



City of  
Newcastle



## CITY OF NEWCASTLE

# Ordinary Council Meeting

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that an Ordinary Council Meeting will be held on:

**DATE:** Tuesday 23 March 2021

**TIME:** 6.00pm

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

J Bath  
Chief Executive Officer

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

18 March 2021

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**ORDINARY COUNCIL MEETING  
23 March 2021**

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**FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)**

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE MEETING 16 FEBRUARY 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 210216 Public Voice Committee 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](http://www.newcastle.nsw.gov.au)*

CITY OF NEWCASTLE

**Minutes of the Public Voice Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 16 February 2021 at 6.00pm.**

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**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), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Vescio (Executive Officer), A Knowles (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

**APOLOGIES**

**MOTION**

Moved by Cr Luke, seconded by Cr Byrne

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

**Carried**

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

**Councillor White**

Councillor White declared a less than significant, non-pecuniary interest in Item 2 – 24A Janet Street, Merewether DA2020/01057 as the town planner and their broader family were close associates and managed the conflict by leaving the Chamber for discussion on the item.

**Councillor Clausen**

Councillor Clausen declared a less than significant, non-pecuniary interest in Item 2 – 24A Janet Street, Merewether DA2020/01057 as an objector to the development application was a member of the same political party and managed the conflict by remaining in the Chamber for discussion on the item.

**Councillor Duncan**

Councillor Duncan declared a less than significant, non-pecuniary interest in Item 2 – 24A Janet Street, Merewether DA2020/01057 as an objector to the development application was a member of the same political party and managed the conflict by remaining in the Chamber for discussion on the item.

**Councillor Winney-Baartz**

Councillor Winney-Baartz declared a less than significant, non-pecuniary interest in Item 2 – 24A Janet Street, Merewether DA2020/01057 as an objector to the development application was a member of the same political party and managed the conflict by remaining in the Chamber for discussion on the item.

**PUBLIC VOICE SESSIONS**

**ITEM-1                      PV 16/02/21 - 13 & 15 STEEL STREET, NEWCASTLE WEST  
- DA2020/00766 - PUB - CHANGE OF USE, INCLUDING  
ALTERATIONS TO THE EXISTING BUILDING AND  
INTERNAL FITOUT**

Mr John Dickensen (on behalf of NewWest Community Group) addressed Council and outlined concerns and objections to the development application. Mr Russell Richardson on behalf of the DA applicant addressed Council in support of the development application.

**ITEM-2                      PV 16/02/21 - 24A JANET STREET, MEREWETHER - DA  
2020/01057 - DWELLING HOUSE - ALTERATIONS AND  
ADDITIONS**

Councillor White left the Chamber for discussion on the item.

Ms Anne Alexander and Mr Robert Bisley, City Plan addressed Council and outlined concerns and objections to the development application. Mr Paul McLean, Resolve Urban Planning and Ms Michelle O'Bryan on behalf of the DA applicant addressed Council in support of the development application.

Councillor White returned to the Chamber at the conclusion of the item.

**The meeting concluded at 7.40pm.**

**MINUTES - BRIEFING COMMITTEE MEETING 16 FEBRUARY 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 210216 Briefing Committee 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](http://www.newcastle.nsw.gov.au)*

**CITY OF NEWCASTLE**

**Minutes of the Briefing Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 16 February 2021 at 7.41pm.**

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**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), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Vescio (Executive Officer), A Knowles (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

**APOLOGIES**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr White

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

**Carried**

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

Nil.

**BRIEFING COMMITTEE REPORTS**

**ITEM-1 BR 16/02/21 - MANAGEMENT OF AMMONIUM NITRATE STOCKPILES IN THE NEWCASTLE LGA**

Council resolved at its Ordinary Council Meeting held on 22 September 2020 to receive a briefing from Orica and Crawfords and its regulatory authorities (the NSW EPA and SafeWork NSW) on current and proposed safety and risk management measures associated with the production, storage and transport of ammonium nitrate.

The City of Newcastle received a briefing from Mr Paul Hastie, Manufacturing Centre Manager for Orica, Peter Crawford, Owner of Crawfords Freightlines, Mr Michael Wright, Safework NSW Manager Major Hazard Facilities and Mr Adam Gilligan, Director Regulatory Operations, NSW Environment Protection Authority.

**The meeting concluded at 8.31pm.**



**MINUTES - ORDINARY COUNCIL MEETING 23 FEBRUARY 2021**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 210223 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](http://www.newcastle.nsw.gov.au)*

CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue on Tuesday 23 February 2021 at 6.15pm.**

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**PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, B Luke (*retired 9.00pm*), J Mackenzie, 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), F Leatham (Director People and Culture), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), M Murray (Chief of Staff), J Vescio (Executive Officer), E Dowswell (Media Advisor), L Zoneff (Media Advisor), E Horder (Councillor Services/Minutes) A Knowles (Councillor Services/Meeting Support), and G Axelsson (Information Technology Support).

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

The Lord Mayor noted with sadness the passing of Tony Cade, CEO of HunterNet, member of the City of Newcastle COVID-19 Taskforce and respected advocate for advanced manufacturing, engineering and defence services.

**APOLOGIES**

**MOTION**

Moved by Cr Byrne, seconded by Cr Rufo

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

**Carried**

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

**Councillor White**

Councillor White declared a significant non-pecuniary interest in Notice of Motion Item 1 – Permanently Raise the Rate stating that as per her previous declarations the item was in direct conflict with her employment contract and she would manage the conflict by leaving the Chamber for discussion on the item.

**PROCEDURAL MOTION**

Moved by Cr Rufo, seconded by Cr Duncan

That the meeting be adjourned.

**Carried**

The meeting adjourned at 6.18pm.

Council reconvened at 6.35pm.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 1 DECEMBER 2020**

**MINUTES - BRIEFING COMMITTEE 1 DECEMBER 2020**

**MINUTES - ORDINARY COUNCIL MEETING 8 DECEMBER 2020**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

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

**Carried  
unanimously**

**LORD MAYORAL MINUTE**

**ITEM 1 LMM 23/02/21 - INAUGURAL NEW ANNUAL FESTIVAL SUCCESS**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that our inaugural 10-day cultural festival New Annual was held across the City between 12-21 February 2021, attracting over 30,000 people, cementing Newcastle's status as a hub of creativity and culture;
- 2 Acknowledges that more than 500 artists and 250 staff, crew and volunteers were involved in the delivery of New Annual, ensuring the festival delivered a strong economic boost to the local arts sector and that the festival was proud to collaborate with several existing events and festivals, including Newcastle Writer's Festival, This is Not Art (TiNA) festival, Big Picture Fest, The Olive Tree Market, and Micro Theatre festival.
- 3 Notes that more than 28 ticketed COVID Safe sessions and hands-on workshops were sold out or at capacity during New Annual;
- 4 Acknowledge that New Annual drew visitors from the surrounding regions, around the state and further afield including Queensland and Victoria.

- 5 Notes initial data that indicate New Annual coincided with improved vacancy rates among local accommodation providers, with initial figures from the Australian Accommodation Monitor Reports showing a 13 per cent rise in bookings and 37 per cent jump in accommodation revenues during the first Friday and Saturday night of New Annual when compared to the corresponding period last year (prior to the introduction of COVID-19 restrictions).
- 6 Congratulates our amazing local artists for embracing New Annual, and helping the City to create a truly world-class arts and cultural festival for Novocastrians and our visitors
- 7 Thanks our incredible City of Newcastle staff, particularly our Major Events and Corporate Affairs team, led by Kathleen Hyland and New Annual Project Manager Kate Britton, for their work to deliver such a successful festival
- 8 Notes that New Annual will return from 24 September to 3 October 2021, with early October to become the festival's ongoing annual date in the events calendar.

**Carried  
unanimously**

**ITEM 2      LMM 23/02/21 - CITY OF NEWCASTLE LOCAL GOVERNMENT  
REMUNERATION TRIBUNAL ANNUAL DETERMINATION  
SUBMISSION 2021**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That the City of Newcastle

- 1 Notes that on 17 February 2021, correspondence from the NSW Government's Local Government Remuneration Tribunal was received, calling for submissions by Friday, 19 March 2021 regarding its 2021 annual determination;
- 2 Makes a submission to the Local Government Remuneration Tribunal, advocating for the following matters:
  - o Clarification regarding City of Newcastle's status as either metropolitan or regional – noting that while City of Newcastle is classified as a 'Major Regional City', the Newcastle Local Government Area is often exempt from both regional and metropolitan grant funding due to inconsistencies in classification.
  - o The creation of a new categorisation for City of Newcastle as a 'Gateway City' – recognising the immense importance of Greater Newcastle to the broader economy of New South Wales. Gateway Cities will play a critical role in the future economic resilience and competitive opportunities of the state, particularly with the ongoing

impacts of COVID-19. Gateway City classification would improve the efficiency and value for money of NSW Government grants. City of Newcastle is significantly disadvantaged in both its eligibility and access to a large number of NSW Government Grant programs, noting that the independent Hunter Research Foundation Centre (HRFC) has identified government grant funding sources totalling \$5.86 billion where City of Newcastle has been deemed ineligible to access funding due to our classification - if Newcastle's share of these funds was in line with its share of Gross State Product in 2019, the region might have received or be receiving an extra \$170.4 million in vital grant funding. Supporting the Gateway City classification is Transport for NSW's 'Future Transport Strategy 2056' which recognises City of Newcastle's emergence as a global gateway city, while NSW Government's Greater Newcastle Metropolitan Plan 2036 recognises the entire City of Newcastle LGA as metropolitan;

- Superannuation for all Councillors and Mayors in New South Wales, supporting a unanimous motion from Lake Macquarie City Council who have been advocating for the Superannuation Guarantee (SG) Contribution to be extended to elected local government representatives because 'the current situation is discriminatory and out of step with community expectations'. In Victoria and Queensland, Mayors and Councillors are paid the appropriate superannuation entitlements. City of Newcastle believes it is time to stop discriminating against Mayors and Councillors in NSW.

**PROCEDURAL MOTION**

Moved by Cr Rufo, seconded by Cr Luke

That the motion be dealt with in seriatim.

**Carried**

**PART 1**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That the City of Newcastle

- 1 Notes that on 17 February 2021, correspondence from the NSW Government's Local Government Remuneration Tribunal was received, calling for submissions by Friday, 19 March 2021 regarding its 2021 annual determination;
- 2 Makes a submission to the Local Government Remuneration Tribunal, advocating for the following matters:

- Clarification regarding City of Newcastle's status as either metropolitan or regional – noting that while City of Newcastle is classified as a 'Major Regional City', the Newcastle Local Government Area is often exempt from both regional and metropolitan grant funding due to inconsistencies in classification.
- The creation of a new categorisation for City of Newcastle as a 'Gateway City' – recognising the immense importance of Greater Newcastle to the broader economy of New South Wales. Gateway Cities will play a critical role in the future economic resilience and competitive opportunities of the state, particularly with the ongoing impacts of COVID-19. Gateway City classification would improve the efficiency and value for money of NSW Government grants. City of Newcastle is significantly disadvantaged in both its eligibility and access to a large number of NSW Government Grant programs, noting that the independent Hunter Research Foundation Centre (HRFC) has identified government grant funding sources totalling \$5.86 billion where City of Newcastle has been deemed ineligible to access funding due to our classification - if Newcastle's share of these funds was in line with its share of Gross State Product in 2019, the region might have received or be receiving an extra \$170.4 million in vital grant funding. Supporting the Gateway City classification is Transport for NSW's 'Future Transport Strategy 2056' which recognises City of Newcastle's emergence as a global gateway city, while NSW Government's Greater Newcastle Metropolitan Plan 2036 recognises the entire City of Newcastle LGA as metropolitan;

**Carried  
unanimously**

**PART 2**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

Superannuation for all Councillors and Mayors in New South Wales, supporting a unanimous motion from Lake Macquarie City Council who have been advocating for the Superannuation Guarantee (SG) Contribution to be extended to elected local government representatives because "the current situation is discriminatory and out of step with community expectations". In Victoria and Queensland, Mayors and Councillors are paid the appropriate superannuation entitlements. City of Newcastle believes it is time to stop discriminating against Mayors and Councillors in NSW.

**For the Motion:**

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

**Against the Motion:**

Councillors Church, Luke and Rufo.

