



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 22 September 2020

**TIME:** 6.00pm

**VENUE:** Video conferencing platform Zoom

J Bath  
Chief Executive Officer

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

16 September 2020

### **Please note:**

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**ORDINARY COUNCIL MEETING  
22 September 2020**

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 25 AUGUST 2020**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 200825 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 via video conferencing platform Zoom on Tuesday 25 August 2020 at 6.02pm.**

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**PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn (*arrived 6.07pm*), K Elliott, B Luke, J Mackenzie, A Rufo, E White and P Winney-Baartz.

**IN ATTENDANCE**

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

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

**APOLOGIES**

**MOTION**

Moved by Cr Elliott, seconded by Cr Luke

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

**Carried**

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

Nil.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 21 JULY 2020**  
**MINUTES - ORDINARY COUNCIL MEETING 28 JULY 2020**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried  
unanimously**

**LORD MAYORAL MINUTE**

**ITEM-17 LMM 25/08/20 - BUILD THEM HERE - SUPPORTING OUR LOCAL  
MANUFACTURING INDUSTRY**

**MOTION**

Moved by Lord Mayor, Cr Nelmes.

That City of Newcastle:

**Part A**

- 1 Notes with disappointment that Sydney's new ferries, which were built in Indonesia, have been found to contain asbestos while docked at Carrington awaiting testing in Newcastle Harbour;
- 2 Reiterates that in 2016, the NSW Government gave a commitment in the NSW Parliament that it "will use its best endeavours" to source local content on transport infrastructure projects and that City of Newcastle passed a unanimous motion calling on the NSW Government to abandon its plans to offshore local manufacturing jobs;
- 3 Notes that since this commitment, the NSW Government has offshored the manufacturing of Newcastle Light Rail rolling stock, the NSW Intercity Fleet of trains that services the Newcastle to Sydney service and Sydney's ferries;
- 4 Calls on the NSW Government to commit to building the state's vital transport infrastructure in NSW, to avoid disastrous consequences such as billion dollar blow outs on trains that don't fit through tunnels on the intercity line and ferries that contain asbestos and are too tall for their planned routes.

**Part B**

- 1 Congratulates Novocastrian Cory Wright on his election as State Secretary of the NSW Branch of the Australian Manufacturing Workers Union (AMWU), and ex-Novocastrian Steve Murphy on his recent election as the Federal Secretary of the AMWU, noting that both officials began their union careers organising manufacturing workers in Newcastle and the Hunter Region;

- 2 Notes that Newcastle and the Hunter's manufacturing industries strongly contribute to the regions diverse economy with particular strengths across advanced manufacturing, aerospace, defence, and mining contributing more than \$34 billion to the NSW economy;
- 3 Notes that supporting a strong manufacturing sector will be a key component to Newcastle and the Hunter Region's recovery from the COVID-19 global pandemic, as well as the transition to a net-zero carbon economy.
- 4 Notes that any plans for economic recovery and energy transition are most likely to be successful when workers are part of the decision making and are supported in the transition.
- 5 Writes to both the NSW and Federal Secretaries of the AMWU, seeking their input into protecting and strengthening manufacturing and supporting manufacturing workers in Newcastle, both through the COVID recovery and transition to net-zero carbon economy.

**Carried  
unanimously**

**ITEM-18 LMM 25/08/20 - CITY OF NEWCASTLE'S SUBMISSION TO THE PUBLIC ACCOUNTABILITY COMMITTEE'S INQUIRY INTO THE INTEGRITY, EFFICACY AND VALUE FOR MONEY OF NSW GOVERNMENT GRANT PROGRAMS**

**MOTION**

Moved by Lord Mayor, Cr Nelmes.

That City of Newcastle:

- 1 Notes that on 21 August 2020 our submission (Attachment A) to the NSW Parliamentary Inquiry into the integrity, efficacy and value for money of NSW Government grant programs was lodged with the Public Accountability Committee, following a Lord Mayoral Minute of 27 July 2020;
- 2 Asks the Public Accountability Committee to:
  - a) Establish a consistent geography and classification across all NSW Government funding sources that enables equitable access for all LGAs. This would provide more integrity to the process and enable new opportunities for LGAs like Newcastle, who have been effectively shut out from a range of funding sources; and to
  - b) Create a Gateway City classification to recognise that LGAs like Newcastle and Wollongong are major regional economic centres that sit between a metropolitan and regional classification. 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. This would improve the efficiency and value for money of NSW Government grants.



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- 4 Raises our strong concerns that 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 funds**.
- 5 Notes that City of Newcastle has received 0.06% of Restart NSW Funds allocated to date, well below our share of the state's population (2.11%) and our share of Gross State Product (2.91%);
- 6 Raises our strong concerns that City of Newcastle been effectively shut-out of all NSW cultural infrastructure grants, noting that Newcastle is ineligible to access the Regional Cultural Fund, as it is defined as 'metropolitan', but there is no equivalent opportunity within metropolitan funding rounds, significantly stifling opportunities to improve our local cultural infrastructure, such as the redevelopment of Newcastle Art Gallery;
- 7 Sends a copy of our submission to the Premier, the Hon. Gladys Berejiklian MP, the Prime Minister, the Hon. Scott Morrison MP, local Members of Parliament, State Member for Newcastle, Mr Tim Crakanthorp MP, Federal Member for Newcastle, Ms Sharon Claydon MP, and Parliamentary Secretary for the Hunter, the Hon. Catherine Cusack MLC.

**Carried  
unanimously**

### REPORTS BY COUNCIL OFFICERS

**ITEM-50                      CCL 25/08/20 - TABLING OF PECUNIARY INTEREST  
   RETURNS - 1 MAY TO 31 JULY 2020**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Note the tabling of the pecuniary interest returns (for the period 1 May to 31 July 2020) by the CEO.

**Carried  
unanimously**

**ITEM-52 CCL 25/08/20 - VARIATIONS TO DEVELOPMENT STANDARDS**

**MOTION**

Moved by Cr Elliott, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the report on development variations approved between January 2020 and July 2020 at **Attachment A** in accordance with the requirements of Planning Circular PS 20-002 Variations to development standards at **Attachment B**.

**Carried  
unanimously**

**ITEM-53 CCL 25/08/20 - EMERGENCY EGRESS FOR HIGH-RISE OCCUPANTS WITH A DISABILITY**

**MOTION**

Moved by Cr Elliott, seconded by Cr Mackenzie

That Council:

- 1 Writes to the Council of Australian Governments' Building Ministers' Forum and the Australian Building Codes Board, seeking that they reconsider the creation of provisions that improve emergency egress for people with a disability, particularly with respect to emergency egress from high-rise buildings. In this respect, reference is made to the limited initiatives arising from the 2014/15 Regulation Impact Statement process for '*Emergency Egress for Occupants with a Disability*' and the apparent lack of further progress on the matter since then.
- 2 Writes to the NSW Minister representing the State on the Council of Australian Governments' Building Ministers' Forum (currently the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation), to seek their support in relation to the creation of provisions that improve emergency egress for people with a disability, particularly with respect to emergency egress from high-rise buildings.
- 3 Writes to the NSW Building Commissioner to seek their support in relation to the creation of formal administrative arrangements that marry in with the Commonwealth's disability discrimination provisions, as was foreshadowed in the Commonwealth's '*Guideline to the Application of the Premises Standards*', particularly as a means of ensuring compliance with respect to alterations to buildings.
- 4 Investigates amending City of Newcastle's (CN) Development Control Plans / Planning Guidelines to include consideration of emergency egress from high-rise buildings for people with disabilities.

**Carried  
unanimously**

**ITEM-55 CCL 25/08/20 - ADOPTION OF ASSET MANAGEMENT POLICY 2020**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Adopts the revised Asset Management Policy (Policy) as at **Attachment A.**

**Carried  
unanimously**

**ITEM-57 CCL 25/08/20 - AUTHORISATION FOR SIGNING OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2020 is underway and upon completion they will be referred to CN's Auditors, NSW Audit Office, in accordance with Section 413(1) of the Act.
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the responsible Accounting Officer to sign the Statements by Councillors and Management in accordance with Section 413(2) of the Act at the conclusion of the external audit (**Attachments A and B**).

**Carried  
unanimously**

**ITEM-58 CCL 25/08/20 - INVESTMENT AND BORROWING POLICY ANNUAL REVIEW**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 That Council adopts the updated Investment and Borrowing Policy (Policy) as at **Attachment A.**

**Carried  
unanimously**

**ITEM-59 CCL 25/08/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

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

**Carried**

**ITEM-49 CCL 25/08/20 - KING STREET STOCKTON - MARINE RESCUE LAND ONLY LEASE**

**MOTION**

Moved by Cr Clausen, seconded by Cr Luke

That Council:

- 1 Endorse the subdivision of Lot 7318, DP 1164949 to create a separate Lot (Proposed Land) as shown at **Attachment A**.
- 2 Endorse entering into a Land Only Lease with Marine Rescue NSW for the Proposed Land, for a term of 21 years at \$1 per annum.

**Carried  
unanimously**

**ITEM-51 CCL 25/08/20 - PUBLIC EXHIBITION OF THE DRAFT SECTION 7.12 NEWCASTLE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2019 (UPDATE AUGUST 2020))**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

- 1 That Council places the draft Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (Update August 2020) (**Attachment A**) on public exhibition for 28 days and considers a report on submissions received following the public exhibition.

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried  
unanimously**

**ITEM-54 CCL 25/08/20 - YOUNG ROAD, LAMBTON - INTERSECTION REALIGNMENT AND PEDESTRIAN REFUGE AT DURHAM ROAD AND INTERSECTION REALIGNMENT AT WALLARAH ROAD**

In moving the motion, Councillor Rufo proposed an alternative recommendation to that outlined in the Officer's report, to remove the proposed relocation of the bus stop on the northern side of Young Road near Orlando Road from the approved plans.

**MOTION**

Moved by Cr Rufo, seconded by Cr Clausen.

That Council:

- 1 Approve the realignment of the intersection of Durham Road at Young Road Lambton, including kerb extension, kerb ramps and a pedestrian refuge; kerb extension and ramps at the intersection of Wallarah Road at Young Road; and realignment of the centre line on Young Road, as shown in the plan at **Attachment A**, subject to deletion from the plan of a proposed relocation of the bus stop on the northern side of Young Road near Orlando Road.

**Carried  
unanimously**

**ITEM-56 CCL 25/08/20 - PUBLIC EXHIBITION OF DRAFT STRATEGIC SPORTS PLAN**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council:

- 1 Places the draft Strategic Sports Plan (**Attachment A**) on public exhibition for 42 days; and
- 2 Requests that a report on submissions received be brought back to the Council following the public exhibition.

**AMENDMENT**

Moved by Cr Elliott, seconded by Cr Church

An additional appendix with a record of consultation providing evidence of the conclusions drawn in the report at Section 3 be placed on public exhibition.

**Defeated**

The motion moved by Councillor Winney-Baartz and seconded by Councillor Byrne was put to the meeting.

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Ordinary Council Meeting 22 September 2020

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**For the Motion:** The Lord Mayor, Councillor Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Elliott, Luke, Mackenzie, Rufo, White and Winney-Baartz.

**Against the Motion:** Councillor Church.

**Carried**

### ITEM-60 CCL 25/08/20 - APPOINTMENT OF DEPUTY LORD MAYOR

#### **PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

The motion be dealt with seriatim.

**Carried**

The Chief Executive Officer, as the returning officer, announced that nominations had been received for the position of Deputy Lord Mayor from Councillors Clausen and Rufo.

#### **PART 1**

##### **MOTION**

Lord Mayor, Cr Nelmes seconded by Cr Dunn

That Council elects a Deputy Lord Mayor by open voting in accordance with the process set out in the Local Government (General) Regulation 2005 (NSW) (Regulation).

**Carried  
unanimously**

The Lord Mayor called for a vote by show of hands and voting resulted as follows:

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

Councillor Rufo - Councillors Church, Elliott, Luke and Rufo.

Councillor Clausen was declared elected as Deputy Lord Mayor on the result of eight votes to four votes.

#### **PART 2**

##### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Councillor Clausen is elected Deputy Lord Mayor for the period 13 September 2020 until the day before the next ordinary election.

**Carried**

**ITEM-61 CCL 25/08/20 - TRANSFER OF CIVIC HOTEL LIQUOR LICENCE**

**MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Endorse running an Expression of Interest (EOI) for the transfer of the former Civic Hotel Liquor Licence (Licence).
- 2 Endorse the transfer to a successful proponent for an amount that meets or exceeds the current valuation of the Licence.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.
- 4 Endorse the proceeds be transferred to City of Newcastle's (CN) 'Works Program: Specific Projects' internally restricted reserves.
- 5 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**AMENDMENT**

Moved by Cr Elliott, seconded by Cr Church

That Council surrender the Civic Hotel Liquor Licence to NSW Liquor and Gaming as selling of the licence for profit would not be in alignment with the intent of Council's stated and endorsed Investment and Borrowing Policy, which includes alcohol in the category of socially harmful activity.

Councillor Luke raised a point of order on the amendment.

The Lord Mayor upheld the point of order stating the amendment was contrary to the motion before the meeting and was considered a foreshadowed substantive motion.

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Rufo

Council move into confidential session to discuss the confidential attachment for the reasons outlined in the business paper.

**Carried**

Council moved into confidential session at 7.19pm.

