



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 28 July 2020

TIME: 6.00pm

VENUE: Video conferencing platform Zoom

J Bath
Chief Executive Officer

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

22 July 2020

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ORDINARY COUNCIL MEETING 28 July 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 - EXTRAORDINARY COUNCIL MEETING 12 MAY 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 200512 Extraordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

Minutes of the Extraordinary Council Meeting held via video conferencing platform Zoom on Tuesday 12 May 2020 at 6.02pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), K Liddell (Director Infrastructure and Property), A Jones (Interim Director City Wide Services), E Kolatchew (Planning Coordinator / Manager Legal), H Sexton (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), J Rigby (Manager Assets and Projects), K Jurd (Project Team Leader Coastal Management Plan), K Sullivan (Council Services/Minutes), A Knowles (Council Services/Meeting Support), G Axelsson (Information Technology Support) and D Silcock (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

APOLOGIES

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Clausen

Councillor Clausen declared a less than significant conflict of interest in Item 21 - Public Exhibition of the Draft Stockton Coastal Management Plan stating that his employer, Hunter Water, owned land in Stockton and were engaged during the development of the program. Councillor Clausen stated that he had not been involved in any of those conversations or discussions and would remain in the meeting for the item.

REPORTS BY COUNCIL OFFICERS

ITEM-21 CCL 12/05/20 - PUBLIC EXHIBITION OF THE DRAFT STOCKTON COASTAL MANAGEMENT PROGRAM

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Rufo

Council move into committee to receive a briefing and discuss the item.

Carried

Council moved into committee at 6.06pm.

A briefing was presented by Joanne Rigby, Manager Assets and Projects and Karenne Jurd, Project Team Leader Coastal Management Plan.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Luke

Council move out of committee.

Carried

Council reconvened at 7.06pm.

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Resolves to place the draft Stockton Coastal Management Program as at **Attachment A** on public exhibition for at least 28 days prior to final consideration by Council.

**Carried
unanimously**

The meeting concluded at 7.20pm.

MINUTES - PUBLIC VOICE COMMITTEE 16 JUNE 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 200616 Public Voice Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held via video conferencing platform Zoom on Tuesday 16 June 2020 at 6.03pm.

PRESENT

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

IN ATTENDANCE

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

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PV 16/06/20 - DA2019/01351 - 18-20 MEREWETHER STREET, MEREWETHER - ARTISAN FOOD AND DRINK PREMISES - ALTERATIONS AND ADDITIONS AND CHANGE OF USE

Ms Thais Miles and Ms Fiona Gray addressed Council and outlined concerns and objections to the development application. Mrs Jaz Wearin and Mr Grant Wearin, Modus Operandi Brewin, DA applicants, addressed Council in support of the development application.

**ITEM-2 PV 16/06/20 - DA2020/00158 - 54 REGENT STREET NEW
LAMBTON - INSTALLATION OF A TELECOMMUNICATIONS
FACILITY (25M MONOPOLE AND ANCILLARY
EQUIPMENT)**

Ms Tanya Montgomery and Mr Greg Booth addressed Council and outlined concerns and objections to the development application. Mr Phil Hull, Kordia Solutions on behalf of the DA applicant addressed Council in support of the development application.

The meeting concluded at 7.35pm.

MINUTES - ORDINARY COUNCIL MEETING 23 JUNE 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 200623 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held via video conferencing platform Zoom on Tuesday 23 June 2020 at 6.00pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn (*arrived 6.06pm*), K Elliott (*arrived 6.12pm/left 8.56pm*), B Luke (*retired 8.27pm*), J Mackenzie, A Robinson, A Rufo (*retired 7.56pm*), E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal, Complaints Coordinator), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), L Duffy (Manager City Wide Services), H Sexton (Governance and Council Executive Support Coordinator), K Sullivan (Council Services/Minutes), E Horder (Council Services/Meeting Support), G Axelsson (Information Technology Support) and S Ray (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 19 MAY 2020
MINUTES - ORDINARY COUNCIL MEETING 26 MAY 2020

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

**Carried
unanimously**

LORD MAYORAL MINUTE

ITEM-12 LMM 23/06/20 - CITY OF NEWCASTLE JUNE COVID-19 UPDATE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle

Part A: NSW Health update

- 1 Notes that as of 22 June 2020, NSW Health, through Hunter New England Health, report that there are no new cases of COVID-19 in Newcastle, and there are currently no COVID-19 cases with an unknown source;
- 2 Notes that Hunter Health is calling for Hunter New England residents to reconsider visiting Melbourne, following an outbreak of new community-transmitted COVID-19 cases with an unknown source.

Part B: Jobs and employment

- 1 Notes that according to Australian Bureau of Statistics (ABS) data, there have been almost 10,000 jobs lost in Newcastle since March 2020, with an unemployment rate of 7.7%;
- 2 Raises concern regarding youth unemployment, with 18.7% of Newcastle's young people currently unemployed;
- 3 Notes with concern that current unemployment figures do not include those who are receiving JobKeeper payment, and those who are not actively seeking employment, which may be masking the true extent of the unemployment situation across Newcastle.

Part C: City of Newcastle Community and Economic Resilience Package

- 1 Notes that City of Newcastle has developed a comprehensive community and economic support package designed to help locals through the unprecedented effects of COVID-19;
- 2 Notes that the Community & Economic Resilience Package has seen \$5.5 million invested into initiatives to support vulnerable community members and businesses affected by the COVID-19 global pandemic;
- 3 Notes that the package provides economic incentives aimed at maximising cash flow for small business, while supporting vulnerable residents, including
 - Interest-free rate deferrals
 - 50% discount on rent for City of Newcastle owned buildings
 - Relaxation of a range of fees/policies
 - Promoting local procurement

- Providing substantial grant funding to support community sector partners provide direct support to the vulnerable community members
- Grant support targeted for industries most affected by COVID-19.

Part D: The Newcastle Response:

- 1 Notes that the City of Newcastle City Taskforce has released 'The Newcastle Response', the first unanimously endorsed advocacy document (**Attachment A**) aimed at providing NSW and Federal Government representatives with the collective policy position of the City of Newcastle;
- 2 Notes that the Newcastle Response provides strong support for Newcastle's community sector, including the endorsed position that
 - *The City Taskforce advocates for a permanent and sustainable increase in support for the unemployed and vulnerable to prevent social security payments falling back to an inadequate rate. The Taskforce believes that current and ongoing social security payments should be independently reviewed and monitored to ensure that all Australians are adequately supported through unemployment and disadvantage. Furthermore, we ask the State and Federal Governments, through the National Cabinet, consider the development of policy measures to support the financial sustainability of the community sector, including dedicated engagement with First Nations Peoples and the disability sector.*
- 3 Notes that 'The Newcastle Response' also saw the City Taskforce unanimously endorse City of Newcastle's infrastructure advocacy list (Attachment B) which includes advocacy to the NSW and Federal Governments for the following projects:
 - Catalyst Areas for Greater Newcastle projects, as identified in the Greater Newcastle Metropolitan Plan
 - Large-scale priority infrastructure projects including:
 - i) Coastal management planning and erosion management, especially at Stockton Beach
 - ii) Flood mitigation at Wallsend
 - iii) Newcastle Airport Expansion
 - iv) Port of Newcastle Diversification
 - v) Hunter Sports and Entertainment Precinct
 - vi) Newcastle Light Rail Expansion
 - vii) Lower Hunter Freight Corridor
 - viii) Affordable housing initiatives
 - ix) Metropolitan wide active transport (walking and cycling) improvement
 - x) John Hunter Hospital upgrade
 - xi) Newcastle Art Gallery Expansion
 - xii) Local sporting amenity upgrade
 - xiii) Local playground upgrades, particularly for disability inclusion
 - xiv) Ferry terminal at Wickham
 - xv) Pensioner rate rebate increase

- Local priority infrastructure project, including:
 - i) Summerhill Waste Management Centre – Organics Processing Facility
 - ii) Richmond Vale Rail Trail
 - iii) Newcastle Beach Community Facility (Stage 2, Newcastle Beach – Bathers Way)
 - iv) Newcastle West Bi-directional Cycleway – West End Stage 2, Phase 1
 - v) Newcastle East End Streetscape Upgrades and Cycleway
 - vi) Foreshore Park All Abilities Playground
 - vii) Wallsend Active Hub
 - viii) Local Centres Program

Part D: City Taskforce: Leadership Team & Action Team

- 1 Notes that the City Taskforce has been established to provide local leadership during the COVID-19 pandemic crisis. First meeting was in mid-April and Taskforce will conclude at the end of the year. The City Taskforce has established five clear work streams including advocacy, direct industry support, developing a local evidence base, transforming the local skills base, and most importantly, providing a collaboration forum for new ideas;
- 2 Thanks City Taskforce Members - 17 key city leaders from across manufacturing, small business, tourism, transport and logistics, arts and culture, workers, education, business and community sectors, for their valuable contribution to our City's recovery. Industries represented, and their representatives on the City Taskforce are:
 - Health - CEO Hunter New England Health, Mr Michael DiRienzo
 - Education - Vice Chancellor University of Newcastle, Professor Alex Zelinsky AO
 - Industry - CEO Port of Newcastle, Mr Craig Carmody
 - Finance - CEO Newcastle Permanent, Ms Bernadette Inglis
 - Insurance - CEO NIB, Mr Mark Fitzgibbon
 - Sport & Hospitality - CEO Wests Group, Mr Philip Gardner
 - Industry - CEO Newcastle Airport, Mr Peter Cock
 - Business - CEO Hunter Business Chamber, Mr Bob Hawes
 - Industry - CEO Hunternet, Mr Tony Cade
 - Community - CEO Samaritans, Chair of Third Sector Group, Mr Brad Webb
 - Tourism - CEO Alloggio, Mr Will Creedon.
 - Arts - Independent Creative Alliance, Ms Justine Cogan.
 - Finance - CEO Greater Bank, Mr Scott Morgan
 - Unions - Secretary Hunter Workers, Mr Daniel Wallace
 - Development & Property - Director, Newcastle, Colliers International, Mr Peter Macadam
 - State Government Coordination - Director Regional NSW, Ms Alison McGaffin

- 3 Thanks the members of the City Taskforce Action Team for their contribution to our City's recovery, including:
- First Nations – CEO Awabakal Local Aboriginal Land Council – Mr Rob Russell
 - Sport & Hospitality - CEO Wests Group, Mr Philip Gardner
 - Industry - CEO Hunternet, Mr Tony Cade
 - Community – Executive Officer Samaritans, Ms Emma Granger
 - Business – Policy and Public Affairs Manager Hunter Business Chamber, Ms Amy Delore
 - Health - Executive Director, Partnerships Innovation and Research, HNEH, Ms Jane Gray
 - Industry – Campaigns Organiser Hunter Workers – Mr Leigh Shears
 - NSW Government - Deputy Director Regional Development, Hunter and Central Coast, Regional NSW, Mr Mark McClean
 - Development & Property - Director in Charge Colliers International, Mr Peter McAdam
 - Industry – Executive Manager Corporate Affairs Newcastle Airport, Mr Stephen Crowe
 - Arts - Independent Creative Alliance, Ms Justine Cogan
 - Tourism – CEO Alloggio, Mr Will Creedon
 - Finance - Chief Customer and Product Officer Newcastle Permanent, Mr James Cudmore
 - Education – Head of Government Relations University of Newcastle – Ms Fiona Bastian
 - Finance - Head of Corporate Affairs & Investor Relations NIB – Mr Matthew Neat
 - Finance - Group Executive Sales, Marketing and Distribution Greater Bank – Mr Craig Newham
 - Industry - Special Project Director Port of Newcastle – Mr Ross Caddell
 - Development & Property - Regional Director Hunter Property Council – Ms Anita Hugo
 - Innovation - Regional Manager, Hunter Central Coast and North Coast NSW AusIndustry – Mr Tim Cotter
 - Industry – Australian Industry Group – Mr Trevor Stuart
 - Employment - Hunter Region Employment Facilitator, Federal Department of Education, Skills and Employment – Mr Warrick Jordan
 - Youth / Young Adults – President, Hunter Young Professionals – Ms Kate David
 - Multicultural Communities – CEO Hunter Multicultural Communities – Ms Annette Gebhardt
 - Youth / Young Adults – Vice President – Hunter Young Professionals – Ms Danielle O'Neill
 - Youth – Youth Mayor, Newcastle Youth Council – Ms Ashley Harrison
 - Disability Communities – Executive Officer, Community Disability Alliance Hunter, Mr David Belcher

- 4 Notes that collectively the city leaders have begun work to chart a path for our community and economic recovery;
- 5 Notes that in a jointly penned a letter, the City Taskforce called on the NSW Premier Gladys Berejiklian, to consider the plight of international students in the COVID-19 climate and calling upon the NSW Government to provide urgent financial and in-kind assistance
- 6 Notes that the NSW Government subsequently announced financial support for international students in financial distress caused by the effects of the COVID-19 pandemic.

Part E: Affected Industries Roundtable

- 1 Notes that on 3 June 2020, the City Taskforce held an *Affected Industries Roundtable*, bringing together industries that have been hardest hit by COVID-19, to discuss how City of Newcastle can best support the recovery of their important sectors (**Attachment C**);
- 2 Thanks Industry representatives for providing important insights into the most affected industries, including;
 - Retail and Hospitality – Mr David Bliss (Shop, Distributive and Allied Employees Association)
 - Hotel Industry – Ms Nikki Taylor (Australian Hotels Association) and Mr Michael Starkey (AHA)
 - Live Music – Ms Nikki Taylor (AHA) and Mr Marcus Wright (Big Apachee)
 - Tourism – Mr Will Creedon (Alloggio), Mr Kent Warren (Newcastle Tourism Industry Group), Mr Colin Law (NTIG)
 - Arts – Ms Annette Hubber (Screen Hunter), Ms Justine Cogan (Independent Creative Alliance Newcastle), Ms Karen Crofts (Hunter Writers Centre)
 - Business Improvement Associations – Ms Cornelia Schulze (Newcastle City), Meg Purser (Purser Communications)
 - Makers & Traders – Ms Anne Kempton (Timeless Textiles)
- 3 Notes that industry representatives have been encouraged to work with the City of Newcastle to consider collaborations for the Industry Response Program, and to continue to engage with the City Taskforce as restrictions on their industries begin to ease.

Part G: Newcastle Business Club presentation

- 1 Notes that Deputy Lord Mayor Declan Clausen and City of Newcastle's Simon Massey today presented an update to the Newcastle Business Club regarding the City's support for businesses during the COVID-19 global pandemic (**Attachment D**);

- 2 Notes that the City's strong support measures for local businesses includes economic incentives that make sense and maximise cash flow, including:
- Financial hardship relief - \$1.17 million in interest-free deferred rates. This includes 35 tenanted businesses with signed commitment from landlord.
 - Improving payment terms to seven days provided a \$4.5 million liquidity spike in April during the depth of the COVID-19 crisis. Invoices continue to be paid on 7-day payment terms
 - Rent relief (50%) for CN premises through to end of September. Providing \$28k savings to businesses / community organisations across the city each week.
 - Relaxation of a range of fees / policies that made sense including waiving library fees, relaxation of restrictions on the use of footpaths, supporting doctors' surgeries to stay open longer and providing more flexibility for truck movements around supermarkets.
 - Local procurement weighting increased where possible to provide opportunities for local suppliers.

Carried

ITEM-13 LMM 23/06/20 - G20 SMART CITIES ALLIANCE PILOT CITY

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the Australia New Zealand Smart Cities Council has recommended City of Newcastle as a leading Australian City to become a G20 Smart Cities Alliance Pilot City;
- 2 Notes that the G20 Smart Cities Alliance aims to develop global best practice frameworks for ethical smart cities;
- 3 Notes that the G20 Smart Cities Alliance is underpinned by the World Economic Forum and includes Government and Industry partners acting in global collaboration;
- 4 Welcomes the endorsement of the Australia New Zealand Smart Cities Council as an acknowledgement of the leadership provided by Council and staff;
- 5 Signs a Letter of Intent with the World Economic Forum to establish mutually beneficial cooperation with the G20 Smart Cities Alliance as a Pilot City.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-31 CCL 23/06/20 - WRITE-OFF A SUNDRY DEBT

MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

- 1 Resolves to write-off a sundry debt account totaling \$52,048.35 in unpaid tipping fees in accordance with Clause 213 of the *Local Government (General) Regulation, 2005*.

Carried

ITEM-33 CCL 23/06/20 - MAKING OF THE RATE - HUNTER CATCHMENT CONTRIBUTION AND COMMISSION FOR YEAR COMMENCING 1 JULY 2020

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Notes the NSW Government's Hunter Local Land Services has established the Hunter Catchment Contribution rate for the 2020/21 rating year at 0.00947 of a cent in the dollar on all relevant properties within the Newcastle Local Government Area (LGA), with a land value in excess of \$300.
- 2 Adopts the making, levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services at the rate detailed in Paragraph 1.
- 3 Adopts the rate of commission payable to CN for the collection of the 2020/21 Catchment Contribution at 5% of the Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

**Carried
unanimously**

ITEM-34 CCL 23/06/20 - INTEREST ON OVERDUE RATES AND CHARGES FOR 2020/21

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Notes that the maximum rate of interest set by the Minister for Local Government in respect of overdue rates and charges is 0% per annum for the period 1 July 2020 to 31 December 2020 (inclusive) and 7.0% for the period 1 January 2021 to 30 June 2021 (inclusive).
- 2 Adopts the rate of 7.0% per annum on interest on overdue rates and charges for the period 1 January 2021 to 30 June 2021 (inclusive).
- 3 Adopts the rate of 2.3% per annum on interest on overdue rates and charges that are deferred against an eligible ratepayer's estate for the period 1 January 2021 to 30 June 2021 (inclusive).