**Carried**

**ITEM 3 LMM 23/02/21 - CITY OF NEWCASTLE BUDGET SUBMISSION 2021/22**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

**That City of Newcastle:**

- 1 Notes that the NSW and Federal Government's are currently calling for submissions for their 2021-2022 Budget's, with an emphasis on shovel-ready, economic stimulus projects to assist in the recovery from the COVID-19 global pandemic;
- 2 Prepares detailed submissions to the NSW and Federal Government's, requesting funding for the delivery of Catalyst Areas for Greater Newcastle Projects; delivery of infrastructure projects identified on the Infrastructure Australia Priority List, City of Newcastle identified large-scale priority infrastructure projects; and Local priority infrastructure projects, which have also been endorsed by the City of Newcastle COVID-19 Taskforce;
- 3 Requests the NSW and Federal Government's provide funding to deliver the projects associated with Catalyst areas for Greater Newcastle, as identified in the Greater Newcastle Metropolitan Plan 2036 (**Attachment A**);
- 4 Advocates to the NSW and Federal Government for funding for the delivery of the following large-scale priority infrastructure projects:
  - Newcastle Art Gallery redevelopment
  - Coastal Management Planning and Erosion Management, especially at Stockton Beach
  - Flood mitigation at Wallsend
  - Newcastle Airport upgrade
  - Port of Newcastle Diversification
  - Hunter Park (Broadmeadow Sports and Entertainment Precinct)
  - Greater Newcastle Light Rail Expansion
  - Lower Hunter Freight Corridor
  - Affordable housing initiatives
  - Metropolitan wide active transport (walking & cycling) improvements
  - John Hunter Hospital campus upgrades
  - Local Sporting Amenity Upgrades
  - Local Playground upgrades, particularly for disability inclusion
  - Ferry Terminal at Wickham
  - Pensioner Rate Rebates
  - University of Newcastle STEMM Regional Transformation Hub
- 5 Presents a number of additional large-scale local infrastructure projects that City of Newcastle have been actively seeking grant funding support for, but are yet to receive support from the NSW or Federal Government including:

- Summerhill Waste Management Centre – Organics Processing Facility
- Richmond Vale Rail Trail
- Newcastle Beach Community Facility (Stage 2 Newcastle Beach – Bathers Way)
- Junction to Merewether Cycleway
- Newcastle West Bi-directional Cycleway – West End State 2, Phase 1
- Newcastle East End Streetscape Upgrades and Cycleway – Stage 1, Phase 1
- Newcastle West End Public Domain and Streetscape Plans
- Local Centres Program – including Wallsend, Shortland and Stockton Local Centre upgrades

- 6 Notes that the Infrastructure Australia (IA) Priority List for 2021 is released this Friday 26 February. IA is the nation's independent infrastructure advisor, providing research and advice to governments, industry and the community on the infrastructure investments and reforms that will benefit all Australians. The IA Priority List is the authoritative guide to the priority infrastructure investments Australia needs to secure a sustainable and prosperous future.
- 7 Requests that Newcastle-based projects identified on the Infrastructure Australia priority list be funded as a matter of priority, noting their significance for the national economic recovery.
- 8 Writes to the Prime Minister, the Hon. Scott Morrison MP; Treasurer, the Hon. Josh Frydenberg MP; Senator Hollie Hughes, Senator for NSW; NSW Premier, the Hon. Gladys Berejiklian MP; NSW Treasurer, the Hon. Dominic Perrottet MP, Parliamentary Secretary for the Hunter, the Hon Taylor Martin MLC, seeking their support for these important projects aimed at creating and retaining local jobs, and stimulating the local and broader economy.

**Carried  
unanimously**

**ITEM 4 LMM 23/02/21 - BUILD THEM HERE - BUSTECH ELECTRIC BUS TECHNOLOGY**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

**That City of Newcastle:**

- 1 Welcomes the NSW Government's decision to designate Australian-based electric bus manufacturer BusTech Group as an official supplier, in support of its aim to decarbonise the NSW bus fleet by 2030. The NSW Government has committed to buying 120 new electric buses in 2021, and converting all 8,000 NSW Government buses to electric by 2030.
- 2 Notes that BusTech, currently based in Queensland, is seeking a manufacturing facility in NSW, and notes that 95% of BusTech's supply chain is based in Australia, providing opportunities for locals.



- 3 Notes Newcastle's long history as a manufacturing hub, specialisation in advanced manufacturing, clean tech credentials in batteries and renewable energy, and traditional energy, and connection to the CSIRO Energy Centre and University of Newcastle, which has just become NSW's hydrogen hub
- 4 Writes to BusTech Chairman Christian Reynolds, and Chief Executive Officer Thinus Steyn, inviting them to meet to discuss their product, and opportunity to locate their NSW manufacturing facility in Greater Newcastle

**Carried  
unanimously**

**ITEM 5 LMM 23/02/21 - NEWCASTLE ART GALLERY REDEVELOPMENT  
UPDATE**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the current 44-year-old Newcastle Art Gallery is home to the most valuable collection of over 7,000 works of art in regional Australia, with a collection valued at \$115 million, including works by Arthur Boyd, William Dobell, Donald Friend, Tracey Moffatt, Margaret Olley, John Olsen, Patricia Piccinini, Gwyn Hanssen Pigott and Brett Whitely to name but a few;
- 2 Acknowledges that with the Gallery's original 1977 footprint still in place, only 1% of its collection can be placed on display at any time, significant inhibiting the number, scale and diversity of potential exhibitions.
- 3 Notes that the expansion of the Newcastle Art Gallery has been one of the City's priority projects since 2012, and the subject of numerous resolutions of Council
- 4 Notes that in 2019, City of Newcastle and the Newcastle Art Gallery Expansion Working Party received a Cost Benefit Analysis (CBA), undertaken by BIS Oxford Economics (Attachment A) prepared in accordance with NSW Treasury requirements, for the Newcastle Art Gallery Redevelopment demonstrating that the benefits of the proposal far outweigh the costs with a Benefit-Cost Ratio (BCR) of 1.77 and a positive Net Present Value (NPV) of \$24.1 million.
- 5 Acknowledges that the project will create 170 jobs, including 152 jobs during the construction phase, with 18 full-time equivalent jobs post completion;
- 6 Reiterates the investment required to realise an expanded Newcastle Art Gallery is \$39.2 million, of which \$3.6 million has already been funded by the City, with the remaining cost of completing the expansion currently \$35.6 million, with the Development Application approved and the project shovel-ready;

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- 7 Notes that essential mine grouting work and relocation of a Telstra pit will be undertaken by CN in 2021, as part of early works for the expansion, at a cost of \$2.9 million. This work will be funded by the City, bringing our financial investment into the project to \$6.5 million to date;
- 8 Acknowledges Newcastle Art Gallery Foundation's commitment of \$10 million towards the project, following a generous bequest from the late Valerie Ryan, as well as the Foundation's commitment to fundraise an additional \$2.5 million for the project;
- 9 Notes that correspondence has been received from Ms Cathy Tate OAM, Chair, Newcastle Art Gallery Expansion Working Party, asking City of Newcastle to increase its commitment to the project to \$16 million, following advice from the NSW Minister for the Arts;
- 10 Notes and supports in principal the request to increase City of Newcastle's contribution to \$16.2 million, with an updated breakdown of funding sources to be as follows:
  - a. City of Newcastle - \$16.2 million
  - b. Newcastle Art Gallery Foundation - \$10 million, with a commitment to additional community fundraising of \$2.5 million;
  - c. Margaret Olley Art Trust - \$0.5 million
- 11 Notes that this breakdown of figures sees an outstanding amount of exactly \$10 million required to realise this important project, which the City of Newcastle will request from the NSW and/or Federal Governments, while 75% of the project costs will be raised and funded by City of Newcastle, the Newcastle Art Gallery Foundation and the Margaret Olley Art Trust.
- 12 Notes with disappointment, that despite ongoing advocacy, favourable economic analysis, the Expansion's shovel ready status, and modifications to meet Government requests, a funding commitment has not been secured from either the NSW or Commonwealth Government.
- 13 Receives a report identifying all possible funding pathways and options available to the City to proceed with the redevelopment of Newcastle Art Gallery.

**Carried  
unanimously**

**REPORTS BY COUNCIL OFFICERS**

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

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

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

**Carried  
unanimously**

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

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Rufo

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 November 2020 to 31 January 2021) by the Chief Executive Officer (CEO).

**Carried  
unanimously**

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

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Rufo

That Council:

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

**Carried**

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

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the report on approved development variations between 1 October and 31 December 2020 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environment Plan 2012 (NLEP 2012).

**Carried  
unanimously**

**ITEM-15 CCL 23/02/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the Executive Monthly Performance Report for January 2021.

**For the Motion:**

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

**Against the Motion:**

Councillors Church and Rufo.

**Carried**

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

**MOTION**

Moved by Cr Duncan, seconded by Cr Byrne

That Council:

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

**Carried  
unanimously**

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

**MOTION**

Moved by Cr Clausen, seconded by Cr White

That Council:

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

**PROCEDURAL MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

That the item be laid on the table noting that there has been a request to present on the item at a Public Voice session.

**For the Procedural Motion:**

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

**Against the Procedural Motion:**

Councillor Luke.

**Carried**

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

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

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

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried  
unanimously**

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

In moving the motion Councillor Winney-Baartz moved an additional Part B.

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Duncan

A That Council:

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

B That Council continues to work with other public agencies (HCCDC, University of Newcastle and Newcastle Transport) and the private sector to improve public transport in Newcastle (including park and rides, rapid bus transit and light rail extension), and increase the supply of parking as the City recovers from COVID-19 and new development is undertaken in the CBD and suburbs.

The motion as amended by Councillor Winney-Baartz and seconded by Councillor Duncan was put to the meeting.

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

**Against the Motion:** Councillors Church, Luke and Rufo.

**Carried**

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

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

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

**Carried  
unanimously**

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

**MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

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

**Carried  
unanimously**

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

In moving the motion Councillor Duncan proposed the draft Grants Policy be amended prior to being placed on public exhibition to increase the maximum amount under Arts, Culture and Heritage to \$50,000 per application.

**MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1 Places the draft Community Grants Policy (**Attachment A**) and draft Sponsorship Policy (**Attachment B**) on public exhibition for 28 days subject to increasing the maximum amount under Arts, Culture and Heritage to \$50,000 per application.

The motion moved by Councillor Duncan and seconded by Councillor Mackenzie was put to the meeting.

**Carried**

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

Councillor Rufo declared a significant non-pecuniary interest in Item 12 – Liquor Amendment Bill 2020 Update indicating that his family members owned bars within the Newcastle area.

**MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council

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

Councillor Rufo had remained in the Chamber for discussion on the item and left the meeting for the vote.

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

**Against the Motion:** Councillor Church.

**Carried**

Councillor Rufo returned to the meeting at the conclusion of the Item.

**ITEM-13 CCL 23/02/21 - DECEMBER QUARTERLY BUDGET REVIEW**

**MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

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

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

**Against the Motion:** Councillors Church and Rufo.

**Carried**

**ITEM-14 CCL 23/02/21 - SIX MONTHLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM**

**MOTION**

Moved by Cr Duncan, seconded by Cr Clausen

That Council:

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

**Carried  
unanimously**



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

**MOTION**

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

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

**Carried  
unanimously**

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

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Church

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

The Chief Executive Officer reported the outcome of Item 17 – Tender Report – Geotechnical Investigation and Design Panel Contract – contract 2021/221T.

That Council:

- 1 Accept the tender of:
  - (i) Cardno (NSW/ACT) Pty Ltd,
  - (ii) RCA Australia Pty Ltd,
  - (iii) Douglas Partners Pty Ltd,
  - (iv) WSP Australia Pty Ltd, and
  - (v) Coffey Services Australia Pty Ltd,for Geotechnical Investigation and Design Services, for Contract No. 2021/221T.
- 2 The confidential attachments 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-18 CCL 23/02/21 - SUPPLY OF ROCK BAGS FOR STOCKTON - CONTRACT NO. 2021/060T**

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

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

The Chief Executive Officer reported the outcome of Item 18 – Supply of Rock Bags for Stockton – Contract No.2021/060T.

That Council:

- 1 Accept the tender of Bluemont Pty Ltd in the amount of \$666,000 (excluding GST) for the supply and delivery of 900 rock bags for emergency works at Stockton Beach for Contract No. 2021/060T.
- 2 The confidential attachments 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**

**NOTICES OF MOTION**

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

Councillor White left the meeting for discussion on the item.

Councillor Luke retired from the meeting at 9.00pm.

**MOTION**

Moved by Cr Byrne, seconded by Cr Clausen

That Council:

- 1 Notes that the severe economic impacts of the COVID-19 pandemic have been cushioned by Commonwealth, State and Local policy interventions, including the JobSeeker and JobKeeper payments;
- 2 Notes the City's ongoing advocacy to ensure a coordinated national response to the COVID-19 pandemic, including its unanimous resolution in response to a Lord Mayoral Minute on 24 March 2020 and successive joint advocacy of the City Taskforce which predated the JobKeeper payment.
- 3 Notes that prior to the \$550 per fortnight increase in the JobSeeker payment in April 2020, the JobSeeker/NewStart rate had not been increased in real terms in 26 years. Recipients were living well below the poverty line, unable to cover basic living costs such as rent, fresh food and medication [**Attachment A**];

- 4 Notes that the JobSeeker coronavirus supplement has been reduced to just \$150 per fortnight, and is scheduled to be removed completely on 31 March 2021, returning more than 1.7 million recipients and their families into poverty;
- 5 Notes that as of December 2020, 10,481 Novocastrians are receiving the JobSeeker or Youth Allowance Payments, a 50% increase on JobSeeker/NewStart recipients compared with pre-COVID. Notes, with concern, that this is only 1,400 fewer recipients than the peak of COVID (May 2020) [**Attachment B**];
- 6 Notes that from April to December 2020, the JobSeeker Coronavirus Supplement provided **\$80.5 million** in additional support to these Novocastrians [**Attachment C**];
- 7 Notes that numerous academic studies, reports undertaken by Treasury, and comments from the RBA Governor confirm that this supplement has had an immediate and direct economic stimulus benefit, as the “bulk of recipients spend the income they get”;
- 8 Notes calls from a wide cross section of Australians to permanently Raise the Rate, including:
  - a. Australia’s chief banker, RBA Governor Philip Lowe
  - b. The Business Council of Australia, who have said that the low JobSeeker rate: “erodes the capacity of people to present themselves well or maintain their readiness for work”
  - c. The Australian Council of Social Services
  - d. The Grattan Institute
  - e. The Sydney Morning Herald Editorial Board
  - f. Respected economists, including Professor Jeff Borland, who found that the JobSeeker supplement had: “not made it harder to fill jobs, nor has it slowed the rate of people obtaining employment”.
  - g. The Reference Group on Welfare Reform to the Minister for Social Services
  - h. City of Newcastle (unanimously on 25/09/2018); and
- 9 Calls on the Prime Minister, Treasurer and Commonwealth Parliament to permanently raise the rate of JobSeeker by between \$185 per week and \$275 per week.

