meeting, noting:

- a. *that the emphasis on practical actions under the planning priorities that can be achieved by the City of Newcastle will enhance the strategic value and relevance of the Statement; and*
- b. *the success of the preliminary engagement in targeting young people, especially the 16-19 age group.*

The Advisory Committee recommended that:

- a. *The LSPS be amended to include more detailed consideration of appropriate measures and indicators to assess continual improvement and achievement against the identified land use planning goals. The Advisory Committee noted that while some potential measures have been provided in the draft LSPS, a more explicit linkage between these indicators and the outcomes of the Statement (that is, a smart, liveable, sustainable, connected city) is desirable.*

The Committee recommended the development of a City of Newcastle Liveability Index based on these indicators and measures, noting that similar approaches have been adopted by cities nationally and globally.

For example, average commuter travel times by all transport types (including cars) should be considered as an indicator for an efficient and connected transport system.

The motion moved by Councillors Clausen and Mackenzie, including the submission from the Liveable Cities Committee, was put to the meeting.

Carried

ITEM-98 CCL 10/12/19 - EXHIBITION OF DRAFT SECTION 7.11 WESTERN CORRIDOR LOCAL CONTRIBUTIONS PLAN 2013

MOTION

Moved by Cr Elliott, seconded by Cr Byrne

That Council:

- 1 Place the Draft Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 (Draft Plan) (**Attachment A**) on exhibition for 28 days.
- 2 Receive a report back to Council to finalise the Draft Plan following exhibition.
- 3 Request the Minister for Planning and Public Spaces issue a revised Ministerial Direction to include the Planned Future Development Sites in Schedule 2 of the Ministerial Direction.

AMENDMENT

Moved by Cr Luke, seconded by Cr Church

Attachment A, Draft Section 7.11 Western Corridor Local Infrastructure Contributions Plan, Reference, 2.5 - Cap on monetary section 7.11 contributions, remove the following paragraph:

City of Newcastle will request that the Minister for Planning and Public Spaces increase the cap to \$30,000 for areas identified in this Plan as 'Planned Future Development sites'. The remainder of infill development will be capped at \$20,000.

Defeated

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

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Clausen, Duncan, Mackenzie, Rufo and Winney-Bartz.

Against the Motion:

Councillors Elliott and Luke.

Carried

**ITEM-100 CCL 10/12/19 - CLASSIFICATION OF COUNCIL LAND -
HONEYSUCKLE DOMAIN PLAN**

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Resolve to classify the following properties as operational land for the purposes of *the Local Government Act 1993*:
 - i) Lot 11 DP 1113925;
 - ii) Lot 109 DP 1015391;
 - iii) Lot 110 DP 1015391;
 - iv) Lot 2 DP 1167364;
 - v) Lot 32 DP 1136586; and
 - vi) Lot 7 DP 1137661.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Mackenzie

The matter lay on the table pending a review of the pros and cons of the various classification options and Councillors receiving a report and briefing on the matter.

For the Procedural Motion:

Councillors Church, Elliott, Luke, Mackenzie and Rufo.

Against the Procedural Motion:

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

The Lord Mayor exercised the Chair's casting vote and declared the procedural motion defeated.

Defeated

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

Council lay the item on the table pending consideration by the Liveable Cities Committee of parcels of land that could be potentially reclassified community land for resolution prior to the Ordinary Council meeting in February 2020, with a report back to Council.

The Lord Mayor proposed an amendment which addressed Councillor concerns about community land classification.

AMENDMENT

Moved by Lord Mayor, Cr Nelmes

- B The matter be referred to the Liveable Cities Committee to look at the parcels of land that are not cycleways and footpaths and not needed for operational land classification with a report back to Council for potential reclassification as community land.

The mover and seconder of the motion accepted the amendment to the motion.

The procedural motion was withdrawn in favour of the amendment.

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

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

Against the Motion: Councillors Church and Elliott.

Carried

ITEM-102 CCL 10/12/19 - REVIEW OF S.355 COMMITTEES

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Approves the dissolution of the following s.355 Committees based on a review of the required standards of governance:
 - i) Beresfield-Tarro Parks Committee
 - ii) Heaton-Birmingham Gardens Parks Committee
 - iii) Kotara Parks Committee
 - iv) New Lambton Ovals Board
 - v) Stevenson Parks Committee
 - vi) Stockton Parks Committee
- 2 Recognise the contribution that volunteers have made to the s.355 Committees over many years.

- 3 Establishes a Sports Land Strategic Advisory Committee, to provide a vehicle for interested former members of s.355 committees to continue to provide strategic advice on the management of CN's sports lands, including on the development of CN's Strategic Sports Plan during 2020. Council appoints Cr Peta Winney-Baartz as Chair, and the Committee is to meet in February 2020, with invites to be distributed to previous s355 board committees before the end of 2019.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Church

The matter lay on the table to enable public voice.

For the Procedural Motion: Councillors Church, Elliott, Luke, Mackenzie and Rufo.

Against the Procedural Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Duncan and Winney-Baartz.

The Lord Mayor exercised the Chair's casting vote and declared the procedural motion defeated.

Defeated

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

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

Against the Motion: Councillors Church, Elliott, Luke, Mackenzie and Rufo.

The Lord Mayor exercised the Chair's casting vote and declared the motion carried.

Carried

NOTICES OF MOTION

ITEM-46 NOM 10/12/19 - LIVE MUSIC STRATEGY

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That the City of Newcastle:

- 1 Notes that the Live Music Taskforce is preparing recommendations for Council to be presented at the February Ordinary Council meeting.

- 2 Acknowledge the importance of growing the city's \$1.36 billion night time economy and note the importance of robust planning guidance and controls in relation to noise.
- 3 Prioritise Action 2 of the CN endorsed Live Music Strategy and develop a suite of planning controls to reduce the risk of land use conflict including notification in Section 10.7 (5) Planning Certificates.
- 4 Prioritise Action 4 of the CN endorsed Live Music Strategy and provide improved noise assessment regulation and guidelines.
- 5 Receives a report at the next Ordinary Council Meeting to provide a detailed update of the progress of implementation of each of the agreed action items in the adopted Live Music Strategy.

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

Against the Motion: Nil.

Carried

ITEM-47 NOM 10/12/19 - SUBMISSION TO NATIONAL ENVIRONMENT LAW REVIEW

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Notes that the Commonwealth Government have commenced its 20-year review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (**Attachment A**), with the release of a Review Discussion Paper (**Attachment B**)
- 2 Receives the Chifley Research Centre's report, Protecting the Future, recommending amendment/replacement of the EPBC legislation to safeguard Australia's unique environment (**Attachment C**)
- 3 Reviews the EPBC Review's Discussion Paper and the Protecting the Future report, and makes a submission to the Review prior to the 14 February 2020 deadline.

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

Against the Motion: Councillor Luke.

Carried

ITEM-48 NOM 10/12/19 - DEVELOPING A HEATWAVE AND HOMELESSNESS

In moving the motion, Councillor Mackenzie advised he was moving the recommendation of Council Officers as outlined in the business papers.

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Notes the ongoing work of CN to address homelessness, including the resolution of the 27 February 2018 Ordinary Council Meeting in support of the Ending Homelessness Pledge, committing CN to ending homelessness, advocating for change and enlisting the support of partners to join this important effort.
- 2 Notes the City of Melbourne's homelessness specific plan for responding to extreme heat periods, including the Heatwave and Homelessness Program, which was piloted in 2014-15 and is now in its fourth year. Among other innovations, this Program provides access to cool spaces and places of respite through heat waves (such as pool passes) for people who are experiencing (primary, secondary, tertiary) homelessness.
- 3 Notes further that this program aims to:
 - a) provide a coordinated process to guide the preparedness and activation of partner agency responses and flow of communication in relation to heatwave events;
 - b) minimise heat related illness and death by raising awareness of the hazards of heat and heat stress and the necessity for building community resilience; and
 - c) minimise the impact of extreme heat events on people experiencing homelessness.
- 4 Notes the Hunter Joint Organisation of Councils' Regional Heatwave Resilience Project.
- 5 That the development of a Heatwave and Homelessness Program be referred to the Strategy and Innovation Advisory Committee for consideration and recommendation which includes an evaluation on resourcing and costing.

Carried

ITEM-49 NOM 10/12/19 - BROADMEADOW LOCOMOTIVE DEPOT

In moving the motion, Councillor Mackenzie advised he was moving the recommendation of Council Officers as outlined in the business papers.

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Requests that a report be provided to the Liveable Cities Advisory Committee on the current status and any future plans of Transport for NSW or Transport Heritage NSW in relation to the Broadmeadow Locomotive Depot.

Carried

PETITION

Councillor Church tabled a petition on 'Save Our Ocean Baths - Newcastle and Merewether NSW'.

LATE ITEMS OF BUSINESS

The Lord Mayor advised that she had been informed by the Chief Executive Officer of a late item of business and the business proposed was of great urgency on the grounds that it was required to go before Council prior to the next scheduled meeting.

The Lord Mayor stated that a legal matter arose late Friday afternoon and an urgent briefing was required to be provided to Councillors in confidential session.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

The matter of Confidential Report Item 13 – Briefing on Legal Matter be heard as a matter of urgency.

**Carried
unanimously**

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

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

Carried

Council resolved into confidential session at 7.41pm.

During confidential session:

- All staff except the Director People and Culture, Manager Legal and Meeting Secretaries were not present at the meeting when discussion took place on Item 12 - Chief Executive Officer Performance Review
- The Director of People and Culture distributed Confidential Item 12 - Chief Executive Officer Performance Review
- The Lord Mayor noted the attendance at the meeting of Stephen Blackadder, Blackadder Associates Pty Ltd for Confidential Item 12 - Chief Executive Officer Performance Review
- The Director of People and Culture collected Confidential Item 12 - Chief Executive Officer Performance Review at the conclusion of the item
- The Chief Executive Officer, Directors and remaining staff returned to the Chamber for Confidential Item 13 - Briefing on Legal Matter
- The Meeting Secretaries distributed Confidential Item 13 - Briefing on Legal Matter
- A procedural motion moved by Councillor Mackenzie and seconded by Councillor Luke to move into Committee to hear a briefing with respect to Confidential Item 13 - Briefing on Legal Matter was carried
- Council received a briefing on Item 13 - Briefing on Legal Matter
- A procedural motion moved by Councillor Luke and seconded by Councillor Rufo to move out of Committee and into confidential Council was carried
- The Meeting Secretaries collected Confidential Item 13 - Briefing on Legal Matter at the conclusion of the item

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Rufo

Council move of out confidential session.

Carried

Council reconvened at 9.19pm and the Lord Mayor reported the resolution of confidential session in respect to Item 12 - Chief Executive Officer Performance Review.

ITEM-12 CON 10/12/19 - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

- 1 Council receives the 2019 CEO annual performance review report 'Performance Review - City of Newcastle Chief Executive Officer 2019' submitted by Blackadder Associates Pty Ltd (**Attachment A**).
- 2 Council endorses the performance increase of 1.75% in acknowledgement of the CEO's performance over the last 12 months.
- 3 Council acknowledges the increase to the CEO's total remuneration package will be effective from the CEO's anniversary date of 13 December 2019.
- 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.

Carried

The Chief Executive Officer reported the resolution of confidential session in respect to Item 13 - Briefing on a Legal Matter.

ITEM-13 CON 10/12/19 - BRIEFING ON LEGAL MATTER

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Notes the briefing provided by staff in relation to a current legal matter.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

The meeting concluded at 9.20pm.

REPORTS BY COUNCIL OFFICERS

ITEM-1 **CCL 25/02/20 - AUDIT AND RISK COMMITTEE 2018/19 ANNUAL REPORT**

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

PURPOSE

To table the Audit and Risk Committee (Committee) Annual Report for the 2018/2019 financial year and note the 2019/2020 Forward Internal Audit Plan.

RECOMMENDATION

That Council:

- 1 Received the Audit and Risk Committee's Annual Report for the 2018/2019 financial year at **Attachment A**; and
- 2 Notes the 2019/2020 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 the Office of Local Government's Internal Audit Guidelines.
- 4 The Committee provides oversight of City of Newcastle's (CN) Forward Internal Audit Plan which is provided to Council for information.

FINANCIAL IMPACT

- 5 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 adopted budget for 2018/19.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 **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.