**Carried
unanimously**

ITEM-37 CCL 23/06/20 - PROPOSED ROAD CLOSURE - 81 FLETCHER STREET, ADAMSTOWN

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Endorse the closure of the Fletcher Street road reserve adjacent to SP 72489 (**Attachment A**).
- 2 Approve the sale of the 278m² parcel of land (**Attachment B**) to the adjoining owners of 2/81 Fletcher Street, Adamstown for \$75,000 (plus GST). The proposed purchase price is based on an independent valuation of the land following the road closure and has been agreed upon by all parties.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transactions.
- 4 Endorse the sale proceeds be transferred to City of Newcastle's (CN) 'Works Program: Specific Projects' internally restricted reserves.

**Carried
unanimously**

ITEM-39 CCL 23/06/20 - TENDER FOR NATURAL AREAS REHABILITATION SERVICES - CONTRACT NO. 2020/322T

MOTION

Moved by Cr Byrne, seconded by Cr Duncan

Council adopt the recommendation at **Attachment A**.

- 1 Council accept the following tenders for Contract No. 2020/322T – Natural Areas Rehabilitation Services:
 - i) Terra Defensor;
 - ii) Litoria Ecological Restoration Services;
 - iii) Traditional Aussie Gardens;
 - iv) Hunter Land Management Pty Ltd.
- 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**

ITEM-40 CCL 23/06/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

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

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

Against the Motion: Councillors Church and Elliott.

Carried

ITEM-30 CCL 23/06/20 - ENDORSEMENT OF THE DRAFT STOCKTON COASTAL MANAGEMENT PROGRAM

MOTION

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

That Council:

- 1 Adopt the Final Draft Stockton Coastal Management Program as shown at **Attachment A**, and endorse its submission to the Minister for Local Government by 30 June 2020 as required under the *Coastal Management Act 2016* (CM Act) and *Local Government Act 1993* (Act).

AMENDMENT

Moved by Cr Mackenzie

PART B

That Council:

- a) Notes that:
 - \$4 million towards coastal erosion infrastructure works in the first year (2020/21) of the Program will be funded by Council; and
 - the success of these works in preventing further losses of beachside land and assets depends on the mass and follow-up nourishment campaigns from marine sand sources in subsequent years.
- b) Commits to ongoing collaboration with the NSW Government, including with the Minister for Local Government and through the Deputy Premier's Taskforce, to achieve the necessary legislative changes to allow offshore dredging for beach nourishment, and to secure funding sufficient to undertake, at least, the first phase of mass nourishment as outlined in the CMP.
- c) Communicate the need for legislative change and funding in a covering letter with the distribution of the Draft Program to the Taskforce members, the relevant Ministers, the NSW Premier, the Leader of the Opposition, and the State Member for Newcastle.

The Lord Mayor and Councillor White stated they would accept the amendment moved by Councillor Mackenzie into the motion.

The motion moved by the Lord Mayor and seconded by Councillor White, as amended, was put to the meeting.

**Carried
unanimously**

ITEM-32 CCL 23/06/20 - MAKING OF THE RATES AND CHARGES FOR 2020/21

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

Item 32 - Making of the Rates and Charges for 2020/21 be dealt with in conjunction with Item 36 - Adoption of 2020/21 Our Budget (2018-2022 Delivery Program and 2020/21 Operational Plan) and Fees and Charges 2020/21.

Carried

CITY OF NEWCASTLE

MOTION

Moved by Lord Mayor, seconded by Cr Clausen

ITEM-32 CCL 23/06/20 - MAKING OF THE RATES AND CHARGES FOR 2020/21

That Council:

- 1 Makes the following rates and charges for the 2020/21 financial year:

RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
Ordinary Rates					
Residential	Nil	0.215288	795.06	50	104,411,983
Farmland	\$1,072.60	0.280814	Nil	Nil	22,010
Business	\$1,072.60	1.503600	Nil	Nil	43,244,290
Business Sub-Categories					
Major Commercial Shopping Centre - Kotara	\$1,072.60	3.519581	Nil	Nil	1,587,331
Major Commercial Shopping Centre – Jesmond	\$1,072.60	4.385889	Nil	Nil	622,796
Major Commercial Shopping Centre – Waratah	\$1,072.60	4.857426	Nil	Nil	438,140
Major Commercial Shopping Centre – Wallsend	\$1,072.60	5.516265	Nil	Nil	441,301
Major Commercial Shopping Centre – The Junction	\$1,072.60	3.776868	Nil	Nil	234,166
Major Commercial Shopping Centre – Inner City	\$1,072.60	1.045470	Nil	Nil	234,185
Major Commercial Shopping Centre (Inner City-East)	\$1,072.60	1.411442	Nil	Nil	\$88,639
Suburban Shopping Centre	\$1,072.60	3.140010	Nil	Nil	209,125
Suburban Shopping Centre – Inner City	\$1,072.60	2.107081	Nil	Nil	118,207
Suburban Shopping Centre – Mayfield	\$1,072.60	4.076116	Nil	Nil	193,616
Suburban Shopping Centre – Hamilton	\$1,072.60	1.850203	Nil	Nil	\$60,872
Kotara – Homemaker’s Centre	\$1,072.60	1.327612	Nil	Nil	299,387
Kotara – Homemaker’s Centre - South Zone	\$1,072.60	1.594259			325,229
Kooragang Industrial Coal Zone	\$1,072.60	1.836597	Nil	Nil	679,813
Kooragang North Industrial Coal Zone	\$1,072.60	2.503210	Nil	Nil	1,518,197

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Kooragang Industrial Centre - Walsh Point	\$1,072.60	2.091122	Nil	Nil	1,810,912
Kooragang Industrial Centre	\$1,072.60	1.675358	Nil	Nil	1,075,895
Mayfield West Storage Units	\$536.30	2.735490	Nil	Nil	\$47,456
Mayfield North Heavy Industrial Centre	\$1,072.60	1.036522	Nil	Nil	646,220
Mayfield North Industrial Centre	\$1,072.60	1.639460	Nil	Nil	494,658
Mayfield North Industrial Centre - Future Development	\$1,072.60	1.765050	Nil	Nil	379,292
Carrington Industrial Port and Coal Zone	\$1,072.60	3.244863	Nil	Nil	1,534,820
Carrington Industrial Centre	\$1,072.60	2.329518	Nil	Nil	1,447,890
Carrington Industrial Port Operations Use	\$1,072.60	2.603473	Nil	Nil	277,478
Broadmeadow Industrial Centre	\$1,072.60	3.702121	Nil	Nil	166,595
Hexham Industrial Centre	\$1,072.60	2.422506	Nil	Nil	971,162
Special Rates					
Hunter Mall	Nil	0.162779	Nil	Nil	93,827
Mayfield Business District	Nil	0.091436	Nil	Nil	77,826
Hamilton Business District - Zone A	Nil	0.170003	Nil	Nil	89,994
Hamilton Business District - Zone B	Nil	0.085002	Nil	Nil	34,785
Hamilton Business District - Zone C	Nil	0.042501	Nil	Nil	15,024
Wallsend Business District - Zone A	Nil	0.355136	Nil	Nil	112,284
Wallsend Business District - Zone B	Nil	0.177568	Nil	Nil	15,873
Wallsend Business District - Zone C	Nil	0.266352	Nil	Nil	21,308
New Lambton Business District	Nil	0.094192	Nil	Nil	15,408
City Centre - City East	Nil	0.212113	Nil	Nil	178,916
City Centre - Darby Street	Nil	0.048856	Nil	Nil	33,675
City Centre - City West (Close Zone)	Nil	0.076814	Nil	Nil	246,999
City Centre - City West (Distant Zone)	Nil	0.038407	Nil	Nil	14,805
City Centre – Tower	Nil	0.212113	Nil	Nil	171,098
City Centre – Mall	Nil	0.212113	Nil	Nil	137,156
City Centre – Civic (Close Zone)	Nil	0.111310	Nil	Nil	98,879
City Centre – Civic (Distant Zone)	Nil	0.055655	Nil	Nil	6,224
TOTAL					164,945,746

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- 2 An Ordinary Rate of zero point two one five two eight eight cents (0.215288c) in the dollar with a 50% base charge of seven hundred and ninety five dollars and six cents (\$795.06) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.
- 3 An Ordinary Rate of zero point two eight zero eight one four cents (0.280814c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.
- 4 An Ordinary Rate of one point five zero three six zero zero cents (1.503600c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre – Hamilton, Major Commercial Shopping Centre (Inner City-East), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Mayfield West Storage Units, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.
- 5 An Ordinary Rate of three point five one nine five eight one cents (3.519581c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m²), providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.
- 6 An Ordinary Rate of four point three eight five eight eight nine cents (4.385889c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres

- (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
- 7 An Ordinary Rate of four point eight five seven four two six cents (4.857426c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
 - 8 An Ordinary Rate of five point five one six two six five cents (5.516265c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.
 - 9 An Ordinary Rate of three point seven seven six eight six eight cents (3.776868c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES – THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.
 - 10 An Ordinary Rate of one point zero four five four seven zero cents (1.045470c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by Parry, National Park, King and Steel Streets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).

- 11 An Ordinary Rate of one point four one one four four two cents (1.411442c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY-EAST)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by Parry, Steel, King and Ravenshaw Streets.. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City-East).

- 12 An Ordinary Rate of three point one four zero zero one zero cents (3.140010c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m² which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Major Commercial Centres (Inner City-East), Suburban Shopping Centre – Mayfield or Suburban Shopping Centre - Hamilton. This land is categorised as Sub-category Business - Suburban Shopping Centres.

- 13 An Ordinary Rate of two point one zero seven zero eight one cents (2.107081c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West situated on a site of greater than four thousand and nine hundred square metres (4,900m²) which operates as a Supermarket excepting the land categorised as Major Commercial Centres (Inner City) or Major Commercial Centres (Inner City-East). This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.

- 14 An Ordinary Rate of one point eight five zero two zero three cents (1.850203c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – SUBURBAN SHOPPING CENTRES – HAMILTON**, apply to all rateable land in CN LGA within the suburb of Hamilton, being utilised as an Hamilton Suburban Shopping Centre. "Hamilton Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Hamilton situated on a site of greater than six thousand square metres (6,000m²) which operates as a Supermarket. This land is categorised as Sub-category Business - Suburban Shopping Centres – Hamilton.

- 15 An Ordinary Rate of four point zero seven six one one six cents (4.076116c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – SUBURBAN SHOPPING CENTRE – MAYFIELD** apply to all rateable land in CN LGA within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m²) with a minimum 4,000m² of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 16 An Ordinary Rate of one point three two seven six one two cents (1.327612c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker's Centre.
- 17 An Ordinary Rate of one point five nine four two five nine cents (1.594259c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre - South Zone.
- 18 An Ordinary Rate of one point eight three six five nine seven cents (1.836597c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.
- 19 An Ordinary Rate of two point five zero three two one zero cents (2.503210c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP 1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 4, 5, 6, 10, 11, 12 DP 1207051, Lots 3, 7, 8, 9, 13, 14, 15 DP 1207051 and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.

- 20 An Ordinary Rate of two point zero nine one one two two cents (2.091122c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1, 2, 3 DP 557904, Lot 1 DP575674, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lot 3 DP 858206, Lots 2, 4, 5 DP1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lot 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475, Lot 3 DP 234288 and Lots 1-3 DP 1117013. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.
- 21 An Ordinary Rate of one point six seven five three five eight cents (1.675358c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land not used primarily as a service station and categorised as Business in terms of Section 518 of the Act which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.
- 22 An Ordinary Rate of one point zero three six five two two cents (1.036522c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lot 225 DP 1013964, Lot 224 DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109 This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.
- 23 An Ordinary Rate of one point six three nine four six zero cents (1.639460c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity

defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 Lots 5, 6 and 7 DP 1204575 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.

- 24 An Ordinary Rate of one point seven six five zero five zero cents (1.765050c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982 and Lots 51, 52, 53 and 54 DP 1229869. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 25 An Ordinary Rate of two point seven three five four nine zero cents (2.735490c) in the dollar with a minimum rate of five hundred and thirty six dollars and thirty cents (\$536.30) named **BUSINESS – MAYFIELD WEST STORAGE UNITS** apply to all rateable land in CN LGA within the centre of activity defined by all lots contained within Strata Plan 99055. This land is categorised as sub-category Business - Mayfield West Storage Units.
- 26 An Ordinary Rate of three point two four four eight six three cents (3.244863c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199, the land contained within Railway Land Lease reference number 115/75/2261, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP1187068, Lot 30 DP 1190075, Lots 8 and 11 DP 1190231, Lots 13, 14, 15, 16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91, 92, 93 DP 1193181, Lots 1, 2, 3 DP 1195231, Lots 219, 220 DP 1195310 . and Lots 1, 2, 3 in DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.
- 27 An Ordinary Rate of two point six zero three four seven three cents (2.603473c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 834572. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.
- 28 An Ordinary Rate of two point three two nine five one eight cents (2.329518c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m²) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and the land known as Lot 1 DP 1097368 excepting that land categorised as

- Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 29 An Ordinary Rate of three point seven zero two one two one cents (3.702121c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 30 An Ordinary Rate of two point four two two five zero six cents (2.422506c) in the dollar with a minimum rate of one thousand and seventy two dollars and sixty cents (\$1,072.60) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham or Tarro excepting Lots 2 and 3 DP 874409 and Lot 1 DP 90824. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 31 A Special Rate of zero point one six two seven seven nine cents (0.162779c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District.
- 32 A Special Rate of zero point zero nine one four three six cents (0.091436c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “Mayfield Business District” as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District.
- 33 A Special Rate of zero point one seven zero zero zero three cents (0.170003c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the “Hamilton Business District” as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.

- 34 A Special Rate of zero point zero eight five zero zero two cents (0.085002c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 35 A Special Rate of zero point zero four two five zero one cents (0.042501c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 36 A Special Rate of zero point three five five one three six cents (0.355136c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 37 A Special Rate of zero point one seven seven five six eight cents (0.177568c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 38 A Special Rate of zero point two six six three five two cents (0.266352c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 39 A Special Rate of zero point zero nine four one nine two cents (0.094192c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "New Lambton Business District" as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District.
- 40 A Special Rate of zero point two one two one one three cents (0.212113c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable

- land within CN LGA constituted and known as the “City Centre Benefit Area - City East” as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East.
- 41 A Special Rate of zero point zero four eight eight five six cents (0.048856c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -Darby Street” as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street.
- 42 A Special Rate of zero point zero seven six eight one four cents (0.076814c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - City West” as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone).
- 43 A Special Rate of zero point zero three eight four zero seven cents (0.038407c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area -City West” as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone).
- 44 A Special Rate of zero point two one two one one three cents (0.212113c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower.
- 45 A Special Rate of zero point two one two one one three cents (0.212113c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall.
- 46 A Special Rate of zero point one one one three one zero cents (0.111310c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of

defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone).

- 47 A Special Rate of zero point zero five five six five five cents (0.055655c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area –Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone).
- 48 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 49 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres (350m²) or part thereof, of land area capped at a maximum of \$1,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 48.
- 50 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m² or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$1,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 51 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m²) or part thereof, of land area capped at a maximum of \$500 for each non-strata property. This charge shall only apply where a property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.

52 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of three hundred and seventy four dollars and fifty two cents (\$374.52) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.

53 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and forty one dollars and forty one cents (\$241.41) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

ITEM-36 CCL 23/06/20 - ADOPTION OF 2020/21 OUR BUDGET (2018-2022 DELIVERY PROGRAM AND 2020/21 OPERATIONAL PLAN) AND FEES AND CHARGES 2020/21

MOTION

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

That Council:

- 1 Adopts the 2020/21 Our Budget at **Attachment A**, and the 2020/21 Fees and Charges Register at **Attachment B**.

At 7.55pm, Councillor Rufo sought leave of absence for the balance of the meeting advising he was unwell.

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

Councillor Rufo be granted leave of absence for the balance of the meeting.

Carried

Councillor Rufo left the meeting at 7.56pm.

The motions moved by Councillor Nelmes and seconded by Councillor Clausen pertaining to Items 32 and 36 were put to the meeting.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott, Luke and Robinson.

Carried

ITEM-35 CCL 23/06/20 - EXHIBITION OF DRAFT LOCAL HOUSING STRATEGY

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Places the draft Local Housing Strategy (LHS) (**Attachment A**) on public exhibition for 28 days.

**Carried
unanimously**

ITEM-38 CCL 23/06/20 - CLASSIFICATION OF COUNCIL LAND - 280 HUNTER STREET, NEWCASTLE

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Resolve to classify 280 Hunter Street, Newcastle (Lot 8 DP 1251435) as Operational Land for the purposes of the Local Government Act 1993.

Councillor Luke left the meeting at 8.27pm prior to the vote being taken on the item.