**Carried  
unanimously**

Councillor White returned to the meeting at the conclusion of the item.

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

**MOTION**

Moved by Cr Duncan, seconded by Cr Clausen

That Council:

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

Councillor Mackenzie moved to include the Merewether Baths in point three of the motion.

Councillor Duncan as the mover and Councillor Clausen as the seconder accepted Councillor Mackenzie's amendment.

The motion as amended was put to the meeting.

**Carried  
unanimously**

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

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

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

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

**Against the Motion:**                Councillors Mackenzie and Rufo.

**Carried**

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

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1        Reiterates its previous opposition to any extension of Petroleum Exploration Permit 11 (PEP11), which expired on 12 February 2021, due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries off the coast of Newcastle;

- 2 Notes that despite the Permit's expiry, exploration activity continues in a 'holdover period' while an extension is considered by the Joint Authority;
- 3 Notes that approval of any extension requires the joint approval of the NSW Government via Deputy Premier, The Hon John Barilaro MP, and the Commonwealth Government via Minister for Resources, Water and Northern Australia, The Hon Keith Pitt MP;
- 4 Notes that the Deputy Premier has already indicated his objection, and confirmed that his Government will not be issuing a concurrence to an extension; and
- 5 Writes to Minister Pitt, reiterating City of Newcastle's strong opposition to the future extension of the PEP11 gas exploration licence, and to offshore oil and gas mining off the coast of Newcastle.

**Carried  
unanimously**

## **CONFIDENTIAL REPORTS**

### **PROCEDURAL MOTION**

Moved by Cr Rufo, seconded by Cr Mackenzie

That Council move into Confidential session as per the reasons outlined in the business papers.

**Carried**

Council moved into confidential session at 9.24pm.

During confidential session:

- All staff other than the CEO, Director of People and Culture, Director City Wide Services, Manager Legal, Councillor Services and Information Technology Support left the Chamber for Item 1 – Organisational Change.

### **PROCEDURAL MOTION**

Moved by Cr Rufo, seconded by Cr Mackenzie

That Council move back into open session.

**Carried**

Council moved back into open session at 9.32pm and the Chief Executive Officer reported the outcomes of confidential session.

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

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Establish the Newcastle Museum and Newcastle Art Gallery as Service Units in the organisational structure within the City Wide Services Directorate **(Attachment A)**.
- 2 Endorse the creation of Senior Staff positions for the roles of Newcastle Museum Director and Newcastle Art Gallery Director in accordance with the Executive Band of the Local Government (State) Award 2020 and the total remuneration package as determined by the *Statutory and Other Offices Remuneration Act 1975 (SOORT)* for Public Service Senior Executives graded at Band 1.
- 3 This confidential report relating to the matters specified in s10A(2) of the Local Government Act 1993 be treated as confidential and remain confidential until Councillors are advised by the Chief Executive Officer that the structure and positions have been communicated to all staff within these affected teams.

**For the Motion:**

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

**Against the Motion:**

Councillor Church.

**Carried**

**The meeting concluded at 9.34pm.**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-19                      CCL 23/03/21 - ADMINISTRATION OF 2021 COUNCIL ELECTIONS**

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

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**PURPOSE**

To determine arrangements for the administration of the Local Government election in the Newcastle Local Government Area on 4 September 2021.

**RECOMMENDATION**

That Council:

- 1 Resolves, pursuant to section 296(2) and (3) of the *Local Government Act 1993 (NSW)* (the Act), that City of Newcastle enter into a contract with the NSW Electoral Commission to administer the 2021 election; and
- 2 Resolves, pursuant to section 296(2) and (3) of the Act, as applied and modified by section 18, that any Council poll arrangement and any constitutional referendum to be conducted during the 2021 election be entered into by contract for the Electoral Commission to administer for the Council.

**KEY ISSUES**

- 3 On 26 February 2019, Council resolved to enter into a contract with the NSW Electoral Commission (NSWEC) to administer the 2020 Local Government (LG) election. The 2020 election was deferred by the NSW Government to 4 September 2021 as a result of COVID-19. The contract entered into with NSWEC terminated as a result of the deferral and a new resolution is required to enter into a contract with the NSWEC to administer the 2021 election.
- 4 In December 2019, the NSWEC estimated the cost of administering the election at \$1,005,360 (excluding GST). The NSWEC have confirmed with City of Newcastle (CN) that the cost estimate will still stand for the 2021 election and that the NSW Government will subsidise the cost of any additional arrangements required to make the election COVID-safe.

**FINANCIAL IMPACT**

- 5 The estimated cost will be included in the 2021/22 budget.



- 6 In 2019, the Independent Pricing and Regulatory Tribunal (IPART) reviewed the methodology for determining costs of conducting LG elections. As a result, the NSWEC changed the methodology of calculating costs for LG elections.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 7 This report is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

#### **Open and Collaborative Leadership**

- 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.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 8 A contract with the NSWEC will ensure that the election will be conducted in an open and transparent manner and in compliance with the legislation; providing the community with confidence in the process and election outcomes.

### **RISK ASSESSMENT AND MITIGATION**

- 9 Appointing the NSWEC to conduct the 2021 LG election on behalf of CN mitigates risk to CN as the NSWEC are experienced in managing elections and will be responsible for conducting the election in accordance with legislative requirements. CN will closely manage the administration of the contract.

### **RELATED PREVIOUS DECISIONS**

- 10 At the Ordinary Council Meeting held on 26 February 2019, Council resolved to enter into a contract with the NSWEC to administer the 2020 LG election.

### **CONSULTATION**

- 11 CN will consult with the NSWEC to support the election process.

### **BACKGROUND**

- 12 Under the Act, LG elections are held every four years. The Act was amended in 2011 (and again in 2014) to remove the monopoly of the NSWEC in conducting LG elections.
- 13 Under section 296AA of the Act, Council must determine whether the Chief Executive Officer (CEO) or NSWEC will administer the election.

- 14 In addition, Council can also conduct a constitutional referendum and / or a poll at the election. Under section 296AA of the Act, Council must determine whether the CEO or NSWEC conducts the referendum and / or poll.

**OPTIONS**

**Option 1**

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

**Option 2**

- 16 Council resolves, pursuant to section 296AA(2) of the Act, to have the CEO administer the 2021 election and engage an electoral services provider. This is not the recommended option.

**Option 3**

- 17 Council resolves, pursuant to section 296AA(2) of the Act, to have the CEO personally administer the 2021 election. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

Nil.

**ITEM-20 CCL 23/03/21 - APPOINTMENT OF VOTING DELEGATE TO THE 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT AND ENDORSEMENT OF MOTIONS**

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

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**PURPOSE**

To appoint City of Newcastle's (CN) voting delegate(s) for the 2021 Australian Local Government Association's National General Assembly (NGA) and to endorse motions for submission.

**RECOMMENDATION**

That Council:

- 1 Appoint the Lord Mayor to exercise Council's voting rights at the 2021 Australian Local Government Association's National General Assembly or to appoint a voting delegate from among the Councillor attendees; and
- 2 Endorse the motion/s for submission to the 2021 Australian Local Government Association's National General Assembly as set out at **Attachment B**.

**KEY ISSUES**

- 3 The NGA is being held from 20-23 June 2021 at the National Convention Centre, Canberra. The theme of this year's NGA is *Working Together for Our Communities*. The full program is at **Attachment A**.
- 4 Councillors were invited to submit expressions of interest to attend and propose motions for submission to the NGA via memo dated 2 February 2021.
- 5 Four motions were received, and Council is asked to consider and endorse these as set out in **Attachment B**.

**FINANCIAL IMPACT**

- 6 Councillors' attendance at the NGA is provided for within the 2020/21 budget and includes registration fees, tickets to the official dinner for Councillors' and accompanying persons, travel and accommodation expenses and the reasonable cost of meals not provided as part of the registration fee.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 7 Attendance at the NGA is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

**Open and Collaborative Leadership**

- 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.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 8 CN will make arrangements on behalf of attending Councillors including arranging voting delegates, submitting motions, registration and travel.

**RISK ASSESSMENT AND MITIGATION**

- 9 Councillors are covered under CN's Personal Accident Insurance Policy for all travel related to their professional development and official duties, as per the terms, conditions, limits and exclusions of the policy.

**RELATED PREVIOUS DECISIONS**

- 10 At the Ordinary Council Meeting held on 24 March 2020, Council vetoed Councillor attendance at the 2020 NGA due to COVID-19 however, endorsed the submission of four motions to the annual ALGA Board meeting held in June 2020.

**CONSULTATION**

- 11 Nil.

**BACKGROUND**

- 12 ALGA is the peak body of local government, representing 537 councils.

**OPTIONS**

**Option 1**

- 13 Council adopts the recommendation as shown at Paragraphs 1 and 2. This is the recommended option.

**Option 2**

- 14 Council adopts an alternative recommendation. This is not the recommended option.

**REFERENCES**

NGA Motions Discussion Paper

<https://cdn.alga.asn.au/wp-content/uploads/Discussion-Paper-2021-WEB.pdf>

Councillor Expenses and Facilities Policy

<http://www.newcastle.nsw.gov.au/getmedia/bf215d59-153f-48bd-8615-3fa781f57e54/Councillor-Expenses-and-Facilities-Policy.aspx>

**ATTACHMENTS**

**Item 20 Attachment A:** Australian Local Government Association's National General Assembly – Conference Program 2021  
***Program not yet available at time of print***

**Item 20 Attachment B:** Proposed motions for endorsement for submission to the 2021 Australian Local Government Association's National General Assembly

**Attachment B**

**CITY OF NEWCASTLE, NSW**

**i Superannuation Guarantee for Councillors and Mayors**

That the National General Assembly calls on the Minister to:

- 1 Note that in New South Wales, Councillors, Mayors and Lord Mayors are not entitled to the Superannuation Guarantee Contribution, despite Councillors being paid the appropriate superannuation entitlements in jurisdictions such as Victoria and Queensland;
- 2 Note that this sets a poor community standard and sends the wrong message to the community, given that superannuation should be a universal system to support all workers in Australia; and
- 3 Rationalise the Superannuation system for elected representatives from the local government level and ensure that all Councillors across Australia receive the Superannuation Guarantee Contribution.

**NATIONAL OBJECTIVE**

The Superannuation Guarantee Contribution is a universal system, of world's best practice when it comes to ensuring adequate support for all workers in retirement.

In 2017, the Australian Tax Office (ATO) released findings that there are at least 2.4 million (about 30 per cent) of workers in Australia who have been underpaid their superannuation entitlements. This is a concern, as the purpose of superannuation is to provide income in retirement to substitute or supplement the age pension.

If the NSW government continues to fail to ensure that mayors and councillors in NSW are paid the SG (currently at 9.5 per cent), what kind of a message is this sending employers that also fail to make the appropriate payments? Many mayors and councillors rely solely on the income they derive from their duties on local government. What kind of community standard is being set from the continued failure to make the appropriate payment of superannuation?

In Victoria and Queensland, mayors and councillors are paid the appropriate superannuation entitlements.

**SUMMARY OF KEY ARGUMENTS**

**“Exclusion from superannuation unfair to state's councillors and mayors”**

**Opinion | Newcastle Herald**

Cr Adam Shultz

13 December 2018

The Superannuation Guarantee (SG) contribution is compulsory for all employers in Australia. This applies to all employment in the private sector, not-for-profit or government related roles and all remunerated board roles where an individual earns more than \$450 in a calendar month.

Despite this, in NSW, mayors and councillors that serve on local government are excluded by the operation of section 251 of the *Local Government Act 1993*, which provides that mayors and councillors fees ‘do not constitute salary for the purposes of any act’.

A collective of Labor, Liberal and Independent councillors co-authored a motion on Lake Macquarie City Council that has passed and will advocate for change. We believe that the current situation is discriminatory and out of step with community expectations.

The federal government takes the non-payment of superannuation very seriously, with the *Treasury Laws Amendment (2018 Measures No 4) Bill 2018* recently passing the Senate. This bill will allow the ATO to instruct an employer to pay the SG amount and outstanding liabilities or face severe financial penalties and up to 12 months imprisonment, or both.

In Victoria and Queensland, mayors and councillors are paid the appropriate superannuation entitlements.

It is time to stop discriminating against mayors and councillors in NSW.