7 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 The Committee will continue to meet in 2019/2020 as follows:
- i) 2 September 2019
 - ii) 10 October 2019
 - iii) 11 December 2019
 - iv) 5 March 2020
 - v) 4 June 2020

RISK ASSESSMENT AND MITIGATION

- 9 CN has an established Enterprise Risk Management Framework which provides a consistent and structured approach to identifying, managing and embedding risk management into CN's overall strategic and operational processes.
- 10 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 CN operations. The Committee provides oversight to the Internal Audit function and risk management process receiving reports on a quarterly basis.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 26 March 2019, Cr Matthew Byrne was appointed as a Councillor Member of the Audit and Risk Committee as a replacement for Cr Jason Dunn who resigned from the Committee on 14 March 2019.
- 12 The Audit and Risk Committee Annual Report for the 2017/2018 financial year was received at the Ordinary Council Meeting held on 26 February 2019.

CONSULTATION

- 13 The Annual Report was approved by the Committee at its meeting held on 11 December 2019.

BACKGROUND

- 14 The Committee plays a pivotal role in the governance framework to provide CN with independent oversight and monitoring of CN's Internal Audit function. 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. CN's Internal Audit function partners with Service Units and the Executive Leadership Team to deliver practical and realistic recommendations for improvement across the organisation.
- 15 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 Committee Charter (approved by Council at the Ordinary Council Meeting held on 27 February 2018).

OPTIONS

Option 1

- 16 The recommendation as at Paragraph 1 – 2. This is the recommended option.

Option 2

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

REFERENCES

ATTACHMENTS

- Item 1 - Attachment A:** Audit and Risk Committee Annual Report 2018/2019

ITEM-2 CCL 25/02/20 - ADOPTION OF OUTDOOR TRADING POLICY

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

PURPOSE

To adopt the revised Outdoor Trading Policy (OTP) and waive the annual approval fees for OTP permits from 1 July 2020.

RECOMMENDATION

That Council:

- 1 Adopts the revised Outdoor Trading Policy at **Attachment A** and waives the annual approval fees from 1 July 2020.

KEY ISSUES

- 2 The OTP provides the framework for the operation of outdoor trading on public roads (footpaths) in the Newcastle Local Government Area (LGA). The Policy sets out the relevant requirements when assessing and approving Outdoor Trading Area applications.
- 3 In July 2019, the NSW Small Business Commissioner (SBC) released the NSW Outdoor Dining Policy (NSWODP) to support existing restaurants, cafes and other food-based business to expand trading onto public footpaths (**Attachment C**).
- 4 The NSWODP advocates the waiving of Council or State Government fees associated with businesses obtaining a permit to operate Outdoor Trading. The proposal for City of Newcastle (CN) to waive the annual approval fees for Outdoor Trading, consistent with the NSWODP, was supported in principle by Council at the Ordinary Council Meeting held on 27 August 2019. Application fees will be waived from 1 July 2020 to align with the new financial year.
- 5 Revising the OTP presents an opportunity to encourage vibrancy and greater economic activity, particularly within the central business district. It will support restaurants, cafes and other food-based business to expand trading onto public footpaths in the Newcastle LGA.

FINANCIAL IMPACT

- 6 CN currently has a two-tier system for outdoor trading annual approval fees which is dependent on location within the LGA. The 2019/2020 CN Fees and Charges for business owners in the 'inner city' area is \$115 per square metre, whilst non inner-city businesses are charged \$65 per square metre.

- 7 CN issued 129 approvals for persons / organisations to undertake Outdoor Trading in 2018/2019 which derived \$129,421 in revenue.
- 8 CN's outdoor trading approvals operate and are invoiced on a financial year basis. The revised OTP proposes to waive annual approval fees from 1 July 2020. This will have a financial impact in 2020/2021 of approximately \$130,000. This will be addressed through the annual budget process.
- 9 Fees associated with the production and installation of permanent markers on the footpath designating approved outdoor trading areas will remain in place. This is a 'one off' cost of \$170 and is only applicable for new applicants not using a previously approved area, resulting in revenue to CN of approximately \$6,000 per annum.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The OTP aligns with 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.

Smart and Innovative

- 6.1b Attract new business and employment opportunities.
- 6.2b Support and advocate for the small business sector.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 Should Council adopt the revised OTP, there will be no disruption to the existing approvals process and no need for an implementation plan.

RISK ASSESSMENT AND MITIGATION

- 12 The main risk is non-compliance with the policy by business operators resulting in complaints to CN about footpath obstructions. The revised OTP contains information about non-compliance.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 25 September 2018, Council adopted the Outdoor Trading Policy.
- 14 At the Ordinary Council Meeting held on 27 August 2019, Council supported a Notice of Motion from Councillors Clausen, Byrne, Duncan, Dunn, Nelmes, White and Winney-Baartz to receive a report on the NSW Outdoor Dining Policy.

CONSULTATION

15 The revised ODT policy is not required to be publicly exhibited.

BACKGROUND

16 The framework of the NSWODP is largely consistent with CN's existing OTP, however, minor amendments have been made to take into consideration outdoor trading site locations as identified in CN's Local Environment Plan 2012 and to align with CN's policy and operational requirements.

OPTIONS

Option 1

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

Option 2

18 Council does not adopt the revised Outdoor Trading Policy and elects to continue with the existing policy. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 2 - Attachment A: Revised Outdoor Trading Policy with tracked changes - Under Separate Cover

Item 2 - Attachment B: Revised Outdoor Trading Policy without tracked changes – Under Separate Cover

Item 2 - Attachment C: NSW Small Business Commissioner Outdoor Dining Policy and Outdoor Dining User Guide [link](#).

Attachments A and B are distributed under separate cover

ITEM-3 CCL 25/02/20 - NEWCASTLE AND MEREWETHER OCEAN BATHS EXPRESSIONS OF INTEREST UPDATE

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

PURPOSE

To update Council on the outcome of the Expressions of Interest (EOI) process for Merewether and Newcastle Ocean Baths Pavilion sites and to endorse next steps.

RECOMMENDATION

That Council:

- 1 Note that there were no successful EOI submissions for the upgrade of the Merewether and Newcastle Ocean Baths Pavilion sites.
- 2 Prepare concept design options based on current community engagement outcomes for further community consultation.
- 3 Investigate funding sources for City of Newcastle to manage the upgrade of the Merewether and Newcastle Ocean Baths Pavilions.

KEY ISSUES

- 4 On 2 November 2019, City of Newcastle (CN) invited EOI for the redevelopment and use of both sites, as required under the Coastal Plan of Management approved by Council in 2015. The submissions were to include concept plans, proposed uses, prior experience in similar projects and adherence to the requirement for specified community spaces and amenities. In addition, submissions were to include details on how to address the Newcastle Local Environment Plan 2012 (LEP) and heritage requirements.
- 5 The EOI closed on 17 December 2019. For the Merewether Ocean Baths site, one submission was received. For the Newcastle Ocean Baths site, three submissions were received.
- 6 The single submission for Merewether did not provide detailed or adequate information and was deemed non-conforming.
- 7 Of the three submissions received for Newcastle Ocean Baths:
 - i) one submission did not provide detailed or adequate information and was deemed non-conforming;

- ii) one submission did not address the EOI scope and was deemed non-conforming; and
 - iii) one submission was conforming and scored against the assessment criteria. The submission rated as unsatisfactory and therefore did not progress to the Stage 2 Tender.
- 8 The conforming submission was assessed against its ability to demonstrate: meeting the objectives and outcomes related to the LEP, Newcastle Development Control Plan 2012 (DCP), Crown and Community Land, Heritage requirements, financial feasibility, and recent experience in similar developments.
- 9 On 28 November 2019 the Asset Advisory Committee recommended that Council receive a report providing an overview of EOI outcomes, conforming tenders, and community engagement.

FINANCIAL IMPACT

- 10 Funding for actions recommended in this report is included in the 2019/20 and draft 2020/21 budgets.
- 11 Funding options for the upgrade of Newcastle Ocean Baths Pavilion and Merewether Ocean Baths Pavilion are being investigated.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 12 The upgrades of the Newcastle and Merewether Ocean Baths Pavilions are in alignment with the following Newcastle 2030 Community Strategic Plan directions:

Vibrant, Safe and Active Public Places

- 3.1b Enhance our beaches and coastal areas through upgraded facilities.

Inclusive Community

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

Liveable Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 The upgrade of both sites is consistent with the Coastal Building Improvement Plan (2013), Coastal Plan of Management (2015), and Newcastle Coastal Zone Management Plan (Revised 2018).

RISK ASSESSMENT AND MITIGATION

- 14 There are risks with any future development or change of use for the sites. The structural integrity of existing assets in both sites is currently being investigated to inform future planning.
- 15 Any future works will comply with CN's governance requirements including appropriate insurances and risk assessments.

RELATED PREVIOUS DECISIONS

- 16 On 26 November 2019 Council received community petitions regarding the redevelopment of the city's ocean baths pavilions. Council resolved to conduct ongoing community consultation with ocean baths users and the broader community to help guide future upgrades at Newcastle and Merewether Ocean Baths.

CONSULTATION

- 17 CN brought forward planned community engagement regarding potential upgrades to the sites in November 2019 in response to community concern around the EOI process.
- 18 CN launched a 'Social Pinpoint' online engagement tool which provides the opportunity for freeform feedback on a range of potential upgrade focuses and uses for the sites.
- 19 To date, there have been more than 500 responses to the online engagement, with the split around 70/30 between Newcastle Ocean Baths, and Merewether Ocean Baths.

BACKGROUND

- 20 There have been many investigations, concept designs and reports completed over the years for proposals to redevelop the sites. The following offers a timeline of recent key works completed in response to degradation suffered due to the sites age and coastal location:
 - i) In 2013, a structural assessment of coastal buildings was undertaken to inform the ongoing capital works and maintenance required for coastal buildings. The outcomes were reported in the internal Coastal Building Improvement Plan 2013 document.

- ii) Community surveys were undertaken in 2014 around the use and importance of the Newcastle Ocean Baths Pavilion. This was completed by 'Newcastle Voice' and had a total of 550 responses, helping to identify key activities, recommendations for improvement and preferred commercial opportunities.
- iii) In 2014, an EOI called for the redevelopment of the sites to assess potential ideas to enhance the user experience. No tender bids fully conformed but private interest and negotiations followed with the Stronach proposal.
- iv) In 2015, the northern end of the Newcastle Ocean Baths Pavilion suffered storm damage to the walls and roof. An investigation determined that the northern swim club and sub-station area had become unsafe. Immediate works were completed to ensure public safety, this included works to the concrete concourses.
- v) In 2016, the EOI process with Stronach was declared unsuccessful.
- vi) In May 2017, further structural investigations to the Newcastle Ocean Baths Northern Pavilion were undertaken by Bill Jordan and Associates. This confirmed that demolition and temporary stabilisation works were required to make these areas safe.
- vii) Demolition, remediation and stabilisation works to the Northern Pavilion were completed in November 2017.

OPTIONS

Option 1

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

Option 2

22 Further EOI are sought after detailed community engagement. This is not the recommended option.

REFERENCES

Nil.

ATTACHMENTS

Nil.

ITEM-4 CCL 25/02/20 - JANET STREET, JESMOND - PROPOSED UPGRADE TO EXISTING PEDESTRIAN CROSSING

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

PURPOSE

To approve the upgrade to the existing pedestrian crossing on Janet Street, east of Algie Street, Jesmond to a raised pedestrian crossing with kerb extensions.

RECOMMENDATION

That Council:

- 1 Approve the upgrade of the existing pedestrian crossing on Janet Street east of Algie Street, Jesmond, to a raised pedestrian crossing with kerb extensions, as generally shown at **Attachment A**.

KEY ISSUES

- 2 The Pedestrian Access and Mobility Plan Program (PAMP) for 2018/19 included design of a footpath on the southern side of Janet Street, between Algie Street and Summit Street, Jesmond, with kerb extensions at Henry Street. There is an existing pedestrian crossing on Janet Street adjacent to Algie Street and a set of road cushions approximately 10 metres further east of the crossing, as shown in the locality diagram at **Attachment B**. In the investigation and concept design phase, City of Newcastle (CN) officers determined that access from the footpath to the existing pedestrian crossing does not meet current standards. The footpath project provides an opportunity to upgrade the crossing to meet current standards.
- 3 The proposed crossing works include:
 - i) Removal of the existing road cushions located east of the crossing.
 - ii) Upgrade of the existing pedestrian crossing to a raised (wombat) crossing.
 - iii) Construction of kerb extensions and kerb ramps.
- 4 The total project scope also involves relocation of the westbound bus stop further east to improve sight lines at the upgraded crossing and improvements to drainage, in addition to construction of the footpath.
- 5 The Newcastle City Traffic Committee (NCTC) endorsed the proposal at **Attachment A** for public consultation, at its meeting held on 18 February 2019

(Item 16). Consultation was undertaken in November 2019. No objections were received.