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

Carried

NOTICES OF MOTION

ITEM-12 NOM 23/06/20 - SHINING EXAMPLE OF ENERGY TRANSITION

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Celebrates the performance of the Summerhill Solar Farm, which since its commissioning in mid-November 2019, has generated more than \$420,000 in revenue, substantially ahead of its annual lifetime Business Case projection of \$250,000 per year.
- 2 Notes that in its first quarter of operation the City of Newcastle's 100% Renewable Power Purchase Agreement (PPA) has saved \$30,000 more than previous business as usual energy costs.

- 3 Notes that these substantial savings are supporting City of Newcastle residents, allowing Council to invest in much needed services and infrastructure.
- 4 Notes that these investments have allowed Council to reduce its operational carbon emissions by 77%, compared to its 2008 baseline.

Carried

ITEM-13 NOM 23/06/20 - CLARIFICATION ON LOCAL LAND SERVICES HUNTER CATCHMENT CONTRIBUTION LEVY AND BENEFITS

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council notes:

- 1 City of Newcastle residents pay a Catchment Contribution levy annually to the NSW Government's Local Land Services via their Council rates notice.
- 2 Notes that in 2020, the levy will be approximately \$34.50 per residential property and \$71 per business property, totaling to \$2.59 million across the local government area.
- 3 Notes that in 2018-19, Hunter Local Land Services only levied a total of \$5.036 million from across the entire Lower Hunter, meaning that City of Newcastle residents are funding more than half the total Catchment Contribution.
- 4 Notes that this under S33 of the *Local Land Service Regulation* this charge: "*may only be levied to fund a shortfall in available funding for the catchment activities of Local Land Services.*" [emphasis added].
- 5 Notes that under the *Water Management Act*, the levy funds 25% of the Hunter Valley Flood Mitigation Scheme, primarily designed to address flooding in Maitland.
- 6 Notes that the levy is not paid proportionately by beneficiary councils. For example, in 2020-21 Maitland residents will only pay an average of \$19.07 in the Hunter Catchment Contribution (equal to 55% of the annual cost to Newcastle residents).
- 7 Notes that City of Newcastle residents have this taxation without representation, as they are ineligible to stand for election, or to vote for the Board of Hunter Local Land Services, as the Catchment Contribution is considered to be a "levy" not a "rate". Ratepayers of Local Land Services are eligible to stand for election and may vote for candidates to the Board.
- 8 Writes to the Chair and CEO of Hunter Local Land Services inviting them to provide a briefing to councillors to assist in understanding:

- a. Why, since the levy was introduced in 1950, has there been an annual shortfall in Local Land Services funding of catchment activities? Should this shortfall have been corrected with funding from the NSW Government?
- b. What proportion of the Hunter Catchment Levy paid by Newcastle residents is spent directly benefitting the Newcastle local government area?
- c. How can the \$2.59 million in Catchment Levy paid by Newcastle residents help support addressing long-term catchment issues within Newcastle, including the flooding of Wallsend?

**Carried
unanimously**

PROCEEDINGS IN BRIEF

At 8.53pm, Councillor Church noted that Councillor Luke had left the meeting and requested leave of absence on his behalf.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Mackenzie

Councillor Luke be granted leave of absence for the balance of the meeting.

Carried

CONFIDENTIAL REPORTS

ITEM-8 CON 23/06/20 - SUPPLEMENTARY REPORT - CODE OF CONDUCT MATTER

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

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

Carried

Council moved into confidential session at 8.55pm.

At the commencement of confidential Item 8:

- Councillor Elliott (the respondent to the complaint) left the meeting at 8.56pm and Councillor Duncan (the complainant) at 8.57pm as required by the Code of Conduct.
- Only the Chief Executive Officer, Director Governance, Manager Legal, Governance and Council Executive Support Coordinator, Council Services and IT Meetings Support remained in the meeting for this item.

PROCEDURAL MOTION

Moved by Cr Dunn, seconded by Cr White

Council move into open session.

Councillor Duncan and Council staff were returned to the meeting in video conferencing platform Zoom at 9.28pm.

Council moved into open session at 9.28pm and the Chief Executive Officer reported the outcome of confidential session.

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 receives the advice from the Office of Local Government at **Attachment A** in accordance with the Council Resolution of 28 April 2020;
- 2 notes that an investigation was undertaken into Code of Conduct complaints against a councillor in accordance with the Procedures for the Administration of the Code of Conduct;
- 3 receives the report of the Independent Conduct Reviewer included at **Attachment B** and notes that the report has been reviewed by the Office of Local Government;
- 4 in accordance with the findings and recommendation of the Independent Conduct Reviewer and to help ensure public accountability;
 - (a) name the censured councillor in its resolution, and;
 - (b) provide details in its resolution of the conduct that has been found to be in breach of the Code of Conduct;
- 5 accepts the finding of the Independent Conduct Reviewer that on 4 December 2018, Councillor Kath Elliott breached clause 3.1(e) of the Code of Conduct by becoming verbally abusive and aggressive toward a member of senior staff;
- 6 notes that Councillor Kath Elliott was consulted throughout the investigation, and was provided with a formal opportunity to make a written or oral submission to Council;
- 7 in accordance with section 440G of the Local Government Act 1993 and based on the findings and recommendation of the Independent Conduct Reviewer, formally censures Councillor Kath Elliott for breaching clause 3.1(e) of the Code of Conduct; and

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8 treats this confidential report relating to the matters specified in s10A(2)(i) of the Local Government Act 1993 as confidential.

Carried

Councillor Elliott did not return to the meeting prior to conclusion of the meeting.

The meeting concluded at 9.31pm.

REPORTS BY COUNCIL OFFICERS

ITEM-41 CCL 28/07/20 - PUBLIC EXHIBITION OF THE DRAFT 2025 CLIMATE ACTION PLAN

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

PURPOSE

To publicly exhibit the draft 2025 Climate Action Plan (Draft CAP).

RECOMMENDATION

That Council:

- 1 Places the draft 2025 Climate Action Plan at **Attachment A** on public exhibition for 28 days.

KEY ISSUES

- 2 The 2020 Carbon and Water Management Action Plan is reaching the end of its delivery term and a new plan is required to continue delivery of emission reduction activities. The Draft CAP outlines actions both for City of Newcastle (CN) and the Newcastle Local Government Area to reduce emissions in line with CN's commitment to the goals of the Paris Climate Agreement and Council's May 2019 acknowledgement that we are in a Climate Emergency.
- 3 In developing the Draft CAP, research was undertaken to investigate best practice actions from cities across the world, with a particular focus on areas that had strong alignment and relevance to Newcastle. A series of workshops and engagement activities were also undertaken during development of the plan including business sector stakeholders, internal stakeholders and public community sessions to ensure a broad range of feedback and input was received.
- 4 As a signatory to the Global Compact of Mayors for Climate and Energy, CN is required to develop both a climate mitigation plan and a climate adaptation plan. The Draft CAP meets the requirements of the climate mitigation plan.

FINANCIAL IMPACT

- 5 Costs associated with public exhibition of the Draft CAP are funded within existing budgets.
- 6 The actions in the Draft CAP will be delivered over multiple financial years. Adoption of the Draft CAP following public exhibition will allow implementation of actions to commence in the 2020/21 financial year. Actions that require funding will be identified in CN's Delivery Program and Operational Plans, allowing CN to undertake the actions as funding/resources allow.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Integrated and Accessible Transport

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

Protected Environment

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

Liveable Built Environment

- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character
- 5.2b Plan for an urban environment that promotes active and healthy communities
- 5.4a Advocate for implementation of energy and resource efficiency in new developments
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Smart and Innovative

- 6.1a Recognise and strengthen Newcastle's role as a metropolitan capital and hub for education, health, tourism, creative, port and logistics industries
- 6.1b Attract new business and employment opportunities
- 6.2a Support and advocate for innovation in business, research activities, education and creative industries
- 6.2b Support and advocate for the small business sector

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

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting
- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning
- 7.2a Conduct Council business in an open, transparent and accountable manner
- 7.2b Provide timely and effective advocacy and leadership on key community issues
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders
- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making
- 7.3b Provide clear, consistent, accessible and relevant information to the community
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance
- 7.4b Provide services that deliver on sustainable community service expectations.

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 10 On 28 February 2017 Council resolved to prepare a draft plan to address the urgent need for action on Climate Change and how CN could fast track achieving 100% renewables and net zero emissions.
- 11 On 25 July 2017 Council resolved to become a partner of the Climate Council's Cities Power Partnership and commit to five key actions to reduce carbon emissions.

- 12 On 27 February 2018 Council resolved to become a member of the International Council for Local Environmental Initiatives (ICLEI) and commit to the requirements of the Global Covenant of Mayors for Climate & Energy.
- 13 On 11 December 2018, Council resolved to commit formally to the principles and targets of the Paris Climate Agreement and develop a pathway to achieve greenhouse gas (GHG) emissions reduction necessary to meet a 1.5 degree Celsius outcome.
- 14 On 28 May 2019 Council made a Climate Emergency Declaration recognising that there is a Climate Emergency.

CONSULTATION

- 15 Consultation and engagement has been undertaken through workshops with business and industry sector stakeholders, through public forums and a number of internal workshops. A dedicated "Have Your Say" webpage was also established for this engagement process.
- 16 The 2019 Winter Community Survey sought feedback on CN environmental initiatives and priorities and received 891 responses.
- 17 Consultation with CN's Advisory Committees was scheduled to be undertaken but was impacted by COVID-19. It is intended that this will be rescheduled for engagement during the public exhibition period.

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

21 Council resolves not to place the draft 2025 Climate Action Plan on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 41 Attachment A: Draft 2025 Climate Action Plan

Item 41 Attachment A distributed under separate cover

**ITEM-42 CCL 28/07/20 - SUPPLEMENTARY REPORT - 41 AND 47
THROSBY STREET, WICKHAM - ENDORSEMENT OF
AMENDMENT TO NEWCASTLE LEP 2012 AND PROPOSED
PLANNING AGREEMENT**

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

PURPOSE

To provide a supplementary report to Item 28 - 41 and 47 Throsby Street, Wickham - Endorsement of amendment to Newcastle Local Environmental Plan 2012 (NLEP 2012) and proposed Planning Agreement (**Attachment A**) of the Ordinary Council Meeting held on 16 April 2019, at which Council resolved (as per **Attachment B**) "That Item 28 lays on the table until a public briefing is held on the proposal, the public benefit and principles of value capture."

RECOMMENDATION

That Council:

- 1 Notes that City of Newcastle (CN) undertook an independent peer review and independent costing analysis of a proposed Letter of Offer to enter into a Planning Agreement for 41 and 47 Throsby Street Wickham to ensure the proposal, the public benefit and the principles of value capture have been adequately addressed, and that the proposal aligns with the intent of the Wickham Masterplan.
- 2 Endorses the Planning Proposal (**Attachment C**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 3 Forwards the Planning Proposal to the Department of Planning Industry and Environment (DPIE) seeking Gateway Determination pursuant to Section 3.34 of the EP&A Act.
- 4 Prepares a draft Planning Agreement, as per section 7.4 of the EP&A Act, consistent with the terms outlined within the Letter of Offer from Fidem Property Group (Proponent) dated 26 May 2020 (**Attachment D**).
- 5 Exhibits the draft Planning Agreement for a period of 28 days, subject to Gateway Approval of the Planning Proposal.

KEY ISSUES

Context

- 6 At the Ordinary Council Meeting held on 16 April 2019, Council considered a request to amend the current height of building (HOB) and floor space ratio (FSR) maps within the NLEP 2012 for land at 41 and 47 Throsby Street, Wickham. The amendment requested FSR to increase from 1.5:1 to 3.5:1, and an increase in HOB across the entire site from 10m to 28m.
- 7 The report also tabled a Letter of Offer, by the Proponent seeking to enter into a Planning Agreement with City of Newcastle (CN), pursuant to section 7.4(1)(a) of the EP&A Act, that included provision of both land and construction of a new laneway along the western boundary of the site, in order for the end of Furlong Lane to be connected southward to Throsby Street Wickham. The provision of this laneway is consistent with the Wickham Local Area Traffic Management Plan (LATM) prepared and adopted together with the Wickham Masterplan 2017 (WMP).
- 8 The offer proposed by the Proponent was made in response to the principle of value sharing advocated within the WMP, in which the uplift in value of the site, due to increasing development standards, is shared through the provision of a quantifiable community benefit, such as the conveyance of land and / or construction of infrastructure for an identified purpose. The value of the offer being based on the premise of providing an even share of 50% of the uplift in potential value achieved through the requested amendment of the NLEP 2012, for the land.
- 9 At the Ordinary Council Meeting held on 16 April 2019, Council resolved "*That Item 28 lays on the table until a public briefing is held on the proposal, the public benefit and principles of value capture*".
- 10 A Councillor Briefing, which was open to members of the public, was held on 21 May 2019. The briefing included an outline of the rationale used by the Proponent to determine the offer made to CN and address how their proposal would be able to meet the intent of the WMP and address a departure in proposed development standards, particularly HOB. CN staff addressed how the principles of value capture identified in WMP were intended to be applied.

Independent Peer Review of Offer

- 11 Following the briefing and consideration of the matters raised, CN arranged an independent peer review of the documentation supporting the Proponent's Letter of Offer, in order to verify the costings, the approach applied for determining the value capture, and how this related to the NLEP 2012 amendments sought.

- 12 CN appointed property valuation and economic consultant firm HillPDA in June 2019 to undertake a peer review independent of any contact with the Proponent or their consultants. Furthermore, CN appointed quantity surveying firm OBQS to undertake an independent costing of constructing the proposed laneway and public domain works, based on CN's technical specifications.
- 13 The independent costing analysis by OBQS identified where there were differences in cost based on assumptions made on what was included in calculating the cost of works required for constructing the laneway particularly where costs would be applied to redevelopment of the site regardless of whether the lane is provided or not. The cost of the proposed laneway (ie. land, design, works, approvals, and maintenance period) was finally determined and agreed to be \$1,648,229.
- 14 The peer review by HillPDA considered the approach used to determine the component of land value uplift to be shared through the offer, which was based on an open book feasibility model used to determine the increase in residual land value, (ie. the maximum a development project is able to pay for the land component to be feasible).
- 15 Given the level of complexity and variables included in undertaking this approach, HillPDA requested further details and clarifications in order to consistently compare the scenarios provided to CN within the economic report prepared by the Proponent's consultant. After several months of retesting the models, attempting to agree on the assumptions included within each development scenario, both parties and their respective consultants were unable to conclusively agree on the variation of development standards required to achieve a land value uplift that equates to the cost of the proposed laneway (ie. land, design, works, approvals, and maintenance period) being the equivalent of a 50% share being offered.
- 16 Following further negotiation to reach agreement on a way forward, the applicant agreed with HillPDA's recommendation of using an alternative method that determines the average cost of acquiring gross floor area (GFA) based on analysis of comparable land sales within the locality. It is noted that land sales data is not the same as a land valuation usually prepared for mortgage lending purposes. Such valuations are conservative, due to their purpose of securing finance, in comparison with sales data that shows how much the land has sold for on the open market. By determining the GFA associated with the land sales HillPDA was able to identify the average cost for GFA (on undeveloped land) in Wickham. The GFA cost in the locality was identified as being \$1,164/sqm.
- 17 Based on the principle of value sharing, where the Proponent's offer is worth 50% of the total uplift value gained; the GFA rate was calculated to be \$582/sqm. From this, the cost of the proposed laneway (ie. land, design, works, approvals, and maintenance period) of \$1,648,229 was divided by the GFA rate of \$582/sqm to identify that the offer equals an additional GFA of 2,832sqm.

- 18 Furthermore, knowing that the total site area is 1,931sqm, the additional GFA equates to an additional FSR of 1.5:1. Given the site has an existing FSR of 1.5:1 it is concluded that the total FSR would equate to 3:1 based on a value sharing approach. Note that the FSR will apply to the total site to be consistent with DPIE mapping convention but the FSR component of the laneway will be transferred to the development. This transfer has been factored in when determining the land value applied to the laneway.

Revised Offer

- 19 Following completion of the independent peer review, renegotiation of an agreed methodology, and the recommended outcomes of the subsequent property market review and analysis by HillPDA, the Proponent submitted a new Letter of Offer, dated 26 May 2020 to CN in connection with a revised request to amend the NLEP 2012 as follows:
- i) An increase in FSR from 1.5:1 to 3:1 on both 41 and 47 Throsby Street.
 - ii) An increase in HOB for part of 41 Throsby Street (Lot 63 DP 579890) and all of 47 Throsby Street (Lot 62 DP 579890) from 10m to 28m to enable development of no more than eight storeys.
 - iii) An increase in HOB for the remainder part of 41 Throsby Street (Lot 1 and 2 DP 112816 and Lot 200 DP 534787) from 10m to 22m to enable development of no more than six storeys.
- 20 CN is satisfied that the new Letter of Offer is based on the agreed methodology and outcomes of the independent peer review and negotiations with the Proponent to ensure the proposal, the public benefit and the principles of value capture have been adequately addressed, and that the proposal aligns with the intent of the WMP.
- 21 The revised proposal involves a variation to the numeric standards nominated by Map 15 – Potential redevelopment densities within WMP 2017 on the site. However, the new proposal has a FSR of 0.5:1 less than what was previously proposed, as well as reducing the HOB for the majority of 41 Throsby Street by 6m, thereby providing a more gradual transition in scale between higher built form (eight storeys) envisaged along the western end of Throsby Street toward Railway Street and the lower scale of 13m (four storeys) between the site and Union Street.