During confidential session Councillor Elliott declared a non-significant pecuniary interest in Item 61 – Transfer of Civic Hotel Liquor Licence stating she had regularly purchased from the business that had expressed an interest in purchasing the liquor licence.

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Mackenzie

Council move into open session.

**Carried  
unanimously**

Council moved into open session at 7.25pm.

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

**Carried**

**NOTICES OF MOTION**

**ITEM-18                      NOM 25/08/2020 - NEWCASTLE INNER CITY BYPASS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Notes its previous resolutions of 28 June 2016 and 26 March 2019 (unanimously carried) regarding the Newcastle Inner City Bypass and need to incorporate planning for future transport connections.
- 2 Notes that Transport for NSW (TfNSW) has recently released revised designs for the Bypass.
- 3 Notes that the revised designs include a range of minor amendments to the designs, many of which deliver improvements requested by City of Newcastle.
- 4 Despite many improvements, notes that the 2020 design plan still does not include a left turn ramp from McCaffrey Drive into the bypass (traffic from west to north).
- 5 Notes the immediate strategic importance of urgently reviewing the road design to ensure that allowance is made to incorporate a future rapid transport connections between the University of Newcastle at Callaghan and John Hunter Hospital, noting the strategic research and innovation links, and significant upgrades proposed at both campuses.



- 6 Engages with the University of Newcastle and Hunter New England Health, and writes to the NSW Government (Minister for Transport and Roads, Minister for Regional Transport and Roads, Minister for Health and Medical Research, and Parliamentary Secretary for the Hunter) and the Member for Wallsend, seeking inclusion of a rapid transport connection between John Hunter Hospital and the University of Newcastle on the new road.

**Carried  
unanimously**

**The meeting concluded at 7.34pm.**

**MINUTES - EXTRAORDINARY COUNCIL MEETING 1 SEPTEMBER 2020**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 200901 Extraordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

**Minutes of the Extraordinary Council Meeting held via video conferencing platform Zoom on Tuesday 1 September 2020 at 6.04pm.**

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**PRESENT**

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

**IN ATTENDANCE**

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

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

**APOLOGIES**

**MOTION**

Moved by Cr Luke, seconded by Cr Rufo

The apologies submitted on behalf of Councillor Church, Dunn, Elliott and White be received and leave of absence granted.

**Carried**

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

**Councillor Rufo**

Councillor Rufo declared a non-pecuniary, significant conflict in Item 62 – Activation of Newcastle After Dark Strategy stating that members of his family owned and ran small bars in Newcastle with one being named in the report as one of 27 venues opting to participate in the proposed trial.

**Councillor Rufo**

Councillor Rufo declared a non-pecuniary, significant conflict in Item 62 – Activation of Newcastle After Dark Strategy stating that the Australian Hotels Association (AHA) Sub-Branch Newcastle and Hunter had generously donated to a fund raiser that he ran which raised funds for Breast Cancer research.

Councillor Rufo stated that he would manage both conflicts by removing himself from the discussion.

**CONFIRMATION OF PREVIOUS MINUTES**

Nil.

**REPORTS BY COUNCIL OFFICERS**

**ITEM-62 CCL 01/09/20 - ACTIVATION OF THE NEWCASTLE AFTER DARK STRATEGY**

Councillor Rufo left the meeting for discussion on the item at 6.10pm.

In moving the motion, Councillor Clausen moved an additional Part B and Part C to the motion.

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

**PART A**

That Council:

- 1 Supports a controlled trial of amended late-night trading hours of operation conditions on specific and targeted low-impact and low-risk venues in the Newcastle City Centre to promote the activation and recovery of the Newcastle night-time economy, as proposed in the approved Newcastle After Dark Strategy 2018-2022.
- 2 Endorses the temporary amendment to the Newcastle Local Environment Plan (LEP) to facilitate the trial, as requested by the Minister for Planning, noting that the Department of Planning, Industry and Environment (DPIE) is required to seek public feedback on any draft instrument for a period of 14 days.

**PART B**

That City of Newcastle:

- 1 Notes correspondence (**Attachment A**) received from a group of concerned Newcastle East residents, asking for the inclusion of an independent residents' representative member on the Committee for Night-time Jobs and Investment (The Committee). The correspondence was received from:

- Keran Davis, Newcastle East Residents Group (NERG)
  - Brian Ladd, Newcastle Inner City Residents Alliance (NICRA)
  - Barb Ferris, Hunter Community Forum (HCF)
  - Neil Allen, Newcastle company director and advocate for inner city businesses
  - Chris Welbourne, Newcastle inner city resident
  - Dr Anthony Cook, Newcastle inner city resident and medical professional
- 2 Supports the inclusion of a Newcastle East resident representative on the Committee for Night-time Jobs and Investment, noting that the correspondence from Newcastle East Residents suggests Dr Anthony Cook as the resident representative on the Committee; and
- 3 Writes to the Minister for Customer Service, the Hon. Victor Dominello MP, requesting the Minister to re-instate Newcastle based Liquor Licensing Compliance Officers, to both assist in overseeing proposed licensing regulatory changes, and to gather crucial data throughout the Newcastle Night-time Economy trial.

**PART C**

That City of Newcastle:

- 1 Receives a report on the outcome of the DPIE public exhibition period referenced in Part A at the September 2020 Ordinary Council Meeting.

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

**Against the Motion:** Nil.

**Carried  
unanimously**

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

**The meeting concluded at 6.39pm.**

**Attachment A:** Correspondence from a group of concerned Newcastle inner city residents, requesting a resident representative on the Committee for Night-time Jobs and Investment.

**Attachment A to Extraordinary Council Meeting Minutes 1/09/20**

**Councillor Nuatali Nelmes**  
Lord Mayor, City of Newcastle

28 August 2020

**RE: Newcastle Small Bars Review**

Dear Lord Mayor Nelmes,

Thank you for the zoom meeting with members of our combined groups yesterday, to discuss growing community concerns about proposed changes to the operation and regulation of licensed premises in Newcastle. In particular, we appreciated the opportunity to discuss with you and Cr. John Mackenzie, important aspects about the Newcastle Small Bars Review.

Many Newcastle residents are disappointed that the unfolding Newcastle Small Bars Review, which is chaired by Mark Latham MLC, appears driven by interests largely outside of Newcastle.

We understood the Newcastle Small Bars Review was established to investigate the late night operation of seven city bars. However it was recently expanded to include approximately 120 licensed restaurants and cafes. We are concerned that there has been no community consultation for the Newcastle Small Bars Review (apart from the meetings our combined group has initiated). While no Terms of Reference appear to exist, a Newcastle Small Bars Review Committee has already been appointed. The Review Committee appears heavily weighted towards industry participants.

To provide some balance the Review Committee should have an independent residents' representative member, as any changes to city licensing regulations will directly impact residents. Our combined groups have identified an outstanding inner city resident, Dr. Anthony Cook, whom we wish to represent our interests on the Newcastle Small Bars Review Committee. We thank you for your endorsement of this proposal and hope you can assist us achieve this outcome.

We were also very pleased you saw merit in the re-appointment of Liquor Licensing Compliance Officers in Newcastle. Compliance Officers were successfully based in Newcastle prior to 2016.

Our combined groups urge the NSW government, Liquor and Gaming NSW and ILGA to reinstate Newcastle based Liquor Licensing Compliance Officers, to play a vital role overseeing proposed licensing regulatory changes and to gather relevant information /data for the Newcastle Small Bars Review. The roles of licensing compliance officers should operate in “real time”\* during the night-time economy.

We thank you for your support and look forward to your reply to our request for an independent and informed resident’s voice on the Newcastle Small Bars Review Committee and the re-instatement of Liquor Licensing Compliance Officers in Newcastle.

Thank you again.

Kind regards,

**Brian Ladd**, on behalf of the undersigned groups and individuals:

Keran Davis, Newcastle East Residents Group (NERG)

Barb Ferris, Hunter Community Forum (HCF)

Neil Allen, Newcastle company director and advocate for inner city businesses

Chris Welbourne, Newcastle inner city resident

Dr. Anthony Cook, Newcastle inner city resident and medical professional

Brian Ladd, Newcastle Inner City Residents Alliance (NICRA)

\* “real time” means during the evening operating hours of licensed venues.

C.c. Cr. John Mackenzie, Council of Newcastle

**REPORTS BY COUNCIL OFFICERS**

**ITEM-63                      CCL 22/09/20 - ADOPTION OF CODE OF CONDUCT AND ASSOCIATED PROCEDURES**

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

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**PURPOSE**

To adopt an amended Code of Conduct for Councillors, Staff, Council Committee Members, Delegates of Council and Council Advisors respectively and Procedures for the Administration of the Code of Conduct.

**RECOMMENDATION**

That Council:

- 1    Adopt the Code of Conduct for Councillors at **Attachment A**;
- 2    Adopt the Code of Conduct for Staff at **Attachment B**;
- 3    Adopt the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors at **Attachment C**; and
- 4    Adopt the Procedures for the Administration of the Code of Conduct at **Attachment D**.

**KEY ISSUES**

- 5    On 7 August 2020, the Office of Local Government (OLG) prescribed amendments to the Model Code of Conduct for Local Councils in NSW (Model Code) and Model Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Model Procedures) pursuant to the *Local Government (General) Regulation 2005* (Regulation). The key differences between City of Newcastle's (CN) current Codes and current Procedures and the amended Model Code and Model Procedures are summarised at **Attachment E**.
- 6    These amendments took effect immediately and the OLG required Councils to adopt Codes of Conduct and Procedures based on the prescribed amended Model Code and Model Procedures as soon as possible.
- 7    All amendments are mandatory except the change to the limit on gifts and benefits which permits an increase in limit from \$50 to \$100. This change was implemented following the OLG's consultation with Councils in 2019.



During the consultation period, one Councillor submitted feedback as follows - \$50 is unreasonably low, the threshold is lower than NSW State MPs, openness and transparency is supported but needs to be balanced against reasonableness of written gift declarations and the preferred threshold is one tied to that for NSW Government officials.

- 8 The Model Code allows Councils to increase the cap to \$100, retain the existing \$50 cap or impose another cap that is lower than \$100. In adopting the Codes for CN, it is recommended that:
- i) The cap of \$100, as set out in the Model Code, be accepted in relation to the Code of Conduct for Councillors (**Attachment A**) noting that this brings the cap into closer alignment to the threshold applied to NSW State MPs and is consistent with the submission received; and
  - ii) The \$50 cap be retained in relation to the Code of Conduct for Staff (**Attachment B**) and Council Committee Members, Delegates of Council and Council Advisors (**Attachment C**) based on a review of the staff gifts register which indicates staff are not generally being offered gifts above \$50 and CN suppliers have a good understanding of the requirements of the Code of Conduct via communication over a number of years.

## FINANCIAL IMPACT

- 9 The amendments do not have a financial impact to CN. The engagement of external Conduct Reviewers continues to be provided for in CN's adopted Our Budget 2020/21.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The Code of Conduct and Associated Procedures 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.

### **Open and Transparent Governance Strategy**

- 2.1 Maintain a strong ethical culture and a high standard of conduct.
- 2.2 Clearly defined roles and responsibilities with independence as well as cooperation between all parties.
- 4.1 Accountable to actions it takes to support a strong governance framework.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 11 Once CN's Codes and Procedures are adopted the Codes and Procedures will be made publicly accessible and changes communicated.
- 12 Any complaint lodged after the Model Code took effect from 7 August 2020 will be assessed in accordance with the updated Codes and Procedures.

**RISK ASSESSMENT AND MITIGATION**

- 13 Adopting the updated Codes and Procedures is a control in respect of Council staff and Councillors meeting standards and requirements as outlined in the *Local Government Act 1993*, the Regulation, the Model Code and the Model Procedures.

**RELATED PREVIOUS DECISIONS**

- 14 At the Ordinary Council Meeting held on 25 June 2019, Council adopted the Code of Conduct for Councillors, Staff, and Council Committee Members, Delegates of Council and Council Advisors and the Procedures for the Administration of the Code of Conduct.

**CONSULTATION**

- 15 On 11 August 2020, Councillors received an internal memo advising of the OLG's amendments to the Model Code and Model Procedures.
- 16 There is no requirement for public exhibition as the Model Code and Model Procedures are prescribed by the OLG.

**BACKGROUND**

- 17 On 14 August 2020, the OLG released Circular *20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures*.
- 18 On 2 October 2019, the OLG released Circular *19-25 Penalties available to Councils for Code of Conduct breaches by Councillors*.

**OPTIONS**

**Option 1**

- 19 The recommendation as at Paragraphs 1 – 4. This is the recommended option.

**Option 2**

- 20 Council does not adopt the documents at Attachments A, B, C and D. In this instance CN would continue to be bound by the current Codes and current Procedures. However, to the extent of any inconsistency, the provisions of Model Code and Model Procedures would prevail and override inconsistent provisions of the current Codes and current Procedures. This is likely to cause confusion. This is not the recommended option.