FINANCIAL IMPACT

- 6 Construction of the footpath is part of CN's 2019/20 Pedestrian Access and Mobility Plan (PAMP) program. The approved budget is \$120,000. The total project construction cost, including lighting and drainage adjustments, is estimated at \$600,000. Of this total, approximately \$250,000 is required for the raised crossing, footpath, driveway adjustments, transport stop upgrades and kerb and gutter construction at the eastern end of the project. Stormwater drainage renewal works at the crossing and upgrade of the downstream receiving line account for the balance. Subject to approval to proceed, budget change requests will be submitted for PAMP Project 200517 Janet Street, Jesmond Footpath and Project 200318 – Stormwater Drainage Renewal, to address the additional scope of works.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Integrated and Accessible Transport

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

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

Liveable Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

- 10 The proposed works will reduce the crossing width at the intersection and improve sight lines for oncoming traffic. The design will address relevant Austroads and Transport for NSW (Roads and Maritime Services) guidelines.

RELATED PREVIOUS DECISIONS

- 11 Nil.

CONSULTATION

- 12 The NCTC endorsed the proposal for public consultation at its meeting held on 18 February 2019.
- 13 The proposal was exhibited on CN's website through the public exhibitions page from Friday 4 October 2019 to Friday 1 November 2019. There were 30 views of this page. Copies of the leaflet shown at **Attachment C** were distributed in the immediate area. There were no completed responses to the proposal.
- 14 The proposal has not been considered by the Infrastructure Advisory Committee. The project is considered routine and is like many undertaken previously by CN.

BACKGROUND

- 15 Janet Street is classified as a collector road and the section from Algie Street to Henry Street is part of Newcastle Transport bus route 23. CN has previously installed road cushions approximately 10 metres further east of the crossing to modify traffic speeds. The kerb ramp used to access the crossing from the southern side of Janet Street is non-compliant. Raising of the crossing will allow for improved access from the adjacent footpath and in combination with kerb extensions and lighting upgrade, will improve pedestrian safety.
- 16 Construction of the footpath, which does not require Council approval, is scheduled to commence in the first quarter of 2020. The upgrade to the crossing is proposed as the second stage of works and, subject to Council approval, will follow directly after stage one works.

OPTIONS

Option 1

- 17 The recommendation as at Paragraph 1. This is the recommended option. The proposed upgrade will improve pedestrian safety at the crossing and sight lines for drivers approaching the crossing.

Option 2

- 18 Do not approve the proposed upgrade of the pedestrian crossing. This is not the recommended option. Access to the crossing will remain non-compliant.

REFERENCES

ATTACHMENTS

Item 3 - Attachment A: Signposting and Linemarking Plan – Janet Street
Jesmond

Item 3 - Attachment B: Locality Diagram

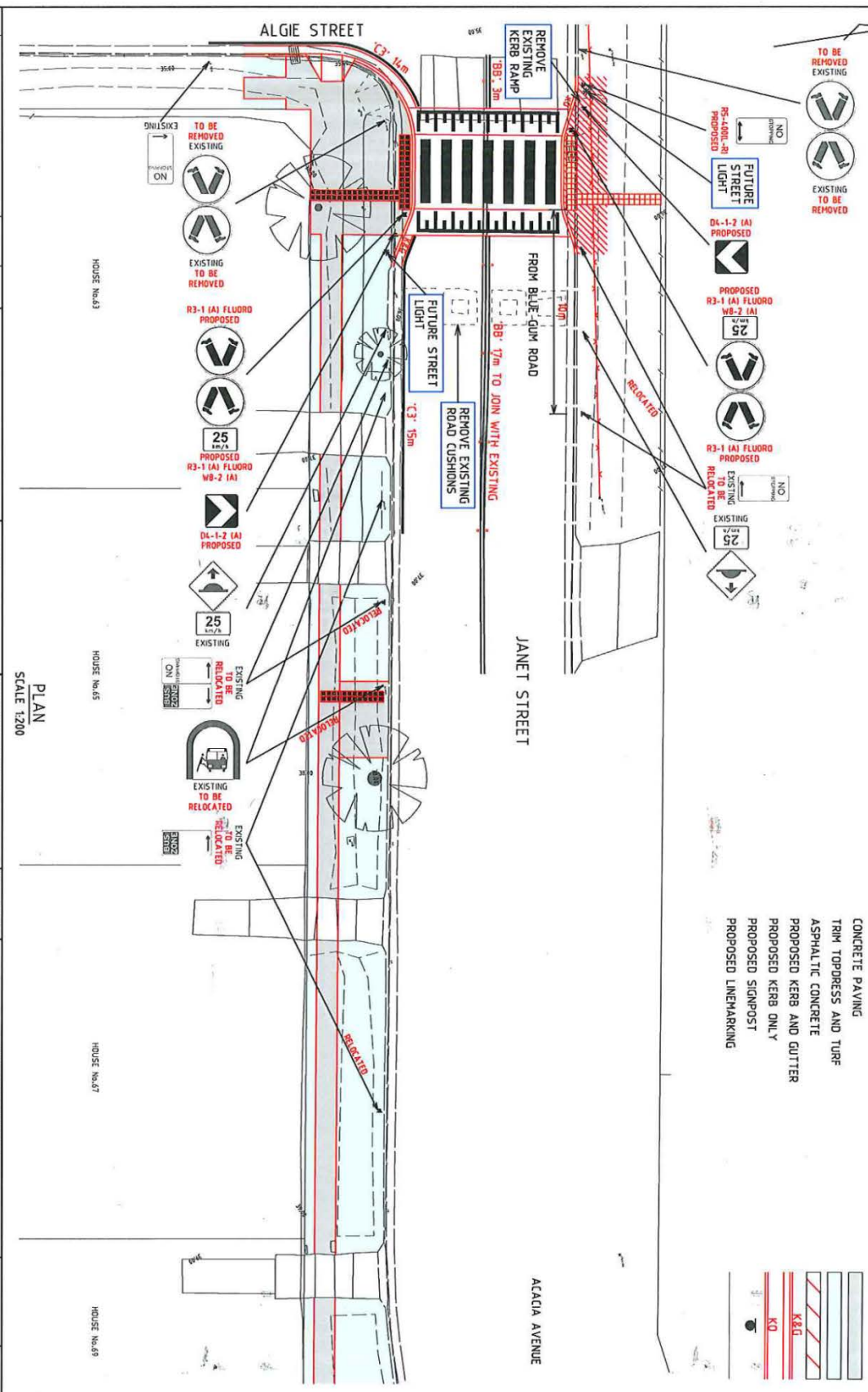
Item 3 - Attachment C: Consultation Leaflet

Attachment A

NEWCASTLE CITY COUNCIL COMMITTEE
Monday 18 February 2019

Item No. 10
Street: Janet St, Jesmond

ANNEXURE A
Page 1 of 1



PLAN
SCALE 1:200

DESIGNER: NEWCASTLE CITY COUNCIL PROJECT NAME: JANET STREET PROJECT NO: 7882/2019		SCALE: 1:200 SCALE BAR: 0 1 2 3 4 5 6 7 8 9 10	
PROJECT NO: R7823 SHEET NO: 1 of 2		CITY OF NEWCASTLE JANET STREET JESMOND BETWEEN ALGIE STREET AND SUMMIT STREET CONCRETE FOOTPATH CONSTRUCTION (SOUTH SIDE)	
DESIGNER: J. SMITH CHECKED: C. GARDNER		DATE: 04-02-19 INITIALS: SD	
PROJECT NO: R7823 SHEET NO: 1 of 2		SCALE: 1:200 SCALE BAR: 0 1 2 3 4 5 6 7 8 9 10	
PROJECT NO: R7823 SHEET NO: 1 of 2		CITY OF NEWCASTLE JANET STREET JESMOND BETWEEN ALGIE STREET AND SUMMIT STREET CONCRETE FOOTPATH CONSTRUCTION (SOUTH SIDE)	
DESIGNER: J. SMITH CHECKED: C. GARDNER		DATE: 04-02-19 INITIALS: SD	
PROJECT NO: R7823 SHEET NO: 1 of 2		SCALE: 1:200 SCALE BAR: 0 1 2 3 4 5 6 7 8 9 10	
PROJECT NO: R7823 SHEET NO: 1 of 2		CITY OF NEWCASTLE JANET STREET JESMOND BETWEEN ALGIE STREET AND SUMMIT STREET CONCRETE FOOTPATH CONSTRUCTION (SOUTH SIDE)	

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Attachment B



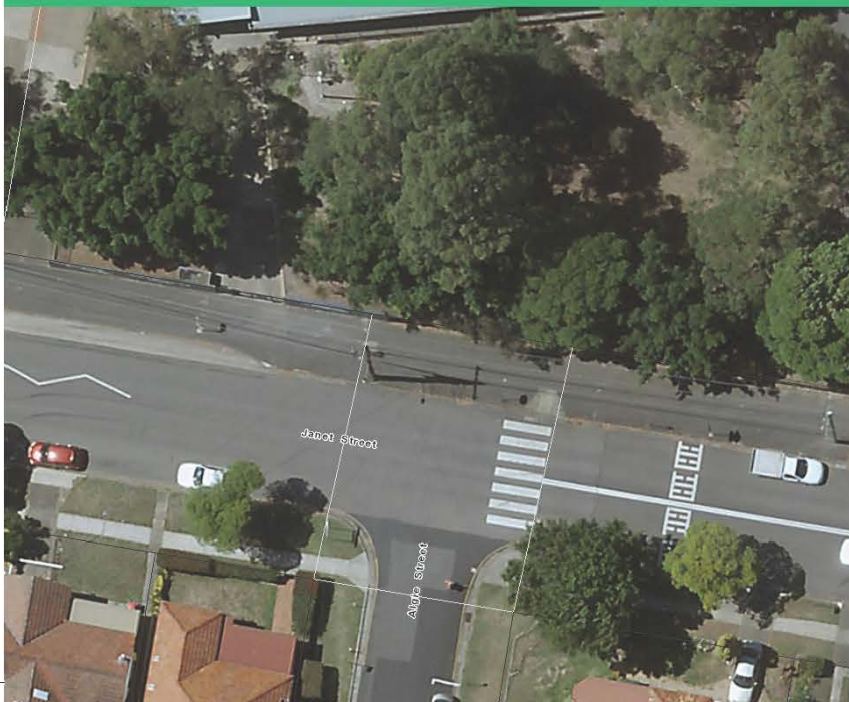
Locality Diagram – Janet Street, Jesmond

Attachment C



Proposed raised pedestrian crossing, Janet Street, Jesmond

City of Newcastle is planning to upgrade the existing pedestrian crossing on Janet Street at Algie Street to a raised pedestrian crossing.



We are planning to upgrade the existing pedestrian crossing on Janet Street, Jesmond at Algie Street to a raised pedestrian crossing to improve pedestrian safety.

The existing 'zebra' crossing is used extensively by students from Callaghan College Jesmond Senior Campus.

Raised pedestrian crossings are located where there are high levels of pedestrian activity. They are raised to increase visibility for approaching drivers and slow down traffic.

The proposed design includes extending the kerb to narrow the roadway and reduce the width of the crossing.

The crossing will complement a new footpath to be constructed on the southern side of Janet Street between Algie Street and Summit Street, an extension of the kerb at Henry Street and relocating the bus stop east of the crossing.

To view the detailed design of the proposed raised pedestrian crossing and have your say visit the Public Exhibition section of our website newcastle.nsw.gov.au and complete the online form to tell us if you support this proposal.

Alternatively, you can email a written submission to mail@ncc.nsw.gov.au

Postal submissions can be sent to:

Chief Executive Officer - City of Newcastle
Attention: Transport and Compliance
PO Box 489 Newcastle NSW 2300

Subject: Submission - Janet Street, Jesmond - Raised Pedestrian Crossing

The public exhibition period closes midnight Friday 1 November 2019.

Do you support the proposed raised pedestrian crossing and kerb extensions in Janet Street at Algie Street, Jesmond as shown in the plan? Yes No

Name: _____

Address: _____

Comments: _____

For further information please contact Jocelyn Cardona,
Transport and Traffic Coordinator on 4974 2000
newcastle.nsw.gov.au

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Subject: Submission - Janet Street, Jesmond - Raised Pedestrian Crossing

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Do you support the proposed raised pedestrian crossing and kerb extensions in Janet Street at Algie Street, Jesmond as shown in the plan? Yes No

Name: _____

Address: _____

Comments: _____

For further information please contact **Jocelyn Cardona**,
Transport and Traffic Coordinator on **4974 2000**
newcastle.nsw.gov.au

**ITEM-5 CCL 25/02/20 - DISSOLUTION OF COMMUNITY FACILITIES
S355 COMMITTEES**

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

PURPOSE

To formally dissolve Carrington Community Centre Section 355 (s.355) Committee and Henderson Park Hall s.355 Committee.