FINANCIAL IMPACT

- 22 The Proponent, will fund the preparation of the draft Planning Agreement, be charged the required fees for CN conducting its legal review and public exhibition. Staffing resources throughout the process will continue to be resourced by CN as part of normal business.
- 23 The apportioned value of land being dedicated and cost of constructing the laneway with associated public domain and infrastructure consistent to CN's specifications, was estimated by CN's consultants as part of their peer review to be worth \$1.65 Million.
- 24 As a comparison, to fund this infrastructure under CN's Section 7.12 Development Contribution Plan (at a rate of 3% of construction cost for residential development in the city center), it would require approximately \$55 million worth of development to fund this item.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Liveable Built Environment

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

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 26 Implementation of the recommendations of this report required a variation to the numeric densities identified on the site within WMP 2017. However these variations do not detract from the subsequent development achieving the intent for the site by providing a consistent street wall height along Throsby Street while enabling a transition in scale set back from the street consistent with the lower scale of 13m (four storeys) between the site and Union Street and the higher scale built form (eight storeys) envisaged along the western end of Throsby Street toward Railway Street.

- 27 Furthermore, implementation of a new laneway as identified by the Letter of Offer will result in delivery of identified infrastructure at no financial cost or risk to CN or the community.
- 28 Subject to endorsement of the proposed Planning Proposal, the planning merits of the proposed development at 41 and 47 Throsby Street will be assessed as per CN's normal development application (DA) process, which will include the usual assessment and notification processes. Endorsing the proposed Planning Proposal does not oblige or influence CN's decision regarding the merits of the DA. Specific issues regarding the DA (including for example parking requirements) are not relevant to consideration of the proposed Planning Proposal.

RISK ASSESSMENT AND MITIGATION

- 29 The Proponent's initial offer and costings were peer reviewed on behalf of CN in order to substantiate the terms of the offer supporting the Planning Proposal, and to provide greater certainty to CN on the infrastructure a Planning Agreement will deliver. The Planning Agreement will protect CN's interests by ensuring the lane is constructed to CN's standards at the Proponent's cost, thereby limiting CN's liability and risk.
- 30 Implementation of the recommendations will be carried out in accordance with the requirements of the EP&A Act and CN's Voluntary Planning Agreements Policy, which will include a legal review of the draft Planning Agreement prior to public exhibition. The draft plan and exhibition outcomes will be reported back to Council prior to being executed, thereby mitigating legal and financial risk to CN.
- 31 DPIE's Gateway process will identify any requirements to consult with State agencies, providing further opportunity for any outstanding risks to be identified and addressed.
- 32 Should the proposal not proceed, CN may risk the provision of an extension to Furlong Lane not being achieved, thereby reducing the ability for redevelopment to be realised without compromising pedestrian safety and amenity due to vehicle access and waste services being accessed from the primary street frontages. While inclusion of a land reservation acquisition (in the NLEP 2012) across 55 Throsby Street Wickham still safeguards the opportunity to provide a laneway connection in the future, this is likely to be at a considerable cost to CN.

RELATED PREVIOUS DECISIONS

- 33 At the Ordinary Council Meeting held on 16 April 2019, Council considered a report (item 28) proposing to amend the NLEP 2012, which was accompanied by a Letter of Offer by the Proponent to enter into a Planning Agreement to dedicate land to CN and construct an extension of Furlong Lane to connect with Throsby Street, Wickham. Council resolved “That Item 28 lays on the table until a public briefing is held on the proposal, the public benefit and principles of value capture”.
- 34 A Councillor briefing, which was open to members of the public to attend, was held on 21 May 2019.

CONSULTATION

- 35 Following the Council briefing on 21 May 2019, CN received enquiries and met with interested parties in relation to the reported request to amend the NLEP 2012 to discuss potential implications and opportunities for adjoining landowners. However, as the proposal was not endorsed by Council at that time the reported Planning Proposal has no status and therefore enabled limited opportunity for genuine consultation and feedback.
- 36 If Council adopts the recommendations of this report, and subject to DPIE Gateway Approval, CN proposes to publicly exhibit the Planning Proposal and the draft Planning Agreement simultaneously and report the outcomes back to Council for consideration of feedback received.
- 37 The Proponent has indicated that they may also lodge a DA once Gateway Approval is obtained, in order to expedite the assessment process and enable consultation (notification) to occur at the same time as the public exhibition of the Planning Proposal and the draft Planning Agreement, despite the consent authority not being able to determine such a DA until after the Planning Agreement is executed and the final NLEP 2012 amendment is made. However, it is important to note that the Planning Proposal is considered on its own merit and is independent of any existing or proposed development consent on the land.

BACKGROUND

Wickham Masterplan (WMP)

- 38 At the Ordinary Council Meeting held on 28 November 2017, Council adopted the WMP and identified:
- i) Vision and redevelopment opportunities for the next 25 years and beyond.
 - ii) Infrastructure and other public benefits that may be achieved through developer incentives (increased HOB and FSR).
 - iii) Identified indicative densities based on the above, which would be implemented by a formalised mechanism within the NLEP 2012.
- 39 The vision identified six interconnecting precincts that identify the envisaged character, built form, land use mix, and preferred public domain outcomes for redevelopment.
- 40 The plan includes a number of strategies and actions for achieving benefits to the community through provision of developer incentives. The approach put forward recommended that CN maintain the existing development standards (ie. HOB and FSR) but enable these to be increased where development results in a quantifiable public benefit.
- 41 Public benefits would include provision of items either not otherwise funded by developer contributions or as a means of bringing forward the delivery of items for which contributions are being collected. Items identified include:
- i) 'Urban activation areas' including additional land and embellishment within the public domain.
 - ii) Public car parking.
 - iii) Affordable housing administered by a registered service provider.
 - iv) Infrastructure and / or community facilities.
 - v) Vehicle and / or pedestrian connections.

Value Capture Sharing Approach

- 42 While there is no requirement for Planning Agreements to demonstrate any direct nexus between the offer to enter into a Planning Agreement and the related proposal, CN sought an approach to demonstrate that the offer is genuine and appropriate to the proposed LEP amendment being sought. The approach is based on the principle of value sharing, whereby the beneficiary of a proposed uplift in potential development yields (due to amendment of development standards) commits to share a proportion of this uplift through provision of a public benefit, as identified in the WMP.

- 43 For the purpose of the Planning Agreement an even share of 50% was nominated to be apportioned to both parties to the agreement. Whilst other options were considered, an even share of 50% is considered the most appropriate given the nature of the proposal and to best align with CN's interests.
- 44 The value uplift to be apportioned was determined by establishing an average value for GFA in the locality. This is based on the sale price of comparable land being divided by the potential site GFA (calculated by multiplying the FSR by the site area).
- 45 CN appointed HillPDA to undertake the necessary property market analysis to determine the price per square metre for GFA within Wickham, as discussed in this report. CN supported this approach due to its simplicity, transparency and transferability within the same locality and timeframe.

OPTIONS

Option 1

- 46 The recommendation as at Paragraph 1 – 5. This is the recommended option.

Option 2

- 47 Council does not support the Planning Proposal and / or the Letter of Offer. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 42 Attachment A: Item 28 of CCL 16/04/19 – 41 and 47 Throsby Street, Wickham – Endorsement of Amendment to Newcastle LEP 2012 and Proposed Planning Agreement

Item 42 Attachment B: Council resolution to Item 28 of 16/4/19 – 41 and 47 Throsby Street, Wickham

Item 42 Attachment C: Planning Proposal - 41 and 47 Throsby Street, Wickham

Item 42 Attachment D: Letter of Offer from Fidem Property Group

Item 42 Attachments A - D distributed under separate cover

ITEM-43 **CCL 28/07/20 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 SECTIONS: 4.02 BUSH FIRE PROTECTION; ASSOCIATED 9.0 GLOSSARY; 3.12 SEX INDUSTRY ESTABLISHMENTS; 7.03 TRAFFIC, PARKING AND ACCESS; 7.08 WASTE MANAGEMENT**

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

PURPOSE

To place the draft Newcastle Development Control Plan 2012 (NDCP 2012) sections on public exhibition: Section 4.02 Bush Fire Protection and associated Section 9.0 Glossary, Section 3.12 Sex Industry Establishments, Section 7.03 Traffic, Parking and Access and Section 7.08 Waste Management.

RECOMMENDATION

- 1 That Council:
 - i) Publicly exhibits the draft NDCP 2012 Section 4.02 Bush Fire Protection (**Attachment A**) and associated amendments to NDCP 2012 Section 9.0 Glossary (**Attachment B**), Section 3.12 Sex Industry Establishments (**Attachment C**), Section 7.03 Traffic, Parking and Access (**Attachment D**) and Section 7.08 Waste Management (**Attachment E**) for 28 days in accordance with the requirements of Clause 18 of the Environmental Planning and Assessment Regulation 2000.
 - ii) Receives a report on feedback received during the public exhibition period and any further amendments made to respond to submissions as per Clause 21 of the Environmental Planning and Assessment Regulation 2000.

KEY ISSUES

- 2 The draft amendments outlined for consideration within this report have been carried out as part of an administrative review of the NDCP 2012 with the aim of updating outdated references in addition to addressing minor issues related to ambiguity in clauses or misalignment with City of Newcastle (CN) policy or industry standards.

- 3 Under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Rural Fire Service Act 1997*, CN is required to consider bushfire hazards in both strategic planning and development assessment under the direction of the NSW Rural Fire Service (RFS). Draft Section 4.02 Bush Fire Protection of NDCP 2012 (**Attachment A**) will guide future development consistent with updated NSW RFS *Planning for Bush Fire Protection 2019* Guidelines. Additional definitions and guidance provided in the RFS guidelines have been added to this draft amended NDCP 2012 section and draft amended Glossary (**Attachment B**) to provide clarity on the application of bush fire protection requirements and alignment with RFS terminology.
- 4 Draft Section 3.12 Sex Industry Establishments (**Attachment C**) has been amended to update references to associated legislation and industry standards and remove redundant references.
- 5 Draft Section 7.03 Traffic, Parking and Access (**Attachment D**) has been amended to update references to associated legislation and industry standards and remove redundant references. The proposed amendments will introduce a requirement for an off-street set down bay capable of accommodating the unloading of prams and courier deliveries at childcare centres with 10 or more attendees. This is consistent with NSW Government guidelines.
- 6 The proposed amendments also include a reference to the updated (2019) parking technical manual produced by Austroads. The proposed amendments to this section will include a note that prompts consideration of demand for electric vehicle charging points in parking areas, consistent with the forecast increase in ownership of plug-in electric vehicles and associated demand for charging stations located in homes and businesses. This is to reflect Australian Government estimates that sales of plug-in electric vehicles will increase in Australia by 2040.
- 7 Draft Section 7.08 Waste Management (**Attachment E**) has been amended to update references to associated legislation and industry standards and remove redundant references. An amendment is proposed to facilitate the incorporation of recycling chutes where waste chutes are proposed to be installed in developments, in accordance with the updated associated Technical Manual for this section (produced by the NSW EPA).
- 8 The proposed amendments to all draft NDCP 2012 sections will include a note to inform users that some materials referenced by the Development Control Plan (DCP) are updated by third parties from time to time, and users are encouraged to verify the currency of reference materials at the time of preparing a Development Application.

FINANCIAL IMPACT

- 9 The cost associated with the preparation and exhibition of the draft NDCP 2012 is funded under CN's operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The proposed amendments are consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

Integrated and Accessible Transport

- 1.3 Safe, reliable and efficient road and parking networks.

Protected Environment

- 2.2 Our unique natural environment is maintained, enhanced and connected.
- 2.3 Environment and climate change risks and impacts are understood and managed.

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.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The process for preparing and amending DCPs and the matters that a DCP may deal with are specified in the EP&A Act and associated Regulation.
- 12 Following consideration of submissions, CN may approve the NDCP 2012 (with or without amendments) or decide not to proceed.

RISK ASSESSMENT AND MITIGATION

- 13 There are no risks to CN in the proposed amendments to the NDCP 2012. The process as detailed in the EP&A Act is being followed. This includes the recommended public exhibition period of 28 days.

RELATED PREVIOUS DECISIONS

- 14 At the Ordinary Council Meeting held on 15 November 2011, Council adopted the NDCP 2012 and it came into effect on 15 June 2012 when the new Local Environmental Plan 2012 was gazetted.

CONSULTATION

- 15 Exhibition of the draft amendments to the NDCP 2012 will provide an opportunity for stakeholders, including the community, to provide their feedback to CN. Feedback from the community will be carefully considered and may lead to amendments being made to the NDCP 2012 prior to finalisation.
- 16 The draft amendments to the NDCP 2012 are proposed to be exhibited for 28 days, in accordance with CN's Community Participation Plan (CPP) and in order to meet the requirements of Clause 18 of the Environmental Planning and Assessment Regulation 2000.
- 17 The draft amendments are routine and have not been considered by the Liveable Cities Advisory Committee. The Advisory Committee will be informed of the proposed amendments during the public exhibition process.

BACKGROUND

- 18 The NDCP 2012 is kept under regular review and has been amended numerous times since its adoption in 2012. This review was undertaken as a "housekeeping" amendment to update anomalies and inconsistencies in the NDCP 2012.

OPTIONS

Option 1

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

Option 2

- 20 Council does not proceed with the exhibition of the draft NDCP 2012 Sections and associated draft changes to Section 9.0 Glossary. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 43 Attachment A: Draft Newcastle Development Control Plan 2012
Section 4.02 Bush Fire Protection

Item 43 Attachment B: Draft Newcastle Development Control Plan 2012
Section 9.0 Glossary

Item 43 Attachment C: Draft Newcastle Development Control Plan 2012
Section 3.12 Sex Industry Establishments

Item 43 Attachment D: Draft Newcastle Development Control Plan 2012
Section 7.02 Traffic, Parking and Access

Item 43 Attachment E: Draft Newcastle Development Control Plan 2012
Section 7.08 Waste Management

Item 43 Attachments A - E distributed under separate cover

**ITEM-44 CCL 28/07/20 - TOURLE STREET, MAYFIELD - PROPOSED
RAISED CROSSING AND PEDESTRIAN REFUGE AT
MAITLAND ROAD, MAYFIELD**

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

PURPOSE

To approve the upgrade of the existing pedestrian crossing on Tourle Street at Maitland Road, Mayfield to a raised crossing with a pedestrian refuge and kerb extension.

RECOMMENDATION

That Council:

- 1 Approve the upgrade of the existing pedestrian crossing on Tourle Street at Maitland Road, Mayfield to a raised crossing with a pedestrian refuge and kerb extension, as generally shown at **Attachment A**.

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 12 December 2017, Council resolved to undertake investigations of seven intersections, namely those of Baker, Elizabeth, Woodstock, Edmund, Gamack, Windeyer and Tourle Streets with Maitland Road, Mayfield. Investigations indicated that improvements to two key intersections were warranted in the short-term: a pedestrian refuge on Woodstock Street at Maitland Road; and upgrade of the existing pedestrian crossing on Tourle Street to a raised crossing. Council subsequently resolved to refer these proposals to the Newcastle City Traffic Committee (NCTC).
- 3 The NCTC provided in-principle support for upgrade of the existing pedestrian crossing on Tourle Street at Maitland Road at its meeting held on 19 March 2018.
- 4 The project was scheduled for design in 2019/20 under the Pedestrian Access and Mobility Plan (PAMP) Program. Design progressed and the proposal for upgrade was exhibited from 6 April 2020 to 4 May 2020. The proposed scope, as exhibited, includes:
 - i) Upgrade of the existing pedestrian crossing to a raised crossing
 - ii) Construction of a pedestrian refuge on the raised crossing
 - iii) Construction of a kerb extension on the eastern corner of Maitland Road and Tourle Street

- iv) Construction of new footpaths within the project area
 - v) Road pavement reconstruction in the project area
 - vi) Adjustments to driveways
 - vii) Upgrade of the bus stop west of the pedestrian crossing
 - vii) Upgrade of street lighting.
- 5 Four submissions were received, three of which were made through the online portal. A summary of submissions is at **Attachment B**. All submissions supported the proposal, however some issues were raised for consideration, as follows:
- i) Sufficient width should be provided on Tourle Street to allow two vehicles side by side, so that vehicles turning right onto Maitland Road do not hold up left-turning traffic. Response: A key aim of the project is to decrease crossing distance for pedestrians. The lane width has been narrowed as much as possible while still accommodating turn movements of the design vehicle. Should delays occur, traffic may seek other options. Right turns onto Maitland Road should be undertaken at the signalised intersections.
 - ii) The bus shelter is too close to the intersection and obstructs sightlines when exiting Tourle Street. Response: The bus stop has been moved back as far as possible in the verge. Sight lines have been reviewed by design staff and are considered satisfactory.

FINANCIAL IMPACT

- 6 Construction of the raised crossing is part of City of Newcastle's (CN) 2020/21 PAMP, with an adopted budget of \$250,000. CN successfully applied for funding for the project under the Australian Government's Black Spot Program. The approved funding limit, which is based on a strategic cost estimate, is \$200,000.
- 7 As design has progressed, potential impacts on flooding have been identified. The extent and severity of these impacts are currently under investigation. Once defined, the cost of mitigation measures will be determined, and a full risk assessment undertaken to inform the final project scope. A detailed cost estimate will then be sought and budget variation, if required, submitted through the quarterly review process.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 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

- 9 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.
- 10 Approval of the raised crossing is not delegated to CN officers and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 11 The proposed works will reduce the crossing width at the intersection, improve sight lines and reduce traffic speeds, thereby improving safety for all road users. The design will address relevant Austroads and Transport for NSW guides.
- 12 Under the Australian Government Black Spot Program conditions of acceptance, a road safety audit is required at Stage 3 (detailed design) or Stage 4 (pre-opening).
- 13 Flooding risks are to be assessed, as noted above.