**CITY OF NEWCASTLE, NSW**

**ii Local Government representation at the National Cabinet**

That the National General Assembly:

- 1 Notes with disappointment that Local Government remains unrepresented on the National Cabinet and requests that First Ministers review the decision to exclude Local Government from the national decision-making table;
- 2 Recognise the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda; and
- 3 Includes a representative from the Australian Local Government Association on the National Cabinet, to ensure local government's interests are strongly represented at the national level.

**NATIONAL OBJECTIVE**

- Local Government has been excluded from the National Cabinet, despite strong representation of Federal and State Governments through First Ministers (the Prime Minister, Premiers and Chief Ministers).
- Australians expect their three levels of government to be working together, and to see evidence of that. Including Local Government in National Cabinet would demonstrate a strong unity of purpose and a combined commitment to promote and implement National Cabinet decisions across the broadest implementation platform available to government.
- Local Governments are willing and necessary partners in developing and implementing reform.
- Councils facilitate, establish, and grow local businesses and economies. Economic development has always been at the core of every successful council. Councils support economic growth through regional development policies and initiatives, strategic and land use planning, targeted investment attraction, prioritisation of local procurement, and focusing their annual investment on infrastructure that serves the community and business alike. Many councils also provide business networking opportunities, business training, mentoring, and incubator facilities and employment hubs. It is local government that is best placed to drive the locally led recovery from the COVID-19 global pandemic.



**SUMMARY OF KEY ARGUMENTS**

On 13 March 2020, as the Coronavirus pandemic took hold around the world, the Council of Australian Governments (COAG) met in Sydney to discuss a range of issues of national importance. At that meeting First Ministers (the Prime Minister, Premiers and Chief Ministers) agreed to establish a National Cabinet to meet at least weekly to address the country's response to the coronavirus.

There was no Local Government representation on National Cabinet when it was established on the basis that its focus was on health.

On 29 May 2020, First Ministers, through the Prime Minister, announced the continuation of National Cabinet, which they considered to be a much more effective body than COAG for taking decisions in the national interest.

Local Government was not given a seat at the National Cabinet table and remains without adequate representation at the National level.

**iii Permanently Raise the Rate Higher**

That the National General Assembly calls on the Federal Government to:

- 1 Note that the severe economic impacts of the COVID-19 pandemic have been cushioned by Commonwealth, State and Local policy interventions, including the JobSeeker and JobKeeper payments;
- 2 Notes that prior to the \$550 per fortnight increase in the JobSeeker payment in April 2020, the JobSeeker/NewStart rate had not been increased in real terms in 26 years. Recipients were living well below the poverty line, unable to cover basic living costs such as rent, fresh food and medication;
- 3 Notes that in February 2021, the Commonwealth increased the JobSeeker rate by just \$50 a fortnight, to \$307 per week for a single adult, still well below the poverty line in Australia, and also coinciding with the end of the \$75 per week coronavirus supplement, which will leave recipients \$50 a week worse off than they currently are; and
- 4 Calls on the Prime Minister, Treasurer and Commonwealth Parliament to permanently raise the rate of JobSeeker by between \$185 per week and \$275 per week.

**NATIONAL OBJECTIVE**

The National General Assembly acknowledges the recent increase to the JobSeeker payment of \$25 per week, noting that the Coronavirus supplement of \$75 a week will end on 31 March 2021, leaving unemployed Australians \$50 a week worse off than they currently are.

The Commonwealth Government should further increase financial assistance to ensure the dignity and wellbeing of unemployed people, and to provide an economic boost for Australian businesses.

**SUMMARY OF KEY ARGUMENTS**

A wide cross section of Australian civil society has previously called on the Commonwealth to permanently Raise the Rate to provide dignity and wellbeing to unemployed Australians, as well as an economic boost for businesses, including:

- Australia's chief banker, RBA Governor Philip Lowe
- The Business Council of Australia, who have said that the low JobSeeker rate: "erodes the capacity of people to present themselves well or maintain their readiness for work"
- The Australian Council of Social Services
- The Grattan Institute
- The Sydney Morning Herald Editorial Board
- Respected economists, including Professor Jeff Borland, who found that the JobSeeker supplement had: "not made it harder to fill jobs, nor has it slowed the rate of people obtaining employment".
- The Reference Group on Welfare Reform to the Minister for Social Services

**iv Ban Nuclear Weapons Treaty ratification**

That the National General Assembly:

- 1 Notes that the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons is the first treaty to comprehensively outlaw nuclear weapons and provide a pathway for their elimination. This Treaty entered into force on 22 January 2021 and all national governments have been invited to sign and ratify the treaty;
- 2 Notes that the Treaty entering into force is an important milestone on the path to a nuclear weapon-free world. It makes concrete the standard that nuclear weapons are illegal and illegitimate for all states, and a permanent part of international law; and
- 3 Welcomes the entry into force of the UN Treaty on the Prohibition of Nuclear Weapons on 22 January 2021 and calls on the Commonwealth Government to sign and ratify the treaty.

**NATIONAL OBJECTIVE**

The National General Assembly remains deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world.

We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.

Therefore, we warmly welcome the entry into force of the UN Treaty on the Prohibition of Nuclear Weapons on 22 January 2021, and we call on our national government to sign and ratify it without delay.

**SUMMARY OF KEY ARGUMENTS**

The ICAN Cities Appeal is a global call from cities and towns in support of the UN Treaty on the Prohibition of Nuclear Weapons.

The NGA is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world.

We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.

Therefore, we warmly welcome the entry into force of the UN Treaty on the Prohibition of Nuclear Weapons on 22 January 2021, and we call on our national government to sign and ratify it without delay.

**ITEM-21                    CCL 23/03/21 - COUNCILLOR REPRESENTATION ON  
EXTERNAL COMMITTEE - HUNTER AND CENTRAL COAST  
REGIONAL PLANNING PANEL**

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

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**PURPOSE**

To note Councillor Jason Dunn's resignation from the Hunter and Central Coast Regional Planning Panel (HCCRPP) and appoint a replacement Councillor as City of Newcastle's (CN) representative.

**RECOMMENDATION**

That Council:

- 1    Notes Councillor Dunn's resignation from the Hunter and Central Coast Regional Planning Panel received on 16 March 2021; and
- 2    Nominates and appoints [insert Councillor's name] as City of Newcastle's representative on the Hunter and Central Coast Regional Planning Panel until the day before the next local government election.

**KEY ISSUES**

- 3    Councillor MacKenzie and Councillor Dunn were appointed as CN's representative and Councillor Byrne as CN's alternate representative to the HCCRPP for the duration of the Council term (to 3 September 2021) taking into account the postponement of the local government election to 2021.
- 4    Councillor Dunn submitted a written resignation on 16 March 2021 resulting in a vacancy in CN's representation on the HCCRPP.

**FINANCIAL IMPACT**

- 5    There is no financial impact in changing CN's representative on the HCCRPP.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

**Open and Collaborative Leadership**

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

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

**Open and Transparent Governance Strategy**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 CN will write to the HCCRPP advising of CN's replacement Councillor representative.

**RISK ASSESSMENT AND MITIGATION**

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

**RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council Meeting held on 24 October 2017, Councillor Dunn was appointed as CN's representative to the HCCRPP for the duration of the Council term.

**CONSULTATION**

- 10 Nil.

**BACKGROUND**

- 11 Nil.

**OPTIONS**

**Option 1**

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

**Option 2**

- 13 Council resolves to not appoint a replacement Councillor representative to the HCCRPP. This is not the recommended option.

**REFERENCES**

Sydney and Regional Planning Panels Operational Procedures

[https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub\\_pdf/Orders/Sydney+and+Regional+Planning+Panels+Operational+Procedures+2020.pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Orders/Sydney+and+Regional+Planning+Panels+Operational+Procedures+2020.pdf)

**ATTACHMENTS**

Nil.



**ITEM-22                    CCL 23/03/21 - STAIRWAY TO HEAVEN FEASIBILITY ANALYSIS**

**REPORT BY:                GOVERNANCE**  
**CONTACT:                 DIRECTOR GOVERNANCE**

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**PURPOSE**

To seek approval to enter into a Heads of Agreement with Iris Capital, in accordance with the Independent Commission Against Corruption's Direct Negotiations: Guidelines for Managing Risk (ICAC Guidelines), regarding the potential to deliver the 'Stairway to Heaven' Concept.

**RECOMMENDATION**

That Council:

- 1 Authorises the Chief Executive Officer (CEO) to enter into a Heads of Agreement (HoA) with Iris Capital to reach in-principle agreement on the terms and conditions under which the parties might progress the Stairway to Heaven concept to create a landmark public space to enhance the visual and physical connections to Christ Church Cathedral (Cathedral), through an integrated approach incorporating City of Newcastle (CN) owned land and Iris Capital owned land as outlined at **Attachment A**.
- 2 Endorses entering into exclusive discussions with Iris Capital to develop the HoA in accordance with the Independent Commission Against Corruption (ICAC) Guidelines as outlined at **Attachment D**, and considers this report as providing public notice of CN's intention to enter into exclusive discussions with Iris Capital.

**KEY ISSUES**

- 3 At the Ordinary Council Meeting held on 8 December 2020, Council endorsed the 'Stairway to Heaven' Concept (Concept), first publicly raised in 2006, which proposed a new public space to enhance the visual and physical connections to the Cathedral.
- 4 In January 2021, CN appointed HillPDA to undertake independent feasibility analysis in accordance with Council's resolution, by assessing the feasibility to deliver the Concept under two options: (1) a stand-alone development of the CN owned Mall Car Park site at 92 King Street Newcastle; and (2) an integrated option involving the CN owned land in conjunction with the adjoining Iris Capital owned East End development. A site plan is at **Attachment A**.

- 5 The original 2006 Concept has been reimagined to ensure it is a compelling and iconic opportunity for this prominent and highly valued heritage precinct that could transform the heart of the Newcastle Central Business District (CBD) as a destination for the community and visitors.
- 6 The 2021 vision for the Concept at **Attachment B** imagines enhancing the main north-south view axis to the Cathedral via a 93 metre long and 20 metre wide public space and stairway extending from Hunter Street to King Street, with a series of plaza spaces providing places to gather and meet. It retains 380 public car parking spaces located on the northern portion of the site (utilising the existing slope below King Street), a 300m<sup>2</sup> community facility, along with a new raised pedestrian connection along Laing Street integrated with the stairway.
- 7 A primary purpose of the Concept is to enhance the main north-south view corridor to the Cathedral. Whilst the Newcastle Development Control Plan 2012 has a range of controls relating to views to and from the Cathedral, the existing approval for the Iris Capital East End development did not enforce the main north-south view corridor. Therefore, if the East End development were to proceed in accordance with existing approvals, it would have a significant adverse impact on views to the Cathedral, as outlined at **Attachment C**.
- 8 The feasibility analysis indicates that the option to deliver the Concept through a stand-alone redevelopment of CN's Mall Car Park site would not be feasible. The Mall Car Park site, comprising 2,611m<sup>2</sup>, is not of sufficient size to enable the Concept to be delivered. It would deliver a poor outcome in terms of built form, would not achieve the required view corridors to the Cathedral, nor enable the Stairway vision to be realised. The option of a stand-alone redevelopment of the Mall Car Park site to deliver the Concept will not be pursued any further.
- 9 The feasibility analysis indicates that the option to deliver the Concept through an integrated approach involving CN and Iris Capital owned land would be feasible. The proposed precinct for this integrated option, comprising 11,645m<sup>2</sup>, is of sufficient size to enable the landmark new public space to be created which enhances the visual and physical connections to the Cathedral and provides for 380 public car parking spaces and community facilities along with development of the site for residential, retail and commercial purposes.
- 10 To date, only 'without prejudice' discussions have been held with Iris Capital in accordance with Council's resolution. Whilst the feasibility analysis indicates the integrated option would be feasible, no details have yet been agreed. To progress to the next stage, a HoA is required to reach in-principle agreement with Iris Capital on the terms and conditions under which the parties might progress the Concept.
- 11 To develop the HoA, CN will enter into exclusive discussions with Iris Capital, in accordance with ICAC Guidelines at **Attachment D**, including seeking authority to proceed and providing public notice via this report.

- 12 Entering into exclusive discussions with Iris Capital is justified with reference to the following ICAC criteria:
- i) Uniqueness – Iris Capital is in a unique position to offer a solution as the owner of the land adjoining the Mall Car Park site, which is the only other land upon which the Concept can be delivered. As such it is in the unique position to offer a solution that cannot be offered by competitors.
  - ii) Real Property Rights – Iris Capital own property that is both on and adjacent to the Concept site and required for the project to be technically and economically feasible.
  - iii) Further, it would be impractical to run a competitive process for the Concept, given Iris Capital is the only party which could deliver it given their real property interests in land required for the Concept.

### **FINANCIAL IMPACT**

- 13 A budget of \$150,000 was approved in the December Quarterly Budget Review for the feasibility analysis. Additional budget will be required to progress the next stage and will be sought through normal budget processes.
- 14 Financial analysis will be undertaken in the next stage to assess the return on investment to CN.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 15 This report aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

#### **Liveable Built Environment**

5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

#### **Open and Collaborative Leadership**

7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.

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

## IMPLEMENTATION PLAN/IMPLICATIONS

- 16 The exclusive discussions with Iris Capital will be supported by a negotiations plan, probity plan, due diligence, risk assessment and key stakeholder engagement plan, which will be submitted to the Asset Advisory Committee (AAC) along with the HoA.
- 17 It is anticipated that the HoA will be finalised by 30 June 2021, which would enable Iris Capital to submit planning applications during the second half of 2021.