RECOMMENDATION

That Council:

- 1 Approves the voluntary dissolution of the following s.355 Committees:
 - i) Carrington Community Centre Committee, and
 - ii) Henderson Park Hall Committee.
- 2 Recognises the contribution that volunteers have made to the s.355 Committees over many years.

KEY ISSUES

- 3 Henderson Park Hall Committee members stood down at the Annual General Meeting (AGM) on 10 December 2018. No committee nominations were received therefore the management of Henderson Park Hall returned to CN on 1 February 2019.
- 4 Carrington Community Centre Committee members resigned from the Committee effective 24 November 2019 and therefore management of Carrington Community Centre returned immediately to CN.
- 5 All revenue has been returned to CN from both Committees.

FINANCIAL IMPACT

- 6 CN receives all income generated from hire and usage fees. CN is responsible for all operational costs and governance responsibilities. Management of both Committees will be conducted within existing resources.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The review of s.355 Committees is in alignment with the following Newcastle 2030 Community Strategic Plan directions:

Inclusive Community

- 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.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 Dissolution of the s.355 Committees is in alignment with the Community Assets and Open Space Policy which provides Council with a framework and set of guiding principles for the consistent and integrated planning, acquisition, delivery, management and disposal of community assets and open space across the Newcastle LGA.

RISK ASSESSMENT AND MITIGATION

- 9 The continued operation of the s.355 Committees exposes CN to an unacceptable level of risk in relation to governance, financial matters, legal status, and strategic alignment should the Committees be noncompliant.
- 10 These risks are mitigated through the dissolution of the Committees and the return of management to CN.

RELATED PREVIOUS DECISIONS

- 11 On 25 September 2018 Council resolved to dissolve the following s.355 Committees:
 - i) Beresfield Community Children’s Education Centre,
 - ii) Elernmore Vale Committee Reserve Committee,
 - iii) Federal Park Committee,
 - iv) Myamblah Crescent Oval Committee and Local Parks Committee,
 - v) Tuxford Park Local Committee, and

- vi) New Lambton Community Centre Committee.
- 12 Council also resolved that CN staff work with current s.355 Committees to ensure all obligations are fulfilled, and that a further report be brought back to Council regarding governance of the Committees. CN staff forwarded this information to all Committee executives.
- 13 On 10 December 2019, Council resolved to dissolve the following s.355 Committees:
- i) Beresfield-Tarro Parks Committee,
 - ii) Heaton-Birmingham Gardens Parks Committee,
 - iii) Kotara Parks Committee,
 - iv) New Lambton Ovals Board,
 - v) Stevenson Parks Committee, and
 - vi) Stockton Parks Committee.

CONSULTATION

- 14 CN staff attended Committee AGMs and provided an overview of the audit outcomes. The s.355 Operational Guidelines were reviewed to assist with the operation of the committees in line with CN's policies and procedures.

BACKGROUND

- 15 S.355 Committees were established by Council to perform functions in accordance with the committee's constitution. These committees have managed facilities such as sportsgrounds, parks, reserves, community centres and halls.
- 16 On 15 August 2016 the Office of Local Government issued a circular to Councils titled 'Section 355 Committees'. The circular encouraged councils to review the operations of Committees established under s.355 of the Act, stating that activities of these Committees should 'remain transparent and subject to critical oversight. Committees should be able to demonstrate clear links with the goals of the council's Delivery Program, while meeting required standards of governance.'
- 17 City of Newcastle (CN) officers undertook an audit to review all Committees and arrangements established under s.355 of the *Local Government Act 1993* (Act). The objective was to review current practices and procedures, and make recommendations about their design, operation, and effectiveness.

- 18 CN's Audit Committee received and endorsed the report's findings on 17 August 2017. The key findings included an assessment of governance, financial matters, legal status, strategic alignment and fit for purpose.
- 19 In 2017/18 CN officers conducted meetings with all s.355 Committees. CN officers provided the recommendations outlined in the review and advised committee representatives whether they were compliant or non-compliant.
- 20 Carrington Community Centre and Henderson Park Hall s.355 Committees were the only community centre and hall committees operating following the Council resolution of 25 September 2018.

OPTIONS

Option 1

- 21 The recommendation as at Paragraph 1 and 2. This is the recommended option.

Option 2

- 22 Maintain Carrington Community Centre and Henderson Park s.355 Committees. This is not the recommended option.

REFERENCES

Nil.

ATTACHMENTS

Nil.

ITEM-6 CCL 25/02/20 - LIVE MUSIC STRATEGY UPDATE

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER
CORPORATE AND COMMUNITY PLANNING

PURPOSE

To provide an update on the implementation of agreed action items in the City of Newcastle's (CN) adopted Live Music Strategy 2019 - 2023.

RECOMMENDATION

That Council:

- 1 Receives the report on implementation of the Live Music Strategy 2019 – 2023.

KEY ISSUES

- 2 At the Council meeting held 10 December 2019, a Notice of Motion requested CN to provide a detailed update on the implementation of agreed action items in the adopted Live Music Strategy 2019 – 2023 as at **Attachment A**.
- 3 The report at **Attachment B** addresses the actions undertaken against the 12 key actions identified in the Live Music Strategy 2019 – 2023.

FINANCIAL IMPACT

- 4 There is no direct financial implications arising from the recommendation in this report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 The Live Music Strategy 2019 – 2023 aligns with the following community objectives:

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

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

RISK ASSESSMENT AND MITIGATION

- 7 The Live Music Strategy creates a vision and direction for live music in Newcastle. Implementation of the strategy will ensure evidence-based planning and assessment is used in decision making.

RELATED PREVIOUS DECISIONS

- 8 The Live Music Strategy 2019 - 2023 was adopted at the 16 April 2019 Council Meeting.
- 9 A Notice of Motion was endorsed on 10 December 2019 requesting CN staff provide a report back to Council on the progress of implementation of each of the agreed action items in the adopted Live Music Strategy 2019-2023 at the next ordinary meeting.

CONSULTATION

- 10 Relevant CN staff have provided input into the report as required. An annual progress report will be submitted to the Strategy and Engagement Advisory Committee.

BACKGROUND

- 11 The Live Music Strategy 2019-23 was developed to ensure live music's future is responsibly developed as a key element of Newcastle's nighttime economy. The Strategy advocates for change in the area of live performance. It proposes an evidence-based planning and assessment model to assist decision making for live music venue development and management. The model also considers the impacts for residents living in mixed use urban villages.
- 12 CN has led and participated in a range of nighttime economy planning and strategic activities over the last decade; culminating in the adoption in November 2018 of the Newcastle After Dark Strategy 2018-2022. One of the key actions in this document (12.4 Live Music and Performance) recognises the importance of live music as a cultural and economic cornerstone of community identity and destination management.
- 13 The Live Music Strategy is directly linked to the Action Plan in its parent document Newcastle After Dark 2018-2022. The latter document highlights the value of Newcastle's nighttime economy as the sixth largest in the country; accounting for 5.4% of the total Newcastle economy (\$1.358 billion in 2015).

OPTIONS

Option 1

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

Option 2

15 Council resolves not to receive the report on the Live Music Strategy 2019 - 2023. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 6 Attachment A: Live Music Strategy 2019 – 2023

Item 6 Attachment B: Progress report against actions of Live Music Strategy 2019 – 2023.

Attachments distributed under separate cover

ITEM-7 CCL 25/02/20 - SIX-MONTHLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM (OUR BUDGET 2019/20)

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT/ MANAGER CORPORATE AND COMMUNITY PLANNING

PURPOSE

To report progress against City of Newcastle's (CN) 2018-2022 Delivery Program, in accordance with the provisions of s404(5) of the Local Government Act 1993 (Act).

RECOMMENDATION

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

KEY ISSUES

- 2 To comply with s404(5) of the Act, Council must provide regular reports (at least bi-annual) on progress against its Delivery Program (2019/20 Our Budget).

FINANCIAL IMPACT

- 3 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 seven strategic directions within the Newcastle 2030 Community Strategic Plan (CSP).

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 Local Government Act 1993 and the Local Government (General) Regulation 2005. The Local Government Act 1993 s405(5) 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 The September Quarterly Performance report was received at the Ordinary Council Meeting held on 26 November 2019.
- 8 The 2018/19 Annual Report was received at the Ordinary Council Meeting held on 26 November 2019.
- 9 The audited 2018/19 Annual Financial Statements were received and adopted at the Ordinary Council Meeting held on 22 October 2019.
- 10 The 2018-2022 Delivery Program and 2019/20 Operational Plan (2019/20 Our Budget) were adopted at the Ordinary Council Meeting held on 25 June 2019.

CONSULTATION

- 11 Staff from relevant CN services units have been consulted.

BACKGROUND

- 12 The Delivery Program (2019/20 Our Budget) is aligned with the seven strategic directions identified in the CSP endorsed by Council on 26 June 2018.
- 13 The Delivery Program (2019/20 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.
- 14 The Six-Monthly Performance Report highlights CN's progress against the strategic objectives and performance measures outlined in the 2018-2022 Delivery Program (2019/20 Our Budget), as required by the Act.
- 15 The Six-Monthly Performance Report addresses the seven key focus areas identified 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

- 16 The recommendation at Paragraph 1 is the recommended option.

Option 2

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

REFERENCES

ATTACHMENTS

Item 7 Attachment A: Six-Monthly Performance Report on the 2018-2022 Delivery Program (2019/20 Our Budget)

Attachment distributed under separate cover

ITEM-8 CCL 25/02/20 - ADOPTION OF THE WESTERN CORRIDOR SECTION 7.11 LOCAL CONTRIBUTIONS PLAN

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

PURPOSE

To adopt the updated Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 (Plan).

RECOMMENDATION

That Council:

- 1 Adopts the Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 (update February 2020) (**Attachment A**).
- 2 Upon gazettal of an amended Ministerial Direction, apply a rate of \$25,550.90 (with a cap of \$30,000 that cannot be exceeded upon future indexing) per dwelling or residential lot for areas identified as Planned Future Development Sites in the Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 (update February 2020).

KEY ISSUES

- 3 The current residential contribution rates under the Plan are not sufficient to provide the transport and social infrastructure necessary to support future residential growth in the Western Corridor. The current rates as at February 2020 are: \$13,788.04 per dwelling / lot and \$6,640.87 for seniors living development.
- 4 The updated Plan will increase the infill residential rate to \$20,000 per dwelling / lot, which is the maximum rate City of Newcastle (CN) can apply to infill residential lots. The rate for seniors living development will increase to \$10,482.90 for a self-contained seniors living dwelling.
- 5 The maximum contribution rate for greenfield sites identified by a [Ministerial Direction](#) is \$30,000. In accordance with Council's resolution of 10 December 2019, CN has written to the Minister for Planning and Public Spaces requesting a revised Ministerial Direction to allow the \$30,000 cap to be applied to greenfield sites in the Western Corridor. Other Councils such as Lake Macquarie City Council and Port Stephens Council have previously received Ministerial support to include identified greenfield sites in Schedule 2 of the Ministerial Direction in their Local Government Areas.

- 6 Identified greenfield sites are referred to in the Plan as 'Planned Future Development Sites'. Should the Minister support CN's request, the Plan will be amended accordingly without the need for further public exhibition. The contribution rate proposed by the Plan is \$25,550.90 per residential lot / dwelling for these greenfield sites. This rate is based on the costs and apportionment of projects outlined in the schedule to the Plan. It is important to note that the contribution rate of \$25,55.90 will not apply until an amended Ministerial Direction is received. Development consents issued before this time will apply the infill residential rate of \$20,000.
- 7 The Plan provides that all rates increase by CPI quarterly (up to any specified cap set by Ministerial Direction).
- 8 Changes have been made to the Draft Plan following public exhibition as a result of submissions received and receipt of an updated Land Valuation Report. These changes are shown in red text in the Plan at **Attachment A**. The updated Land Valuation Report assessed the Market Land Value of the Planned Future Development Sites to be \$15 per square metre (up from \$12.50 per square metre in the 2013 Land Valuation Report). This has been applied in the schedule to the Plan for social infrastructure projects (where land acquisition is required or dedication of land to Council is being considered).
- 9 Changes were also made to the projects listed on the schedule to the Plan following consideration of issues raised in submissions. The table of submissions at **Attachment B** provides a detailed summary of submissions and CN's response. Both local traffic and social infrastructure projects were reassessed to ensure that future developments are only contributing to their proportion of the cost of that item. This is an important distinction to make when a project is required due to demand from both existing and proposed development.
- 10 Following the review, adjustments were made for new or "expected" development to only pay their share of the demand for relevant projects. The apportionment between new and approved development was identified in the Traffic and Transport Study, prepared by Bitzios as 54% for Planned Future Development Sites and 46% for approved development. This study was made available for viewing as part of public exhibition of the Draft Plan and submissions requested a review of projects to ensure that the split determined in the Bitzios report of 54% for new development and 46% for existing development had been correctly applied. Two project costs have been adjusted as a result of this review in relation to upgrades to Longworth Avenue and cycleway and pedestrian infrastructure.
- 11 Longworth Avenue (identified as "T4" in the schedule to the Plan) was listed as a required project in the now repealed Plan No. 4 – Blue Gum Hills Contributions Plan (Plan 4) with a value of approximately \$2.5 million. This project is not being transferred to the Plan. The Bitzios Study identified that additional work will be required to the Longworth Avenue upgrade project (ie. work that was not identified under Plan 4) to provide an acceptable level of

service. The estimated cost for the works recommended in the Bitzios Traffic and Transport study is \$13,075,205.