RELATED PREVIOUS DECISIONS

- 14 At the Ordinary Council Meeting held on 12 December 2017, Council considered the Notice of Motion - Mayfield Road Pedestrian Refuges. It was resolved that CN officers work with Roads and Maritime Services, the Mayfield Business Improvement Association (BIA) and community groups to undertake an assessment of the seven intersections (Baker, Elizabeth, Woodstock, Edmund, Gamack, Windeyer and Tourle Streets) with Maitland Road to determine potential improvements and report back to Council.

- 15 At the Ordinary Council Meeting held on 27 February 2018 the outcomes of the investigation were reported. Council resolved to refer proposals for a pedestrian refuge at the intersection of Woodstock Street with Maitland Road Mayfield and a raised crossing at the intersection of Tourle Street with Maitland Road to the NCTC for consideration.

CONSULTATION

- 16 Further to Council's resolution at the Ordinary Council Meeting held on 12 December 2017, CN officers participated in a meeting with Mayfield business representatives in January 2018, to discuss results of traffic surveys and potential intersection improvements.
- 17 The NCTC endorsed the preliminary proposal at its meeting held on 19 March 2018.
- 18 The concept design was exhibited from 6 April 2020 to 4 May 2020. Details of the project and an online submission form were published on CN's website. Copies of the flyer at **Attachment C** were distributed to premises in the vicinity of the project and mailed to non-resident owners.
- 19 The NCTC considered the outcomes of the exhibition process at its meeting held on 18 May 2020 and recommended referral of the matter to Council.
- 20 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

- 21 Maitland Road Mayfield is a sub-arterial road and has posted speed limits of 50km/h and 60km/h along various sections. The seven side streets nominated in the Notice of Motion – Mayfield Road Pedestrian Refuges of 12 December 2017 form angled intersections with Maitland Road. The configurations of these intersections may encourage traffic to enter or exit the side streets at speed. Speeding and corner cutting, as has been reported, makes pedestrian access difficult and unsafe, particularly for less mobile residents.
- 22 Traffic and pedestrian surveys were undertaken in late 2017 and the nominated intersections inspected. Data on crash history was retrieved and analysed. Potential options to improve pedestrian safety were devised and a preliminary assessment of their associated costs and impacts undertaken. The investigation indicated that changes are warranted at some of the nominated intersections.

OPTIONS

Option 1

23 The recommendation as at Paragraph 1. The proposed upgrade will improve pedestrian safety at the crossing and mitigate against speeding. This is the recommended option.

Option 2

24 Do not approve the proposed upgrade and this will result in an ongoing risk to pedestrians at this location. This is not the recommended option.

Option 3

25 Defer approval of the crossing until completion of the road safety audit and determination of flooding impacts and mitigation. While approval of the crossing cannot be sub-delegated, the Director Infrastructure and Property can decide whether to proceed with construction, when all risks and costs have been assessed. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 44 Attachment A: Concept Plan - Tourle Street, Mayfield

Item 44 Attachment B: Summary of Submissions – Proposed Raised Crossing and Pedestrian Refuge - Tourle Street, Mayfield

Item 44 Attachment C: Consultation Leaflet - Tourle Street, Mayfield

Item 44 Attachments A - C distributed under separate cover

ITEM-45 **CCL 28/07/20 - WOODSTOCK STREET, MAYFIELD -
PROPOSED PEDESTRIAN REFUGE AT MAITLAND ROAD,
MAYFIELD**

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

PURPOSE

To approve the construction of a pedestrian refuge on Woodstock Street at Maitland Road, Mayfield.

RECOMMENDATION

That Council:

- 1 Approve construction of a pedestrian refuge on Woodstock Street at Maitland Road, Mayfield as generally shown at **Attachment A**.

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 12 December 2017, Council resolved to undertake investigations of seven intersections, namely those of Baker, Elizabeth, Woodstock, Edmund, Gamack, Windeyer and Tourle Streets with Maitland Road, Mayfield. Investigations indicated that improvements to two key intersections were warranted in the short term: a pedestrian refuge on Woodstock Street at Maitland Road and upgrade of the existing pedestrian crossing on Tourle Street to a raised crossing. Council subsequently resolved to refer these proposals to the Newcastle City Traffic Committee (NCTC).
- 3 The NCTC provided in principle support for a pedestrian refuge on Woodstock Street at Maitland Road at its meeting held on 19 March 2018.
- 4 The project was scheduled for design in 2019/20 under the Pedestrian Access and Mobility Plan (PAMP) Program. Design progressed and the proposal for upgrade was exhibited from 6 April 2020 to 4 May 2020. The proposed scope, as exhibited, includes:
 - i) Construction of a pedestrian refuge on Woodstock Street
 - ii) Construction of kerb extensions and kerb ramps
 - iii) Construction of new footpaths within the project area
 - iv) Upgrade of street lighting
 - v) Drainage, signage and line marking works.

- 5 Eight submissions were received. The majority supported the proposal, with some changes. A summary of submissions is at **Attachment B**. Key issues raised are as follows:
- i) Sufficient width should be provided on Woodstock Street to allow two vehicles side by side, so that vehicles turning right onto Maitland Road do not hold up left-turning traffic. Response: A key aim of the project is to facilitate pedestrian movements and reduce crossing distance. The lane width has been narrowed as much as possible while still accommodating turn movements of the design vehicle. Queues and delays may create pressure for traffic to seek alternative, safer locations from which to turn right.
 - ii) There should be left turn only from Woodstock Street to Maitland Road. Response: If the right turn is banned, other intersections may worsen. It is likely that traffic will seek other options, if significant delays occur.
 - ii) A pedestrian crossing should be provided in lieu of a refuge. Response: Surveys undertaken in December 2017 indicated that warrants for a pedestrian crossing were not met.

FINANCIAL IMPACT

- 6 Construction of the refuge is part of City of Newcastle's (CN) 2020/21 PAMP Program, with an adopted budget of \$135,000. A detailed cost estimate will be sought at 80% design.

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 refuge is not delegated to CN officers 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 reduce traffic speeds, thereby improving safety for all road users. The design will address relevant Austroads and Transport for NSW guides.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 12 December 2017, Council considered the Notice of Motion - Mayfield Road Pedestrian Refuges. It was resolved that CN officers work with Roads and Maritime Services, the Mayfield Business Improvement Association (BIA) and community groups to undertake an assessment of the seven intersections (Baker, Elizabeth, Woodstock, Edmund, Gamack, Windeyer and Tourle Streets) with Maitland Road, to determine potential improvements and report back to Council.
- 12 At the Ordinary Council Meeting held on 27 February 2018, the outcomes of the investigation were reported to Council. Council resolved to refer proposals for a pedestrian refuge at the intersection of Woodstock Street with Maitland Road Mayfield and a raised crossing at the intersection of Tourle Street with Maitland Road Mayfield to the NCTC for consideration.

CONSULTATION

- 13 Further to Council's resolution, at the Ordinary Council Meeting held on 12 December 2017, CN officers participated in a meeting with Mayfield business representatives in January 2018, to discuss results of traffic surveys and potential intersection improvements.
- 14 The NCTC endorsed the preliminary proposal at its meeting held on 19 March 2018.
- 15 The concept design was exhibited from 6 April 2020 to 4 May 2020. Details of the project and an online submission form were published on CN's website. Copies of the flyer at **Attachment C** were distributed to premises in the vicinity of the project and mailed to non-resident owners.
- 16 The NCTC considered the outcomes of the exhibition process and recommended referral of the matter to Council.

- 17 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

- 18 Maitland Road Mayfield is a sub-arterial road and has posted speed limits of 50km/h and 60km/h along various sections. The seven side streets nominated in the Notice of Motion – Mayfield Road Pedestrian Refuges of 12 December 2017 form angled intersections with Maitland Road. The configurations of these intersections may encourage traffic to enter or exit the side streets at speed. Speeding and corner cutting, as has been reported, makes pedestrian access difficult and unsafe, particularly for less mobile residents.
- 19 Traffic and pedestrian surveys were undertaken in late 2017 and the nominated intersections inspected. Data on crash history was retrieved and analysed. Potential options to improve pedestrian safety were devised and a preliminary assessment of their associated costs and impacts undertaken. The investigation indicated that changes are warranted at some of the nominated intersections.

OPTIONS

Option 1

- 20 The recommendation as at Paragraph 1. The proposed refuge will improve pedestrian safety at the crossing and mitigate against speeding. This is the recommended option.

Option 2

- 21 Do not approve the proposed refuge. This will result in an ongoing risk to pedestrians at this location. This is not the recommended option

REFERENCES

ATTACHMENTS

Item 45 Attachment A: Concept Plan – Woodstock Street at Maitland Road, Mayfield

Item 45 Attachment B: Summary of Submissions – Proposed Pedestrian Refuge - Woodstock Street at Maitland Road, Mayfield

Item 45 Attachment C: Consultation Leaflet – Woodstock Street at Maitland Road, Mayfield

Item 45 Attachments A – C distributed under separate cover

ITEM-46 CCL 28/07/20 - TENDER REPORT - NO1 SPORTSGROUND UPGRADE CONTRACT NO 2020/160T

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

PURPOSE

To accept a tender for the upgrade of No1 Sportsground in accordance with Contract No. 2020/160T.

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for the upgrade of No1 Sportsground for Contract No. 2020/160T.
 - B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
 - C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 To upgrade No1 Sportsground to provide a regional level AFL and cricket facility.

Contract Term

- 3 Completion by late March 2021.

Advertising of Tenders

- 4 The tender was advertised in the Newcastle Herald on 9 May 2020, the Sydney Morning Herald on 12 May 2020, and nationally on the Tenderlink website.

Tenders Received

- 5 Tenders closed at 2pm on 16 June 2020. Four tender submissions were received from:
 - i) Glascott Landscaping and Civil Pty Ltd,
 - ii) Scape Constructions Pty Ltd,
 - iii) Delaney Civil Pty Ltd, and
 - iv) North Constructions Pty Ltd.

Evaluation Process

6 The tenders were assessed against the following criteria:

- i) Tender Price 30%
- ii) Tender Schedule 35%
- iii) Capability 20%
- iv) WHS 10%
- v) Supplier Diversity 5%

7 The tenders were assessed by a Tender Assessment Panel comprising of City of Newcastle (CN) officers including the Manager City Wide Services, Senior Project Officer, Field Supervisor, Project Management Coordinator, Program and Project Services Manager, and the Project Manager.

Recommended Tender

8 The recommended tender submission achieved the highest qualitative ranking and satisfied the overall value for money assessment in accordance with the assessment criteria and weightings.

FINANCIAL IMPACT

9 The total estimated cost of this project including the proposed contract amount, allowances for project management, consultant support, communications, opening ceremony, contingency, and other associated project costs is \$6 million. This estimated cost is within the multi-year budgeted amount allocated for this project.

10 The project is partly funded by the Statewide insurance settlement from the Life Without Barriers building totaling \$1,600,000.

IMPLICATIONS

Policy Implications

11 This project aligns with the following Newcastle 2030 Community Strategic Plan directions:

- i) Vibrant, Safe and Active Public Places,
- ii) Inclusive Community, and
- iii) Liveable Built Environment.

- 12 The project aligns with the following strategy from the NSW Office of Sport's Hunter Sport and Active Recreation Plan:
- i) Strategy 4.2 – Establish Newcastle Sportsground No 1 as a Regionally Significant Sports Facility (RSSF) and explore locations for other RSSFs.

Environmental Implications

- 13 The recommended tenderer has demonstrated an ability to construct the works in a manner utilising best environmental management practices. The recommended tenderer also has an environmental policy.
- 14 The tenderer will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for the management of noise, dust, chemicals, air quality, risk and waste management. Tenderers are encouraged to procure environmentally and socially responsible materials and products that are safe and offer value for money over the lifetime of the product.

Social Implications

- 15 The Statement of Heritage Effects has determined that the proposed works will have nil impact on the heritage items (built or movable) listed in the Newcastle Local Environment Plan 2012 (LEP) and will have negligible impact on the Cooks Hill Heritage Conservation Area.
- 16 Consultation with the Awabakal Local Aboriginal Land Council (LALC) has been undertaken. Investigations and a report have been prepared by Umwelt Archaeologists. The report states that it is unlikely that any Aboriginal objects will be uncovered. Procedures have been developed should archeological objects be found, and CN will commission a representative from the LALC to monitor sub-surface works where excavations will extend into soils below the current fill level.

Ecological Sustainability

- 17 The recommended tenderer does not have a specific Ecological Sustainable Development policy in place. Despite this, the recommended tenderer has not been prosecuted for environmental offences, nor is it involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

IMPLEMENTATION

- 18 The implementation of this project will be managed by internal resources. Additional stages of upgrades at No1 Sportsground will be considered in future budgets and capital project programs.

CONSULTATION/COMMUNICATION

- 19 Consultation has also been undertaken with Cricket NSW, AFL NSW and local sporting representatives. Internal consultation has been undertaken with relevant service units including Parks and Recreation, Assets and Projects, and Major Events and Corporate Affairs.

BACKGROUND

- 20 The purpose of the tender recommendation is to award a contract to the tendering contractor offering the best 'value for money' proposition to complete the works to upgrade No1 Sportsground in accordance with the approved business plan.
- 21 The calling of tenders was in accordance with the requirements of Section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

Item 46 Attachment A: Confidential Recommendation
Item 46 Attachment B: Confidential Tender Evaluation Matrix - Summary

Item 46 Attachments A - B refer to Confidential Agenda 28 July 2020

**ITEM-47 CCL 28/07/20 - TENDER REPORT - BATHERS WAY SOUTH
NEWCASTLE BEACH - 2020/240T**

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

PURPOSE

To accept a tender for the construction of Bathers Way at South Newcastle Beach in accordance with Contract No. 2020/240T.

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for the construction of Bathers Way at South Newcastle Beach for Contract No. 2020/240T.
 - B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
 - C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
-

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Tender

- 2 This project is for the construction of Bathers Way at South Newcastle Beach.

Contract Term

- 3 The term of the contract is 48 weeks with a defect liability period of 15 months.

Advertising of Tenders

- 4 The tender was advertised in the Newcastle Herald on 23 May 2020, Sydney Morning Herald on 19 May 2020, and nationally on the Tenderlink website.

Tenders Received

- 5 Tenders closed at 2pm on 23 June 2020. Tender submissions were received from:
 - i) Lloyd Group Pty Ltd;
 - ii) Broydn Pty Ltd (trading as TCQ Construction);
 - iii) Michillis Pty Ltd;
 - iv) North Construction Pty Ltd;

- v) MARS Building Pty Ltd; and
- vi) Daracon Contractors Pty Ltd.

Evaluation Process

6 The tenders were assessed against the following criteria:

- i) Price 35%
- ii) Previous Experience and Referees 20%
- iii) Contract Program and Methodology 20%
- iv) Management, Staff Resources and Sub-Contractors, and non WHS Management Systems 10%
- v) WHS Management Systems 10%
- vi) Supplier Diversity 5%

7 The tenders were assessed by a Tender Assessment Panel (Panel) comprising of City of Newcastle (CN) officers including the Project Manager, Senior Project Planner and Project Management Coordinator, with management oversight provided by the Program and Project Services Manager. The Panel was selected based on experience and knowledge of the project.

8 The tender process utilised the services of an external probity advisor who was present during all Panel meetings.

Recommended Tender

9 The recommended tenderer is a long-established construction company who has a local workforce located at an office in the Newcastle Local Government Area and regularly construct projects with budgets in the tens of millions of dollars.

FINANCIAL IMPACT

10 The total estimated cost of this project including the proposed contract amount, allowances for project management, contingency and other associated project costs is \$12,622,632. This estimated cost is within the multi-year budgeted amount allocated for this project.

11 Preliminary work commenced on the project during the 2019/20 financial year and the remainder of the project will likely be completed during 2020/21.

12 The total estimated cost of the contract is within the total approved budget for this project. Additionally, CN has received a \$5 million grant from Infrastructure NSW under the Restart NSW funding scheme.

IMPLICATIONS

Policy Implications

- 13 This project aligns with the following Newcastle 2030 Community Strategic Plan directions:
- i) Integrated and Accessible Transport,
 - ii) Vibrant, Safe and Active Public Places,
 - iii) Inclusive Community, and
 - iv) Liveable Built Environment.
- 14 The project will enable the implementation of CN's objectives in relation to the Newcastle Coastal Revitalisation Masterplan and the Bathers Way Public Domain Plan. The proposed works also contribute to achieving the desired outcomes of the Newcastle Cycling Strategy and Action Plan.

Environmental Implications

- 15 The recommended tenderer has demonstrated an ability to construct the works in a manner utilising best environmental management practices. The recommended tenderer also has an appropriate environmental policy.
- 16 The tenderer will be required to implement strict environmental controls whilst engaged by CN. This includes control measures for the management of noise, dust, chemicals, air quality, risk and waste management. Tenderers are encouraged to procure environmentally and socially responsible materials and products that are safe and offer value for money over the lifetime of the product.