**REFERENCES**

Model Code of Conduct for Local Councils in NSW

<https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Model-Code-of-Conduct-2020.pdf>

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

<https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Procedures-for-the-Administration-of-the-Model-Code-of-Conduct-2020.pdf>

OLG Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

<https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/20-32.pdf>

OLG Circular 19-25 Penalties available to Councils for Code of Conduct breaches by Councillors

<https://www.olg.nsw.gov.au/wp-content/uploads/2020/04/19-25.pdf>

City of Newcastle Codes of Conduct for Councillors; Staff; and Council Committee Members, Delegates of Council and Council Advisors

<https://www.newcastle.nsw.gov.au/council/our-responsibilities/code-of-conduct>

City of Newcastle Procedures for the Administration of the Code of Conduct

<https://www.newcastle.nsw.gov.au/council/our-responsibilities/code-of-conduct>

**ATTACHMENTS**

**Item 63 Attachment A:** Code of Conduct for Councillors

**Item 63 Attachment B:** Code of Conduct for Staff

**Item 63 Attachment C:** Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors

**Item 63 Attachment D:** Procedures for the Administration of the Code of Conduct

**Item 63 Attachment E:** Detailed comparison between City of Newcastle's current Codes and current Procedures and the amended Model Code and Model Procedures

**Item 63 Attachments A - E distributed under separate cover**

**ITEM-64 CCL 22/09/20 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2020 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

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

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**PURPOSE**

To endorse motions for submission to the 2020 Local Government NSW (LGNSW) Annual Conference (Conference).

**RECOMMENDATION**

That Council:

- 1 Endorse the motions for submission to the 2020 LGNSW Annual Conference as set out at **Attachment A**.

**KEY ISSUES**

- 2 On 23 July 2020, Councillors were invited to submit expressions of interest to attend the Conference and to propose motions for submission. On 9 September 2020 Councillors were advised that the Conference will be presented in an online format on Monday 23 November 2020 to meet COVID-19 health and safety requirements. City of Newcastle (CN) is a LGNSW member and as such is entitled to participate, submit motions and vote at the Conference.
- 3 Three motions were received for consideration and endorsement as set out at **Attachment A**. Endorsed motions are required to be submitted to the Conference by 28 September 2020.
- 4 CN is entitled to seven votes on motions and for positions in the LGNSW Board Elections. Council has delegated authority to the Lord Mayor to determine who will exercise CN's voting rights from among the Councillor attendees.

**FINANCIAL IMPACT**

- 5 Attendance at the Conference is provided for in the Councillor Expenses and Facilities Policy and the 2020/2021 budget. The online format has a reduced ticket price.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6 The submissions to the 2020 Local Government NSW Annual Conference are consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Open and Collaborative Leadership**

- 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.

**Open and Transparent Governance Strategy**

- 2 Considered decision-making based on collaborative, transparent and accountable leadership.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 CN staff will submit motions endorsed by Council to the Conference in line with the 28 September 2020 deadline.

**RISK ASSESSMENT AND MITIGATION**

- 8 Councillor contribution to policy making is a key control in CN's risk mitigation by demonstrating transparent and accountable leadership.

**RELATED PREVIOUS DECISIONS**

- 9 At the Ordinary Council Meeting held on 23 July 2019, Councillors endorsed the submission of six motions for consideration at the 2019 LGNSW Annual Conference relating to the emergency services levy, clarification of the status of CN as either regional or metropolitan to provide certainty in relation to funding opportunities, superannuation for Councillors, glyphosate and weed management, local government election costs and offshore sand extraction for coastal nourishment and replenishment.

**CONSULTATION**

- 10 By memo dated 23 July 2020, Councillors were invited to submit proposed motions for consideration and endorsement by Council for submission to the Conference.

**BACKGROUND**

- 11 The Conference is the annual policy making event for LGNSW members and is designed for local Councillors to come together to share ideas and debate issues that shape the way LGNSW is governed. The Conference is a significant event for the local government sector where delegates vote on motions which help determine the policies and priorities for LGNSW.

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

LGNSW Annual Conference 2020 Draft Program (as at 25 August 2020)

[https://lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/2020/Annual\\_Conference\\_Program\\_26\\_Aug\\_2020.pdf](https://lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/2020/Annual_Conference_Program_26_Aug_2020.pdf)

LGNSW Annual Conference 2020 Motions Submission Guide

<https://lgnsw.org.au/events-training/local-government-nsw-annual-conference-2020/motions>

LGNSW Policy Platform

<https://lgnsw.org.au/policy/policy-platform>

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 64 - Attachment A:** Proposed motions for endorsement for submission to the 2020 LGNSW Annual Conference

**Item 64 Attachment A**

**MOTION 1**

<b>COUNCIL NAME</b>	<b>CITY OF NEWCASTLE</b>
<b>MOTION CATEGORY</b>	<b>GOVERNANCE AND ACCOUNTABILITY</b>
<b>TITLE</b>	<b>LOCAL GOVERNMENT EXCLUSION FROM NATIONAL CABINET</b>

**MOTION WORDING**

That Local Government NSW:

- 1 Notes with disappointment that local government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government;
- 2 Seeks with the Prime Minister and the Premier to discuss in more detail 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 Notes that the Australian Local Government Association, Local Government NSW and other state / territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

**MOTION BACKGROUND**

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. The focus was primarily on the health and wellbeing of Australians and managing the health response. Over time National Cabinet has broadened its agenda to include a focus on managing coronavirus impacts across Australia. There was no Local Government representation on National Cabinet when it was established on the basis that its focus was on health, and there remains no local government representation to this day.



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.

**FUNDAMENTAL PRINCIPLES**

The motion does not conflict with the Fundamental Principles.

**MOTION 2**

<b>COUNCIL NAME</b>	<b>CITY OF NEWCASTLE</b>
<b>MOTION CATEGORY</b>	<b>ECONOMIC</b>
<b>TITLE</b>	<b>SUPERANNUATION FOR MAYORS AND COUNCILLORS</b>

**MOTION WORDING**

That Local Government NSW:

- 1 Notes that as a result of Federal and State taxation and local government legislation, elected Councillors in NSW are not paid superannuation;
- 2 Notes research from the Association of Superannuation Funds of Australia (ASFA) that the average superannuation balance for women in 2016 was 40% less than that for men. Notes that requiring the compulsory payment of superannuation to Mayors and Councillors in NSW would help bridge the superannuation gender gap and assist in attracting more diversity in local government;
- 3 Notes that at the 2017 Annual Conference, Local Government NSW adopted the following motion: "That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that Councils make superannuation payments to Mayors and Councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time. Payments would be made to complying superannuation funds." (2017 LGNSW Annual Conference, Motion No. 80); and
- 4 Writes to the Federal and State Ministers and Shadow Ministers for Local Government in support of the Local Government NSW motion, requesting amendment to relevant State and Federal legislation requiring Councillors to be paid compulsory superannuation, as has been the case since 1991 for all.

**MOTION BACKGROUND**

Despite all Australians being entitled to compulsory superannuation since 1991, superannuation payments are currently not mandatory for Mayors or Councillors.

**FUNDAMENTAL PRINCIPLES**

The motion does not conflict with the Fundamental Principles.

**MOTION 3**

<b>COUNCIL NAME</b>	<b>CITY OF NEWCASTLE</b>
<b>MOTION CATEGORY</b>	<b>ECONOMIC</b>
<b>TITLE</b>	<b>GATEWAY CITY CLASSIFICATION</b>

**MOTION WORDING**

That Local Government NSW:

- 1 Calls on the NSW Government to establish a consistent geography and classification across all NSW Government funding sources that enables equitable access for all LGAs. This would provide more integrity to the process and enable new opportunities for LGAs like Newcastle and Wollongong, who have been effectively shut out from a range of funding sources;
- 2 Asks the NSW Government to Create a Gateway City classification to recognise that LGAs like Newcastle and Wollongong are major regional economic centres that sit between a metropolitan and regional classification. 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. This would improve the efficiency and value for money of NSW Government grants;
- 3 Raises strong concerns that 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 totaling \$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 funds;
- 4 Notes that City of Newcastle has received 0.06% of Restart NSW Funds allocated to date, well below our share of the state's population (2.11%) and our share of Gross State Product (2.91%); and
- 5 Raises strong concerns that City of Newcastle been effectively shut-out of all NSW cultural infrastructure grants, noting that Newcastle is ineligible to access the Regional Cultural Fund, as it is defined as 'metropolitan', but there is no equivalent opportunity within metropolitan funding rounds, significantly stifling opportunities to improve our local cultural infrastructure, such as the redevelopment of the Newcastle Art Gallery.

**MOTION BACKGROUND**

City of Newcastle is significantly disadvantaged in both its eligibility and access to a large number of NSW Government Grant programs. As part of the NSW Legislative Council's Public Accountability Committee's Inquiry into the integrity, efficacy and value for money of NSW Government grant programs City of Newcastle engaged the independent Hunter Research Foundation Centre (HRFC) to conduct an independent review of Newcastle's experience with a range of state and federal government grants.

Overwhelmingly the report points to inconsistencies in the eligibility for NSW Government funds for the Newcastle Local Government Area (LGA). The Hunter Research Foundation Centre has identified six regional funding sources, where Newcastle has been deemed ineligible, but no metropolitan alternative has been provided. These funding sources total \$5.86 billion. If Newcastle's share of these funds was in line with its share of Gross State Product in 2019, the Newcastle LGA would have received an additional \$170.9 million in NSW Government grants. For comparison, neighbouring equivalent sized Councils in the Lake Macquarie and Central Coast LGAs were eligible for all six funding sources.

**FUNDAMENTAL PRINCIPLES**

The motion does not conflict with the Fundamental Principles.

**ITEM-65                      CCL 22/09/20 - THE JUNCTION TO MEREWETHER  
CYCLEWAY**

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

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**PURPOSE**

To approve the proposed traffic changes associated with The Junction to Merewether cycleway project.

**RECOMMENDATION**

That Council:

- 1    Approve the following traffic changes for The Junction to Merewether cycleway project at **Attachment A**:
  - i)    Raised pedestrian / cycle crossing on Watkins Street at The Junction Public School.
  - ii)   Re-line marking of the raised crossing on Patrick Street as a pedestrian / cycle crossing.
  - iii)  Continuous path treatments across Chester Lane, Buchanan Street and Coane Street.
  - iv)   Upgrade of the pedestrian crossing on Helen Street to a raised pedestrian / cycle crossing.
  - v)    Traffic calming on Helen Street, comprising road cushions and kerb extensions.
- 2    Approve raised pedestrian crossings on John Parade at Watkins Street and Coane Street.
- 3    Approve a combined pedestrian / cycle crossing on Berner Street.
- 4    Provide in principle approval for 'No Right Turn' from Watkins Street into Helen Street (as exhibited) for implementation later, subject to traffic assessment following a period of operation of the cycleway and advice to Councillors.
- 5    Provide in principle support to reduce the speed limit to 30km/h on:
  - i)    Watkins Street between Glebe Road and John Parade.
  - ii)   John Parade and Berner Street between Frederick Street and the roundabout at Dixon Park.

- 6 Refer the proposals for speed reduction to Transport for NSW (TfNSW) for determination.
- 7 Note that CN will undertake a comprehensive education campaign in conjunction with project implementation, including to encourage desired behaviours by cyclists, pedestrians and drivers on roads and paths.

## KEY ISSUES

- 8 The Junction to Merewether cycleway project is Stage 1 of a key north-south cycling route from the City Centre to Merewether Beach. Preliminary concept plans have been prepared for the route from The Junction to Laman Street. The alignment for the connection to Civic / Hunter Street / Merewether Street has not yet been determined.
- 9 The Junction to Merewether cycleway project was publicly exhibited for four weeks, with submissions closing on 27 July 2020. Details of the proposal, including concept drawings at **Attachment A** were published on City of Newcastle's (CN) website. Copies of the brochure at **Attachment B** were distributed to residents in the project area.
- 10 A summary of submissions received is at **Attachment C**. Sixty-two (62) submissions were made using the online exhibition page. Multiple submissions were received from some respondents. These are shown in the table at **Attachment C** as multiple P&R references, however, are summarised as one entry. The online form provided opportunities to note support or opposition to individual measures and additional comments. The majority of the emailed submissions (62 to 71 inclusive) did not explicitly state support or opposition for individual measures. Key issues raised in submissions and responses are as follows:
  - i) Concerns were noted about sight distances from driveways to pedestrians and cyclists on the shared path, and potential for accidents if riders are going too fast.
    - a) Response: The shared path has been designed in accordance with Austroads guides, which allow for a minimum of 0.5m clearance to fences and obstructions. For most of the path, there is a buffer of 0.5m – 1.0m from the fence line to the shared path. In constrained sections, pavement markings will be used to alert path users to potential hazards. A Safety in Design workshop has been undertaken with CN stakeholders to address risks of the project through design, construction and operation.
    - b) Many people are unaware of current road rules regarding footpath riding. Since 23 July 2018, children under 16 years of age are allowed to ride on a footpath (increased from children under 12 years of age). An adult rider who is supervising a rider under 16 may also ride with the young rider, as can children aged 16 or 17, when accompanied by a child under 16 and an accompanying adult. Riders must keep left and give way to pedestrians.