- 12 It is considered reasonable that new development contributes toward the Longworth Avenue project as the project has been revised taking into account the Planned Future Development Sites. In this regard, the approach that new development is expected to contribute 54% of the need for the project has been applied to the cost. This has reduced the estimated total project cost in the Plan to \$7,060,611.
- 13 This apportioned approach has also been applied to new cycleway and pedestrian infrastructure projects listed on the schedule to the Plan. These projects were identified in the Traffic and Transport Study to support both existing development and forecast new development. Levying 54% of the total project cost for this item has reduced the total cost from \$6,169,891 (as publicly exhibited) to \$3,331,741.
- 14 The adoption of the apportioned rate for new / expected development has resulted in a total reduction in project costs for Traffic and Transport of \$8,852,744 from the exhibited Plan.
- 15 The Plan only includes projects identified in the Traffic and Transport Study that can be reasonably delivered within a ten year period. The Traffic and Transport Study proposed a suite of traffic infrastructure upgrades to maintain an acceptable level of service across the study area in 2021, 2026 and 2036. The estimated cost of works is \$152,533,002 in 2036. These works will be considered in future reviews of the Plan.
- 16 A further adjustment was made to the proposed multipurpose community facility that is now considered to support the district (both existing and future development). The new / expected development should only contribute an amount equal to their demand, which has been determined to be 33% of the cost for social infrastructure. This apportionment is similar to that applied for district sports fields. This means that the amount that new development will contribute to a new larger scale community facility is \$4,815,608.40, not the total cost of \$14,592,753. This is shown in red text in the Schedule to the Plan.
- 17 An anomaly in Figure 2 of the Plan has been corrected to remove smaller sites from being included as greenfield development along Lake Road in Elernmore Vale as they already have development approval and / or are under construction.
- 18 A report has been prepared in response to submissions received. The Submissions Report responds to issues raised during public exhibition of the Plan and documents amendments made to the Plan in response to issues raised in submissions. The Submissions Report is provided at **Attachment C**.

FINANCIAL IMPACT

- 19 The Plan, if adopted with the proposed rates, will allow CN to collect appropriate local infrastructure contribution levies over time, to support residential development in the Western Corridor.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 20 The Plan aligns with the following Community Strategic Plan Directions:

Integrated and Accessible Transport

- 1.1a Effective and integrated public transport.
- 1.2 Linked networks of cycle and pedestrian paths.
- 1.3 Safe, reliable and efficient road and parking networks.

Inclusive Community

- 4.1 A welcoming community that cares and looks after each other.
- 4.2 Active and healthy communities with physical, mental and spiritual wellbeing.

Liveable Built Environment

- 5.1 A built environment that maintains and enhances our sense of identity.
- 5.2 Mixed-use urban villages supported by integrated transport networks.
- 5.4 Sustainable infrastructure to support a liveable environment.

Open and Collaborative Leadership

- 6.1 Integrated, sustainable long-term planning for Newcastle and the Region.
- 6.2 Considered decision-making based on collaborative, transparent and accountable leadership.
- 6.3 Active citizen engagement in local planning decision-making processes and a shared responsibility for achieving our goals.
- 6.4 A local government organisation of excellence.

IMPLEMENTATION PLAN/IMPLICATIONS

- 21 Implementation of the Plan will be in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) and accompanying Regulation and relevant Ministerial Direction (Local Infrastructure Contributions) 2012 as amended. The EP&A Act and Regulation identify the process and responsibilities for preparing, exhibiting and adopting an Infrastructure Contributions Plan. The revised contributions rates will assist in funding identified projects required to support growth in the Western Corridor. Should the proposed contribution rate not be supported, there may be a shortfall in delivery of these projects.

RISK ASSESSMENT AND MITIGATION

- 22 The Plan has been prepared in accordance with relevant legislation, Ministerial Directions and Department of Planning, Industry and Environment (DPIE) Practice Notes. Adherence to the legislative framework reduces the risk to CN by ensuring local infrastructure funds are appropriately levied, collected, spent and accounted for in the correct manner.
- 23 Appropriate contributions rates mitigate the risk that CN will not be able to provide the transport and social infrastructure necessary to support future residential growth in the Western Corridor.

RELATED PREVIOUS DECISIONS

- 24 At the Ordinary Council Meeting held on 10 December 2019, Council resolved to place the Draft Plan on public exhibition for a period of 28 days.

CONSULTATION

- 25 The Draft Plan was publicly exhibited for seven weeks, from 12 December 2019 to 31 January 2020. Three submissions were received. The key issue raised in the three submissions was in relation to the increase in the contribution rate for the greenfield sites (to \$30,000) and whether nexus has been established between the projects to be funded and new development. The submissions have been carefully reviewed by CN staff and a number of amendments have been made to the Draft Plan as a result. Revisions have also been made to the project schedule to ensure costs are appropriately apportioned.

BACKGROUND

- 26 The Plan has been updated to ensure adequate local infrastructure can be provided to support the expected future growth in the Western Corridor. Bitzios Consulting was commissioned to assess the traffic infrastructure and the pedestrian and cyclist infrastructure needed in the area. Social infrastructure requirements and costs were also reviewed to ensure open space and recreation needs are provided in accordance with CN's current strategies,

standards and benchmarks combined with changing community expectations and known environmental constraints to construct social infrastructure.

OPTIONS

Option 1

27 The recommendation as at Paragraph 1 and 2. This is the recommended option.

Option 2

28 Council resolves not to adopt the updated Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013. Due to the expected growth in the Western Corridor and demand for the identified local infrastructure projects, this is not the recommended option.

REFERENCES

ATTACHMENTS

Item 8 - Attachment A: Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 (update February 2020)

Item 8 - Attachment B: Summary of Submissions

Item 8 - Attachment C: Submissions Report

Attachments A to C distributed under separate cover.

ITEM-9 CCL 25/02/20 - TABLING OF PECUNIARY INTEREST RETURNS - 1 NOVEMBER 2019 TO 31 JANUARY 2020

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

For the Chief Executive Officer (CEO) to table the pecuniary interest returns received from designated persons between 1 November 2019 and 31 January 2020 in accordance with the City of Newcastle's (CN) Code of Conduct for Staff.

RECOMMENDATION

That Council:

- 1 Note the tabling of the pecuniary interest returns (for the period 1 November 2019 to 31 January 2020) by the CEO.

KEY ISSUES

- 2 The Code of Conduct for Staff requires:
 - i) Designated persons to lodge a disclosure of interest return (Return) in the prescribed form within three months of:
 - a) becoming a designated person; or
 - b) becoming aware of an interest they are required to disclose that has not previously been disclosed; and
 - ii) The CEO to table the Returns lodged at the first Ordinary Council Meeting held after the lodgment of Returns; and
 - iii) The CEO to keep a register of Returns which may be accessed in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).
- 3 The Code of Conduct for CN staff was adopted by Council at its Ordinary Council Meeting held on 25 June 2019 and is consistent with the *Model Code of Conduct for Local Councils in NSW* (Model Code) prescribed by the Office of Local Government pursuant to section 440 of the *Local Government Act 1993* (the Act) and clause 180 of the *Local Government (General) Regulation 2005* (the Regulation).

- 4 Designated persons are:
 - i) CEO (General Manager);
 - ii) Senior staff;
 - iii) CN officers designated because of the exercise of Council functions; and
 - iv) Committee members because of the exercise of Council functions.
- 5 In accordance with s739 of the Act, CN has amended the register of Returns to omit information that discloses a designated person's place of living where:
 - i) The designated person requested that such information be deleted on the grounds that it would place their personal safety or their family's safety at risk; and
 - ii) The CEO was satisfied that disclosing the information would place the designated person's safety or their family's safety at risk.

FINANCIAL IMPACT

- 6 CN's adopted Our Budget 2019/20 provides for arrangements for Council meetings. There is no budget implication in adopting the tabled annual Returns.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 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.

8 Open and Transparent Governance Strategy

3.5 Open and Transparent Disclosures.

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council meeting held on 26 November 2019, Council noted the tabling of returns by designated officers (for the period 1 August 2019 to 31 October 2019) by the CEO.

CONSULTATION

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

BACKGROUND

- 14 Not applicable.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

- 17 Code of Conduct for Staff
<https://www.newcastle.nsw.gov.au/Council/Our-Responsibilities/Code-of-Conduct>
- 18 Model Code of Conduct for Local Councils in NSW: A Guide to Completing Returns of Interest
<https://www.olg.nsw.gov.au/sites/default/files/Model%20Code%20of%20Conduct%20-%20Completing%20returns%20of%20interest.pdf>

ATTACHMENTS

Nil.

ITEM-10 CCL 25/02/20 - COUNCIL CHAMBERS - CITY HALL

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

PURPOSE

To determine the future use of the Council Chamber and associated civic spaces (Lord Mayor's Reception Room, Lord Mayor's Office and Councillor Room) within Newcastle City Hall.

RECOMMENDATION

That Council:

- 1 Preserve the Council Chamber and associated civic spaces within Newcastle City Hall to retain their current standard of presentation and ensure that any future renovation protects their heritage value.
- 2 Make City Hall Council Chamber and civic spaces available for commercial hire from 1 July 2020 with a two-tiered pricing structure that encourages both the private sector and community groups to utilise. Noting that in developing programs to enable public access to these civic spaces, priority will be given to access at discounted rates for educational purposes and for community groups, consistent with the 2020/21 Fees and Charges, and access at commercial hire rates for private and commercial purposes.
- 3 Develop public programs which promote access to the City Hall Council Chamber and civic spaces including information and education about the City's civic history and the City Hall building, and particularly its heritage value.
- 4 Where appropriate, continues to use City Hall for City of Newcastle functions and initiatives, including meetings of Council's Advisory Committees.

KEY ISSUES

- 5 A new Council Chamber has been constructed at 12 Stewart Avenue, Newcastle West on Level 1 of the City Administration Centre (CAC). CN will move civic functions to the new premises once the Digital Library (also on Level 1) is complete in May 2020. CN intends to hold the ceremonial first meeting of the 2020 Council term at City Hall Chamber.
- 6 As a result, the City Hall Council Chamber, the Lord Mayor's Reception Room, the Lord Mayor's Office and Councillor Room located in Newcastle City Hall (collectively, the civic spaces) will be available to use for purposes other than their civic function.

- 7 The location and specific purpose of the City's civic spaces has varied several times over the years.
- 8 As the location of many historic decisions and home of the City's civic life for many decades, the City Hall Chambers and associated civic spaces are important heritage items.
- 9 CN may wish to continue to utilise these unique civic spaces for civic functions on an occasional basis, and so these spaces must be preserved.
- 10 The civic spaces are attractive spaces for hire for community and corporate functions and events.
- 11 Because of their important heritage value, there will also be demand for access to the civic spaces for educational and visitor experiences.
- 12 In developing programs to enable public access to these civic spaces, priority will be given to access at discounted rates for educational purposes and for community groups, consistent with the 2020/21 Fees and Charges, and access at commercial hire rates for private and commercial purposes.

FINANCIAL IMPACT

- 13 The fees for hire of the City Hall civic spaces will be set to align with rates of hire for other City Hall spaces, and will be included in the draft 2020/21 Operational Plan and Budget.
- 14 Educational programs may be developed in conjunction with the Newcastle Museum or Newcastle Libraries, and will be charged at a cost recovery basis or provided within existing budget.
- 15 Commercial or tourism programs will be charged for on a market value basis.
- 16 Change of the civic spaces purpose beyond the recommended preservation strategy may require additional funding to effect renovations or remodeling (within the scope of permitted works).

COMMUNITY STRATEGIC PLAN ALIGNMENT

17 Vibrant, Safe and Active Public Places

3.2a Celebrate Newcastle's cultural heritage and diversity

18 Inclusive Community

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

19 Liveble Built Environment

5.1a Protect and promote our unique built and cultural heritage

IMPLEMENTATION PLAN/IMPLICATIONS

20 This proposal is in accordance with the Conservation Policies outlined in Newcastle City Hall Conservation Management Plan 2008.