Social Implications

- 17 Provision of a new intermediate level skate park and bowl designed to allow wheelchair participation, accessible amenities, kiosk, shade structures, exercise equipment and additional community space are positive social benefits identified in the business case which enabled a \$5 million grant from Infrastructure NSW under the Restart NSW funding scheme.
- 18 The project will provide long term social benefits for the precinct as a public recreational and social facility by:
- i) Addressing the shortage of community and youth space in Newcastle,
 - ii) Providing improved accessible community facilities for all users,
 - iii) Improving community and tourist access to the coast and King Edward Park, and
 - iv) Providing opportunity for increased commercial, retail and tourism activity.

Ecological Sustainability

- 19 As previously stated, the recommended tenderer has an environmental policy but does not have a specific Ecological Sustainable Development policy in place. The recommended tenderer has not been prosecuted for environmental offences, nor is it involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

IMPLEMENTATION

- 20 Implementation of the recommendation will not significantly impact CN services or resources. It will, however, necessitate the closure of the section of Bathers Way for the duration of the contract.
- 21 The project will be managed by CN's Assets and Projects Service Unit.

CONSULTATION/COMMUNICATION

- 22 The South Newcastle Beach Concept Masterplan was presented to the Community Reference Group (CRG) and endorsed by Council in December 2014. Works continued to revise the design, with the updates provided to the Coastal Revitalisation Consultative Committee.
- 23 From mid-2019 the project concepts were redesigned based on community feedback to incorporate all skate park features within the existing seawall footprint. Subsequent community engagement indicated approximately 80% of respondents supported the redesigned concepts. The Coastal Revitalisation Project Control Group endorsed the final concept design in July 2019.
- 24 The final design was supported by online community engagement undertaken in December 2019, and refined with input from the CRG throughout the first half of 2020.
- 25 Consultation with the community for Bathers Way is ongoing, with a CRG specifically established for the King Edward Park to Newcastle Beach precinct.

BACKGROUND

- 26 Improving coastal infrastructure, access and connectivity is a high priority for CN. It is crucial to showcasing our beaches as an important asset for the community and visitors to enjoy.
- 27 Through the delivery of critical elements of community infrastructure, the Bathers Way South Newcastle Beach Project (Project) will also have dynamic economic effects and stimulate growth in the regional economy, helping to further develop Newcastle as a regional economic hub.

- 28 The community ranked upgrading Bathers Way as the highest priority for revitalisation of the coastline in the Newcastle Coastal Revitalisation Strategy Masterplan, Newcastle Voice Survey 2010.
- 29 In 2012, following adoption of the Bathers Way Public Domain Plan, CN commenced a ten year construction program to deliver Bathers Way, providing comfortable pedestrian and cycle access, improving safety and diversifying recreational use along this iconic length of the city coastline.
- 30 The Project will provide a crucial link in what is currently an underused and dilapidated section of the coastline between King Edward Park, Newcastle Beach and the CBD.
- 31 The Project will provide a new intermediate level skate park and bowl, as well as other community facilities such as accessible amenities, kiosk, shade structures, exercise equipment and additional community space.
- 32 The Project's key objectives are to:
- i) Protect the long-term future of the precinct as a public recreational and social facility,
 - ii) Address the shortage of community and youth space in Newcastle,
 - iii) Improve accessibility for all users,
 - iv) Address infrastructure maintenance backlog and reduce ongoing maintenance costs,
 - v) Improve access to the coast and King Edward Park,
 - vi) Provide improved community facilities for a variety of users,
 - vii) Address safety issues relating to existing infrastructure,
 - viii) Improve the appearance of the coastline facilities, while maintaining the character unique to the location,
 - ix) Provide opportunity for increased commercial, retail and tourism activity,
 - x) Improve the economic sustainability of Newcastle's Coastal Buildings, and
 - xi) Contribute to delivering several local, state, and federal strategic and policy objectives.

- 33 Further, the Project is located in an area which is significantly impacted by coastal processes. The existing seawall has deteriorated significantly due to constant coastal process including wave and wind erosion. Detailed geotechnical investigations determined that the existing wall has a limited remaining service life and is not structurally adequate to support the new Bathers Way infrastructure. The Project is required to suitably remediate the existing wall to facilitate construction of the Bathers Way and new skatepark in this area. It is also required to ensure the longevity of the seawall structure itself.
- 34 Project construction will be split into two main contracts. The first is the primary Bathers Way construction contract (2020/240T), and will deliver the bulk of the works, including Bathers Way pathway, seawall repairs, exercise equipment, extension of the existing rockfall catch fence, amenities buildings, shade structures, kiosk, planting and landscaping, and links with existing infrastructure.
- 35 The second will be the construction of the skate park adjacent to Bathers Way. This will be undertaken via a separate tender (Contract No. 2020/239T). Once approved by Council, the skate park construction contract will be novated to the Bathers Way South Newcastle Beach Contract.
- 36 The calling of tenders was in accordance with the requirements of Section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

- Item 47 Attachment A:** Confidential Recommendation
Item 47 Attachment B: Confidential Tender Evaluation Matrix - Summary

Item 47 Attachments A – B refer to Confidential Agenda 28 July 2020

ITEM-48 CCL 28/07/20 - 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:

- i) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), and submission of a 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 June 2020.

KEY ISSUES

- 2 In accordance with the adopted Financial Reporting Framework, Councilors are presented with an update on CN's financial results at the end of each month, other than June. The Financial Reporting Framework removes the preliminary financial results from the June Executive Monthly Performance Report to avoid confusion of providing preliminary end of year results followed by differing actual results in the financial statements.
- 3 At this stage, all 2019/20 financial data remains preliminary as CN continues end of year processing and technical analysis including calculating the value of assets written off through the asset renewal program and assessing the value of infrastructure assets donated to CN through sub-divisions. Although these types of costs are reflected in monthly reporting throughout the year, they are only estimated until end of year processes can be undertaken. Adjustments to these estimates can have a material impact on the final financial results.
- 4 The final 2019/20 financial statements will be reported to Council through a workshop scheduled on 13 October 2020 and adoption at the Ordinary Council Meeting to be held on 27 October 2020 following conclusion of the financial audit by the Audit Office of NSW.
- 5 This report for the month of June 2020 retains all regular content including CN's investments report but excludes the preliminary financial results.

FINANCIAL IMPACT

- 6 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 (**Attachment A**).

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 10 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.
- 11 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

- 12 No workshop was conducted for this report. The end of year financial results will be presented to Council at a workshop scheduled on 13 October 2020.

BACKGROUND

- 13 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

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 48 - Attachment A: Executive Monthly Performance Report - June 2020

Item 48 Attachment A distributed under separate cover

NOTICES OF MOTION

ITEM-14 NOM 28/07/20 - RENAMING CITY OF NEWCASTLE BUILDINGS AND OTHER FEATURES

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

PURPOSE

The following Notice of Motion was received on Thursday 16 July 2020 from the abovenamed Councillors.

The purpose is to develop a culturally appropriate policy regarding the renaming of CN buildings or other features.

MOTION

That Council:

- 1 Reiterates its commitment to meaningful reconciliation, addressing disadvantage and attaining justice for Aboriginal Australians and First Nations People within its community.
- 2 Recognises that some names accorded to City of Newcastle assets may no longer meet community expectations and have the potential to cause distress, to members of the community.
- 3 Seeks expert advice and engages with CN's Guraki Committee and community and cultural representatives to develop a clear policy and process for addressing questions of renaming as they arise.
- 4 Conducts community consultation on the renaming of the "Captain James Cook Memorial Fountain" in Civic Park – formerly known simply as the "Civic Park Fountain" – given it bears two plaques stating that Captain James Cook 'discovered the East Coast of Australia'.
- 5 Continues to work with the NSW Geographical Names Board where necessary to liaise on namings that are not within the immediate control of CN.

BACKGROUND

It is increasingly clear that some names historically applied to buildings and other features in our community have the potential to misinform and to cause distress in our contemporary context.

An example of this is provided by the plaques on the City's Captain James Cook Memorial Fountain in Civic Park which state:

"To commemorate the Bi-Centenary of the Discovery of the East Coast of Australia 1770 – 1970".



Completed in 1966, Margel Hinder's water sculpture was known simply as the 'Civic Park Fountain'.

It was renamed 'The Captain James Cook Memorial Fountain' in 1970 by a decision of the then-Council in order to receive a grant from the Local Government Assistance Fund of the then NSW Department of Local Government.

Whilst the grant enabled to Council to do a second stage of works around the Fountain, including the handrails on the stairs, it also meant that the Fountain would have to serve as the City's Captain Cook Memorial. Two other locations and ideas had been proposed for the memorial, but neither proceeded with.

As a point of historical accuracy, it is acknowledged that Captain James Cook did not discover the East Coast of Australia and that this land was inhabited for some 60,000 years prior to that journey. This has been confirmed by the High Court.

[The Flinders University Guide to Appropriate Terminology offers the following:](#)



More appropriate

- Captain Cook was the first Englishman to map the east coast of 'New Holland'

Less appropriate

- Captain Cook 'discovered' Australia

Aboriginal and Torres Strait Islander people were in Australia long before Captain Cook arrived; hence it was impossible for Cook to be the first person to 'discover' Australia. Most Aboriginal people find the use of the word 'discovery' offensive. However, it can be noted that the word 'discovery' can mean finding something that one as an individual did not know was there. This meaning should be stressed if the word is to be used. One reason why so much had to be 'discovered' is the fact that Indigenous knowledge was discounted and disregarded for so long.

Indeed, given the controversy over Margel Hinder's design being chosen for the Civic Park Fountain, if the Fountain is to have a name in addition to 'Civic Park Fountain', perhaps we could consider renaming it after this significant woman sculptor?

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Fountain Contest Won By Woman

Mrs. Margel Hinder, of Sydney, a leading Australian sculptor, has won the competition conducted by Newcastle City Council for a design for an illuminated fountain to go in Civic Park.

The judges' selection of Mrs. Hinder's design, accompanied by a model and photographs, was announced at the opening of the Mattara fountain exhibition at the City Art Gallery last night.

There was a marked absence of opinions contrary to the judges' selection. Three aldermen said they liked Mrs. Hinder's design.

Mrs. Hinder was advised of her win by the Lord Mayor (Ald. Purdue) and Town Clerk (Mr. Burges) after the opening.

They said she was delighted by the news.

Born in New York, Mrs. Hinder is represented by sculptures in several State galleries of Australia.

She won the third position award for her entry in a U.N.E.S.C.O. sculpture competition, which featured the work of world craftsmen.

She will receive £400 for having won the Newcastle competition, and an extra £100 for including a model with her layout.

The Lord Mayor said at the opening, performed by Mr. Mark Howarth, that it was

"As a civic fountain, the shapes are intended to signify certain qualities that are expressive of Newcastle," she said. "These are energy, vigour and a metallic strength typical of the city's industry, without being representational or descriptive."

£20,000 Estimate

Mrs. Hinder has estimated the cost of her fountain at £20,000—the same figure appropriated for the beautification project by the City Council.

This cost is divided as follows: Sculpture (copper), £6500; water distribution, £5500; lighting, £1000; containing wall (green granite), £5000, and two pools, £2000. There are 47 sprays in the design.

The assessors appointed by the council to select the winner from about 90 designs and scale models entered in the competition were unanimous in picking Mrs. Hinder's design.

They are the Professor of Town and Country Planning, University of Sydney (Professor Denis Winston), the Chairman of Newcastle Division of the N.S.W. Chapter of the Royal Australian Institute of Architects (Mr. E. C. Parker) and the Director of Newcastle

City Art Gallery (Mr. Docking).

Each assessor viewed designs and models independently before joining the others to decide the winning designer.

All Agree

Ald. Purdue said the fact that the three judges had each chosen Mrs. Hinder's layout gave the council confidence about the fountain to be erected.

"We all have our own ideas about food, dress, climate, sport and other factors," he said. "I am certain that citizens will be happy to see the fountain added to the city's embellishments."

Mr. Howarth, who was Secretary of the War Memorial Cultural Centre Committee for many years, said he was delighted to learn of departments in the Cultural Centre having outgrown their accommodation facilities. Now the City Council planned extensions to the building.

"A fountain is a very lovely thing, particularly if it is illuminated," he said. "A park comes to life when it is given a fountain. It adds grace and dignity to a city and possesses great tourist value."

Mr. Docking said Mrs. Hinder was rated with Lynn Small and other lead-

Without such a guiding policy in place, CN will inevitably face challenges including provoking controversy over whether requests for renaming are treated consistently.

Some of the factors that should be considered include:

- The potential harm caused by retaining the name.
- The potential harm caused by changing the name, eg the impact on public understanding of history.
- Can the harm be mitigated by providing contextual relevance?

ATTACHMENTS

NOM Item 14 Attachment A:

[Principles and Procedures for Renaming Buildings and Other Features at Stanford University](#)

NOM Item 14 Attachment B:

[Naming, Renaming, and Thinking History](#)

NOM Item 14 Attachment C:

[Four ways to help settle Australia's colonial statue debate](#)

NOM Item 14 Attachment D:

https://www.deadlystory.com/icms_docs/282232_appropriate-terminology_indigenous-australian-peoples.pdf

ITEM-16 NOM 28/07/20 - 1080, PINDONE AND PEST MANAGEMENT REVIEW

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 16 July 2020 from the abovenamed Councillor

MOTION

That City of Newcastle

- Notes that the City currently uses bait agents 1080 and Pindone across the local government area as part of invasive animal population control measures, in accordance with the regulatory requirements as set by Australian Pesticides and Veterinary Medicines Authority (APVMA) and Local Land Services.
- Commits to manage invasive animals humanely.
- Provides a leading practice review of the use of animal bait poisons, including the use of 1080 and Pindone poisons, for the management of animal populations in relation to:
 - Humaneness;
 - Potential impacts on non-target species, including humans and pets; and
 - Effectiveness in terms of management of target animal populations.
- Phases out the use of animal poisons that are inhumane or are otherwise ineffectual in animal population control.

BACKGROUND

City of Newcastle's pesticide policy is documented in the "Pesticide Use Notification Plan 2018". CN does at times use pest bait agents 1080 and Pindone in conjunction with trapping and biological control agents for the control of vertebrate invasive animal species in the local government area. It is noted that these products are highly regulated and use by CN reflects best practice methodology, safe operating procedures and accordance with product guidelines.

Over the last two decades, invasive animal management has changed. Modern methodologies recognise that, like most other aspects of agriculture or nature conservation, management needs to be carefully planned and coordinated at a landscape scale, and animal control is just one aspect of an integrated approach to environmental management.

This change is reflected in CN's use of risk assessments and site evaluations, for example, and the commitment that baiting programs are only undertaken where there is limited risk to humans, native animals and pets.

Further, as part of the shift in management, there is a growing expectation that animal suffering associated with pest management be minimised.

Control techniques have the potential to cause animals to suffer. To minimise this suffering the most humane technique useable in any given situation must be employed. That is, where possible and effective, the technique that causes the least amount of pain and suffering to the target animal with the least harm or risk to non-target animals, people and the environment must be used.

1080 is banned in almost all countries around the world, with the notable exceptions of Australia and New Zealand. Part of the rationale for its continued use in Australia is that it is considered less harmful to marsupial species. Placental mammals, such as foxes, cats and dogs are highly susceptible to 1080, whereas marsupials such as quolls that eat 1080 bait may survive. No credible research has been done to establish the long-term effects of 1080 on marsupials to date.

1080 baits are ingested by a range of native species including possums, potoroos, wombats and eastern quolls. Other non-target species, such as wedge-tail eagles, may be indirectly poisoned by feeding on the carcasses of animals poisoned by 1080. 1080 is used by CN within the pre-poisoned baiting block "FOXOFF".

In evidence provided to an Australian Federal Inquiry into pest management, Animals Australia documented the impacts of 1080:

Animals poisoned by 1080 scream, vomit, defecate and suffer violent seizures. They remain conscious even after the toxin, which disrupts their energy metabolism, denies them the ability to move or escape from predators. The poison has been tested thoroughly, but not for humaneness. Apart from the obvious severe physical pain, the animal experiences stress, fear and mental suffering up until it loses consciousness. So it is impossible to claim that 1080 is a humane poison.

Pindone is not a target-specific poison and has the potential to kill other animals including humans, pets and wildlife. It is used in urban-fringe areas, and places where there are concentrations of small landholders, in preference to the poison 1080 because its slower killing time, and the availability of an antidote, make it less dangerous to use around humans and pets. Rabbit baiting with Pindone occurs at Stockton Beach Tourist Park, for example. There are specific notification requirements associated with this use, including the provision of advice to all adjoining neighbours, and notices about the poison, to be posted in the Tourist Park, until the program has ended and all baits removed.

However, it is precisely the slower killing time that makes pindone less humane than other controls. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) review of humane controls for rabbit population recommended shooting and cage trapping as the most humane methods of control, while 1080 was considered inhumane. In regard to pindone, the RSPCA is unequivocal in its criticism and says that it does not consider pindone "an acceptable control method as affected rabbits take several days to die".