- c) CN has previously initiated a safety campaign to encourage desired behaviours by cyclists, pedestrians and drivers on roads and paths. Two animations were produced and distributed on social media in early 2019. Additional material has since been produced, to reinforce key messages. It is intended that the safety campaign be renewed in conjunction with early implementation stages of The Junction to Merewether cycleway project.
  - d) CN supports the trial of a 30km/h speed limit for the project area, noting this decision is the responsibility of TfNSW. The reduction in speed will make it a more comfortable environment for on road riders. The shared path will cater for pedestrians, children and less confident riders.
- ii) Concerns were noted about potential for cyclists to ride across crossings.
- a) Response: The crossings have been designed to give priority to pedestrians and cyclists. Pavement markings will encourage path users to slow down and look. Traffic calming treatments and signage is intended to slow road traffic and alert drivers to the potential presence of riders and pedestrians and the need to give way.
  - b) The exhibited concept plans showed combined pedestrian / cycle crossings on John Parade at Coane Street and at Watkins Street. These have since been modified to pedestrian crossings only, in consideration of potential conflicts at merge points on the Bathers Way. Cyclists may transition to on road or will be directed to dismount (by signage) prior to crossing John Parade to the Bathers Way.
- iii) Separate bike paths should be provided (bike riders separated from pedestrians).
- a) Response: The area is highly constrained. In various sections, parking demand is high, and the road geometry is unfavourable, notably in the section between Patrick Street and Buchanan Street. It is also a difficult area in which to establish trees and impacts on the median trees have been a notable constraint. With traffic calming measures and a reduced speed environment, it is expected that many cyclists will choose to ride on the road.
- iv) Buses should be removed from Watkins Street.
- a) Response: Watkins Street is part of bus routes 12 and 21. Several submissions suggested removal of buses, noting issues with interaction with cyclists and encroaching on paths when entering Watkins Street from Patrick Street. Rerouting of buses is a matter for Newcastle Transport. The issues noted and requests for rerouting will be forwarded to Newcastle Transport for consideration.

- v) Reduction in speed limit to 30km/h.
  - a) Response: The exhibited concept plans indicated a proposed speed limit of 40km/h. This was generally well supported, however several submissions specifically requested a further reduction to 30km/h. Vulnerable road users such as cyclists have greatly increased chances of survival of a collision if speeds are below 30km/h. As it is expected that many cyclists will choose to ride on the road, the preference is that the speed be reduced to 30km. This is consistent with advice in the Austroads report *Integrating Safe System with Movement and Place for Vulnerable Road Users* (2020).
  
- vi) Opposition to No Right Turn into Helen Street.
  - a) Response: Reactions to the proposed 'No Right Turn' were mixed. Some submissions noted that it is already a difficult manoeuvre. Retention may lead to queuing. This measure could be implemented at a later stage if the need is identified.
  
- vii) Requests for crossing treatments at Berner Street.
  - a) Response: Officers originally proposed a pedestrian / cycle crossing treatment for Berner Street. However, it does not meet TfNSW warrants for a crossing, nor conditions for a continuous path treatment. The exhibited plans did not show a crossing treatment, other than kerb ramps. Various submissions raised concerns about the lack of treatment at this intersection. With project implementation, pedestrian and rider numbers will likely increase and warrants will be met. A combined pedestrian / cycle crossing is therefore recommended for implementation at this location.
  
- viii) Several submissions suggested traffic changes in the wider area, or variations to treatments, including traffic signals at the intersection of Watkins Street with Patrick Street and Helen Street, roundabouts at the intersections of Helen Street with Watkins Street and Livingstone Street, one-way on Coane Street and closure of Railway Street at Union Street. Inadequate connections from the west were also noted, with suggestions for a pedestrian crossing on Frederick Street at Coane Street, to facilitate access.
  - a) Response: Many of the changes suggested are outside of the project scope but can be investigated in the context of a traffic study for the wider area. CN is currently reviewing its approach to programming of Pedestrian Access and Mobility Plan (PAMP) and Local Area Traffic Management (LATM) projects and requests for infrastructure changes. This area is likely to be prioritised for investigation.



- b) Specific TfNSW warrants are required to be met for implementation of traffic signals. Past counts have not satisfied the required conditions. Further counts can be scheduled. As there is no certainty about a return to 'normal' (pre COVID-19) conditions counts will likely be required over several months. Traffic signals have a long lead time and would need to be considered as part of a wider study.
- c) A pedestrian refuge on Frederick Street at Coane Street has previously been endorsed by the Newcastle City Traffic Committee (NCTC) (Item 137 of 16 July 2018), with the report noting that TfNSW warrants for a pedestrian crossing were not met. Improvements to the intersection of Frederick Street and Coane Street are funded for design in the current financial year. The project charter will address options for a refuge and a potential future crossing.
- d) CN has initiated development of a walking plan, incorporating delineation of a principal pedestrian network, review of rating systems and works program. First stage consultation is planned for late 2020 or early 2021. Members of the community will have the opportunity to nominate footpaths and crossing facilities not already identified in the PAMP and LATM listings.

**FINANCIAL IMPACT**

- 11 Construction of The Junction to Merewether cycleway is included in CN's 2020/21 Cycleways Program, with an adopted budget of \$3.1M.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

**Integrated and Accessible Transport**

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

**Liveable Built Environment**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 13 The proposal is consistent with policy positions outlined in the Newcastle Transport Strategy and Community Strategic Plan to encourage more walking and cycling and reduce traffic speeds.
- 14 Approval of the traffic regulating devices, namely the priority crossing treatments and road cushions, is not delegated to CN officers and must be referred to Council for determination.

**RISK ASSESSMENT AND MITIGATION**

- 15 Design has been undertaken with reference to relevant Austroads and TfNSW guides. The proposed continuous path treatments have not been implemented in the Newcastle LGA before, but have been proposed as part of several current projects. Several combined pedestrian / cycle crossings have been endorsed by Council. A comprehensive information and education campaign will be developed in consultation with TfNSW and NSW Police, through the NCTC, to alert road and path users of changes and expected behaviours.

**RELATED PREVIOUS DECISIONS**

- 16 Nil.

**CONSULTATION**

- 17 The proposed treatments for the cycle route from Glebe Road, The Junction to Merewether Beach were considered by the NCTC at the meeting held on 19 February 2018 (Item 24). NCTC provided in-principle support for the proposed treatments, except for the pedestrian / cycle crossings on Watkins Street and Berner Street. NCTC recommended that counts be undertaken. These counts were conducted, and it was determined that TfNSW warrants were met for the proposed upgrade on Watkins Street. Berner Street did not meet warrants.
- 18 Updated plans were presented to the NCTC at the meeting held on 21 October 2019 (Item 154). These updated plans included the proposed 'No Right Turn' at Helen Street. The NCTC endorsed the plans for public exhibition.
- 19 A report on the outcomes of the public exhibition was forwarded to the NCTC members for consideration as an 'out of session' item in August 2020. The NCTC comprises four voting members, namely representatives from CN, TfNSW, Local MP and NSW Police.
  - i) NSW Police did not support the shared path on the western side of Watkins Street from Glebe Road to The Junction Public School, citing concerns about conflict between path users and students. NSW Police did not support priority crossings for cyclists, noting concerns about riders approaching intersections at speed and the potential for collisions. Provisional support was noted for a speed reduction to 40km/h, subject to an identified safety need.

- a) Response: The path alignment in the vicinity of The Junction Public School requires cyclists to ride slowly. This will be reinforced by pavement markings, which will highlight the area as one in which additional caution should be exercised. There is a similar arrangement on the shared path on St James Road adjacent to New Lambton South Public School, where diagonal lines and 'Slow' pavement markings alert users to exercise care.
  - b) The concerns about rider speeds and potential for accidents were noted in some submissions. The priority crossings have been employed specifically to provide users with a continuous path of travel and riders a legal right of way, to minimise the need for dismounting. As noted at paragraph 10 (i and ii), signage will clearly indicate to motorists that they are to give way to pedestrians and CN will undertake a comprehensive education campaign in conjunction with project implementation.
  - c) Consultation undertaken to date for review of the Newcastle Cycling Strategy and Action Plan indicates the key deterrent to increased participation is the perception of a lack of safety. Research shows that for every 1.6 km/h reduction in speed on urban streets there is a resulting 6% decrease in traffic fatalities (Sharpin et al. 2017). Further at 30 km/h, a cyclist or pedestrian has a 90% chance of surviving a collision with a motor vehicle. Determination of the speed limit is a matter for TfNSW and will be the subject of a separate review process.
- ii) The State Member for Newcastle supported all the proposed measures.
  - iii) TfNSW gave in-principle support, noting that all pedestrian facilities must be constructed, linemarked and signposted in accordance with Australian Standards and relevant technical directions. Specifically, TfNSW noted that pedestrian warrants must be met before installation of pedestrian devices. As noted at paragraph 10 (vii), Berner Street does not meet warrants for a combined crossing, although it is expected that it will once the shared path is constructed. To prevent future disruption to path users, it would be preferable to construct treatments at this intersection in conjunction with other measures. CN will engage with TfNSW to seek their concurrence on this approach.

20 The proposal has not been considered by the Infrastructure Advisory Committee.

## BACKGROUND

21 The Newcastle Cycling Strategy and Action Plan, adopted by Council in 2012, has an overall objective to make cycling a safe and attractive option to facilitate more people cycling for more of their trips. A route from Newcastle City Centre to Merewether Beach is considered a key north-south link in the cycling network. Investigation of a preferred alignment for the route was undertaken as part of the Inner-City Bike Lanes Investigation.

**OPTIONS**

**Option 1**

22 The recommendation as at Paragraphs 1-6. This is the recommended option.

**Option 2**

23 Council does not approve the proposed changes. This is not the recommended option.

**REFERENCES**

Corben, B. (2020), *Integrating Safe System with Movement and Place for Vulnerable Road Users*, Austroads Research Report AP-R611-20

**ATTACHMENTS**

**Item 65 Attachment A:** Exhibited Concept Plans – The Junction to Merewether Cycleway

**Item 65 Attachment B:** Consultation Brochure – The Junction to Merewether Cycleway

**Item 65 Attachment C:** Summary of Submissions – The Junction to Merewether Cycleway

**Item 65 Attachments A - C distributed under separate cover**

**ITEM-66                      CCL    22/09/20    -    NEWCASTLE    PORT    COMMUNITY  
CONTRIBUTION FUND**

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

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**PURPOSE**

To seek Council endorsement for an inclusive playspace and waterplay area at Foreshore Park to be City of Newcastle's (CN) nominated project for the Newcastle Port Community Contribution Fund (NPCC) for 2020.

That Council:

- 1     Endorses the inclusive playspace and waterplay project at Foreshore Park, part of CN's Harbour Foreshore Masterplan (Masterplan), as its nominated project for the 2020 NPCC. The aim of the Masterplan is to rejuvenate the precinct to meet the needs of the community and future generations through increased accessibility along the foreshore, a separated cycleway along Wharf Road, and improved amenities, landscaping and inclusive playspaces at Foreshore Park.

**KEY ISSUES**

- 2     Each year the Newcastle Port Community Contribution Fund makes available \$1 million in grants for community projects around the Port of Newcastle. The NPCC Fund is competitive and merit based. Recommendations on projects to be funded are made by the NPCC Fund Evaluation Panel and approved by the NSW Deputy Premier.
- 3     In previous years, City of Newcastle has previously been successful in gaining funding towards the Nobby's Surfhouse restoration, South Stockton Reserve Active Hub, and Camp Shortland precinct playground and active space. These three projects have provided significant community benefit for both residents and visitors.
- 4     City of Newcastle proposes to submit an application for an inclusive playspace and waterplay project at Foreshore Park, as part of CN's Harbour Foreshore Masterplan as its nominated project for the 2020 Newcastle Port Community Contribution Fund.
- 5     This project will provide a regional inclusive playspace (aligned with the Everyone Can Play Guidelines) integrated with a waterplay area at Foreshore Park, CN's premier recreation park. The Foreshore Plan of Management (2015) identifies the need for a commensurate inclusive playspace at the foreshore as the existing facility is undersized, aging and dated in design. The project will increase inclusive recreational opportunities at the foreshore. Replacing an aging asset with a culturally significant inclusive facility will improve the functionality of the entire precinct.

The waterplay area represents an opportunity for a water feature at the foreshore that can be enjoyed by the whole community and is lacking from child play areas throughout the local government area. It will be designed for all season use to ensure it is a functional area even in times of extreme heat, severe cold, and periods of water restrictions.

- 6 CN has partnered with Variety the Children's Charity and has engaged renowned consultants Taylor Cullity and Lethlean (TCL) Landscape Architects to prepare the Harbour Foreshore Masterplan. Master planning commenced this year, with detailed design and construction to follow in 2021/22 and 2022/23. The Masterplan process is being developed with a high level of community engagement, and project specific design reference groups for the inclusive playspace and waterplay.

### **FINANCIAL IMPACT**

- 7 A preliminary budget of \$3,125,000 has been identified for the construction of the inclusive playspace and multifunctional waterplay area. The waterplay area is expected to have an annual maintenance cost of \$120,000 inclusive of expendables. CN is seeking a grant of \$500,000 towards the project delivery from the NPCC.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 8 The aim of the Masterplan is to rejuvenate the precinct to meet the needs of the community and future generations through increased accessibility along the foreshore, a separated cycleway along Wharf Road, and improved amenities, landscaping and inclusive playspaces at Foreshore Park. Community Strategic Planning alignment, therefore, includes:

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

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

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

3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs

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

#### **Inclusive Community**

4.2a Ensure people of all abilities can enjoy our public places and spaces.

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 9 The inclusive playspace and waterplay at Foreshore Park links to the following key strategies and plans:

[Foreshore Plan of Management \(2015\)](#)

[Parkland and Recreation Strategy \(2014\)](#)

[Social Strategy \(2016-2019\)](#)

[Disability Inclusion Action Plan \(2016-2019\)](#)

## RISK ASSESSMENT AND MITIGATION

- 10 There is no risk to CN in terms of the submission of the recommended project to the NPCC. The risk occurs if CN is either unsuccessful in obtaining NPCC funds or ineligible to apply if eligibility criteria is altered. If this eventuates, CN may need to either delay this project or reallocate resourcing from other important community projects in order to complete.

## RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 22 September 2015, Council resolved to adopt the Foreshore Plan of Management.

## CONSULTATION

- 12 Extensive consultation was conducted by CN for the Masterplan throughout June and July 2020 as part of Phase 1 Community Engagement. CN carried out community engagement to better understand community values around the Newcastle Harbour Foreshore and to gather feedback about future uses of the Foreshore including what should be retained and/or changed in the area.
- 13 A Community Reference Group, consisting of key stakeholders, reference groups and community members has been formed and will provide guidance throughout the duration of the Masterplan process. This group first met in August 2020 to discuss the future direction of the concept plans and will meet again when preliminary concepts are prepared in November 2020. A Design Reference Group is being formed to assist in the design of the playground and waterplay areas.

## BACKGROUND

- 14 The NPCC is funding that supports community infrastructure around the Port of Newcastle, to improve amenity and community access to spaces around the Port.

The funding supports a variety of initiatives, including:

- Enhancement of public domain, amenity and recreation facilities
  - Community events and festivals
  - Heritage restoration
  - Public art installation, placemaking and activation.
- 15 The applicant must be a community group, not-for-profit, local council, state government agency, or other organisation that owns, manages or occupies land within the project area (**Attachment A**). No more than 10% of funding can be allocated to planning and design, and projects that are private or commercial or located on private land - not accessible either physically or visually to the community – are ineligible.

## CITY OF NEWCASTLE

- 16 It is noted that funding through NPCC is for projects that engage the community with Newcastle Harbour or improve accessibility and amenity of public areas around the Port of Newcastle. Applicants require the capacity to deliver such projects and this requirement, coupled with the eligibility criteria above, means that there is a limited number of potential applicants that have the capability to deliver large scale infrastructure projects with this funding.
- 17 The Port of Newcastle also offers The Community Sponsorship Program, which aims to support local sustainability initiatives up to the value of \$6,000 per application.
- 18 Through the Port of Newcastle fund and in partnership with the community, CN has received \$1,004,500 to deliver \$4,180,000 value through several significant environmental and high-profile community projects that have added to the health and amenity of Newcastle residents and visitors including:

Project Name	Details	Funding Round	Amount Received	CN Contribution	Ongoing annual operational costs from CN	Date Completed
<b>Throsby Creek Clean Up</b>	Funding to clean up Throsby Creek.	Round 1	\$10,000	\$0	\$2500 plus approx. waste disposal charges	May 2019
<b>Nobby's Surf Clubhouse Renovation</b>	Refurbishment of Nobby's Surf Life Saving Club Pavilion including dressing rooms, kiosk, kitchen, function space and public toilets.	Round 1	\$500,000	\$300,000	\$45,000 p/a <i>*Excludes asset renewal</i>	October 2017
<b>South Stockton Reserve Active Hub</b>	Construction of urban skate plaza and children's adventure playground in Stockton.	Round 3	\$450,000	\$1,400,000	\$20,000 p/a <i>*Excludes asset renewal</i>	June 2019
<b>Camp Shortland Precinct Activation</b>	Design and construction of a playground and active space at Camp Shortland.	Round 4	\$445,000	\$230,000	\$10,000 <i>*Excludes asset renewal</i>	Active Funding



19 CN has been unsuccessful in receiving funding for the following applications:

<b>Project Name</b>	<b>Details</b>	<b>Year</b>	<b>Amount Requested</b>
Stockton Beach Protection and Beach Enhancement:	Funds sort to contribute to the \$1.8M stage one works to provide storm protection to Stockton beach after ongoing storm events and protect the adjacent buildings and parklands.	2016	\$500,000
Christmas Tree	Funds sort to contribute to the installation of a \$290,000 Christmas program including a 10.5m high tree. The program was aimed to assist in night time activation and support the local tourist trade and economy.	2019	\$140,000
Foreshore Park Inclusive Water Play Park	Funds sort to contribute to a \$2M water play space on Foreshore Park. The water play space would be designed in conjunction with a neighboring inclusive playspace, as a part of the Harbour Foreshore Masterplan, scheduled for design during the 20/21 financial year with construction commencing in the 21/22 financial year.	2019	\$500,000

20 Further information in regard to the NPCC can be found at the following links:

- [www.nsw.gov.au/regional-nsw/npcc-fund](http://www.nsw.gov.au/regional-nsw/npcc-fund)
- [www.hccdc.nsw.gov.au/npcc](http://www.hccdc.nsw.gov.au/npcc)

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

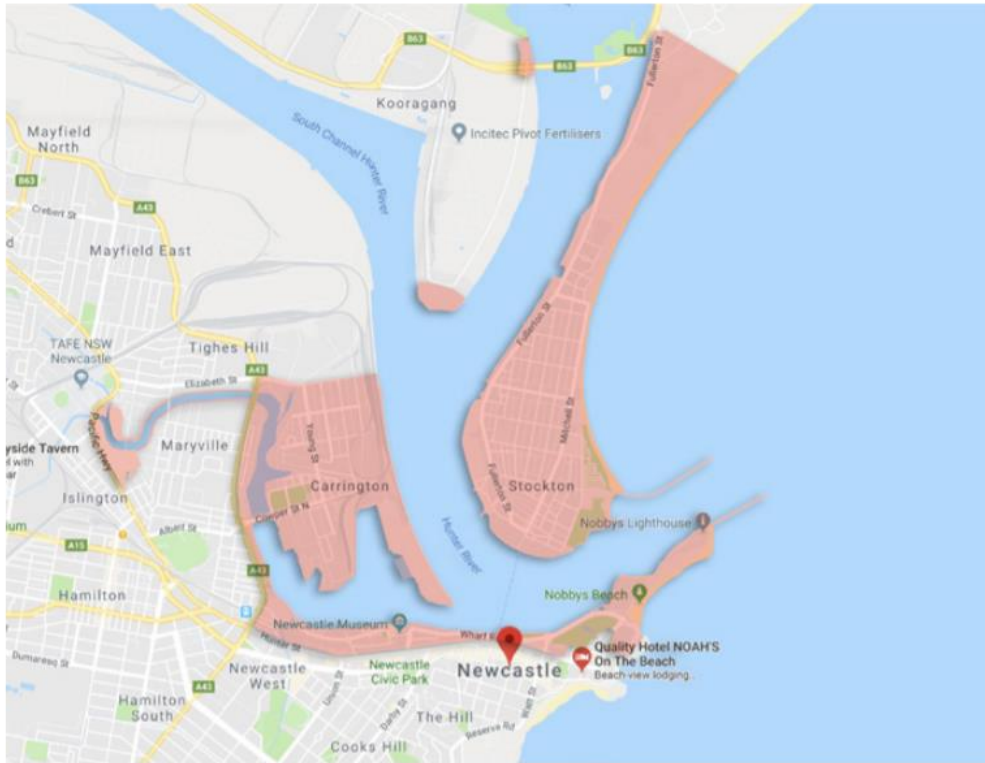
**Attachment A:** NPCC – NPCC Eligible Project Area

Item 66 Attachment A – NPCC Eligible Project Area

To be eligible for funding:

**1. Project Area**

The project must be primarily located within the area defined by this map. Projects located in the waterways adjacent to the defined area are also eligible. The location of your office or business address is not part of the eligibility criteria.



Left: All projects must be located within the areas defined in the map.

**ITEM-68 CCL 22/09/20 - ADOPTION OF THE BLACKBUTT VILLAGE, ORCHARDTOWN ROAD, NEW LAMBTON, LOCAL CENTRE PUBLIC DOMAIN AND TRAFFIC PLAN**

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

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**PURPOSE**

To adopt the Blackbutt Village Orchardtown Road, New Lambton, Public Domain and Traffic Plan (PDP).

**RECOMMENDATION**

That Council:

- 1 Adopt the Blackbutt Village Orchardtown Road, New Lambton, Public Domain and Traffic Plan as set out at **Attachment A**.

**KEY ISSUES**

- 2 Blackbutt Village is dominated by vehicle movements and parking, to the detriment of safe pedestrian and cycle access and public amenity. At this location Orchardtown Road comprises three separate roadways with multiple conflict points between vehicles, pedestrians and cyclists. These significant safety issues are compounded by traffic volumes of around 4,000 vehicles per day on the central through road.
- 3 City of Newcastle (CN) used the results of extensive community consultation and site investigations to develop the draft PDP.
- 4 The draft PDP was presented at a Councillor workshop on 12 November 2019. The main concern raised was the proposed loss of the existing parallel parking lane outside residences on the western side of Orchardtown Road. Further detail on this aspect of the plan was provided to Councillors by memo on 29 January 2020.
- 5 Prior to public exhibition, the draft PDP was amended to retain the parking lane outside residences on the western side of Orchardtown Road. This required the narrowing of lane widths on the central through road, meaning cyclists will now have to 'command the lane' entirely, rather than being able to share the lane side by side with a vehicle. The requirement for cyclists to 'command the lane' is supported by the proposed 40km/hr speed limit and the proposed off-road shared path providing a second route option for cyclists.

- 6 The PDP as shown at **Attachment A** will provide the following improvements:
- i) provide a 40 km/hr High Pedestrian Activity Area (HPAA) on Orchardtown Road between Freyberg Street and Carnley Avenue, with associated traffic devices to reduce speed;
  - ii) remove parking from Orchardtown Road's busy central through road to improve traffic, cycle and pedestrian safety. This allows the through road to be realigned, narrowed and tree lined which has the psychological effect of slowing drivers;
  - iii) provide 90 degree angle parking on Orchardtown Road's quieter western side road and eastern one way aisle, to improve traffic, cycle and pedestrian safety;
  - iv) provide an off-road shared pedestrian and cycle path on the western side of Orchardtown Road, in line with the Grinsell Street to Rydall Street cycle study June 2017;
  - v) closure of the Dunkley Avenue intersection to remove a conflict point from the proposed shared path;
  - vi) provide footpath connections to Blackbutt Reserve via Freyberg Street and Dunkley Avenue;
  - vii) provide a pedestrian refuge on Orchardtown Road at Freyberg Street to facilitate safe crossing by pedestrians and cyclists transitioning from on-road on Freyberg Street to the proposed shared path on Orchardtown Road;
  - viii) provide a new midblock raised pedestrian crossing with kerb extensions on Orchardtown Road to facilitate safe pedestrian and cycle access between the western side of the road and the shops on the eastern side;
  - ix) provide a new pedestrian crossing leg on the western side of the existing traffic signals, (intersection of Orchardtown Road and Carnley Avenue), to facilitate safe pedestrian and cycle access along the future shared path connection to Kotara Train Station;
  - x) relocate the southbound bus stop, closer to the shops, pending further investigation at detail design stage;
  - xi) relocate the taxi zone on Orchardtown Road to Carnley Avenue, to improve safety;
  - xii) make the eastern aisle fronting the shops one-way southbound to formalise traffic movements and improve safety;
  - xiii) provide a widened footpath along the shop fronts on the eastern side of Orchardtown Road to facilitate outdoor dining and landscaping;

- xiv) define pedestrian access on the eastern side of Orchardtown Road between Myra Street and Freyberg Street;
  - xv) improve the aesthetics and amenity of the centre by providing a small public open space plaza adjacent Myra Street and a landscaped entry plaza adjacent Blackbutt Hotel;
  - xvi) increase the shade and amenity to pedestrians and cyclists by retaining existing trees wherever possible and planting of additional trees and landscaping;
  - xvii) improve accessibility by locating disabled parallel parking spaces adjacent the shops; and
  - xviii) identify a future at-grade pedestrian crossing at the intersection of Myra Street and Orchardtown Road and a future at-grade or raised pedestrian crossing at the intersection of Blamey Avenue and Orchardtown Road. This has been proposed to accommodate the anticipated high use of the proposed shared pedestrian and cycle path. These two pedestrian crossings do not currently meet State Government warrants, however pedestrian usage will be re-assessed on completion of works and crossings installed when warrants are met.
- 7 The draft PDP was placed on public exhibition from 2 March to 23 April 2020. The majority of exhibition respondents approved of the overall draft PDP with high levels of support for the proposal to improve traffic safety, upgrade pedestrian and cycle accessibility, and upgrade open space amenity.
- 8 There were 50% of exhibition respondents who disagreed with the proposed net loss of approximately 25 parking spaces. However, 60% of respondents agreed that the overall draft concept plan strikes a balance between place and vehicle infrastructure improvements. It is important to note that it is not possible to provide the highly supported safety and open space amenity improvements without reducing the amount of space taken up by parking.
- 9 CN undertook parking occupancy surveys on Friday 30 May 2019 and Saturday 1 June 2019 (refer to tables below). The results indicate that introducing and enforcing timed parking to prevent long stay commuter parking will balance the net loss of parking spaces by increasing parking vacancies. Results showed 69% of exhibition respondents expressed support for the implementation of timed (not paid) parking to increase parking turnover.