RISK ASSESSMENT AND MITIGATION

21 This proposal does not pose an additional risk, as all recommendations are within the bounds of current operations.

RELATED PREVIOUS DECISIONS

22 Council resolved on 25 July 2018 to relocate the Council Chamber to 12 Stewart Avenue, Newcastle West.

CONSULTATION

23 Consultation with Council's Advisory Committees to occur following resolution contained within this report.

BACKGROUND

24 Early Council meetings took place in a room in the Court House, while Council business was conducted in a small room at the Borough Markets. In 1872 both the Chambers and Council staff moved to Watt Street, working in the former Post Office. In 1884 the City Engineer John Sharp designed the first purpose-built Chambers for the Newcastle Borough Council in Watt Street. The Council continued to meet in these Chambers until the completion of the City Hall in 1929. The first meeting in the new town hall on 23 December 1929 was a special meeting of Council held to elect the Mayor for the following year. Ald. T Blackall was elected as Mayor for 1930 and Ald. W M Shedden the Deputy Mayor.

25 In 1937 the 11 borough councils in Newcastle were amalgamated to form the City of Newcastle and the Town Hall became the legislative and administrative hub from this time. The name Town Hall was changed to City Hall in honour of this event.

26 City Hall housed the Council Chamber, staff and administrative offices up until 1977 when the Council Administrative Centre was opened. Council then reconsidered the use of Newcastle City Hall and resolved to convert the spaces into a multipurpose function and conference venue with an upgrade to the Concert Hall and Banquet Room.

- 27 Additionally the former office space within the building was also converted into function and conference rooms with reception areas and in 1981 the city was acknowledged by the Royal Australian Institute of Architects for one of the best examples of building recycling in NSW.
- 28 The location and specific purpose of the City's civic spaces has varied several times over the years. Most recently, the Lord Mayor's Office was moved to the City Administration Centre, and other rooms within City Hall have been used for civic offices and other functions.
- 29 Relevant conservation policies from the Newcastle City Hall Conservation Management Plan 2008 are:

"Conservation Policy 38. Conserve Significant Uses

The current and traditional use of Newcastle City Hall for many of the primary democratic functions of NCC should continue (including Council Meeting Room and Lord Mayor's Rooms and the Cultural Events) for as long as possible. For example, the following purpose-built chambers should continue the function for which they were designed:

- i) Council Chamber*
- ii) Mayor's Reception Room*
- iii) Banquet Room (Supper Room)*
- iv) Town Hall*
- v) Entrance Vestibule and Porte Cochere*

Conservation Policy 39. New Uses

Any proposals for change of use should only consider compatible uses; that is uses which involve no, or minimal, negative impact on the heritage significance of Newcastle City Hall. This CMP should be a guide to considering whether there are impacts.

Any change of use of all or part of the Newcastle City Hall should provide for continued public accessibility on a day-to-day basis to a major proportion of the current public places. Less accessible parts of the Newcastle City Hall should be made available for public inspection on an annual basis.

Changes of use of individual spaces to accommodate new customs, legislation and technology should be undertaken in spaces of lesser significance or should impact only on fabric of lesser significance where possible. Such changes should also be as reversible as possible."

- 30 Future renovations of the interior of the City Hall including the preservation of the Council Chambers, Concert Hall, Banquet Room and associated civic spaces will be considered on completion of the facade conservation works.

OPTIONS

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

Option 2

32 Retain the City Hall civic spaces solely for civic use as at present. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

ITEM-11 CCL 25/02/20 - QUARTERLY BUDGET REVIEW - DECEMBER 2019

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

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 31 December 2019, 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 current adopted budget to reflect trends identified in the actual operating performance to date for the 2019/20 financial year. The operational budget variations identified have lowered City of Newcastle's (CN) budgeted operating surplus by \$3.8m and forecast an annual budget surplus of \$4.1m for the year ended 30 June 2020.
- 3 The adjustments recommended through the December Quarterly Budget Review statement require CN to use an additional \$15.8m of funds. This results in CN forecasting a transfer of \$11.2m from reserves.
- 4 The 2019/20 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 increased the works program to \$99.6m.

FINANCIAL IMPACT

- 5 The budget variations recommended through the December 2019 Quarterly Budget Review Statement are presented in more detail in the attached report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2018-2022 Delivery Program and 2019/20 Operational Plan in a cost effective and efficient manner. If the recommended budget adjustments are not approved, it will significantly impact on CN's ability to undertake the projects outlined in the 2019/20 project program and will ultimately impact on the organisation's ability to meet the current and future years' operational plans. In order to ensure that CN remains financially fit for the future and continues on its path to financial sustainability it is essential that it continues to meet its annual operational plans.

RISK ASSESSMENT AND MITIGATION

- 8 Adoption by 25 February 2020 will meet legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 9 Adoption of the 'Our Budget' (2018-2022 Delivery Program and 2019/20 Operational Plan) on 25 June 2019.

CONSULTATION

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

- Attachment A:** Quarterly Budget Review Statement – December 2019 – Under separate cover
Attachment A distributed under separate cover

ITEM-12 CCL 25/02/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2019/20 Operational Plan as at the end of January 2020.
- b) Investment of temporary surplus funds under section 625 of the Local Government Act 1993 (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 At the end of January 2020 the consolidated YTD actual operating position is a surplus of \$10.9m which represents a positive variance of \$5.8m against the budgeted YTD surplus of \$5.1m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2019/20 is a surplus of \$7.9m.
- 3 The net funds generated as at the end of January 2020 is a surplus of \$11.5m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$5.8m. This is primarily due to a timing variance in the delivery of CN's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
- 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 s.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 2020 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 12 - Attachment A: Executive Monthly Performance Report – January 2020
Distributed under separate cover

NOTICES OF MOTION

ITEM-1 NOM 25/02/20 - OCEAN BATHS REDEVELOPMENT UPDATE

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

PURPOSE

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

MOTION

That City of Newcastle:

1. Notes that on 4 February 2020, it was announced that City of Newcastle has committed to funding the restoration of both Newcastle and Merewether Ocean Baths following an unsuccessful expressions of interest (EOI) process;
2. Notes that City of Newcastle is currently engaged in extensive community consultation, following a resolution of Council to bring forward engagement following incorrect claims that our Ocean Baths would be privatised;
3. Reiterates that our Ocean Baths are on NSW Government Crown Land, with City of Newcastle acting as the Crown Land manager, and cannot, and will not, be sold or privatised;
4. Notes that a Community Reference Group will now be established, with stakeholder groups invited to join including, but not limited to, the Friends of Newcastle Ocean Baths, the Australian Institute of Architects, Newcastle East Residents Group, local businesses, and local sporting clubs and user groups, to ensure broad community involvement in the redevelopment of our iconic Ocean Baths is maintained throughout these important projects.

BACKGROUND

City to fund ocean baths restorations

City of Newcastle has committed to funding the restoration of both Newcastle and Merewether Ocean Baths following an unsuccessful expressions of interest (EOI) process.

With no EOI submissions progressing beyond an initial panel review, City of Newcastle will form a community reference group by the end of the month to guide the restoration of Newcastle Ocean Baths and commence further engagement on the Merewether pavilion later this year.

The current round of community engagement is due to conclude at the end of February while initial planning continues, including detailed site investigations to further understand the condition of Newcastle and Merewether Ocean Baths and the level of rectification required.

“I’m determined to see the Newcastle Ocean Baths become an asset all Novocastrians can be proud of,” Cr Nuatali Nelmes said.

“This means converting feedback from the current community engagement process into the preliminary design that once costed, can be further tested with the community to ensure the Newcastle Ocean Baths receives an appropriate restoration 98 years after it was first built.

“We’ve made a great start on understanding what the community want from the Baths with more than 600 comments already logged on the City’s ideas wall. Intercept surveys are taking place at the Baths and other city locations before the end of February. “We’ll now progress with forming a community reference group that represents user groups, the local business community and broader ratepayer base with the aim of holding our first meeting next month.

“The Baths are a treasured part of Newcastle’s history. Developed responsibly and with respect to its local heritage, we will deliver public baths that remain appealing to people throughout our city and one of our key tourism drawcards. This includes protection of its facade, the blue-stepped bleaches and its free entry to swim all year round.”



The Newcastle Coastal Plan of Management, adopted by Council in 2015, prescribed an expression of interest (EOI) for the pavilions and identified cafes, kiosks and restaurants as potential future uses, with the stipulation that revenue be re-invested in coastal upgrades and maintenance.

The City invited EOIs in November 2019 before bringing forward engagement following incorrect claims that the Newcastle and Merewether Baths would be privatised.

Under the EOI, the City committed to retaining Newcastle Ocean Baths' iconic art-deco façade and bleacher seating, while providing renewed public change rooms with hot water showers and improving shading, car parking, disability access and seating in line with previous engagement results.

City of Newcastle Director of Infrastructure Ken Liddell said the City would review the community engagement results before preparing draft concept plans.

“Community consultation will be maintained through a reference group, while information sessions and a public exhibition will be held to present concept plans to the broader community before Councillors review and approve any restoration,” Mr Liddell said.

“I expect the concept plan will be completed this year with detailed design works to follow in preparation for construction work to start in 2021.”

City of Newcastle will form its Newcastle Ocean Baths community reference group in February with invitations to user groups and stakeholders along with an EOI for broader community involvement.

Community reference group

The stakeholder groups to be invited to be part of the community reference group (CRG) will include, but not be limited to:

- Friends of Newcastle Ocean Baths
- Pirates swimming club
- Local business
- Indigenous (Guraki Committee/Awabakal)
- Coal River Working Party
- Newcastle East Residents Group
- Australian Institute of Architects

For expressions of interest to the community, City of Newcastle will aim for broad representation from across the four wards and, include but not be limited to, youth, people with disability, Indigenous representation and pensioners.

The Newcastle Ocean Baths Community Reference Group will have terms of reference based on the existing CRG for the Bathers Way. The CRG will be independently facilitated.

Ocean Baths

Newcastle is fortunate enough to have two iconic ocean bath facilities open year-round for the community to enjoy.

The baths at Newcastle and Merewether are notable features of our beautiful coastline, offering community hubs where locals and visitors can enjoy recreational and social activities.

City of Newcastle (CN) is the Crown Land Manager of both pavilion buildings for the Crown Lands Division of the NSW Government. All Crown Land has a stated public purpose, which for the ocean baths is set out in the Newcastle Coastal Plan of Management 2015 and includes public recreation, community facilities, public baths, and recreation facilities.



The current situation

The pavilions at Newcastle and Merewether Ocean Baths are ageing and require substantial upgrades in order to continue providing use and benefit to the community. Further to this the promenade and pools of the Newcastle Ocean Baths also need to be upgraded to a similar standard as the Merewether precinct upgrade completed by the City of Newcastle in 2014.

To help with the funding required to achieve the full potential of these sites, City of Newcastle invited expressions of interest (EOI)s in 2014 and again in 2019. The EOIs are in line with the Plan of Management to redevelop the buildings and amenities, with upgrades that could include a restaurant or café, recreational and community facilities and other services.

Regardless of any future redevelopment, public access to the baths will always remain free of charge, and any income generated from the sites must be reinvested into coastal projects.

The City has committed to retaining the aesthetic of the Inter-war Striped Classical / Art Deco facade of the Newcastle Ocean Baths, as well as the iconic bleacher seating, while improving public amenity through provision of improved shade, disability access, seating, and new public changerooms with hot water showers.

Ocean Baths redevelopment FAQs

Are the ocean baths being privatised?

No. CN is the Crown Land Manager of both pavilion buildings for the Crown Lands Division of the NSW Government, so neither site can ever be sold. Under the governing legislation, leases may be entered into for a maximum period of 21 years. This is consistent with the management of other coastal assets, including the Merewether, Dixon Park and Bar Beach Surf Clubs, and beach kiosks.

Will there be a fee to use the baths?

No, the Baths will remain public assets, and swimming and access to showers, change and community facilities will always remain free.

Will the redevelopment look like the designs in the EOI?

The images in the EOI document were simply an artist's impression of Newcastle Ocean Baths, and did not represent potential EOI proposals. The final design would be subject to a Development Application, and would be undertaken with extensive community consultation.

Will Newcastle Ocean Baths' façade be knocked down?

No. The heritage façade will be retained as part of any redevelopment. Any upgrades of the site will have to comply with heritage controls, as the Newcastle Ocean Baths are listed as a local heritage item in the Newcastle Local Environmental Plan 2012 and is located within the Newcastle East Heritage Conservation Area

Will redevelopments include car parking?

Yes. Car parking, new seating, shading, disabled access and new public change rooms all are conditions that interested parties will have to meet.

What's the problem with the current state of the baths and pavilions?