A publication by the NSW DPI from 2004 entitled "Humane Pest Animal Control" was similarly unequivocal in its assessment of pindone as an inhumane method:

After ingestion of pindone, rabbits initially show signs of depression/lethargy and anorexia followed by manifestations of haemorrhage including anaemia, laboured breathing, pale mucous membranes and weakness. Bleeding may be visible around the nose, mouth, eyes and anus and rabbits eating pindone bait animals may pass bloody faeces. Swollen tender joints are common as a result of bleeding into the confined joint space. Discomfort and pain from haemorrhages in internal organs,

muscles and joints typically lasts for several days before death. The time to death is around 10 to 14 days after the initial dose. Because anticoagulant poisons take several days to kill, during which time they cause distress disability and/or pain, they are considered inhumane.

The same publication rated 15 methods of rabbit population control (see attached). Only exclusion fencing and ground shooting were rated as unconditionally humane. The DPI rated 1080 as “conditionally acceptable”, whereas pindone is rated “inhumane compared to 1080”.

ATTACHMENTS

NOM Item 16 Attachment A: Model code of practice for the humane control of rabbits. (2004) Prepared by Trudy Sharp & Glen Saunders, NSW Department of Primary Industries.

NOM Item 16 Attachment A

CODE OF PRACTICE

model code of practice for the humane control of rabbits

Prepared by Trudy Sharp & Glen Saunders, NSW Department of Primary Industries

Introduction

This aim of this code of practice is to provide information and guidance to vertebrate pest managers responsible for the control of rabbits. It includes advice on how to choose the most humane, target specific, cost effective and efficacious technique for reducing the negative impact of rabbits.

This code of practice (COP) is a guide only; it does not replace or override the legislation that applies in the relevant State or Territory jurisdiction. The COP should only be used subject to the applicable legal requirements (including OH&S) operating in the relevant jurisdiction.

Background

There is a growing expectation that animal suffering associated with pest management be minimised. This should occur regardless of the status given to a particular pest species or the extent of damage or impact created by that pest. While the ecological and economic rationales for the control of pests such as the rabbit are frequently documented, little attention has been paid to the development of an ethical framework in which these pests are controlled. An ethical approach to pest control includes the recognition of and attention to the welfare of all animals affected directly or indirectly by control programs. Ensuring such approaches are uniformly applied as management practices requires the development of agreed Standard Operating Procedures (SOPs) for pest animal control. These SOPs are written in a way that describes the procedures involved for each control technique as applied to each of the major pest animal species. While SOPs address animal welfare issues applicable to each technique, a Code of Practice (COP) is also required that bring together these procedures into a document which also specifies humane control strategies and their implementation. COPs encompass all aspects of controlling a pest animal species. This includes aspects of best practice principles, relevant biological information, guidance on choosing the most humane and appropriate control technique and how to most effectively implement management programs.

This code is based on current knowledge and experience in the area of rabbit control and will be revised as required to take into account advances in knowledge and development of new control techniques and strategies.

Definitions and Terms

Pest animal – native or introduced, wild or feral, non-human species of animal that is currently troublesome locally, or over a wide area, to one or more persons, either by being a health hazard, a general nuisance, or by destroying food, fibre, or natural resources (Koehler, 1964).

Welfare – an animals' state as regards its attempts to cope with its environment (Broom, 1999). Welfare includes the extent of any difficulty in coping or any failure to cope; it is a characteristic of an individual at a particular time and can range from very good to very poor. Pain and suffering are important aspects of poor welfare, whereas good welfare is present when the nutritional, environmental, health, behavioural and mental needs of animals are met. When welfare is good suffering is absent (Littin et al., 2004).

Humane – causing the minimum pain, suffering and distress possible. To be humane is to show consideration, empathy and sympathy for an animal, an avoidance of (unnecessary) stress, and the demonstration of compassion and tenderness towards our fellow creatures (Australian Veterinary Association, 1997).

Humane Vertebrate Pest Animal Control – the development and selection of feasible control programs and techniques that avoid or minimise pain, suffering and distress to target and non-target animals (RSPCA, 2004).

Best Practice Management – a structured and consistent approach to the management of vertebrate pests in an attempt to achieve enduring and cost-effective outcomes. 'Best practice' is defined as the best practice agreed at a particular time following consideration of scientific information and accumulated experience (Braysher, 1993).

Best Practice Pest Management

From an animal welfare perspective, it is highly desirable that pest control programs affect a minimum number of individuals and that effort is sustained so that pest densities always remain at a low level. Over the last decade, the approach to managing pest animals has changed. Rather than focussing on killing as many pests as possible, it is now realised that like most other aspects of agriculture or nature conservation, pest management needs to be carefully planned and coordinated. Pest animal control is just one aspect of an integrated approach to the management of production and natural resource systems. Most pests are highly mobile and can readily replace those that are killed in control programs. Unless actions are well planned and coordinated across an area, individual control programs are unlikely to have a lasting effect. When planning pest management, there are some important steps that should be considered (after Braysher & Saunders, 2002).

1. What is the trigger to undertake pest animal management? Is there a community or political pressure for action on pests and an expectation that pest animals should be controlled? Pest control is unlikely to be effective unless there is strong local or political will to take action and commit the necessary resources.
2. Who is the key group to take responsibility for bringing together those individuals and groups that have a key interest in dealing with the pest issue?

3. What is the problem? In the past the pest was usually seen as the problem. Hence the solution was to kill as many pests as possible. We now know that the situation is more complex. First, determine what is the problem. It may be reduced lambing percentage, fence damage, reduced crop yields, complaints from neighbours or emotional stress from worrying about the next attack. Several factors impact on each of these problems and control of pests are often only part of the solution. The following questions then help define the problem:
 - Who has the problem?
 - Where is the problem?
 - How severe is the problem?
 - Will the problem change with time?
4. Identify and describe the area of concern. Sometimes it helps to remove agency and property boundaries so that the problem can be viewed without the tendency to point blame at individuals; groups or agencies. Property and agency boundaries can be added later once agreement is reached on the best approach.
5. Trying to deal with the complexity of a very large area can be daunting so it often helps to break the area into smaller management units for planning. These smaller units may be determined by water bodies, mountain ranges, fences, vegetation that is unsuitable for a particular pest or other suitable boundaries that managers can work to. While it is best to work to boundaries that restrict the movement of pests, this may not be practicable and jurisdictional boundaries, for example, the border of a Landcare group, may have to be used in combination with physical boundaries. Once the management units are identified:
 - Identify as best you can, the pest animal distribution and abundance in each management unit.
 - Estimate as far as is practicable, the damage caused by the pest or pests to production and to conservation.
6. Gather and assess other relevant planning documents such as Catchment Management Plans, Recovery Plans for threatened species and Property Management Plans. Identify any key constraints that may prevent the plan being put into operation and identify all the key stakeholders.
7. Develop the most appropriate pest management plans for each of the management units.

Implementing effective and humane pest control programs requires a basic understanding of the ecology and biology of the targeted pest species and in some cases those species affected directly (non-targets) or indirectly (prey species) by a control program. It is also essential to understand the impact created by the pest i.e. what is the problem? Managers should take the time to make themselves aware of such information by reading the recommended texts at the end of this code of practice. A brief summary follows. This information is extracted from the publication *Managing Vertebrate Pests: Rabbits* by Williams et al. (1995).

Rabbit Facts

Rabbits have a high reproductive potential. Adult females produce 15–40 young a year, but only 1–10% survive past the first year. Spring is the high point of the reproductive cycle and autumn the low with breeding triggered when pastures green up after rain and the last litters are conceived as soil moisture becomes limiting and pastures mature and dry out. At birth the young weigh 35 g each and by the time they first emerge from the warren at 21 days they have increased their body weight by 600% to 210 g each.

The key to the success of the rabbit in Australia is the warren, which provides protection from weather and predators and enables rabbits to inhabit semi-arid and arid country. Contrary to popular belief, rabbits do not dig new warrens readily. Although they usually live in warrens, rabbits readily live above the ground whenever there is adequate shelter. In some areas a high proportion of adult rabbits live mostly above ground. Soils are a major factor influencing local and regional distribution. Soils with a high clay (greater than 40%) content or high silt plus clay content (greater than 50%) are not suitable for warrens as these soils become waterlogged in winter and are too hard to dig in summer. The absence of warrens on cracking clays is due partly to waterlogging but it is also due to burrows collapsing as the soil shrinks and swells with changing water content. Warrens are larger and more dense in the deeper soils on lower slopes and flats.

The optimum habitat for rabbits in Australia is the intermediate rainfall zone, where parasite numbers are low, droughts are uncommon and breeding seasons relatively long. Rabbits occasionally do well in Australia's hot arid zones even though physiologically they are not well adapted to arid conditions. When some green vegetation is available, they readily find the high protein, high water content diet they need to survive and reproduce.

Although rabbit densities are rarely known precisely, low, medium and high rabbit densities approximate, less than 1.0, 1–4 and more than four rabbits per hectare respectively. Spotlight transect counts of low, medium and high rabbit densities in open country with low pasture are approximately less than 5, 6–30 and more than 30 rabbits per spotlight kilometre respectively.

Survivors of a population crash tend to be adult rabbits. After the breaking of a drought, rabbit populations are held at low densities for several years by a combination of native predators, foxes and feral cats. It is not until fox and feral cat numbers decline some time after the crash of the rabbit population, and good seasons return, that rabbit numbers build up again.

Adult rabbits live as territorial monogamous pairs, or in social groups of up to ten individuals with separate hierarchies for males and females. Males fight to defend females and females fight to defend access to breeding sites within warrens. As many more young males than females disperse, the warren is a heritage passed on by adult females to female offspring. Resident rabbits rarely move more than 200 metres from their warren. Major causes of death are drought, parasites, rabbit management programs, myxomatosis, rabbit haemorrhagic disease (RHD), and predators such as dingoes, birds of prey, goannas, foxes and feral cats.

Rabbit Impact

Before the introduction of myxomatosis and then RHD, rabbits greatly reduced stock productivity and caused profound direct and indirect damage to soils and to native plants and animals. While these biological controls have greatly reduced rabbit densities

nationally, damage is still significant. Rabbit damage is worst in the rangelands, where a whole suite of plant species and their dependent animals are threatened with severe range contraction or extinction. The effect of the rabbit in preventing regeneration of native plants is not always obvious. Many of these plants are long-lived but the populations are reaching a stage where many individuals are dying from old age. If rabbits are not controlled before the remaining plants reach the end of their reproductive lives, there will be a long-term decline of the tree and shrub populations in many parts of the rangelands. The extent of the ecological consequences of this are unknown. Significant changes in bird communities and increased soil erosion are likely to be two of the main consequences. There may be no safe rabbit density for some tree and shrub seedlings particularly within 200 metres of rabbits warrens.

As well as causing detrimental habitat change, rabbits threaten native mammals directly through grazing competition and indirectly through intensified predation by cats and foxes after rabbit numbers crash during droughts or disease outbreaks.

The extent to which rabbits reduce the carrying capacity for livestock is not well quantified, although there are numerous anecdotal accounts of increased carrying capacity for sheep following rabbit control. Competition between sheep and rabbits is likely to be most significant when pasture biomass falls below about 250 kilograms per hectare, especially during and coming out of drought. Rabbits, in combination with other wild grazers and livestock, cause damage to the long-term sustainable use of rangeland for nature conservation and pastoralism. Rabbits cause changes in the quality of forage and damage to the flora and habitat of native fauna.

Rabbit Control Strategies

Rabbit management has historically almost entirely been directed at protecting agricultural production. In more recent times the principles of natural resource management have been widely accepted and promoted, and the need to protect non-agricultural resources recognised. The degree to which control is implemented often depends on how well the problems caused by rabbits are recognised and the resultant priority assigned to rabbit management. By necessity, control effort must be sustained. There are three essential requirements for a pest control technique – necessity, effectiveness and humaneness. The best strategy is to develop a plan which maximizes the effect of control operations and reduces the need to cull large numbers of animals on a regular basis.

Developing a rabbit management plan

This involves:

- Defining management objectives. Objectives are a statement of what is to be achieved, defined in terms of desired outcomes, usually conservation or economic benefits. Objectives should state what will be achieved (reduced impact) where, by when and by whom.
- Selecting management options. The management option is selected that will most effectively and efficiently meet the management objectives. The options include: eradication, containment, sustained management, targeted management, one-off action and taking no action.
- Set the management strategy. This defines the actions that will be undertaken: who will do what, when, how and where. It describes how the selected pest management options and techniques will be integrated and implemented to achieve the management objectives.

- Monitoring the success of the program against the stated objectives. Monitoring has two components, operational monitoring – what was done when and at what cost:- this determines the efficiency of the program, and performance monitoring:- were the objectives of the plan achieved and if not why not, that is the effectiveness of the program.

Choosing control techniques

Rabbit control techniques have the potential to cause animals to suffer. To minimise this suffering the most humane technique useable in any given situation must be employed. This will be the technique that causes the least amount of pain and suffering to the target animal with the least harm or risk to non-target animals, people and the environment. The technique must also be effective in the situation where it will be used (e.g. cage traps will have little effect in a rural setting). It is also important to remember that the humaneness of a technique is highly dependant on whether or not it is correctly employed. In selecting techniques it is therefore important to consider whether sufficient resources are available to fully implement that technique.

Cooperative control

It may not be economic for a property to be independent in equipment and labour for rabbit management. Group schemes and cooperative effort provide economies of scale and social benefits that encourage sustained effort. Cooperative control effort can also encourage financial support from governments.

Rabbit Control Techniques

The most commonly used rabbit control techniques are lethal baiting, warren destruction and fumigation, shooting, trapping, exclusion fencing and biological control with RHDV and myxomatosis. Fertility control through immunocontraception is being investigated as an alternative or supplementary means of rabbit control. Other measures, such as the use of LPG technology to kill rabbit in their warrens, are also used but have not been evaluated for humaneness or efficacy.

Cost-effectiveness, humaneness and efficacy for each control technique are useful in deciding the most appropriate strategy. A brief evaluation of the humaneness of control techniques follows:

Humaneness of control techniques

Fertility control

Fertility control is seen as a preferred method of broad-scale rabbit control as it offers a potential humane and target specific alternative to lethal methods. Long term research is continuing into the development of a virally vectored immunocontraceptive to control rabbit populations. Egg surface antigens are delivered in a genetically modified, avirulent/low virulence myxoma virus to stimulate production of antibodies that will block reproduction. The main welfare problem with this approach is that it is delivered by a virus that causes infection and sometimes disease that can take a chronic course.

Exclusion fencing

The use of exclusion fencing is generally regarded as a humane, non-lethal alternative to lethal control methods. However, the high costs of establishing and maintaining rabbit-proof enclosures, limits their use to the protection of valuable pasture, crops and conservation areas. Although exclusion fencing acts as a barrier to rabbits, in some areas it can have negative effects on non-target species by altering dispersion

and foraging patterns, and causing entanglement and electrocution. It can also create a significant hazard to wildlife in the event of a bushfire.

Lethal baiting

Lethal baiting is an important component of integrated rabbit control programs; however, poisons do not usually cause a humane death. Depending on the poison used, target animals can experience pain/sickness and suffering, sometimes for an extended period, before death. Non-target animals including native species, cats, dogs and stock can also be exposed to poisons either directly by eating baits intended for pest animals (primary poisoning) or through the scavenging of tissues from a poisoned animal (secondary poisoning). Baiting campaigns should be well designed and carefully implemented to minimise any non-target effects. Sodium monofluoroacetate (1080) and pindone are the poisons currently used for rabbit control in Australia.

1080

In rabbits, clinical signs of 1080 poisoning include lethargy, laboured respiration and increased sensitivity to noise/disturbance. Convulsions also occur, often with gasping and squealing, followed by death. Time to death is variable depending upon the amount 1080 absorbed but is usually around 3 to 4 hours. 1080 is considered to be a more humane poison than pindone.

Pindone

After ingestion of pindone, rabbits initially show signs of depression/lethargy and anorexia followed by manifestations of haemorrhage including anaemia, laboured breathing, pale mucous membranes and weakness. Bleeding may be visible around the nose, mouth, eyes and anus and animals may pass bloody faeces. Swollen tender joints are common as a result of bleeding into the confined joint space. Discomfort and pain from haemorrhages in internal organs, muscles and joints typically lasts for several days before death. The time to death is around 10 to 14 days after the initial dose. Because anticoagulant poisons take several days to kill, during which time they cause distress disability and/or pain, they are considered inhumane. The use of pindone can only be justified in situations where 1080 cannot be used i.e. in close proximity to urban areas where the risk of accidental poisoning to humans and companion animals is greatest.

Warren Destruction by Ripping and Blasting

Destruction of warrens using explosives (blasting) or ripping is an important component of effective rabbit management. Because warren destruction gives long-term management of rabbit populations, the need for repeated control operations is reduced. It is more humane to perform ripping and blasting when rabbit numbers are at their lowest e.g. after poison baiting, drought or disease outbreak and when they are not breeding. This means that lower numbers of rabbits will be killed by these relatively inhumane techniques.

Ripping of the warren causes it to collapse and the rabbits are usually crushed or suffocated. A quick death is more likely when powerful machinery is used in loose soil and the warren is ripped deep enough to cause complete destruction. Failure to collapse deep warren systems may result in some rabbits becoming trapped in partly destroyed tunnels and then suffocating or starving over a long period of time. Direct mechanical wounding can also occur from the ripping tines.

When explosives are used for warren destruction, rabbits may be killed or injured by the effects of the blast or by crushing and suffocation from the collapse of the warren.

In most cases the time to death is thought to be quick especially when complete destruction of the warren is achieved.