## RISK ASSESSMENT AND MITIGATION

- 18 CN's interests and associated risks have been mitigated to date by undertaking a feasibility analysis and key stakeholder engagement prior to any decision to proceed, with all discussions to date with Iris Capital conducted on a 'without prejudice' basis.
- 19 CN has made no commitments or decisions to proceed. The way forward outlined in this report includes appropriate probity, due diligence and risk assessment. Delivery pathways have not yet been confirmed, however any decision to dispose of CN land and / or enter into a Voluntary Planning Agreement will be subject to separate Council approval as per usual processes.

## RELATED PREVIOUS DECISIONS

- 20 At the Ordinary Council Meeting held on 8 December 2020, Council resolved to endorse the Concept and authorised the CEO to undertake feasibility analysis and hold without prejudice discussions with Iris Capital to progress the Concept, including the requirement to protect public car parking spaces (estimated at 380) and social infrastructure to ensure these components are provided in any new concept, and referred the matter to the AAC and the Urban Design Consultative Group (UDCG) for advice.

## CONSULTATION

- 21 CN's AAC was briefed on 18 February 2021 and will maintain oversight of the next stage of discussions.
- 22 Key stakeholder engagement included discussions with UDCG, the Cathedral and Newcastle Inner City Residents Alliance (NICRA). Minutes of the UDCG briefing on 24 February 2021 are at **Attachment E**. To date, NICRA has been briefed three times and has provided the submission at **Attachment F**.
- 23 CN held 'without prejudice discussions' with Iris Capital on 2 March 2021 to explore the potential for an integrated approach involving CN's Mall Car Park and adjoining Iris Capital owned East End development. CN made no commitments or decisions to proceed. Iris Capital has outlined its willingness to work with CN in a submission at **Attachment G**.

## BACKGROUND

- 24 In 2006, a group of prominent Novocastrians put forward a proposal to link the Cathedral to the Harbour with a new public space. The concept, known as 'Stairway to Heaven' (*Le Scale alla Chiesa di Christ*) proposed a public space from the Harbour to Cathedral Park, by introducing a grand staircase full of activity and purpose.
- 25 The Mall Car Park was constructed in 1961 and temporarily closed in April 2020 due to structural concerns. In January 2021, CN submitted a development application to demolish the existing Mall Car Park, in accordance with Council's resolution of 8 December 2020. A separate report is proposed to be submitted to Council seeking approval to enter into a contract for the demolition.
- 26 The Hunter and Central Coast Joint Regional Planning Panel approved concept plans for Iris Capital's four-stage East End development in December 2017, including 563 units and parking for 553 vehicles. Stages 1 and 2 have been approved with Stage 1 complete and Stage 2 commencing construction. Iris Capital have indicated their intention to submit development applications for Stages 3 and 4 in 2021.

## OPTIONS

### Option 1

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

### Option 2

- 28 Council resolves not to proceed further with the Stairway to Heaven Concept. This is not the recommended option.

## REFERENCES

## ATTACHMENTS

- Item 22 Attachment A:** Site Plan
- Item 22 Attachment B:** 2021 Vision for Stairway to Heaven
- Item 22 Attachment C:** View Corridors to Christ Church Cathedral
- Item 22 Attachment D:** Independent Commission Against Corruption (ICAC) Direct Negotiations: Guidelines for Managing Risk (2018) <https://www.icac.nsw.gov.au/ArticleDocuments/232/Direct%20Negotiations%20-%20guidelines%20for%20managing%20risks%20in%20direct%20negotiations%203Aug18.pdf.aspx>

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**Item 22 Attachment E:** Urban Design Consultative Group Minutes

**Item 22 Attachment F:** Submission from Newcastle Inner City Residents Alliance

**Item 22 Attachment G:** Submission from Iris Capital

**Item 22 Attachments A – G distributed under separate cover**

**ITEM-23                    CCL 23/03/21 - SUPPLEMENTARY REPORT NOMINATION TO LIST NEWCASTLE RECREATION RESERVE (KING EDWARD PARK) ON THE STATE HERITAGE REGISTER**

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

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**PURPOSE**

To provide a supplementary report for consideration of a nomination to list Newcastle Recreation Reserve (King Edward Park) on the State Heritage Register, as was previously reported to Council for endorsement on 23 February 2021 as Item 2 (**Attachment A**).

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 2 At the Ordinary Council Meeting held on 23 February 2021, Council resolved to lay Item 2 – Nomination to List Newcastle Recreation Reserve on the SHR, on the table, *"...noting that there has been a request to present on the item at a Public Voice session."*
- 3 Applications requesting Public Voice were received by City of Newcastle (CN) on 5 March 2021 from Friends of King Edward Park (FoKEP) and on 8 March 2021 by the Awabakal Local Aboriginal Land Council (LALC).
- 4 A Public Voice meeting was held on 16 March 2021. The Awabakal LALC spoke in favour of the SHR nomination to excise the King Edward Headland Reserve (former Newcastle Bowling Club – Lot 3109 DP755247) and FoKEP spoke against the SHR nomination to excise the King Edward Headland Reserve.

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

**Item 23 Attachment A:** Original Report and Attachments A-B of CCL 23/02/21 - Nomination to list Newcastle Recreation Reserve (King Edward Park) on the State Heritage Register

**Item 23 Attachment A distributed under separate cover**



**ITEM-24 CCL 23/03/21 - ADOPTION OF 2021-2025 DESTINATION MANAGEMENT PLAN**

**REPORT BY: STRATEGY AND ENGAGEMENT**  
**CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / ACTING MANAGER MAJOR EVENTS AND CORPORATE AFFAIRS**

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**PURPOSE**

To adopt the 2021-2025 Destination Management Plan.

**RECOMMENDATION**

That Council:

- 1 Adopts the 2021-2025 Destination Management Plan at **Attachment A**.

**KEY ISSUES**

- 2 In 2019, the visitor economy within City of Newcastle's (CN) local government area supported 4,920 local jobs with an economic output of \$945m. Destination management is the ongoing process in which tourism, industry, government and community leaders plan for the future and manage a destination.
- 3 The draft 2021-2025 Newcastle Destination Management Plan (DMP) was approved for public exhibition at the 24 November 2020 Ordinary Council Meeting.
- 4 The exhibition period was extended to 6 weeks to accommodate Christmas and New Year, and subsequently extended by a further 4 weeks in response to stakeholders' requests, with 178 submissions received. **Attachment B** provides a summary of the exhibition process, feedback received, and changes made in response to feedback.
- 5 The DMP provides a framework and initiatives to support and expand the Newcastle visitor economy as it recovers in a post COVID-19 environment.
- 6 CN's focus will be to foster local, regional and state strategic relationships, manage the 'Newcastle' destination brand, facilitate destination marketing in target markets, support industry education, and develop visitor collateral (maps, guides etc) to enhance the visitor experience.

**FINANCIAL IMPACT**

- 7 CN's actions in the DMP will be delivered over multiple financial years in accordance with available funding as determined during the annual corporate planning and budget process.

- 8 Where CN is not the lead stakeholder, actions will be delivered based on private sector investment, multi-agency partnerships and industry collaboration.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

**9 Vibrant, Safe and Active Public Places**

- 3.2a Celebrate Newcastle's cultural heritage and diversity
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

**Inclusive Community**

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

**Liveable Built Environment**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 10 The DMP supersedes previous plans and was developed with:
- i) extensive stakeholder input including State Government agencies, local tourism industry, industry groups and business; and
  - ii) research and analysis of the city's visitor economy and emerging opportunities.
- 11 Initiatives outlined in the DMP will be supported by CN's facilities and community assets.

**RISK ASSESSMENT AND MITIGATION**

- 12 The DMP positions CN as a leader for the growth and sustainability of the Newcastle visitor economy, through collaboration and strategic partnerships with Government and tourism industry based on best practice destination management as developed by Australian Regional Tourism Ltd.
- 13 A lack of collaboration and/or investment by the private sector is a risk to achieving initiatives in the DMP. Ongoing growth and sustainability of the visitor economy requires an integrated all-of-sector approach. The DMP provides a blueprint to ensure strategic collaborations and partnerships are developed and sustained to drive positive outcomes and deliver initiatives.
- 14 The legacy impacts of COVID-19 are unknown. There is a direct financial impact and change to the tourism landscape in terms of operators and suppliers. The implementation of the DMP requires relationships with operators and providing extensive support to encourage investment to the events and tourism sectors.

- 15 A DMP is a mandatory requirement to be eligible for funding and marketing partnerships with Destination NSW (DNSW).

### **RELATED PREVIOUS DECISIONS**

- 16 At the Ordinary Council Meeting on 24 November 2020, Council resolved to place the draft 2021-2025 DMP on public exhibition for six weeks.

### **CONSULTATION**

- 17 The opportunity to provide comment was promoted through channels including the Newcastle Herald, LinkedIn, Facebook and industry specific newsletters. **Attachment B** provides a list of promotional details.
- 18 178 submissions were received comprising twenty-three responses from industry stakeholders and 155 submissions from individual community members and/or community groups.

### **BACKGROUND**

- 19 In 2019, the visitor economy supported 4,920 local jobs with an economic output of \$945m; attracting 5.1m visitors across domestic day trip, domestic overnight and international market segments with travel attributed to visiting friends and relatives followed by business travel and holiday leisure.
- 20 CN plays an integral role in supporting visitor economy growth and sustainability through leadership and investment in: visitor servicing; event sponsorship and attraction; community and tourism facilities and assets; destination brand management; and destination marketing.
- 21 The DMP has been developed to ensure the growth and viability of the Newcastle visitor economy, outlining initiatives to build resilience to external influences and changes in a dynamic and competitive market. It includes a situation analysis of the existing tourism environment, a concise set of strategic issues and opportunities, initiatives to direct sustainable growth of tourism and an action plan that provides specific, tangible actions to deliver the strategic directions.
- 22 The DMP aligns to the Newcastle 2030 Community Strategic Plan and Economic Development Strategy and feeds into the Destination Sydney Surrounds North DMP, DNSW DMP and NSW Visitor Economy Strategy 2030; enabling CN to access DNSW funding and partnerships.

### **OPTIONS**

#### **Option 1**

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

**Option 2**

- 24 Council resolves not to adopt the Draft 2021 – 2025 Destination Management Plan. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

- Item 24 Attachment A:** 2021 – 2025 Destination Management Plan  
**Item 24 Attachment B:** Public Exhibition Report - 2021 – 2025 Destination Management Plan

**Item 24 Attachments distributed under separate cover**

**ITEM-25 CCL 23/03/21 - SCHOLEY STREET, MAYFIELD - PROPOSED PEDESTRIAN / CYCLE REFUGE, ROAD CUSHIONS AND INTERSECTION REALIGNMENT**

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

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**PURPOSE**

To approve a pedestrian / cycle refuge and road cushions on Scholey Street, Mayfield near Nelson Street and realignment of the intersection.

**RECOMMENDATION**

That Council:

- 1 Approve the pedestrian / cycle refuge and road cushions on Scholey Street, Mayfield near Nelson Street and realignment of the intersection, as shown at **Attachment A**.

**KEY ISSUES**

- 2 A refuge on Scholey Street, Mayfield near Nelson Street and kerb extensions on Nelson Street are proposed to facilitate connectivity for pedestrians and cyclists and improve safety.
- 3 The proposal was publicly exhibited for four weeks to 29 May 2020, with details published on City of Newcastle's (CN) website. The exhibited scope included:
  - i) Construction of a refuge and kerb ramps on Scholey Street, immediately west of Nelson Street, Mayfield.
  - ii) Realignment of the intersection of Nelson Street and Scholey Street by construction of kerb extensions and line marking.
  - iii) Relocation of bus stops in Scholey Street slightly west of current locations, upgrade of stops and formalisation of bus zones.
- 4 A summary of the 14 submissions received is at **Attachment B**. Key issues raised were:
  - i) Concerns with crossing Nelson Street at Scholey Street 'corner cutting' into Nelson Street by westbound traffic on Scholey Street and poor sight lines. The proposed remedy was the installation of a refuge or raised median on Nelson Street in lieu of, or in addition to, the proposed refuge on Scholey Street.

CN Response: The proposed kerb extension should allow greater visibility of pedestrians and cyclists crossing Nelson Street and sight distance to vehicles travelling west on Scholey Street. An additional refuge on Nelson Street was investigated. Incorporation of the refuge would mean that the planned kerb extensions would not be possible, crossing would be in two stages and crossing distance not markedly reduced. It was considered that the exhibited arrangement would be more effective in addressing the reported issues.

- ii) Speeding in the area is the main problem.

CN Response: The addition of a refuge and intersection realignment should calm traffic in the vicinity of the changes. Road cushions are also proposed on Scholey Street on the westbound approach to Nelson Street. They are intended to slow traffic on approach to the intersection to improve the safety of pedestrians.

- iii) The refuge is not wide enough to accommodate bikes with trailers.

CN Response: While it is acknowledged there are longer, wider bicycles, prams and mobility devices in use, site constraints dictate what can be accommodated in accordance with Austroads and Transport for NSW (TfNSW) guidelines.