Due to the ageing condition of the public domain at the Baths, substantial repair and remediation is required. Concrete cancer has been identified in the Newcastle Ocean Baths pavilion, which compromises the structure. Previous methods to extend the life of its structural steel, including cathodic protection (preventing rust), have slowed the decay, however the Baths are located in a highly exposed seaside location on Shortland Esplanade, and significant works are now required to ensure the protection of the Baths for decades to come.

Some components of the buildings have failed and are closed. The bulk of the northern pavilion at Newcastle Ocean Baths has been deconstructed, and upstairs areas in the remaining central and southern pavilions have been closed for some years.

Hasn't City of Newcastle already spent millions on this?

Urgent repairs have been undertaken in recent years to ensure the safety of the bathing public. CN introduced cathodic protection in the early 2000s as a means of slowing saltwater penetration.

Maintenance works have been undertaken at both Baths, however neither Pavilion has been upgraded or renewed to a current standard.

Will the iconic blue-stepped bleachers be retained?

Yes. The bleachers are not in the scope of this project, which is focused on the building pavilions only.

How much of this space will be accessible to the public?

The public will continue to have free access to the Baths, as well as access to toilet, change and community facilities. All of the public domain will also remain accessible and free.

Any future commercial aspect (such as a café or restaurant) would be operated in a similar manner to the existing commercial kiosk, and any upgrades will be consistent with community expectations to retain public access, and provide improved amenity and service provision to the community.

What changes will be made to the current number of toilets, showers and changerooms?

CN requires that any proposal include new Male, Female and Accessible change and shower facilities, along with new toilet facilities. This will be further developed once designs are created in consultation with the community.

What does 'local heritage item' mean and what protections does it afford the baths, facade, structures or blue-stepped bleachers?

The Newcastle Pavilion and Baths are an item of local significance and listed on the State Heritage Register. Listing on statutory heritage registers provides a legal framework for managing the approval so that heritage significance is retained and never diminished.

Community Engagement

How to get involved

Visit our dedicated community engagement page here to have your say:
<https://newcastle.nsw.gov.au/Have-Your-Say/Projects/Ocean-Baths>

ITEM-2 NOM 25/02/20 - ELECTRIC WASTE MANAGEMENT VEHICLE FLEET

COUNCILLOR: COUNCILLOR MACKENZIE

PURPOSE

The following Notice of Motion was received on 13 February 2020 from the abovenamed Councillor.

MOTION

That City of Newcastle

- 1 Receives a business case for the consideration of Councillors on the costs and benefits of transitioning the waste management vehicle fleet, including collection trucks, to electric vehicles. The business case should compare the cost and benefits under immediate, 2025 and 2030 scenarios, and include consider the options of using electricity generated at Summerhill Waste Management Facility.

BACKGROUND

In January this year, the Los Angeles Bureau of Sanitation (LASAN) committed to transitioning to a zero-emissions fleet by 2035. The commitment makes Los Angeles the first major city to pledge a full transition of its refuse fleet to 100% electric, with all collection truck procurement set to be fully electric within the next two years. The announcement recognised the opportunity for the city to be an "an enabler and an accelerator" of electric vehicle (EV) technology.

In May 2019, the City of Newcastle announced our intention to transition from petrol-powered vehicles to electric models, anticipating that other organisations and individuals will follow our lead. In particular it was noted that with large fleet purchases, governments can play a key role in developing the EV market and making EVs more affordable.

In September 2017, the City of Newcastle introduced the first of three hybrid-electric vehicles to the city's waste management fleet. It was noted at the time that Council was following development of electric powered or hybrid garbage trucks, and once the technology is up to the testing task of daily rounds, and the trucks pose real value for rate payers, we will consider adding them to our fleet.

The call for a detailed business case allows Councillors to make an informed decision on the transition to an EV waste management fleet, and aligns with the current strategic planning of our long-term waste management capacity.

ATTACHMENTS

Nil.

ITEM-3 NOM 25/02/20 - NSW BUSHFIRE EMERGENCY RESPONSE

COUNCILLOR: D CLAUSEN

PURPOSE

The following Notice of Motion was received on 13 February 2020 from the abovenamed Councillor.

MOTION

That City of Newcastle:

1. Notes that catastrophic bushfires have ravaged Australia over Summer, with fires burning an estimated 18.6 million hectares; destroying over 5,900 building, including almost 3,000 homes; sadly killing at least 34 people, including 4 firefighters; and leading to the widespread destruction of flora and fauna including an estimated one billion animals being killed, with some endangered species possibly being driven to extinction.
2. Notes that as a result of these bushfires, air quality has dropped to hazardous levels, and the estimated costs of addressing the fires is expected to exceed \$4.5 billion, in addition to tourism sector revenues falling significantly.
3. Notes that while the City of Newcastle Local Government Area was not directly impacted by the fires, our staff have offered to assist in the clean-up and recovery efforts in any way possible, including:
 - a. Immediately reaching out to our direct Council neighbours, including Mid-Coast Council, to offer support and assistance throughout the fire emergency;
 - b. Offering our plant equipment and staff to assist those communities who are either still fighting the fires, or dealing with the tragedy of a clean up;
 - c. Joining with the NSW Government, through the Office of Local Government, to make our resources available as part of a Bushfire Council Coordination Service;
 - d. Staff and Councillors volunteering at our New Years Eve event to collect donations for the Red Cross Bushfire Appeal;
 - e. Committing to the \$1.8 million construction of a new local Emergency Operations Centre, which will allow various agencies to streamline their coordination of a city wide mobilisation and response to future natural disasters;

4. Thanks our City of Newcastle Staff for their efforts to support those affected by the bushfire crisis;
5. Acknowledges that climate change is impacting Australia, worsening and prolonging bushfires across the nation – there has never been a time in Australian history where we have had so many fires, which are so intense, burning across so many areas at the same time;
6. Continues to encourage anyone affected by the bushfires to seek assistance, particularly to ensure their ongoing mental health wellbeing as the emergency abates.

BACKGROUND

City of Newcastle | Bushfire Recovery Assistance

06 Jan 2020

NSW Bushfires 2019-2020

A range of assistance measures are available to support people affected by bushfires. These are aimed at providing for immediate and short term needs, to support recovery from the bushfires across NSW.

Immediate emergency assistance – can be accessed through Evacuation Centres and Disaster Welfare Assistance Points.

Call 1800 018 444 or visit www.emergency.nsw.gov.au.

Emergency Temporary Accommodation – short term housing support. Contact the Housing Contact Centre on 1800 422 322.

Clean-up assistance – for the removal and disposal of residential bush fire debris including asbestos, concrete slabs and dangerous trees.

- Insured home owners – contact your insurance company or the Insurance Council of Australia on 1800 734 621.
- Uninsured home owners – contact Public Works Advisory on 1800 88 55 39.

Animal Welfare – provision of emergency fodder, stock water and stock assessment. Contact Local Land Services on 1800 814 647.

Commonwealth Government Disaster Recovery Payment – \$1,000 per adult and \$400 per child for people severely affected by bushfires.

Contact Human Services on 180 22 66.

Commonwealth Government Disaster Recovery Allowance – short term income assistance for people severely affected by bushfires.

Contact Human Services on 180 22 66.

NSW Government Disaster Relief Grants – financial assistance for eligible individuals who have low income and limited assets.

Contact the Disaster Welfare Assistance Line on 1800 018 444.

Primary producer assistance – up to \$15,000 recovery grants (33 LGAs only), concessional loans and transport subsidies for eligible primary producers.

Contact the NSW Rural Assistance Authority on 2800 678 593.

Small business assistance – up to \$15,000 recovery grants (33 LGAs only), and concessional loans for eligible small businesses.

Contact the NSW Rural Assistance Authority on 1800 678 593.

Legal assistance – Legal Aid can provide free assistance on issues such as insurance policies, employment, tenancy, credit and debt.

Contact LawAccess NSW on 1300 888 529.

Potable Water Assistance – replacement of potable water for residents not on town water supply where RFS has taken water or contaminated roofs with fire retardant. Contact the Disaster Welfare Assistance Line on 1800 018 444.

Mental health and wellbeing assistance – 24/7 assistance for individuals.

- Mental Health Line - 1800 011 511
- Beyond Blue - 1300 224 636
- Lifeline - 13 11 14
- Mensline - 1300 789 978
- Kids Helpline - 1800 551 800

If someone is in immediate danger, call 000.

Farm Gate counsellors – farmers and business owners in bushfire affected areas can access Farm Gate counsellors and peer support workers.

Contact the Mental Health Line on 1800 011 511.

Volunteer Firefighters' Financial Support – payments for eligible volunteer firefighters who are self-employed or employed by a small or medium business and have lost income. Contact Service NSW at www.service.nsw.gov.au.

Sporting club assistance – concessional loans for eligible sporting clubs. Contact the NSW Rural Assistance Authority on 1800 678 593.

Church and non-profit organisation assistance – up to \$15,000 recovery grants (33 LGAs only) concessional loans for eligible churches and non-profit organisations. Contact the NSW Rural Assistance Authority on 1800 678 593.

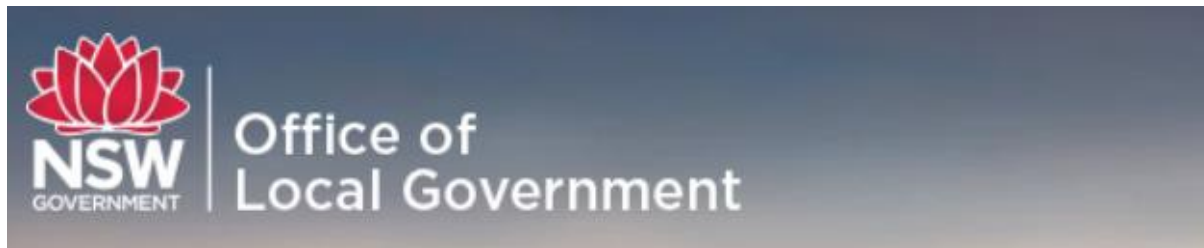
Motor vehicle stamp duty relief – financial assistance for eligible motorists whose cars have been written off as a result of bushfires.

Contact the Office of State Revenue on 1300 139 814.

Replacement of documents – free replacement of licences, permits and certificates, including birth, marriage and change of name certificates and NSW Fair Trading permits and licences.

Contact Service NSW on 13 77 88.

Waste disposal – the levy for waste disposal has been waived in bushfire affected LGAs.



Recovery Information for Councils impacted by bushfires in NSW

The Office of Local Government (OLG) has agreed to be the State coordinating agency between affected local councils seeking assistance and councils who have the capacity to assist. OLG has teamed up with the City of Sydney, Sydney Resilience Office and Local Government NSW to provide a disaster recovery council resource co ordination service to assist councils impacted by the bushfire crisis.

- Councils may become a go-to point for people recently impacted by bushfires who are seeking assistance.
- Council staff should make themselves familiar with recovery information sources available to the public.
- Councils may be called upon to help with clean-up activities and/or to waive tip fees for the disposal of material directly related to the recent fires.

- A councils helping councils resource sharing initiative called the **Local Government Bushfire Recovery Support Group** has been established by OLG, the City of Sydney, Sydney Resilience Office and Local Government NSW to enable unaffected councils to offer assistance, resource sharing and temporary deployment of relief staff to councils in need.
- The Office of Emergency Management convenes the State Recovery Committee. Two General Managers Working Groups have been established as part of the Recovery Committee process. The General Managers Working Groups will be the central point to establish priority needs of local councils with particular regard to the needs that could be met through the assistance of other councils. The General Managers Working Groups are meeting weekly with the State Recovery Coordinators to discuss recovery i **Key points**

General

- A disaster welfare assistance line has been established on 1800 018 444.
- A number of grants have been made available, such as grants of up to \$15,000 for business owners directly affected by bushfires and grants of up to \$15,000 for bushfire affected primary producers.
- A number of allowances are available for individuals affected by recent fires, such as a one-off payment of \$1,000 per adult and \$400 per child for people who have lost their properties or whose properties have been severely damaged.
- Housing assistance is available to support people via temporary accommodation.
- A number of disaster welfare assistance points have been established.
- Free mental health telephone support is available 24/7 via the Mental Health Line, Lifeline, Mensline, Kids Helpline and Beyond Blue.

Waste disposal

- The NSW Government is waiving waste levy fees for residents disposing of bushfire-generated waste at nominated facilities.
- Councils should check whether the fees adopted for council operated tips already include a provision allowing council to waive fees in circumstances of a bushfire emergency.
- If there is no such provision councils may choose to explore the use of their power under section 356 of the Local Government Act 1993 to grant financial assistance to fire-affected persons.