Warren destruction also affects rabbits that are not inside the warren at the time by depriving them of shelter from extreme heat, cold and predators. Most rabbits that are forced to live above ground after their warren has been destroyed will have little chance of survival.

Warren fumigation

Chloropicrin

Chloropicrin (trichloronitromethane) is considered to be highly inhumane and its use is not recommended. It causes intense irritation of the respiratory tract and profuse watering of the eyes for considerable periods before death. Animals suffer over a long period, even longer if they escape from the warren. It has a delayed effect on rabbits that have been exposed to sub-lethal but acute doses, with some rabbits taking many weeks to die.

Phosphine

The precise nature and extent of suffering of rabbits after inhalation of phosphine is unknown. Symptoms of phosphine toxicity in humans often include nausea, abdominal pain, headache and convulsions followed by coma. It is not known whether other mammals experience similar symptoms. The time to death will be quicker when high concentrations of phosphine can be achieved throughout the warren. In practice the time taken to achieve adequate phosphine concentrations can be highly variable and is governed by the availability of moisture in the soil and air, or on the fumigation tablets. Phosphine is considered to be more humane than chloropicrin, because it causes less intense suffering and rabbits that escape from fumigated warrens after exposure to sub-lethal concentrations may only experience transient illness, not permanent debilitation. Therefore, phosphine is currently the preferred toxin for fumigation until more humane fumigation methods are developed.

Carbon monoxide

Carbon monoxide is a colourless, odourless gas that causes oxygen depletion leading to unconsciousness and rapid death without pain or discernible discomfort. Fumigation of rabbit warrens with carbon monoxide is currently being investigated as a humane alternative to chloropicrin and phosphine.

Car exhaust fumes

Exhaust from idling internal combustion engines is not acceptable as a fumigant as adequate carbon monoxide concentrations cannot be achieved (particularly with modern car engines) and exhaust contaminants such as hydrocarbons, ozone, nitrogen dioxide and nitric oxides cause severe irritation before death. Also, the exhaust gases produced may be unacceptably hot.

Carbon dioxide

Although carbon dioxide is often used to euthanase other species, it is neither effective nor economical for rabbit warren fumigation. Wild rabbits have a high tolerance to carbon dioxide (i.e. a concentration of 45% CO₂ needs to be maintained for at least 1 hour to kill wild rabbits) Also, CO₂ disperses poorly throughout the warren.

Shooting

Shooting can be a humane method of destroying rabbits when it is carried out by experienced, skilled and responsible shooters; the animal can be clearly seen and

is within range; and the correct firearm, ammunition and shot placement is used. Achieving a humane kill with a single shot can be difficult as rabbits are a small target. Wounded rabbits must be located and dispatched as quickly and humanely as possible.

Trapping

All traps have the potential to cause injury and some degree of suffering and distress so should only be used when no practical alternative exists. Traps that contain an animal e.g. cage or box traps cause fewer injuries than traps that restrain an animal e.g. leg-hold traps. Animals caught in a cage trap are not likely to experience significant injuries unless they make frantic attempts to escape. Importantly, non-target animals that are caught in cage trap can usually be released unharmed. Leg-hold traps on the other hand can cause serious injuries to both target and non-target animals such as swelling and lacerations to the foot from pressure of the trap jaws and dislocation of a limb if the animal struggles to escape. If leg-hold traps are to be used they must have a rubber-like padding on each jaw which cushions the initial impact and provides friction thus preventing the captured animals from sliding along or out of the jaws. Steel-jawed traps should not be used as they cause significant injury, pain and distress. They are illegal in most states.

As well as injuries, trapped animals can suffer from exposure, thirst, starvation, shock, capture myopathy and predation; therefore traps must be placed in a suitable area protected from extremes of weather and inspected at least once daily. Trapped animals must be approached carefully and quietly to minimise panic, further stress and risk of injury. Rabbits must be destroyed as soon as possible after capture using cervical dislocation. Non-target animals that are caught but not severely injured should be released at the trap site. If they are injured, but may respond to veterinary treatment, such treatment should be sought. Severely injured non-target animals should be destroyed with a single rifle shot to the brain.

Biological control

Myxomatosis

The deliberate infection of rabbits with the myxoma virus is no longer a commonly used technique, although fleas, which act as vectors of myxomatosis are sometimes released to enhance the spread of the disease, especially in arid areas. Infection with myxoma virus causes anorexia, subcutaneous swellings around the face and ears, and swollen eyelids and conjunctivitis leading to blindness. Time to death depends upon the strain of virus. Infection with a highly virulent strain causes death within 2 weeks, while rabbits infected with less virulent strains may take up to 4 weeks to die. The severity of symptoms and long interval between infection and death indicate that considerable suffering occurs with this disease.

Rabbit Haemorrhagic Disease

In most rabbits, death from rabbit haemorrhagic disease is sudden. Some animals show no signs of illness prior to death whilst others will have elevated temperature, anorexia, apathy, dullness, prostration and reddened eyes. Respiratory signs (e.g. rapid respiration, bloody nasal discharge) and occasionally nervous signs (e.g. convulsions, paralysis, squealing) may be seen in the later stages. Some rabbits (5 to 10%) may show a chronic or subclinical course of disease. These animals may have jaundice, weight loss and lethargy for up to 1 to 2 weeks before dying. Effective handling and restraint techniques must be used to minimise the risk of injury and to reduce the intensity of distress to the rabbit during the inoculation procedure.

RABCOF-10 - humane pest animal control - model code of practice for the humane control of rabbits

Table 1: Humaneness, Efficacy, Cost-effectiveness and Target Specificity of Rabbit Control Methods

Control technique	Acceptability of technique with regard to humaneness*	Efficacy	Cost-effectiveness	Target Specificity	Comments
Fertility control	Conditionally acceptable	Unknown	Unknown	Depends on agent used	No products currently registered.
Exclusion fencing	Acceptable	Limited	Expensive	Can be in certain situations	Useful where there is high-value crop/pasture (e.g. market garden/horticultural enterprises) or in conservation areas. Expensive, therefore impractical for broad scale application.
Ground baiting with 1080	Conditionally acceptable	Effective	Cost-effective	Potential risk of poisoning non-target animals	Effective for reducing rabbit populations prior to warren destruction. 1080 ingestion can also kill non-target animals including native species, cats, dogs and livestock. 1080 is toxic to humans; operators need to take precautions to safeguard against exposure.
Aerial baiting with 1080	Conditionally acceptable	Effective	Cost-effective	Potential risk of poisoning non-target animals	Effective for reducing rabbit populations prior to warren destruction. Useful difficult areas in broadscale areas. 1080 ingestion can also kill non-target animals including native species, cats, dogs and livestock. 1080 is toxic to humans; operators need to take precautions to safeguard against exposure.
Pindone baiting	Only acceptable when there is no other alternative Inhumane compared to 1080	Effective	Relatively expensive (compared to 1080)	Potential risk of poisoning non-target animals (esp. macropods and other native species)	Should only be used in areas where it is impractical or unsuitable to use 1080 e.g. urban/residential and semi-rural areas.
Pressure fumigation of warrens using chloropicrin	Not acceptable			Non-target wildlife using warrens are vulnerable	Inhumane and should not be used Alternatives are available

Table 1: Humaneness, Efficacy, Cost-effectiveness and Target Specificity of Rabbit Control Methods

Control technique	Acceptability of technique with regard to humaneness*	Efficacy	Cost-effectiveness	Target Specificity	Comments
Diffusion fumigation of warrens using phosphine	Conditionally acceptable only when rabbit populations are low	Variable effectiveness	Expensive	Non-target wildlife using warrens are vulnerable	Labour intensive. Warren is not destroyed therefore it can be easily recolonised. Unsuitable for large areas.
Warren destruction by ripping	Conditionally acceptable only when rabbit populations are low	Effective	Cost-effective	Non-target wildlife using warrens are vulnerable	Where warrens are the principal shelter for rabbits, ripping is the most cost effective and most long-lasting method of control. Cannot be used in inaccessible, rocky or environmentally sensitive areas.
Warren destruction using explosives	Conditionally acceptable only when rabbit populations are low	Effective	Relatively expensive (compared to ripping)	Non-target wildlife using warrens are vulnerable	Provides long term management of rabbit populations. Requires trained and licensed operators and adherence to strict OH&S requirements. Effective in inaccessible and rocky areas.
Treatment of rabbit warrens using LPG technology (Rid-a-Rabbit®)	Has not been assessed, thought to be inhumane	Unknown	Unknown	Non-target wildlife using warrens are vulnerable	Labour intensive. Warren is not destroyed therefore it can be easily recolonised. Unsuitable for large areas.
Ground shooting	Acceptable	Not effective	Not cost-effective	Target specific	Time consuming and labour intensive, only suitable for small scale operations. Not suitable in certain situations e.g. where dense cover is available, inaccessible or rough terrain, near human habitation.
Biological control with RHDV	Conditionally acceptable	Variable	No cost	Target specific	Effectiveness depends on habitat. RHDV outbreaks should be followed up with conventional control methods to achieve more long-term control of rabbit populations.
Biological control with myxomatosis	Depends upon strain. Highly virulent strains will kill rabbits quickly.	Unpredictable effectiveness. Has become less effective over time	No cost	Target specific	This is a self-disseminating virus that is already widespread in the environment. It is not routinely used as a control technique though natural outbreaks should be followed up with conventional control methods to achieve more long-term control of rabbit populations.

RABCOF-11 - humane pest animal control - model code of practice for the humane control of rabbits

RABCOF-12 - humane pest animal control - model code of practice for the humane control of rabbits

Table 1: Humaneness, Efficacy, Cost-effectiveness and Target Specificity of Rabbit Control Methods

Control technique	Acceptability of technique with regard to humaneness*	Efficacy	Cost-effectiveness	Target Specificity	Comments
Soft-jawed traps	Conditionally acceptable	Not effective	Not cost-effective	Risk of catching non-target animals	Occasionally used in areas with small isolated rabbit populations but are inefficient for general control.
Steel-jawed traps	Not acceptable	Not effective	Not cost-effective	Risk of catching and causing severe injury and distress to non-target animals	Inhumane and should not be used Alternatives are available

* Acceptable methods are those that are humane when used correctly.

* Conditionally acceptable methods are those that, by the nature of the technique, may not be consistently humane. There may be a period of poor welfare before death.

* Methods that are not acceptable are considered to be inhumane. The welfare of the animal is very poor before death, often for a prolonged period.

Standard Operating Procedures

Standard operating procedures are currently available for the following rabbit control methods:

- Inoculation of rabbits with RHDV (RAB001)
- Ground baiting of rabbits with 1080 (RAB002)
- Aerial baiting of rabbits with 1080 (RAB003)
- Ground baiting of rabbits with Pindone (RAB004)
- Diffusion fumigation of rabbit warrens (RAB005)
- Rabbit warren destruction by ripping (RAB006)
- Rabbit warren destruction using explosives (RAB007)
- Trapping of rabbits using padded-jaw traps (RAB008)
- Ground shooting of rabbits (RAB009)

Legislation

All those involved in pest animal control should familiarise themselves with relevant aspects of the appropriate Commonwealth and State or Territory legislation. The table below gives examples of some of the relevant legislation. This list is by no means exhaustive and is current at January, 2004.

Commonwealth	<i>Agricultural and Veterinary Chemicals Code Act 1994</i> <i>Environment Protection and Biodiversity Conservation Act 1999</i>
ACT	<i>Animal Welfare Act 1992</i> <i>Nature Conservation Act 1980</i> <i>Poisons Act 1933</i> <i>Pesticides Act 1989</i> <i>Animal Diseases Act 1993</i> <i>Prohibited Weapons Act 1996</i> <i>Firearms Act 1996</i> <i>Environment Protection Act 1997</i> <i>Rabbit Destruction Act 1919</i>
New South Wales	<i>Prevention of Cruelty to Animals Act 1979</i> <i>Pesticides Act 1999</i> <i>Rural Lands Protection Act 1998</i> <i>National Parks and Wildlife Act 1974</i> <i>Game and Feral Animal Control Bill 2002</i> <i>Threatened Species Conservation Act 1995</i> <i>Wild Dog Destruction Act 1923</i>
Northern Territory	<i>Animal Welfare Act</i> <i>Territory Parks and Wildlife Conservation Act</i> <i>Poisons and Dangerous Drugs Act</i>
Queensland	<i>Animal Care and Protection Act 2001</i> <i>Health (Drugs and Poisons) Regulation 1996</i> <i>Land Protection (Pest and Stock Route Management) Act 2002</i> <i>Nature Conservation Act 1992</i>
South Australia	<i>Prevention of Cruelty to Animals Act 1985</i> <i>Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986</i> <i>Controlled Substances Act 1984</i> <i>National Parks and Wildlife Act 1972</i> <i>Dog Fence Act 1946</i>
Tasmania	<i>Animal Welfare Act 1993</i> <i>Vermin Control Act 2000</i> <i>Poisons Act 1971</i> <i>Agricultural And Veterinary Chemical (Control of Use) Act 1995</i> <i>National Parks and Wildlife Act 1970</i> <i>Police Offences Act 1935</i>
Victoria	<i>Prevention of Cruelty to Animals Act 1986</i> <i>Catchment and Land Protection Act 1994</i> <i>Agriculture and Veterinary Chemicals (Control of Use) Act 1992</i> <i>Catchment and Land Protection Act 1994</i> <i>Drugs, Poisons and Controlled Substances Act 1981</i> <i>Wildlife Act 1975</i> <i>Flora and Fauna Guarantee Act 1988</i> <i>National Parks Act 1975</i>
Western Australia	<i>Animal Welfare Act 2002</i> <i>Agriculture Protection Board Act 1950</i> <i>Agriculture and Related Resources Protection Act 1976</i> <i>Poisons Act 1964</i> <i>Wildlife Conservation Act 1950</i> <i>Biological Control Act 1986</i>
Other relevant legislation	<i>Firearms Acts</i> <i>Occupational Health and Safety Acts</i> <i>Dangerous Goods or Substances Acts</i> <i>Dog Acts</i>

Note: copies of the above legislation and relevant regulations may be obtained from Federal, State and Territory publishing services.

Further Information

Contact the relevant Commonwealth, State or Territory government agency from the following list of websites:

Commonwealth	Department of Environment and Heritage http://www.deh.gov.au/
ACT	Environment ACT http://www.environment.act.gov.au/
NSW	NSW Department of Primary Industries www.dpi.nsw.gov.au
NT	Parks & Wildlife Commission www.nt.gov.au/ipe/pwcnt/
QLD	Department of Natural Resources and Mines www.nrm.qld.gov.au
SA	Animal & Plant Control Commission http://sustainableresources.pir.sa.gov.au
TAS	Department of Primary Industries, Water & Environment www.dpiwe.tas.gov.au
VIC	Department of Primary Industries, Agriculture & Food www.dpi.vic.gov.au
WA	Agriculture WA www.agric.wa.gov.au

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REPORT ON NOTICE OF MOTION - NOM 28/07/20 - 1080, PINDONE AND PEST MANAGEMENT REVIEW

REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY

DIRECTOR COMMENT

City of Newcastle (CN) does currently require the use of pest bait agents 1080 and Pindone in conjunction with trapping and biological control agents such as RHDV1K5 (variant of rabbit hemorrhagic disease virus) for the control of vertebrate pest animals throughout the Local Government Area.

The products are regulated by the Australian Pesticides and Veterinary Medicines Authority (APVMA) and Local Land Services (LLS), and any use is in accordance with best practice methodology, safe operating procedures and product guidelines adhered to by the Hunter Regional Strategic Pest Animal Management Plan 2018-2023.

The role of the Hunter Regional Pest Animal Committee (Committee) is to provide tenure neutral, strategic planning, and coordination of pest animal management activities to achieve agreed outcomes within the boundaries of the Hunter LLS region. The Committee is tasked with encouraging cross tenure pest animal management, developing local pest animal management plans, consulting with stakeholders and advising the State Pest Animal Committee.

Decisions are made by consensus and the Committee reports to the Hunter LLS Board. The Committee coordinates with adjoining LLS regions to ensure effective management outcomes are constantly revised and achieved. CN is represented on the Committee.

CN's pest control team undertake poison baiting control programs following thorough risk assessments and site evaluations to eliminate or minimise any risks that may be present. Baiting programs will only be undertaken when there is virtually no risk posed to humans, native and domestic animals.

The baiting agent 1080 is only used within the pre-poisoned baiting block 'FOXOFF'. This is a manufactured bait, pre-poisoned with sodium fluoroacetate (1080 poison) which is highly specific for canids and not readily taken by native animals.

Baiting with Pindone is with either carrots or oats (dyed green) to reduce rabbit populations in areas where it is impractical or unsuitable to use 1080.

Local resident notifications occur prior to any program in accordance with CN's Pesticide Use Notification Plan.

RECOMMENDATION

That Council:

- 1 Continues to only use baiting agents and poisons under the strict recommendations highly regulated by the Australian Pesticides and Veterinary Medicines Authority (APVMA) and Local Land Services, and any use is in accordance with best practice methodology, safe operating procedures and product guidelines.
- 2 Continues as a member of the Hunter Regional Pest Animal Committee to consistently evaluate alternative humane pest animal control programs in accordance with the NSW Biosecurity Act and Regional Strategic Pest Animal Management Plans in an effort to phase out any potentially inhumane animal poisons.