**Friday 30 May 2019**

<b>Orchardtown Road section</b>	Existing spaces	Proposed spaces	Net loss/gain in spaces	Existing long stay commuters	Total loss/gain of spaces
Eastern One-Way Aisle (existing 1P parking)	31	32	+1	1	
Main Through Road (East side) (existing 1P parking)	10	0	-10	0	
Main Through road (West side) (existing untimed parking)	15	0	-15	1	
Western Side Road (existing untimed parking)	49	48	-1	25	
<b>Total</b>			<b>-25</b>	<b>27</b>	<b>+2*</b>

*\* Note this calculation assumes long stay commuters will no longer park in Orchardtown Road (west) due to the introduction of timed parking.*

**Saturday 1 June 2019**

<b>Orchardtown Road section</b>	Existing spaces	Proposed spaces	Net loss/gain in spaces	Existing long stay commuters	Total loss/gain of spaces
Eastern One-Way Aisle (existing 1P parking)	31	32	+1	1	
Main Through Road (East side) (existing 1P parking)	10	0	-10	0	
Main Through road (West side) (existing untimed parking)	15	0	-15	1	
Western Side Road (existing untimed parking)	49	48	-1	21	
<b>Total</b>			<b>-25</b>	<b>24</b>	<b>-1*</b>

*\* Note this calculation assumes long stay commuters will no longer park due to the introduction of timed parking.*

**FINANCIAL IMPACT**

- The preliminary cost estimate to deliver the project is approximately \$4 million. The PDP has been developed within the 2019/2020 and 2020/2021 capital works budgets. The detailed design will be completed in 2020/2021 within the adopted budget allocation of \$207,711. Construction is scheduled to commence in 2021/2022 through CN's capital works budget (subject to Council approval).

## COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The PDP aligns with the following Newcastle 2030 Community Strategic Plan directions:

### **Integrated and Accessible Transport**

- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3a Ensure safe road networks through effective planning and maintenance.
- 1.3b Ensure community and business needs for adequate and accessible parking are prioritised.

### **Inclusive Community**

- 4.1c Improve, promote and facilitate equitable access to services and facilities.
- 4.2a Ensure people of all abilities can enjoy our public places and spaces.

### **Liveable Built Environment**

- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

## IMPLEMENTATION PLAN/IMPLICATIONS

- 12 Detailed design is scheduled for the 2020/21 financial year under the Priority Projects, Urban Centres Renewal Program. Construction is scheduled to be delivered in the 2021/2022 and 2022/2023 financial years.

## RISK ASSESSMENT AND MITIGATION

- 13 The proposed improvements in the PDP are intended to mitigate traffic, pedestrian and cyclist safety issues. The proposed works will be undertaken in accordance with the relevant Australian Standards, Austroads and Transport for NSW guidelines.

## RELATED PREVIOUS DECISIONS

- 14 The draft PDP was presented at a Councillor workshop on 12 November 2019. An outcome of the workshop was the decision to place the draft PDP on public exhibition.

**CONSULTATION**

- 15 An online community survey was open from 6 to 20 December 2017. The survey was advertised through ‘Have Your Say’ postcards delivered within the project area, posters and social media. The results are at **Attachment B**. There were 227 respondents and the top three community concerns were as follows:
  - i) Pedestrian safety, access and connectivity (36%);
  - ii) Traffic safety (25%); and
  - iii) Aesthetics (the look and feel of the area) (17%).
- 16 On 17 December 2018 the Newcastle City Traffic Committee (NCTC) provided in-principle support for the Draft Traffic Plan – Orchardtown Road New Lambton (Traffic Plan) as at **Attachment C**, and recommended progressing with detailed investigation and community consultation. The proposed traffic upgrades in the draft Traffic Plan were integrated into the draft PDP.
- 17 CN’s consultants undertook a face-to-face Personal Experience survey with a total of 50 community members between 12 and 15 June 2019. Local businesses scored highly, but amenities and facilities, public events and public art/uniqueness scored poorly. The full results are shown at **Attachment D**.
- 18 The draft PDP was placed on public exhibition from 2 March to 23 April 2020. A comprehensive online community survey was advertised through distribution of Have Your Say flyers to affected streets, posters in Blackbutt Village and via newspaper advertising and social media. Public exhibition materials are shown at **Attachment E**.
- 19 A community workshop scheduled for Saturday 28 March 2020 was cancelled due to Covid-19 public health restrictions. It was replaced with an online video and additional survey questions to community members who had signed up to attend.
- 20 Feedback was provided by 101 community members associated with Blackbutt Village via the online survey during the exhibition period. The survey was designed so that the community could provide separate responses on the key proposals in addition to providing general comments. The below table summarises community responses to questions on the key proposals. The full report on consultation responses is shown at **Attachment F**.



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Ordinary Council Meeting 22 September 2020

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Questions (with yes/no answer)	Yes	No
Do you agree with the proposed 40km/hr HPAA?	<b>85%</b>	15%
Do you agree with the proposed midblock pedestrian crossing linking the shops to the western side of the road?	<b>88%</b>	12%
Do you agree with the proposed signalled pedestrian crossing to be incorporated into the western side of the existing traffic lights at the intersection of Carnley Avenue and Orchardtown Road?	<b>88%</b>	12%
Do you agree with the proposed pedestrian priority path crossing in Myra Street?	<b>80%</b>	20%
Do you agree with the proposed median strip refuge and extended kerb at the intersection of Freyberg Street and Orchardtown Road?	<b>72%</b>	23%
Do you agree with the proposed shared path connection on the western side of Orchardtown Road?	<b>77%</b>	23%
Do you support a pedestrian crossing at the intersection of Blamey Avenue and Orchardtown Road?	<b>66%</b>	34%
Do you agree with the proposed closure of the intersection of Dunkley Avenue and the main through-road of Orchardtown Road to increase driver, cyclist and pedestrian safety?	<b>66%</b>	34%
Do you agree with making the pull-in lane outside the shops one-way southbound, to improve traffic flow and driver/pedestrian safety?	<b>81%</b>	29%
Do you agree with the proposed relocation of the southbound bus stop, in order to be closer to the shops? (From north of Freyberg Street to south of Freyberg Street)	<b>63%</b>	37%
Do you agree with the proposed relocation of the taxi rank to Carnley Avenue in order to improve access and free up parking space in front of the shops?	<b>78%</b>	22%
Do you agree that the overall draft concept plan strikes a balance between place and vehicle infrastructure improvements?	<b>60%</b>	40%

Questions (5 point scale - strongly agree to strongly disagree answer)	Support (strongly agree or agree)	Neutral	Concerns (disagree or strongly disagree)
To what extent do you support reducing the number of parking spaces by approximately 25 to provide public domain benefits as outlined above? This will leave approximately 91 car spaces?	37%	13%	<b>50%</b>
To what extent do you support reduction of parallel parking by 1 – 2 spaces in front of the shops to allow for more useable public open space?	<b>47%</b>	19%	34%
To what extent do you support increasing driver, pedestrian and cyclist safety by relocating parking spaces from the busy main through road, to reduce vehicle conflict?	<b>62%</b>	7%	31%
To what extent do you support increasing access to local businesses through timed (not paid) parking in order to reduce all day commuter parking?	<b>69%</b>	18%	13%

- 21 Nine individual written submissions were made as part of the exhibition, these are summarised at **Attachment G**.
- 22 During the exhibition period two residents of Dunkley Avenue made individual written submissions expressing concern that the introduction of timed parking on Orchardtown Road could result in a spill-over of all day parking, impacting sightlines, manoeuvring space and parking availability for residents.
- 23 In similar low speed, low traffic volume situations across the LGA, all day parking is not seen as a risk to safety. However, introducing timed parking to side streets would increase vacancy rates and thereby open sightlines and manoeuvring space. CN officers propose a survey of potentially affected residents to gauge the appetite for implementing timed parking on side streets. It is important to note that a resident parking permit scheme could not be approved in conjunction with timed parking because properties in this area have existing off-road parking.
- 24 During the exhibition period two individual written submissions were made regarding safety issues at the intersections of Freyberg Street and Carnley Avenue with Orchardtown Road. Safety at these intersections will be addressed as part of the detail design process.
- 25 On 17 August 2020, the NCTC proposed in-principle support for the PDP with no objections raised. NCTC recommended referral to the elected Council for final determination and further engagement with businesses and affected residents at detail design stage, to determine the right balance of parking time limits to service the needs of the area.

## **BACKGROUND**

- 26 The PDP is a high priority under the Local Centres Infrastructure Renewal Program.
- 27 The full process for developing the PDP is shown at **Attachment H**.

## **OPTIONS**

### **Option 1**

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

### **Option 2**

- 29 Do not adopt the PDP. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

- Item 68 Attachment A:** Blackbutt Village, Orchardtown Road, New Lambton Public Domain and Traffic Plan
- Item 68 Attachment B:** Community Online Survey Analysis December 2017
- Item 68 Attachment C:** Orchardtown Road Traffic Plan
- Item 68 Attachment D:** Orchardtown Road Personal Experience Survey
- Item 68 Attachment E:** Public Exhibition Advertising Materials
- Item 68 Attachment F:** Blackbutt Village - Exhibition Feedback Report
- Item 68 Attachment G:** Summary of Individual Written Submissions – Blackbutt PDP
- Item 68 Attachment H:** Blackbutt Village - PDP Process Flow Chart

**Item 68 - Attachments A - H distributed under separate cover**

**ITEM-69 CCL 22/09/20 - PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT - 73-79 RAILWAY LANE, WICKHAM**

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

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**PURPOSE**

To place the draft Planning Agreement for 73 - 79 Railway Lane, Wickham on public exhibition.

**RECOMMENDATION**

That Council:

- 1 That Council places the draft Planning Agreement for 73 - 79 Railway Lane, Wickham (**Attachment A**) on public exhibition for 28 days and considers a report back to Council on the draft Planning Agreement following the public exhibition period.

**KEY ISSUES**

- 2 DA2016/00384 for a mixed-use development at 73 – 79 Railway Lane, Wickham was determined by the Hunter and Central Coast Joint Regional Planning Panel in October 2019.
- 3 DA2018/00773 was lodged 23 July 2018 and seeks alterations and additions to DA2016/00384. It includes an offer to enter into a Planning Agreement. The proposal requests a variation to the maximum building height of 24 metres under the Newcastle Local Environmental Plan 2012 (NLEP 2012).
- 4 The proposed variation to the height control is to allow a development up to approximately 45 metres as envisaged for this site in the Wickham Masterplan (adopted on 28 December 2017) if an acceptable public benefit outcome can be achieved. The applicant has offered to enter into a Planning Agreement to contribute towards the provision of a public benefit in Wickham.
- 5 DA2018/00773 is subject to a Class 1 Appeal lodged in the Land and Environment Court by the developer against the deemed refusal of the application.
- 6 The Planning Agreement is not subject of the Court proceedings and is a separate matter for City of Newcastle (CN) to resolve. Should CN resolve to accept the applicant's offer to enter into a Planning Agreement, an appropriate condition can be included on any draft consent conditions prepared for the Court. It should be noted that the Court can determine the application, whether or not a Planning Agreement is in place.

- 7 The Planning Agreement requires the payment of a monetary contribution in connection with the proposed development of land at Lot 110 DP 1018454 and Lot 11 DP 1106378, known as 73 – 79 Railway Lane, Wickham. The proposed monetary contribution is \$955,000.
- 8 A written statement (an explanatory note) is included in **Attachment A**. The explanatory note provides a plain English summary of the Planning Agreement, as required by clause 25E of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and includes an assessment of the merits of the proposed agreement and how the agreement promotes the public interest.
- 9 The monetary contribution is to contribute towards the provision of public amenities and infrastructure to support implementation of the Wickham Masterplan 2017. It is intended that the monies be pooled with other similar contributions offered with Planning Agreements in Wickham to focus on delivering public domain works in proximity to the development as well as Wickham Park. The agreement does not exclude the application of section 7.12 contributions.
- 10 The monetary contribution of \$955,000 is based on the following:
  - i) A rate of \$312.50 per sqm of additional Gross Floor Area (GFA). The rate was established following consideration of a valuation report prepared for the applicant by Preston Rowe Paterson (PRP).
  - ii) The basis of the valuation was by both the direct comparison of comparable site sales and a residual land valuation calculation. The residual land valuation calculation was supported by a construction cost estimate.
  - iii) The rate equates to 50% of the market value of the land value uplift.
  - iv) An additional 3,056sqm of GFA proposed by the Development Application.
- 11 CN engaged independent consultants Hill PDA to review the monetary contribution and supporting valuation report by PRP. CN's consultant verified the findings and supported the overall recommendation.
- 12 The independent consultants also considered the draft Planning Agreement recently endorsed by Council for public exhibition in Throsby Street, Wickham. The consultants noted that the differences between the two developments and development sites justified the different rates per square metre.
- 13 Hill PDA concluded that the offer of \$955,000 in connection with the Railway Lane development was acceptable and in the public interest.

**FINANCIAL IMPACT**

- 14 The proponent will fund the preparation of the draft Planning Agreement and pay required fees for CN to conduct its legal review and public exhibition.
- 15 The Planning Agreement will assist CN to provide community infrastructure in Wickham not otherwise able to be funded through section 7.12 Infrastructure Contributions.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 16 The draft Planning Agreement is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

**Liveable Built Environment**

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

**Open and Collaborative Leadership**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 17 The developer will pay a monetary contribution of \$955,000 (indexed by Consumer Price Index) from the date the Agreement is executed to the date of payment.
- 18 The draft Planning Agreement includes a requirement that the monetary contribution must be paid in full prior to the issue of the first Occupation Certificate for the development.