- iv) The refuge should be relocated west, within Scholey Street, to retain on street parking and ease of access to driveways.

CN Response: The refuge is located to allow transition from the off-road path on the Scholey Street bridge to on road, for continuation of travel west. Driveway access will be maintained.

- v) Driveways have been approved at No. 73.

CN Response: The approved driveways will not impede the installation of the refuge facilities (kerb ramp and tactile ground surface indicators).

- 5 The Newcastle City Traffic Committee (NCTC) considered a report on the outcomes of the exhibition process at its meeting on 20 July 2020 and recommended referral of the matter to Council for determination.

## **FINANCIAL IMPACT**

- 6 The proposed refuge is part of the project CP – Chinchin Street Islington, Scholey Street to Maitland Road (Islington Park) which had an approved budget of \$200,000 for 2020/21. Project costs can be accommodated in the approved Cycleways Program budget.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The proposal aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

### **Integrated and Accessible Transport**

- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3a Ensure safe road networks through effective planning and maintenance.

### **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 positions outlined in the Newcastle Transport Strategy to improve conditions for pedestrians and cyclists and road user safety generally.
- 9 Approval of the proposal is not delegated to CN officers and must be referred to Council for determination.

## RISK ASSESSMENT AND MITIGATION

- 10 Implementation of the project will provide a safe crossing point for pedestrians and cyclists and modify vehicle speeds.
- 11 The design addresses relevant Austroads and TfNSW guides.

## RELATED PREVIOUS DECISIONS

- 12 Nil.

## CONSULTATION

- 13 The concept design was exhibited for four weeks, with project details and an online submission form published on CN's website. Copies of the leaflet at **Attachment C** were distributed to properties in the project vicinity and mailed to non-resident owners.

- 14 The NCTC considered a report on the outcomes of the exhibition process at its meeting on 20 July 2020 and recommended referral of the matter to Council for determination. At that point, an additional refuge was proposed for investigation. Subsequently, CN staff have determined that the exhibited kerb extensions, coupled with road cushions to modify speeds, best address issues raised in submissions.
- 15 The proposal has not been considered by the Infrastructure Advisory Committee as it is considered routine.

## **BACKGROUND**

- 16 Scholey Street is part of the R6 regional cycling route from the University of Newcastle (Callaghan) to the Newcastle City Centre and a key walking route. Nearby attractors include Newcastle TAFE and Islington Public School.
- 17 Several improvements to the route have been made in recent years, including upgrade of the Scholey Street rail bridge and construction of shared paths on the bridge approaches.
- 18 A refuge on Scholey Street had been proposed to enable pedestrians and westbound cyclists to cross Scholey Street at the end of the shared pathway but was not constructed at the same time due to changes in staging. Design of the refuge has now been undertaken and feedback sought.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 20 Council does not approve the proposed refuge, intersection realignment and road cushions. This is not the recommended option.



**REFERENCES**

**ATTACHMENTS**

**Item 25 Attachment A:** Plan – Scholey Street at Nelson Street, Mayfield – Refuge Installation

**Item 25 Attachment B:** Summary of Submissions – Scholey Street at Nelson Street, Mayfield – Proposed Refuge

**Item 25 Attachment C:** Consultation Leaflet – Scholey Street at Nelson Street, Mayfield – Proposed Refuge

**Item 25 Attachments A - C distributed under separate cover**

**ITEM-26 CCL 23/03/21 - WALLARAH ROAD AT YOUNG ROAD, LAMBTON - PEDESTRIAN REFUGE**

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

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**PURPOSE**

To approve a pedestrian refuge on Wallarah Road at Young Road, Lambton.

**RECOMMENDATION**

That Council:

- 1 Approve the pedestrian refuge on Wallarah Road at Young Road, Lambton, as shown in the plan at **Attachment A**.

**KEY ISSUES**

- 2 At the Ordinary Council Meeting held on 25 August 2020, Council approved realignment of the intersection of Durham Road at Young Road, Lambton and a pedestrian refuge on Durham Road; and kerb extension and ramps at Wallarah Road at Young Road.
- 3 Further design work has indicated that the project objectives to modify vehicle speeds and improve pedestrian safety and connectivity in this location will be better met by the addition of a pedestrian refuge on Wallarah Road at Young Road.
- 4 The Newcastle City Traffic Committee (NCTC) considered the amended proposal (with the additional refuge) at its meeting of 14 December 2020 (Item 150). NCTC recommended approval of the signposting and linemarking plan (**Attachment A**) and referral to Council for determination of the additional refuge.

**FINANCIAL IMPACT**

- 5 Construction of a footpath on Young Road, refuge at Durham Road and intersection realignment works are included in City of Newcastle's (CN) 2020/21 Pedestrian Access and Mobility Plan Program, with an adopted budget of \$300,000. The construction cost estimate of the additional refuge is \$110,000 and will be accommodated in the approved Transport Portfolio budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6 The project aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Integrated and Accessible Transport**

- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3a Ensure safe road networks through effective planning and maintenance.

**Liveable Built Environment**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 The project is consistent with policy positions outlined in the Newcastle Transport Strategy and CN's Cycling Plan to prioritise the needs of pedestrians and cyclists and reduce traffic speeds.
- 8 Approval of the refuge is not delegated to CN officers and must be referred to Council for determination.

**RISK ASSESSMENT AND MITIGATION**

- 9 A road safety audit was undertaken on the proposal presented to Council at the Ordinary Council Meeting held on 25 August 2020.
- 10 Design has been undertaken with reference to relevant Austroads and Transport for NSW guides.

**RELATED PREVIOUS DECISIONS**

- 11 At the Ordinary Council Meeting held on 25 August 2020, Council approved the Young Road, Lambton – Intersection Realignment and Pedestrian Refuge at Durham Road and Intersection Realignment at Wallarah Road subject to retaining the Young Road bus stop (north side) near Orlando Road.

**CONSULTATION**

- 12 Further to the public exhibition reported to Council at the Ordinary Council Meeting held on 25 August 2020, residents of premises adjacent to the proposed additional refuge have been consulted. Concerns about impacts of the pedestrian refuge on access have been addressed.
- 13 The NCTC recommended approval of the amended proposal (with the additional refuge) at its meeting of 14 December 2020 (Item 150).
- 14 The proposal has not been considered by the Infrastructure Advisory Committee as it is considered routine.

## BACKGROUND

- 15 The intersection realignments at Wallarah Road and Durham Road, footpath works on Young Road, and pedestrian refuge on Durham Road, aim to improve pedestrian connectivity and safety for all road users. Further improvements, as shown in **Attachment A**, are proposed:
- i) A pedestrian refuge on Wallarah Road at Young Road, to reduce vehicle speeds turning right into Wallarah Road from Young Road (Sheet 3).
  - ii) Extension of the C3 No Stopping line marking to facilitate sight distances (Sheet 5).
  - iii) A custom road sign, noting left turn at Young Road from Durham Road is unsuitable for vehicles over 11 metres.

## OPTIONS

### Option 1

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

### Option 2

- 17 Council does not approve the proposed additional pedestrian refuge. While the former design, as approved by Council, offers substantial improvements on the current situation, inclusion of the additional refuge in the scope of works will better meet overall project objectives. This is not the recommended option.

## REFERENCES

## ATTACHMENTS

**Item 26 Attachment A:** Plan – Young Road Lambton from Orlando Road to Durham Road

**Item 26 Attachment A distributed under separate cover**

**ITEM-27                    CCL 23/03/21 - BERESFORD LANE AND COOPER STREET,  
NEWCASTLE WEST - CHANGES TO TRAFFIC FLOW  
DIRECTION**

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

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**PURPOSE**

To change the traffic flow direction of Beresford Lane, Newcastle West from eastbound to westbound between Stewart Avenue and Cooper Street, and change Cooper Street Newcastle West from two-way traffic flow to one-way southbound traffic flow between Beresford Lane and Hunter Street.

**RECOMMENDATION**

That Council:

- 1    Approve the traffic flow changes of Beresford Lane, Newcastle West from eastbound to westbound between Stewart Avenue and Cooper Street and Cooper Street Newcastle West from two-way traffic flow to one-way southbound between Beresford Lane and Hunter Street as shown in **Attachment A**.

**KEY ISSUES**

- 2    As the Newcastle Bus Interchange project is nearing completion, Transport for NSW (TfNSW) have proposed several amendments to signposting, line markings and speed changes. The Newcastle City Traffic Committee (NCTC) supported these amendments at its meeting on 14 December 2020 (item no.156). The proposed changes are:
  - i)    Changing Beresford Lane to one-way traffic direction, east to west, for the entire named length.
  - ii)   Changing Cooper Street to one-way traffic direction, north to south, for what length remains of the named street upon completion of construction or alteration of the works.
  - iii) Reducing the speed limit within Beresford Lane and Cooper Street to 10 km/h, consistent with the areas use as a shared zone.
  - iv)   Designing Cooper Street as being for “Service Vehicle only” access.
- 3    The existing Loading Zone within Cooper Street will remain otherwise unaffected by these changes.

- 4 The bus interchange with carpark is constructed and largely operational. The Beresford Lane and Cooper Street road works remain under construction, with completion expected around March 2021.
- 5 Cooper Street is the intended “primary” pedestrian link between Hunter Street and TfNSW services (ie. bus, light and heavy rail assets in connection with Newcastle Interchange).
- 6 TfNSW own Beresford Lane west of Cooper Street (NB. the plan shows detail supplementary to that requested to be approved by Council and should be treated as additional context only).

### **FINANCIAL IMPACT**

- 7 There is no financial impact to CN’s budget.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

#### **Vibrant, Safe and Active Public Places**

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

#### **Livable Built Environment**

- 5.4 Sustainable infrastructure to support a livable environment.

#### **Integrated and Accessible Transport**

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

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 Approval of the regulation of traffic such as one-way changes is not delegated to CN officers and must be referred to Council for final determination.

### **RISK ASSESSMENT AND MITIGATION**

- 10 The proposal aligns with TfNSW’s future transport interchange strategic plan and responds to risk assessment recommendations to increase pedestrian safety and decrease vehicle conflicts.
- 11 The proposal provides improved pedestrian and vehicle accessibility, amenity, safety, and closer drop off and pick up areas from the train station. The work will be undertaken in accordance with relevant Austroads and TfNSW guidelines.

- 12 The speed limit changes are approved by TfNSW as the approving authority for speed limits.
- 13 All works will be carried out by TfNSW with benefits to the local roads of Beresford Lane and Cooper Street due to road pavement improvements and associated road works.

#### **RELATED PREVIOUS DECISIONS**

- 14 Nil.

#### **CONSULTATION**

- 15 TfNSW consulted CN during the planning stage of the project and carried out community consultation as part of the Development Assessment (DA) process including businesses affected by the traffic flow and loading zone area changes.
- 16 No significant issues were raised as part of the consultation process.

#### **BACKGROUND**

- 17 The Newcastle Bus Interchange was self-determined by TfNSW under Part 5 of the *Environmental Planning and Assessment Act* in late 2017.
- 18 The proposal will replace the Wharf Road / Watt Street bus interchange providing a closer drop off and pick up area for light rail users.

#### **OPTIONS**

##### **Option 1**

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

##### **Option 2**

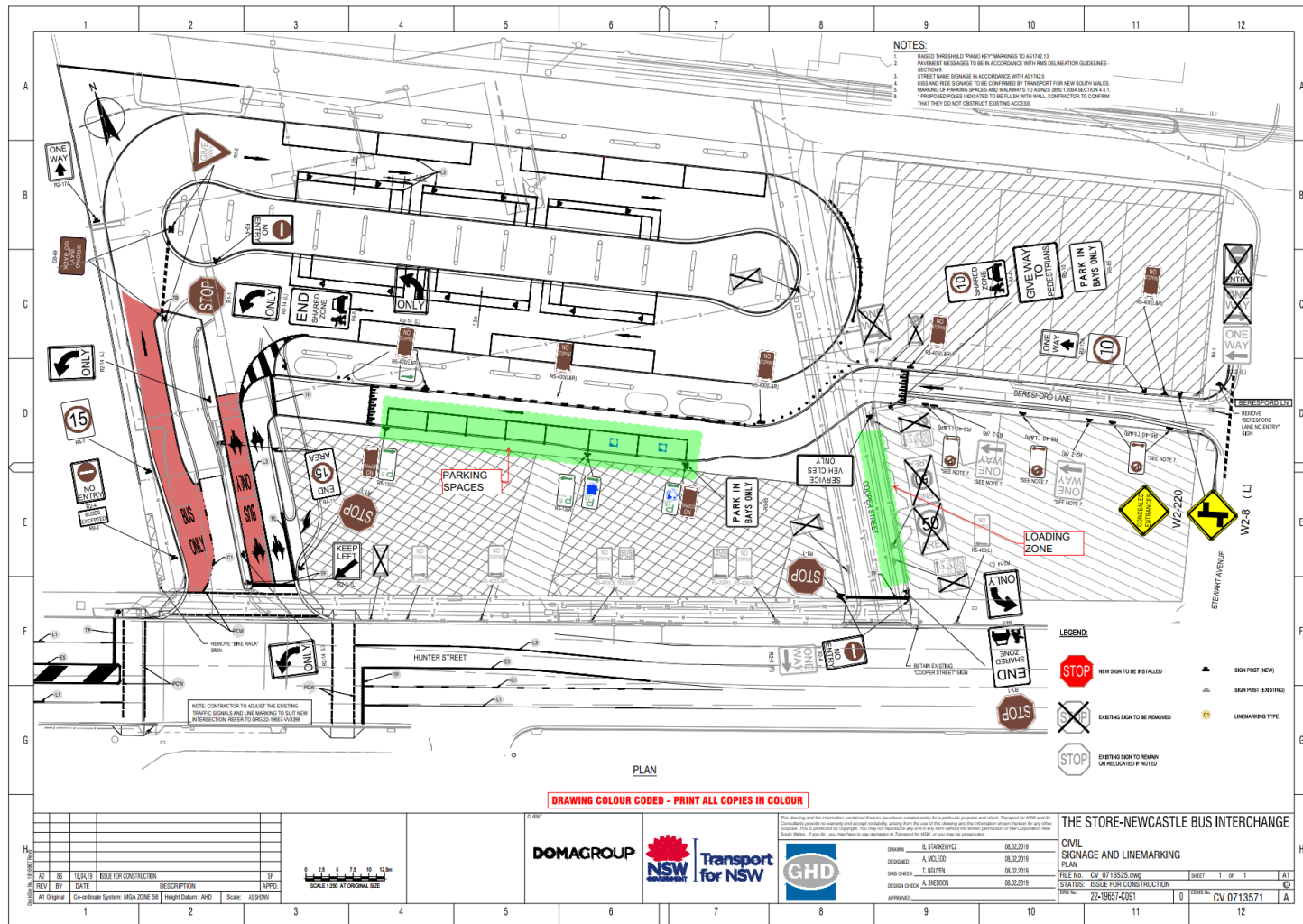
- 20 Council does not adopt the recommendation. This is not the recommended option.