- This could occur by way of free waste disposal vouchers. Alternatively, councils may resolve to grant a “tip fee” amnesty. To adopt either option council will need a resolution. The terms of the resolution would authorise the nature and terms of the amnesty.
- Whether public notice of 28 days would be required under section 356(2) will depend on the nature of the proposed amnesty. It could apply uniformly to all persons within the council’s area or it could apply to a significant group of persons within the council’s area.
- Councils must keep records of the total value of any amnesty or financial assistance provided for future financial reporting requirements. Councils should later ratify the loss in revenue due to the amnesty as an expense against the revenue budget.
- In establishing an amnesty councils should be guided by their own legal advice.

Where to go for further information

- For recovery information, information fact sheets and updates please visit the following useful sites:
- www.emergency.nsw.gov.au
- <https://www.emergency.nsw.gov.au/Pages/for-the-community/disaster-assistance/community-recovery.aspx>
- <https://www.emergency.nsw.gov.au/Documents/factsheets/community-recovery-information-november-northern-nsw-fires-2.pdf>



NSW RURAL FIRE SERVICE

NSW Bush Fires - How you can help Summary

So many people have reached out to us, asking how they can lend a hand to people in bush fire affected areas, as well as our volunteers.

There are a number of ways you can help.

The best way is to donate money. This allows people to buy the things they need, and it supports local businesses which have also been impacted.

We know many people want to donate physical items such as food and clothing but

these take up much needed community space.

Donations

There are a number of funds which have been established to support those affected by the bush fires. These include:

- Australian Red Cross Disaster Recovery and Relief
- Salvation Army Disaster Appeal
- St Vincent de Paul Society Bushfire Appeal (NSW)

Supporting our volunteers

Many people are choosing to show support to our volunteers. While brigades are provided equipment to protect the community, donations assist them deliver additional services to the community.

- NSW RFS Donations Page
- Make an online donation to the NSW RFS Trust Fund or a participating brigade

Thank you to everyone who has offered to help. We appreciate your generosity and kindness.

Other Support

There's a wide range of community groups which are providing support to fire affected areas, including Blazeaid and the Port Macquarie Koala Hospital.



1. Physical, direct impacts

Over 18 million hectares have burned in the Australian bushfire season 2019–2020 as of mid-January according to media reports, destroying over 5,900 buildings including over 2,800 homes. In addition to human fatalities, many millions of animals are reported to have been killed.

2. Ongoing ecological and biodiversity impacts

After initial devastation of the fires, impacts are ongoing. An estimated billion animals, and many more bats and insects, are likely to die in total over the coming weeks and months as a result of lost habitat and food sources.

This loss is part of a much bigger picture of a world where biodiversity is in steep decline. We are losing wildlife at an ever-increasing scale across the planet, with impacts to ecosystems vital for our own global food production. The world's terrestrial biodiversity is concentrated in forests: they are home to more than 80 per cent of all terrestrial species of animals, plants and insects. So, when forests burn, the biodiversity on which humans depend for their long-term survival also disappears in the inferno. With over 1 million species currently facing extinction if we continue with business as usual, extreme weather events such "megafires" become an increasing matter of concern for species survival.



A dead Australian native bird is seen on ashes on the ground near Eden, Australia January 7, 2020.

Photo by: REUTERS/Tracey Nearmy

3. Public health

As a result of intense smoke and air pollution stemming from the fires, in January 2020 reports indicated that Canberra measured the worst air quality index of any major city in the world. Wildfires produce harmful smoke which can cause fatalities. Wildfires produce fine particle air pollution, which is directly threatens human health even during relatively short exposures. Close to the fires, smoke is a health risk because it contains a mixture of hazardous gases and particles that can irritate the eyes and the respiratory system. The effects of smoke exposure and inhalation range

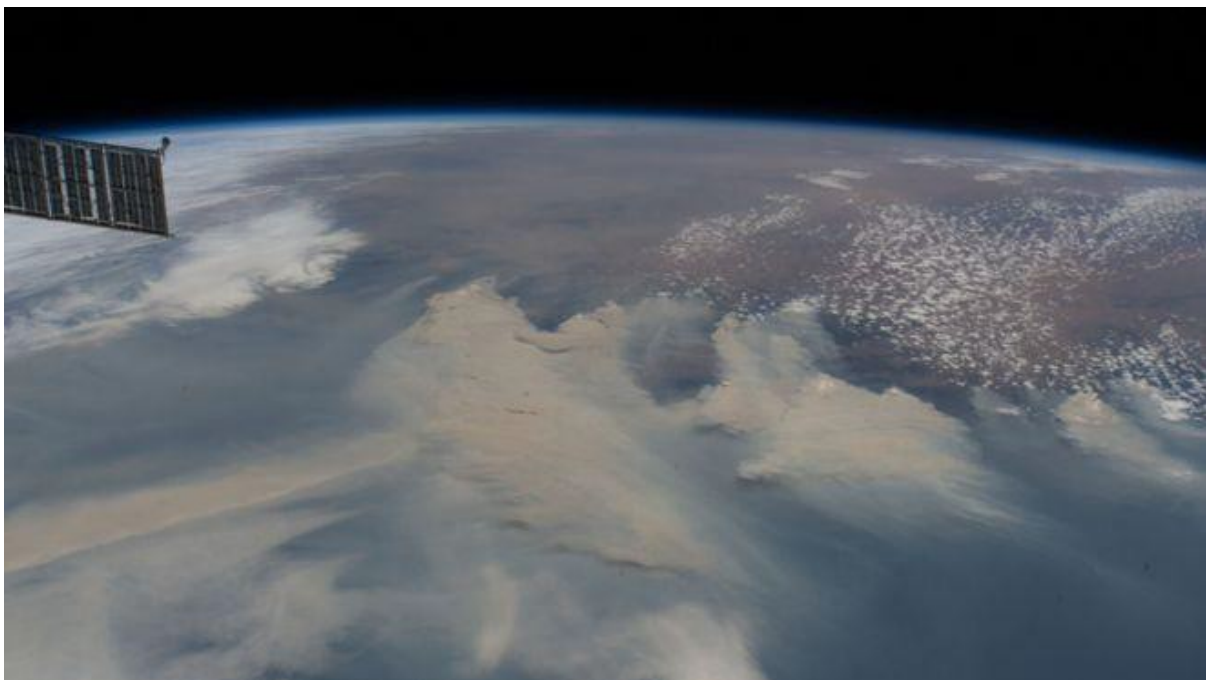
from eye and respiratory tract irritation to more serious disorders, including reduced lung function, bronchitis, exacerbated asthma and premature death. Exposure to particulate matter is the main public health threat from short- term exposure to wildfire smoke. According to the World Health Organization, older people, people with cardiorespiratory diseases or chronic illnesses, children, and people who work outdoors are particularly vulnerable.



People wear breathing masks to protect themselves from a thick smoke haze from the bushfires, in Melbourne, Australia January 14, 2020. Photo by AAP Image/David Crosling/via REUTERS.

4. The impacts of the fires crosses borders

Smoke from wildfires can travel great distances. It is often pushed into the stratosphere by the heat from fires. Smoke from bushfires in Australia has drifted across the Pacific and may have reached the Antarctic, according to the World Meteorological Organization. This has led to hazardous air quality in major cities throughout Australia, and affected New Zealand and cities in South America after smoke reached both Argentina and Chile.



Smoke from the 2019-2020 Australian bushfires is seen from space drifting across the Pacific Ocean. Source: NASA

5. Mental health costs

Fires do not only cause physical harm; many people experience mental trauma from the experience of emergency evacuation and losing homes, pets, belongings, livestock or other sources of livelihoods. Some communities found themselves unable to evacuate quickly when lost electricity meant fuel stations weren't operational or blocked roads kept people trapped in high risk areas. Some were forced to seek safety on beaches and on boats, sheltering children overnight while witnessing unprecedented firestorms. Such experiences can have lasting mental health impacts across affected communities.



A man sits on a bench as caravans and tents of evacuees are parked at a showground that was turned into an unofficial evacuation centre, in the town of Cobargo, Australia, January 12, 2020. Photo by: REUTERS/Alkis Konstantinidis

6. Economic costs

The price tag to the Australian economy is still being analysed, but it's clear that infrastructure has been

damaged and that impacts extend to industries such as farming and tourism. Some businesses and institutions have been forced to close their doors during periods of excessive levels of air pollution.



Infrastructure damage during the 2019-2020 Australian bushfire season. Picture by Mark J Toomey, Pixabay.

7. Climate feedback loops

The bushfires have not only been made more likely and intense by climate change, they also add to it.

Until

the 2019–2020 Australian bushfire season, the forests in Australia were thought to reabsorb all the carbon released in bushfires across the country. This would mean the forests achieved net zero emissions.

However, global warming is making bushfires burn more intensely and frequently and the 2019–2020 bushfires have already emitted 400 megatonnes of carbon dioxide into the atmosphere, according to

the Copernicus monitoring programme. This is as much as Australia's average annual carbon dioxide emissions in just the past three months. These will increase Australia's annual greenhouse gas emissions, contributing to global warming, and heighten the likelihood of recurring megafires that will release yet more emissions. This is a deeply concerning climate feedback loop.



Thick plumes of smoke rise from bushfires at the coast of East Gippsland, Victoria, Australia January 4, 2020 in this aerial picture taken from AMSA Challenger jet. Photo by Australian Maritime Safety Authority/Handout via REUTERS

8. Environmental costs: pollution

Ash from the fires has landed in school playgrounds, backyards, and is being washed up on Australia's beaches and into freshwater stores and water

catchments. Drinking water catchments are typically forested areas, and so are vulnerable to bushfire pollution. Bushfire ash contains nutrients, such as nitrogen and phosphorous. Increased nutrient concentrations can stimulate the growth of cyanobacteria, commonly known as blue-green algae. Cyanobacteria produce chemicals which may cause a range of water quality problems, including poor taste and odour, and sometimes toxic chemicals. During a blaze, plumes of smoke, ash and other debris catch on the wind and scatter across the landscape. Sometimes they blow over the ocean, where they add nutrients. When burned soils flow into streams and rivers, they fertilize water plants and algae. The

extra nutrients can have benefits in moderation but too much can over-fertilize and cause excess algal growth. Algae absorb oxygen in the water in order to grow, and deplete dissolved oxygen when they die and decompose, which can asphyxiate fish and other marine life, with localized impacts to biodiversity. The same can be true in ocean environments, where smoke has shown to have a negative impact on marine ecosystems in several past incidents: haze from record wildfires in Indonesia killed coral reefs in the late 1990s, according to a study in *Science*, as iron-rich smoke billowed out over the coast and fertilized the water, causing a huge plankton bloom. The resulting so-called red tide asphyxiated coral reefs around the Mentawai Islands, off southwest Sumatra.



Ash and fire debris are washed up on Boydtown Beach near the Nullica River in Eden, Australia January 7, 2020.

Photo by: REUTERS/Tracey Nearmy

9. Agricultural impacts

The bushfires have scorched pasture, destroyed livestock and razed vineyards, with regrowth and recovery likely to

stretch water resources already challenged by drought. Reports indicate that the country's dairy supply will likely be hit hardest, with Victoria and New South Wales—Australia's key milk-producing states—suffering the greatest loss of farmland and infrastructure damage. Meat, wool, and honey output may also be impacted. About 13 per cent of the national sheep flock is in regions that have been significantly impacted and a further 17 per cent in regions partially impacted, according to Meat & Livestock Australia. The

Intergovernmental Panel on Climate Change (IPCC) in their 2019 report on Climate Change and Land found that climate change has already affected food security and the agriculture industry due to warming, changing precipitation patterns, and greater frequency of some extreme events (*high confidence*). In some dryland areas, increased land surface air temperature and evapotranspiration and decreased precipitation amount, in interaction with climate variability and human activities, have contributed to desertification. These areas include Australia.



Sheep make their way in the fire grounds near Bega, News South Wales, Australia January 8, 2020.

Photo by: REUTERS/Alkis Konstantinidis

10. Public attitudes are changing

While Australians are reported to have been subject to misinformation campaigns and targeted attempts to undermine the link between climate change and more intense bushfires, this bushfire season has given

Australians, and the watching world, an insight into the humanitarian, ecological and economic catastrophes of a changing and warming climate. The United Nations Environment Programme (UNEP) and other members of the United Nations family will continue to use its digital platforms to share accurate information and facts about the science of climate change and how it is increasing the likelihood and intensity of extreme—and tragic—weather events like this.



Source: <https://www.unenvironment.org/news-and-stories/story/ten-impacts-australian-bushfires>

ATTACHMENTS

Nil.

LATE ITEMS OF BUSINESS

<Insert links to Late Item of Business>

CONFIDENTIAL REPORTS

Double Click here to insert <Meeting Closure>