**RISK ASSESSMENT AND MITIGATION**

- 19 An independent review has been undertaken of the offer to ensure it is acceptable and consistent with CN's interests and the approach taken on other development sites. The negotiation and preparation of the draft Planning Agreement is consistent with CN's Planning Agreement Policy. This Policy was adopted to regulate the way in which CN will consider, accept and implement offers made by developers to enter into Planning Agreements.

- 20 Adherence to the legislative framework outlined in CN's Planning Agreement Policy and the *Environmental Planning and Assessment Act 1979* (EP&A Act) and EP&A Regulation reduces the risk to both the developer and CN.

**RELATED PREVIOUS DECISIONS**

- 21 Nil.

**CONSULTATION**

- 22 Formal public consultation on the Planning Agreement will occur during the exhibition period. Exhibition material will be placed on the CN website in accordance with the EP&A Regulation and consistent with CN's adopted Community Participation Plan.
- 23 DA2018/00773 was publicly exhibited between 16 January and 21 February 2019. One public submission was received objecting to the proposal. Issues raised in the submission related to the assessment, design and public benefit of the development.

**BACKGROUND**

- 24 DA2016/00384 for a mixed-use development at 73 – 79 Railway Lane, Wickham was determined by the Hunter and Central Coast Joint Regional Planning Panel in October 2019.
- 25 DA2018/00773 seeks alterations and additions to DA2016/00384 and includes an offer to enter into a Planning Agreement. The proposal requests a variation to the maximum building height of 24 metres under the NLEP 2012.
- 26 DA2018/00773 is subject to a Class 1 Appeal lodged in the Land and Environment Court by the developer against the deemed refusal of the application.

**OPTIONS**

**Option 1**

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

**Option 2**

- 28 Council does not endorse the draft Planning Agreement. The draft Planning Agreement will not be placed on exhibition. This is not the recommended option.

**REFERENCES**

**ATTACHMENTS**

**Item 69 Attachment A** Draft Planning Agreement and Explanatory Note –  
73 – 79 Railway Lane, Wickham

**Item 69 Attachment A distributed under separate cover**



**ITEM-70 CCL 22/09/20 - 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 August 2020.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

**RECOMMENDATION**

That Council:

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

**KEY ISSUES**

- 2 At the end of August 2020 the consolidated YTD actual operating position is a surplus of \$4.8m which represents a positive variance of \$6.3m against the budgeted YTD deficit of \$1.5m. 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 \$22.7m.
- 3 The net funds generated as at the end of August 2020 is a surplus of \$8.2m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$0.8m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in spend of project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

**FINANCIAL IMPACT**

- 5 The variance between YTD budget and YTD actual results at the end of August 2020 is provided in the Executive Monthly Performance Report.

## COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

## IMPLEMENTATION PLAN/IMPLICATIONS

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

## RISK ASSESSMENT AND MITIGATION

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

## RELATED PREVIOUS DECISIONS

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

## CONSULTATION

- 11 A monthly workshop is conducted with the Councillors 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 70 Attachment A:** Executive Monthly Performance Report – August 2020

**Item 70 Attachment A distributed under separate cover**

**ITEM-71 CCL 22/09/20 - ORGANISATIONAL CHANGE**

**REPORT BY: PEOPLE AND CULTURE**  
**CONTACT: DIRECTOR PEOPLE AND CULTURE**

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**PURPOSE**

To approve an organisational change to relocate the Customer Experience Service Unit from the City Wide Services Directorate to the Strategy and Engagement Directorate.

**RECOMMENDATION**

That Council:

- 1 Relocate the Customer Experience Service Unit from the City Wide Services Directorate to the Strategy and Engagement Directorate within the organisational structure to enable the effective alignment and delivery of the Customer Experience Strategy (Attachment A).

**KEY ISSUES**

- 2 Determination of Council's organisational structure can occur pursuant to Section of the Local Government Act (1993), subsection (1A): "*The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council*"; and subsection (1B) "*The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.* Section 333 Local Government Act (1993) also provides that: *The organisation structure may be re-determined under this Part from time to time*"
- 3 City of Newcastle's (CN) approach to Customer Experience is undergoing significant change in terms of customer expectations and shifts in technology, changing the way we deliver our services. CN's Customer Experience Strategy has identified our desire to flip the power from the organisation to the customer to build lifelong trust.
- 4 Relocating the Customer Experience Service Unit to the Strategy & Engagement Directorate will align CN's enabling and engagement functions to provide an enhanced and integrated focus on customer experience. The Customer Experience Strategy will be enabled through improved digital service platforms, technology, data and automated processes.

**FINANCIAL IMPACT**

- 5 There is nil cost associated with the relocation of this Service Unit.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6 The change to the organisation structure with the relocation of the Customer Experience Service Unit underpins the integrated delivery of the Community Strategic Plan for services and functions and provides for open and collaborative leadership.

**IMPLEMENTATION PLAN / IMPLICATIONS**

- 7 The implementation of the Service Unit relocation is anticipated to take effect from 11 January 2021. Finalisation of the Customer Experience Strategy and Implementation Plan is anticipated to be completed in coming months.

**RISK ASSESSMENT AND MITIGATION**

- 8 Risk associated with the relocation is considered to be very low. The Service Unit Manager's reporting line will change from the Director City Wide Services to the Director Strategy and Engagement, however there is no change to roles and no direct impact on staff within the Service Unit.
- 9 Workplace consultation in accordance with CN's Enterprise Agreement will be undertaken to ensure adequate and appropriate consultation occurs in transitioning employees to the Strategy and Engagement Directorate. The CEO and relevant Directors have met with Customer Experience Service Unit staff to explain the proposed change and impacts (nil) on their roles and employment status.

**RELATED PREVIOUS DECISIONS**

- 10 CN's organisation structure was determined by Council at its meeting of 27 March 2018.
- 11 A change to CN's organisation structure was determined by Council on 21 May 2019 with the establishment of the Transport and Compliance Service Unit.

**CONSULTATION**

- 12 Staff and Unions have been informed of the proposed change.
- 13 A workshop was held to brief Council on the proposed Service Unit relocation on 15 September 2020.

**BACKGROUND**

- 14 The Customer Experience Service Unit has been located within the City Wide Services Directorate since July 2018 as part of the organisation design resolved by Council in March 2018 (Attachment B).

**OPTIONS**

**Option 1**

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

**Option 2**

16 Council determines to continue within the current organisation structure. This is not the recommended option.

**REFERENCES**

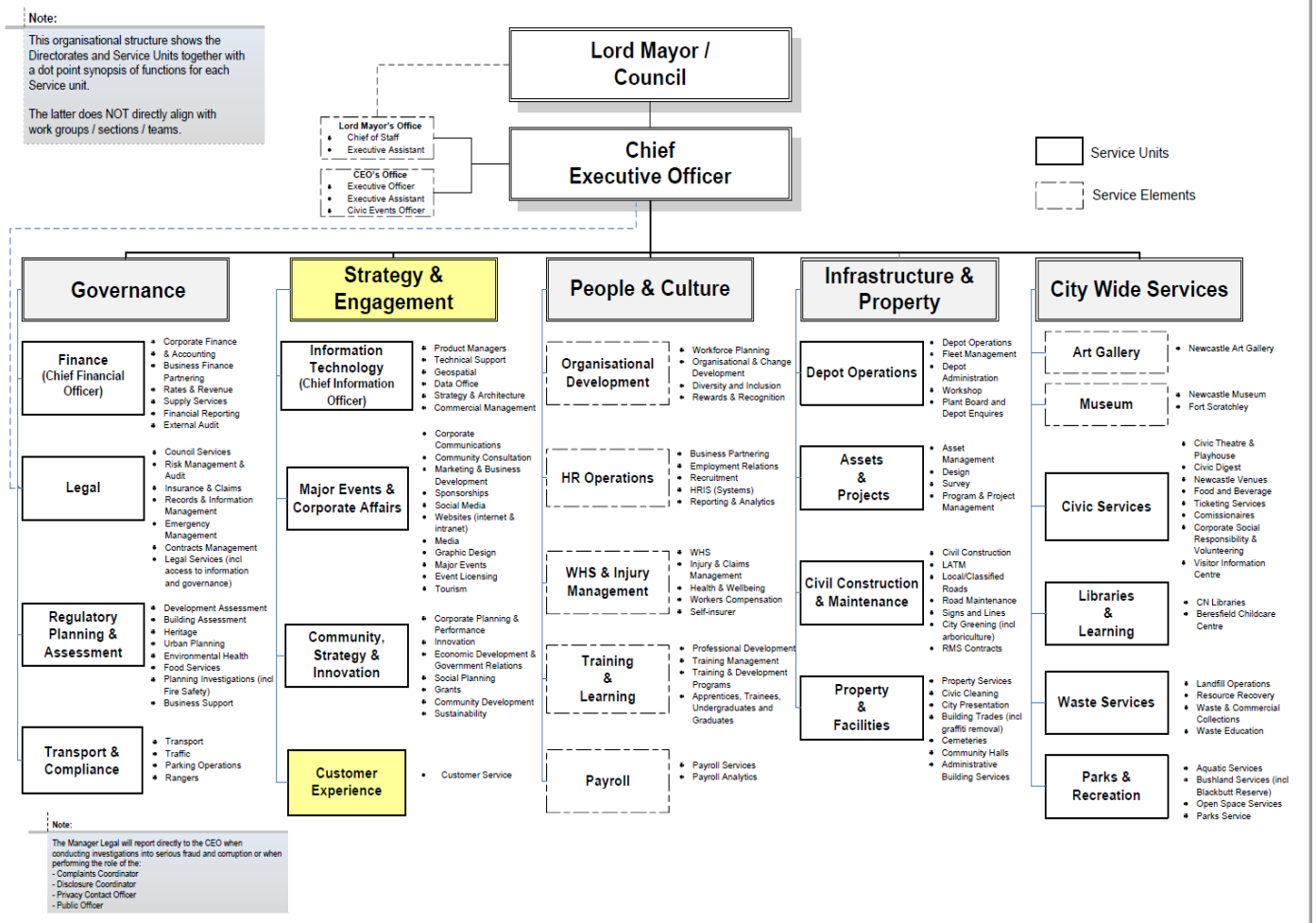
**ATTACHMENTS**

**Item 71 Attachment A:** Proposed Organisation Structure effective 11 January 2021

**Item 71 Attachment B:** Current Organisation Structure (15 September 2020)

Item 71 Attachment A

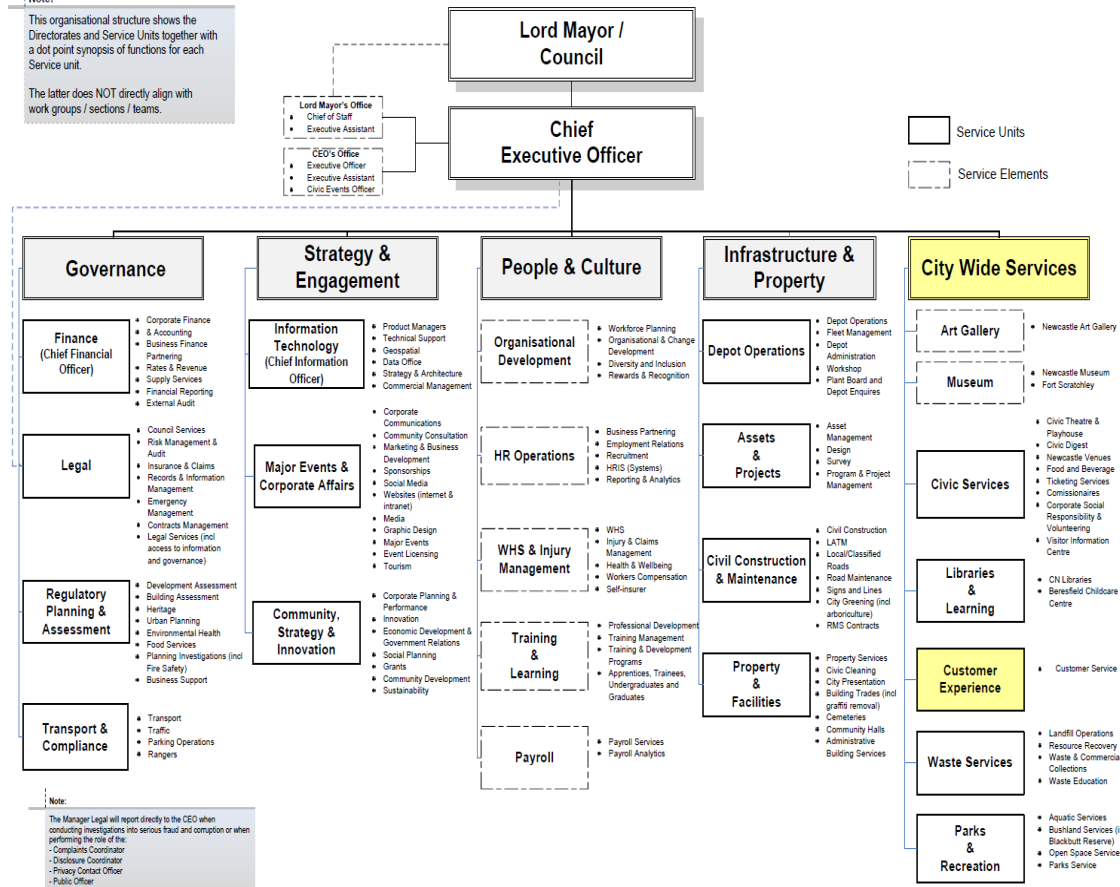
Organisational Structure – Services by Service Unit



Item 71 Attachment B

Organisational Structure – Services by Service Unit

**Note:**  
This organisational structure shows the Directorates and Service Units together with a dot point synopsis of functions for each Service unit.  
The latter does NOT directly align with work groups / sections / teams.