#### **REFERENCES**

#### **ATTACHMENTS**

- Item 27 Attachment A:** Beresford Lane and Cooper Street, Newcastle West – changes to traffic flow direction

Item 27 Attachment A: Beresford Lane and Cooper Street, Newcastle West – changes to traffic flow direction





**ITEM-28 CCL 23/03/21 - PUBLIC EXHIBITION OF THE 2021/22 DRAFT OUR BUDGET (DELIVERY PROGRAM 2018-2022 AND OPERATIONAL PLAN 2021/22)**

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

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**PURPOSE**

To place the draft 2021/22 Our Budget (2018-2022 Delivery Program and 2021/22 Operational Plan) and the draft 2021/22 Fees and Charges Register on public exhibition as required under the Local Government Act 1993 (Act).

**RECOMMENDATION**

That Council:

- 1 Resolves to publicly exhibit the draft 2021/22 Our Budget (2018-2022 Delivery Program and 2021/22 Operational Plan) as at **Attachment A** and draft 2021/22 Fees and Charges Register as at **Attachment B** for 28 days prior to final consideration by Council.

**KEY ISSUES**

- 2 Section 404 of the Act requires City of Newcastle (CN) to have a Delivery Program (DP) describing how it will achieve the Community Strategic Plan (CSP) objectives. An Operational Plan (OP) is adopted each financial year outlining the planned activities and services to be delivered. The DP and OP are combined into the draft '2021/22 Our Budget' ("Budget") (**Attachment A**).
- 3 Section 608 of the Act enables CN to apply fees for services provided. CN's draft 2021/22 Fees and Charges Register ("Register") is at **Attachment B**.
- 4 CN has demonstrated its commitment to financial sustainability in the Budget by maintaining a net operating surplus, renewing and maintaining assets in a sustainable range and utilising evidence-based decision-making to underpin its financial governance frameworks.
- 5 The Budget returns CN's financial position to an operating surplus after the planned 2020/21 operating deficit to support the City through the COVID-19 pandemic. However the effects of the pandemic continue to impact CN's revenue, including an expected dividend from Newcastle Airport that is just 50% of what was forecast pre-pandemic and significantly lower returns on investments due to declining interest rates designed to stimulate consumer spending.

- 6 Highlights of the Budget include:
- i) \$10.5m for environmental protection such as Stockton Beach sand re-nourishment activities to protect property from coastal erosion and maintain the sandy beach amenity;
  - ii) continued commitment to commercial grade organic composting to source separated garden organics and food organics;
  - iii) \$2m to begin the expansion of Newcastle Art Gallery and \$4m towards the Newcastle Ocean Baths upgrade;
  - iv) \$3.5m to support the East End public domain plan design for the East End area of Pacific Park and \$2m for the construction of the Bathers Way and associated facilities between Newcastle Skate Park and Zaara St Newcastle;
  - v) \$3.25m for Local Centre upgrades at Wallsend and New Lambton.
  - vi) Deliver initiatives from the Parking Plan, Cycling Plan, Climate Action Plan and Customer Experience Strategy.

### **FINANCIAL IMPACT**

- 7 The Budget has been developed in accordance with CN's Long Term Financial Plan (LTFP) objectives; delivering a net operating surplus whilst maintaining services for the community and a robust cash reserve.
- 8 The 2021/22 budgeted operating result provides a \$1.2m surplus, providing the financial capacity to maintain services and meet community commitments.
- 9 The Budget includes increased revenues and lower expenditure than 2020/21, that combined, returns CN's financial position to an operating surplus.
- 10 The 2021/22 community projects program is \$90.4m; key projects are outlined under the Budget document themes.
- 11 CN generates cash from operating activities to fund the community projects program. It is forecast that \$62.9m will be generated from CN's operations in 2021/22 to fund community projects.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 12 The Budget delivers against the seven strategic directions of the CSP.
- 15 This report aligns to the 'Open and collaborative leadership' strategic direction:
- 7.1.1 'Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting'.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 14 Council must adopt the Budget and Fees and Charges Register by 30 June 2021 following public exhibition. The Budget will be exhibited from 26 March to 23 April 2021 in compliance with the minimum 28-day requirement.

**RISK ASSESSMENT AND MITIGATION**

- 15 The Budget is built on a number of assumptions, including some outside of CN's control, that may impact outcomes, including:
- i) Government grant funding;
  - ii) Investment returns;
  - iii) External contributions (ie local infrastructure contributions);
  - iv) Government cost shifting;
  - v) Monetary and fiscal policy (ie interest rates, taxation);
  - vi) Legislative changes;
  - vii) Natural disasters (storms, pandemics).
- 16 The Budget will be monitored against financial performance indicators with adjustments implemented through the quarterly budget reviews. This may include adjustments to accommodate income variability as a result of ongoing COVID disruption to business as usual activities.

**RELATED PREVIOUS DECISIONS**

- 17 Council adopted the 2018-2022 Delivery Program and 2020/21 Operation Plan and the 2020/21 Fees and Charges Register at the Ordinary Council Meeting on 23 June 2020.

**CONSULTATION**

- 18 A Councillor Workshop was held on 10 November 2020 outlining the approach to the development of the Budget including opportunities for Councillor input.
- 19 Councillors were invited to submit a Community Priority Form by 9 December 2020 with responses informing Budget priorities.
- 20 A Strategic Workshop conducted 29 – 30 January 2021 with eight Councilors in attendance, explored current and emerging opportunities and threats and information and discussion regarding proposed projects and initiatives. The discussions at the workshop were used to refine the Budget.
- 21 A Councillor Workshop was held on 16 March 2021.
- 22 With Council's approval, the Budget and Fees and Charges Register will be placed on public exhibition. Community feedback will be considered prior to finalising the documents.

**OPTIONS**

**Option 1**

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

**Option 2**

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

**BACKGROUND**

- 25 The Delivery Program is required to be prepared every four years following a local government general election. The DP and OP are subsequently required to be reviewed annually and adopted by 30 June of the relevant year.

**REFERENCES**

**ATTACHMENTS**

- Item 28 Attachment A:** Draft 2021/22 Our Budget (2018-2022 Delivery Program and 2021/22 Operational Plan)  
**Item 28 Attachment B:** Draft 2021/22 Fees and Charges Register

**Attachments A - B distributed under separate cover**

**ITEM-29 CCL 23/03/21 - UPDATE TO SPECIAL BUSINESS RATE GUIDELINES**

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

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**PURPOSE**

Update of Assessment Panel for the Special Business Rate.

**RECOMMENDATION**

That Council:

- 1 Adopt the updated Assessment Panel membership for the Special Business Rate Expression of Interest Guidelines at **Attachment A**.

**KEY ISSUES**

- 2 The Special Business Rate (SBR) Expenditure Policy ('Policy') at **Attachment B** provides a governance framework for the administration of funds levied for the promotion, beautification and development of the City Centre/ Darby Street, Hamilton, Mayfield, Wallsend and New Lambton SBR precincts. Under the terms of the SBR levy, funds can only be spent within the precinct for which they were collected.
- 3 Council, at its 27 August 2019 Ordinary Meeting, adopted the Policy following a public exhibition process. The SBR Expression of Interest (EOI) Guidelines ('Guidelines') were included in the public exhibition documentation.
- 4 In accordance with the Policy, the Guidelines are reviewed and updated each year following consultation with funding recipients and Business Improvement Associations (BIA).
- 5 The expanded Assessment Panel membership will allow for increased synergies between BIAs and funded projects with the addition of BIA representatives.

**FINANCIAL IMPACT**

- 6 No financial impact. SBR budget allocations are determined as part of City of Newcastle's (CN) annual budget process with consideration of risk, costs and benefits and corporate works program.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

**7 Open and Collaborative Leadership**

- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 8 The Policy and Guidelines ensure open and transparent processes for the administration of SBR funds.

**RISK ASSESSMENT AND MITIGATION**

- 9 The Policy and Guidelines provides a governance framework to mitigate risk and compliance with relevant legislation and statutes.
- 10 The updated Assessment Panel will support increased synergies between funded projects and BIAs with the addition of BIA Chairs from each SBR precinct.
- 11 SBR funding is managed under Service Agreements with recipients in accordance with CN's Procurement Policy(s).

**RELATED PREVIOUS DECISIONS**

- 12 Council, at its 28 May 2019 Ordinary Meeting, resolved that SBR levies not released to a BIA can be used for works, services, facilities or activities in the relevant SBR district via a contestable funding program.
- 13 Council, at its 23 July 2019 Ordinary Meeting, resolved to place the draft Policy, including Guidelines, on public exhibition from 24 July to 13 August 2019.
- 14 Council, at its 27 August 2019 Ordinary Meeting, adopted the Policy.

**CONSULTATION**

- 15 CN has introduced a process of continuous improvement, facilitating an 'ideas exchange' with funding recipients and BIAs to capture learnings that will inform the annual review and update of the Guidelines. Following the first 'ideas exchange', the Guidelines have been updated to encourage collaboration between recipients and BIAs that will improve return on investment.

**BACKGROUND**

- 16 CN collects and administers SBR funds under a governance framework for the BIAs in accordance with the Local Government Act 1993. The SBR on select commercial property owners exists in perpetuity and is levied on an annual basis.
- 17 Four BIAs (City Centre/ Darby St, Wallsend, Hamilton and Mayfield) have Service Agreements and Deliverables Plans with CN that outline the vision and goals for each precinct, and the projects and measurement indicators for reporting to the community.
- 18 Contestable SBR funds are offered annually to the business districts of City Centre/ Darby St, Wallsend, Hamilton and New Lambton. There is no contestable funding for the Mayfield precinct as less than \$100,000 is collected each year; and hence all funds collected are provided to the Mayfield BIA under a Service Agreement.
- 19 In the absence of established BIAs at the formation of the SBR Policy and Guidelines, the Assessment Panel comprised of:
  - i) Lord Mayor (or nominee)
  - ii) Director Strategy and Engagement (or nominee)
  - iii) Manager Community and Corporate Planning
  - iv) Economic Development Facilitator
  - v) Representative from the external shared BIA Support Service
- 20 The policy authorises the Director Strategy and Engagement to execute Service Agreements on the recommendation of the Assessment Panel.

**OPTIONS**

**Option 1**

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

**Option 2**

- 22 Council resolves not to amend the Assessment Panel members for SBR Expression of Interest Guidelines. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 29 Attachment A:** Amended SBR EOI Guidelines

**Item 29 Attachment B:** SBR Expenditure Policy

**Item 29 Attachments A and B Distributed under separate cover**

**ITEM-30 CCL 23/03/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

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

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**PURPOSE**

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

- a) Monthly financial position and year to date (YTD) performance against the 2020/21 Operational Plan as at the end of February 2021.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

**RECOMMENDATION**

That Council:

- 1 Receives the Executive Monthly Performance Report for February 2021.

**KEY ISSUES**

- 2 At the end of February 2021 the consolidated YTD actual operating position is a surplus of \$3.9m which represents a positive variance of \$12.4m against the budgeted YTD deficit of \$8.5m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year budget for 2020/21 is a deficit of \$22.3m.
- 3 The net funds generated as at the end of February 2021 is a surplus of \$18.8m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$24.0m to the YTD budgeted deficit position of \$5.3m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures) and a lag in receipt of invoices for payment of delivered works.
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).



**FINANCIAL IMPACT**

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

**Open and collaborative leadership**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

**RISK ASSESSMENT AND MITIGATION**

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

**RELATED PREVIOUS DECISIONS**

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

**CONSULTATION**

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

**BACKGROUND**

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

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

**Item 30 Attachment A:** Executive Monthly Performance Report – February 2021

**Item 30 Attachment A distributed under separate cover**

**NOTICES OF MOTION**

**ITEM-5                    NOM 23/03/21 - CITY OF NEWCASTLE WEBCAM NETWORK**

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

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**PURPOSE**

*The following Notice of Motion was received on 11 March 2021 from the abovenamed Councillors.*

The purpose is to seek NSW Government 'Smart Places' funding to develop a strategic network of high-resolution webcams across the LGA to support the visitor and experience economy.

**MOTION**

That Council:

- Notes Newcastle's visitor economy supports 5,000 local jobs with an economic output of \$945m.
- Notes the NSW Government's 'Smart Places' Program will co-invest up to \$45M over the next three years to accelerate the development of 'smart places' across NSW.
- Notes that research shows a significant increase in webcam-travel due to COVID-19 travel restrictions.
- Notes that this research suggests that webcam-travel leads to an increased likelihood to physically visit destinations in the future.
- Notes that recent information presented at the Council Strategic Planning Workshop to Councillors and ELT by CSIRO's Data61 strongly recommended AI be integrated into City of Newcastle (CN) strategies and projects.
- Seek NSW Government 'Smart Places' funding to support the establishment of a high-resolution live-stream webcam network in strategic Newcastle LGA locations to:
  - support opportunities for the visitor economy both domestically and from international visitors once covid restrictions are lifted.
  - explore how visual data from such a network could be used to inform future policy and strategy on issues surround parking and traffic congestion/patterns, pedestrian movements, citizen safety, weather events and other incidents.
  - explore how AI may be used to provide augmented experiences or information.

## **BACKGROUND**

The NSW Government has established the Smart Places Acceleration Program, which implements Action 8 of the NSW Smart Places Strategy.

The Program is facilitated by a \$45 million funding envelope under the Digital Restart Fund over three years to accelerate the development of smart places across NSW.

The NSW Smart Places Acceleration Program will see the State Government partner with councils, government agencies, property owners, and regional organisations to accelerate smart technologies and capabilities.

The Program will:

- Support economic and community recovery post COVID-19
- Encourage partnerships with and co-investment from local councils and industry to deliver smart place initiatives
- Support advancement and implementation of the NSW Smart Places Strategy
- Ensure NSW remains the leading state in implementing Smart Places initiatives

It's well known that there are hundreds of thousands of live-stream webcams around the world being used strategically to showcase cities and urban environments, beaches and tourism locations, as well as wildlife settings of charities and zoos, etc.

Over the past 12 months of the covid pandemic, operators of global livestream webcam networks have seen massive increases in the numbers of visitors to their cams.

The Skyline Webcams network – which has cams in Australia - witnessed an increase in numbers, rising from an average of 70 million monthly page views to 120 million in March 2020. Recently, viewers have watched the blizzards hit Manhattan, the eruption of Mt Etna and have been able to virtually visit the historic sites of Petra – among thousands of others.

Edinburgh Zoo saw its webcam views rise from 100,000 per month to more than 5 million.

69% of respondents to research published by the Tourism and Hospitality Research Journal said they were more likely to physically visit places they had viewed through webcams, when restrictions were lifted.

While the use of our digital assets to support tourism isn't new, how digital platforms and tools are being harnessed is changing rapidly as we saw very successfully last year in Newcastle when the Newcastle Writers Festival rapidly moved to an online delivery model.

The [#PureMichigan](#) model of digital re-platforming is considered to be a great success, as is [#VirtuallyVancouver](#).

CN has taken some very good steps into this area, particularly with the Newcastle Museum and Newcastle Art Gallery, but how can we further improve upon these ideas, add to them and use them to build upon our experience economy and data analysis capacity.

## ATTACHMENTS

- NOM Item 5 Attachment A:** [NSW Government Smart Places acceleration program](#)
- NOM Item 5 Attachment B:** [Tourism & Hospitality Research Journal](#)
- NOM Item 5 Attachment C:** [The Year of Virtual Travel – the benefits of exploring the world through webcams](#)
- NOM Item 5 Attachment D:** [The Global Network of Outdoor Webcams: Properties & Applications \(2009 report\)](#)
- NOM Item 5 Attachment D:** [Earthcam Network](#)
- NOM Item 5 Attachment F:** [The Rise of Virtual Tourism](#)

**ITEM-6                    NOM 23/03/21 - MAINTENANCE OF STREET TREES UNDER AERIAL POWERLINES**

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

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**PURPOSE**

*The following Notice of Motion was received on 11 March 2021 from the above mentioned Councillors*

**MOTION**

That City of Newcastle

- 1     Notes the contribution of Newcastle's street tree population to the city's urban forest, an intergenerational resources that provides multiple community benefits, and the need to improve practices and capacity to ensure these benefits.
- 2     Notes the responsibility of Council for the holistic management of urban forest assets owned or controlled by the City of Newcastle, as outlined in the Newcastle Urban Forest Policy.
- 3     Acknowledges the need for line clearance to ensure consistent and uncompromised electricity supply for our communities
- 4     Notes that numerous complaints have been received from the Newcastle community, including photos showing a significant loss in visual amenity, tree canopy benefits, and in some instances, increased risk of tree failure following Ausgrid's pruning activities, due to recent heavy pruning of a large portion of public trees under Ausgrid's powerline network (see attachments). Photos have been submitted showing the recent impact of Ausgrid pruning on street trees in Maryville, Wickham, Stockton, New Lambton, Waratah, Georgetown, Wallsend, Hamilton, Hamilton North and North Lambton.
- 5     Notes that this is not unique to Newcastle, including contact from Councils elsewhere in Ausgrid's network area who are experiencing similar issues with Ausgrid tree pruning practices.
- 6     Notes continued advocacy from the City of Newcastle, including motions submitted to and adopted by the LGNSW Annual Conference, and City of Newcastle's joint advocacy and participation on the Ausgrid Vegetation Management Working Group along with LGNSW, Sutherland Shire Council, Parramatta City Council, Willoughby Council, City of Sydney Council, Ku-Ring-Gai Council, Inner West Council, Strathfield Council, Burwood Council, Lake Macquarie City Council, Canterbury-Bankstown City Council, Woollahra

Council, Mosman Council, Randwick City Council, North Sydney Council and Northern Beaches Council.

- 7 Writes to Ausgrid's CEO Richard Goss requesting that he provide Councillors with a briefing on current practice for street tree maintenance and management under aerial powerlines.
- 8 Formally requests that Ausgrid:
  - a. Review current Ausgrid pruning practices,
  - b. Implement measures to prevent the current practices from continuing,
  - c. Compensate for street tree removal and replacement where current practices have been excessive, based on agreed public tree asset arboricultural assessments,
  - d. Understand and acknowledge the public value of our urban forest and requirement for ongoing collaboration with CN in developing long-term solutions, and
  - e. Create effective communication and notification for customers that confirms what they can expect and why, and where to direct their concerns if this expectation is not met.
- 9 Offers genuine collaboration to resolve this issue, including by making available staff and data sharing to achieve the above requests, and seeks Ausgrid's immediate attention to resolve the negative impacts on the management of the public urban forest.

## **BACKGROUND**

In Newcastle, 38% (31,160) of the public street tree population and vacancies is affected by aerial power lines. Poorly maintained or inappropriate street trees under powerlines present a risk to public safety and the electricity network. In 2017, electricity distributor Ausgrid estimated that 25% of blackouts were a result of tree contact with powerlines. Maintaining street trees around powerlines requires professional and expert practice to establish the balance between public safety and protecting the health of trees.

Excessive pruning of trees affected by aerial powerlines, however, is a frequently raised community concern. Inappropriate tree pruning can negatively impact on the integrity of the tree, which can risk failure through uprooting or compromise tree health generally. Many of the public amenity benefits of street trees, including shade provision, urban cooling, stormwater runoff reduction, air quality improvements, biodiversity and carbon storage, are diminished by excessive pruning, especially where it endangers the viability of the trees.

Recent improvements in street tree selection in Newcastle will reduce these issues into the future. The tree selection manual provides a species matrix key that identifies locally appropriate street trees that are suitable for growing under or near powerlines. Tree selection identifies trees that may still require trimming, but specifically will tolerate repeated and frequent crown reduction pruning.

Generally, where overhead power lines occur, the size and type of trees listed as suitable in the Species Matrix are limited to smaller growing species with a suitable branching habit that tolerates pruning. Appropriate pruning methods will reduce the need for heavy cutting of these species.

However, there is a significant number of street trees in the LGA that will require ongoing Ausgrid maintenance. Managing tree health, safety risks and the beneficial amenity of street trees requires a unified approach from power suppliers, contractors, Council and the community. The purpose of the proposed briefing is to establish an understanding across these stakeholders about how to best align intention and effort to achieve this balance.

## **ATTACHMENTS**

**NOM Item 6 Attachment A:** Photos submitted by Newcastle residents showing the impact of recent Ausgrid pruning on street trees in the City of Newcastle local government area:



**NOM Item 6 Attachment A**

Photos submitted by Newcastle residents showing the impact of recent Ausgrid pruning on street trees in the City of Newcastle local government area:













































































**ITEM-7                      NOM 23/03/21 - GIPA POLICY REVIEW**

**COUNCILLOR:        J MACKENZIE**

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**PURPOSE**

*The following Notice of Motion was received on Friday 12 March 2021 from the abovenamed Councillor.*

**MOTION**

That City of Newcastle

- Notes the comments by University of Newcastle Professor Roberta Ryan in the Newcastle Herald that governments have “increasingly moved to using commercial in confidence as a way of making the rationale for their decision-making a bit more opaque” (University of Newcastle professor urges financial transparency to build trust in government, Newcastle Herald, 10 March 2021).
- Endorses recent changes to the presentation of confidential items in the Council agenda and business papers to provide greater transparency to the community.
- Provide to Councillors a leading practice review of policies and measures in other LGAs to provide transparency and information disclosure under the Government Information (Public Access) Act 2009, specifically with regard to:
  - the use of open data platforms;
  - avoiding specific confidentiality clauses from commercial contracts;
  - establishing provisions in standard contracts with third parties allowing for the disclosure of data and information; and
  - minimising and waiving fees and charges associated with formal application and internal review requests, processing and administrative fees and legal work arising from information disclosure requests.

**BACKGROUND**

In 2010 the NSW Government replaced the Freedom of Information Act 1989 (NSW) with the Government Information (Public Access) Act 2009 (NSW). This Act has established a comprehensive system for public access to government information, including local government that promoted open, accountable, fair and transparent decision-making. It is based on the premise that members of the public have the right to access government information, and this right is restricted only where there is an overriding public interest against disclosure.

According to the Act, a determination as to whether there is an overriding public interest against disclosure of government information is to be made in accordance with principles including:

- Agencies must exercise their functions so as to promote the object of this Act.
- The fact that disclosure of information might cause embarrassment to or a loss of confidence in, the Government is irrelevant and must not be taken into account.

- The fact that disclosure of information might be misinterpreted or misunderstood by any person is irrelevant and must not be taken into account.

In determining the balance of the public interest for or against the disclosure of information, the Act recognises there is a general public interest in favour of disclosure. Guidelines from the Office of the Information Commissioner provide examples of public interest considerations in favour of disclosure of information:

- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.
- Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.
- Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.
- The information is personal information of the person to whom it is to be disclosed.
- Disclosure of the information could reasonably be expected to reveal or substantiate that an agency (or a member of an agency) has engaged in misconduct or negligent, improper or unlawful conduct.

Section 3.4 (Open and accessible government information as well as a commitment to the protection of privacy) of the City of Newcastle's Open and Transparent Governance Strategy outlines the policy for the release of information, and commits to procedures that meet the highest level of transparency, accountability and probity and comply with the requirements of all current legislation.

Council is legally required to comply with the GIPA Act, but mere compliance represents the lowest level of commitment to transparent decision-making, and does not reflect the aspirational goals of the Open and Transparent Governance Strategy. The use of open data platforms, waived or reduced fees and charges for information requests, and the inclusion of information disclosure clauses in commercial contracts are measured used in other LGAs to facilitate a higher level of transparency, such that the community has greater access to the information they need to actively participate in council decisions in an informed way.

## **ATTACHMENTS**

**NOM Item 7 Attachment A:** University of Newcastle professor urges financial transparency to build trust in government, Newcastle Herald, 10 March 2021.

<https://www.newcastleherald.com.au/story/7141394/professor-urges-financial-transparency-to-build-trust-in-government/?cs=7573>



**ITEM-8                      NOM 23/03/21 - CONSISTENT PROCEDURES FOR SENSITIVE DEVELOPMENT**

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

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**PURPOSE**

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

**MOTION**

That Council:

- 1     Amends relevant procedures so that the elected Council is notified via memo when:
  - a)    A development application is received that involves the demolition or destruction of a Heritage Item
  - b)    A planning proposal is received
  
- 2     This notification process is to be consistent with the current practice of councillor notification for development involving the sale of alcohol, or the removal of significant trees (Notifiable Tree Process).
  
- 3     Nothing in these procedures is to prevent councillors from calling a development application in for determination by the Development Applications Committee (DAC), in accordance with the adopted DAC Delegations.

**BACKGROUND**

Nil.

**ATTACHMENTS**

Nil.