**ITEM-72                    CCL 22/09/20 - SALE OF PART 63 WALLSEND ROAD,  
SANDGATE**

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

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**PURPOSE**

To sell part of 63 Wallsend Road, Sandgate to the adjoining landowner.

**REASON FOR CONFIDENTIALITY**

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

- Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:
  - a    only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security and;
  - b    the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A    The matter relates to Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

- B The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- C The meeting will discuss commercial in confidence property offers by private parties.

**RECOMMENDATION**

That Council:

- 1 Resolve to sell part of 63 Wallsend Road, Sandgate as shown at **Attachment A** to the adjoining landowner.
- 2 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to give effect to the transaction.
- 3 Resolve that the proceeds from the sale be allocated to City of Newcastle's (CN) 'Works Program: Specific Projects'.

**KEY ISSUES**

- 4 63 Wallsend Road, Sandgate is classified Operational Land, zoned IN2. It is unimproved and forms Market Swamp. It is proposed to subdivide part of the parcel resulting in a new Lot of 1,423m<sup>2</sup> (Proposed Parcel) being the subject of sale in this report.
- 5 As part of the draft Community Land Plan of Management to be reported to Council this financial year, part of 63 Wallsend Road, Sandgate is proposed to be re-classified as Community Land and categorised as Wetland for environmental protection. The Proposed Parcel is surplus to the needs of CN for this purpose.
- 6 The Proposed Parcel will only be accessible directly from the adjoining property.
- 7 Approximately 80% of the Proposed Parcel is burdened by an electricity transmission easement and cannot be improved upon with buildings and has limited development options.
- 8 The land is undulating, with approximately 35% of the Proposed Parcel needing to be filled for any purposeful use. The adjoining landowner is proposing to fill the Proposed Parcel as necessary and utilise as hardstand. Any development would be subject to development consent and the restrictions within the consent.
- 9 Any development of the land sold to the adjoining landowner or any future successor in title is subject to development consent.

- 10 Independent planning advice procured by the adjacent landowner (and advice from CN Planners) is that there is significant risk to obtaining development consent due to various constraints, with significant restraints being flooding (and the impacts on the adjacent flood storage area) and the proximity to coastal wetlands. The adjacent landowner is fully aware of the potential risks of not obtaining the necessary development consent for their proposed use and understands that the sale is unconditional, and they take on all risks associated with the constraints.
- 11 Under the Act, sale of CN owned land does not need to go to tender however CN may choose to. As the Proposed Parcel will be landlocked except to the adjacent landowner, it is not deemed appropriate to sell the Proposed Parcel by tender.

### **FINANCIAL IMPACT**

- 12 The proceeds from the sale of the land will be transferred to CN's 'Works Program: Specific Projects'.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 13 The proposed sale aligns with the following Newcastle 2030 Community Strategic Plan directions:

#### **Liveable Built Environment**

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

### **IMPLEMENTATION PLAN/IMPLICATIONS**

- 14 The adjoining landowner is required to prepare and lodge a Plan of Subdivision for the Proposed Land as shown at **Attachment B**, and register the Plan of Subdivision with NSW Land Registry Services.
- 15 Following registration and amendments to the title, thereby creating a separate Lot, the Proposed Parcel will be sold to the adjoining landowner.

### **RISK ASSESSMENT AND MITIGATION**

- 16 The applicant will pay all fees and expenses associated with the Plan of Subdivision. CN is not financially exposed.

### **RELATED PREVIOUS DECISIONS**

- 17 Nil

### **CONSULTATION**

- 18 There is no requirement for consultation on this proposed sale.

**BACKGROUND**

- 19 In January 2019, the adjoining landowner approached CN with a request to purchase a section of 63 Wallsend Road, with the intention of obtaining development consent to fill the land and utilise as hardstand.
- 20 An independent valuation of the section of land to be sold was undertaken in October 2019
- 21 Various offers below the valuation were made by the adjoining landowner which were not considered by CN officers.
- 22 In July 2020, the applicant made an offer that exceeded the valuation (**Attachment C**).

**OPTIONS**

**Option 1**

- 23 The recommendation as at Paragraphs 1 – 3. This is the recommended option.

**Option 2**

- 24 To not proceed with the sale. This is not the recommended option.

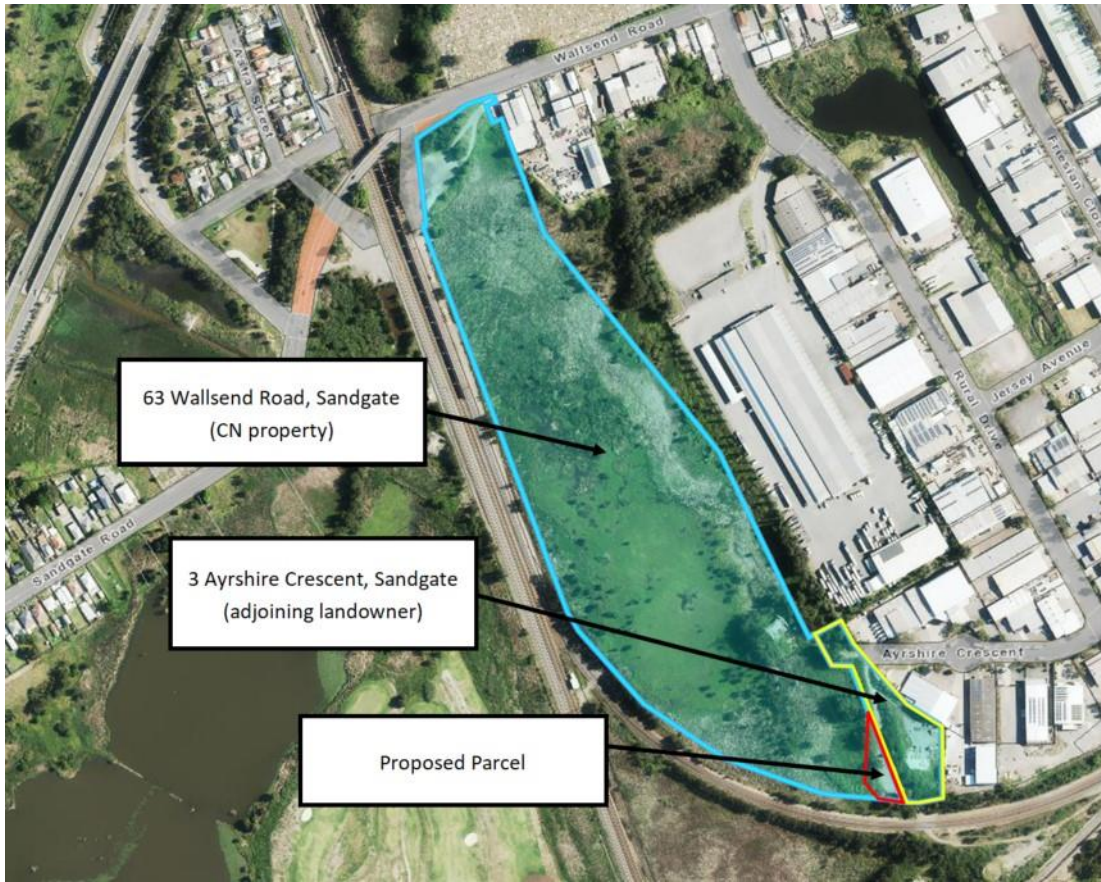
**REFERENCES**

**ATTACHMENTS**

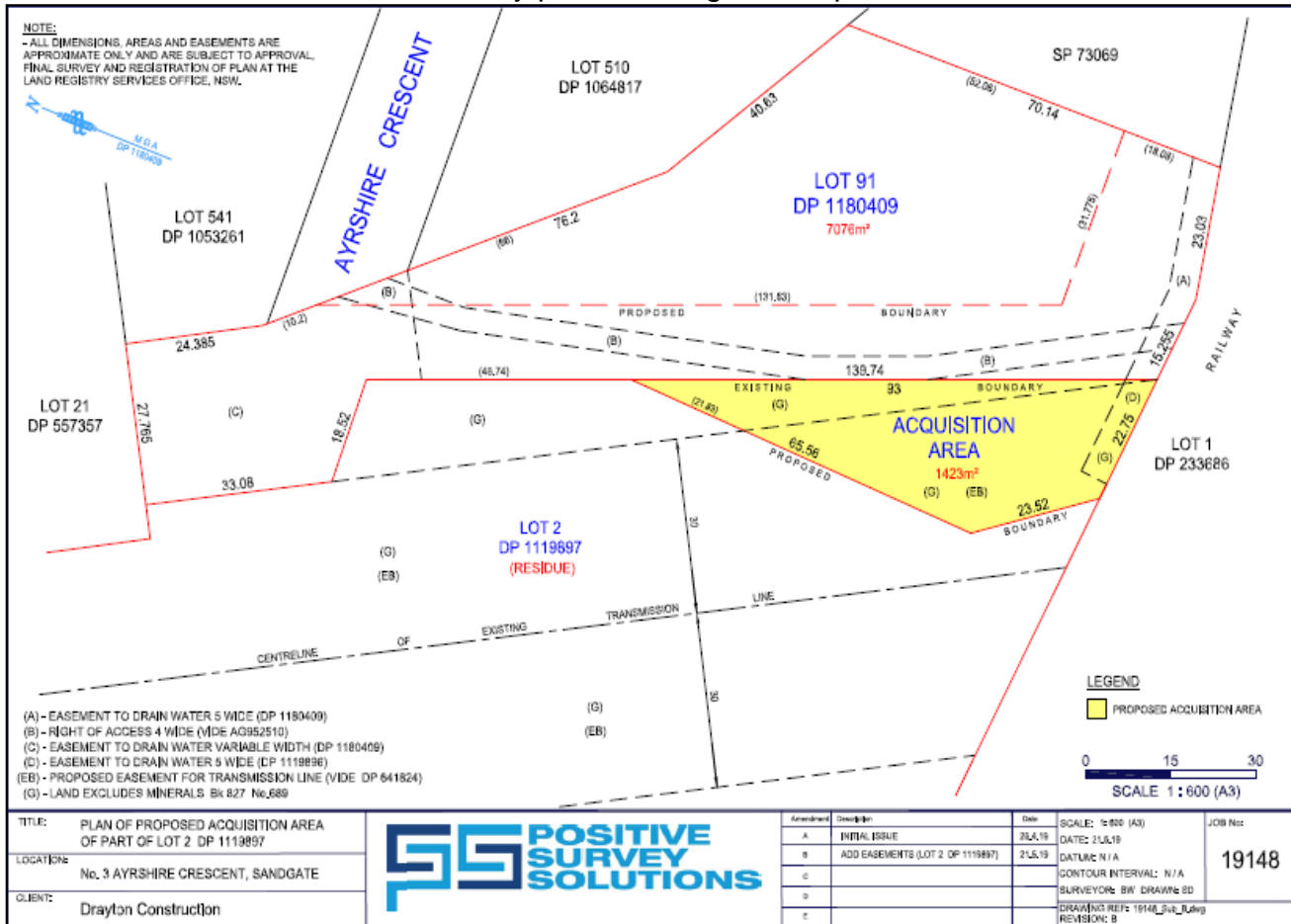
- Item 72 Attachment A:** Aerial site diagram.
- Item 72 Attachment B:** Survey plan.
- Item 72 Attachment C:** Confidential - Valuation and Offer Details (*refer Confidential Council Agenda 22 September 2020*)

**CITY OF NEWCASTLE**

**Item 72 Attachment A:** Aerial site diagram showing applicants property and City of Newcastle property.



Item 72 Attachment B: Survey plan showing the Proposed Parcel.



**ITEM-73                    CCL 22/09/20 - TENDER REPORT - SOUTH NEWCASTLE  
                                  BEACH SKATEPARK - 2020/239T**

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

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**PURPOSE**

To accept a tender for the construction of a skate park at South Newcastle Beach in accordance with Contract No. 2020/239T.

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

**REASON FOR CONFIDENTIALITY**

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

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

**GROUNDS FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for the construction of a skate park at South Newcastle Beach for Contract No. 2020/239T.

- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- 

## **RECOMMENDATION**

- 1 At **Attachment A**.

## **KEY ISSUES**

### **Tender**

- 2 This project is for the construction of a replacement skate park at South Newcastle Beach.

### **Contract Term**

- 3 The term of the contract is 95 days with a defect liability period of 15 months.

### **Advertising Of Tenders**

- 4 This tender was advertised in the Newcastle Herald on 8 August 2020, Sydney Morning Herald on 11 August 2020 and nationally on the Tenderlink website.

### **Tenders Received**

- 5 Tenders closed at 2pm on Tuesday, 1 September 2020. Tender submissions were received from:
- i) Concrete Skate Parks Pty Ltd,
  - ii) Convic Pty Ltd,
  - iii) Trinity Skateparks Pty Ltd, and
  - iv) VFG Skateparks Pty Ltd.



**Evaluation Process**

6 The tenders were assessed against the following criteria:

i) Price	35%
ii) Previous Experience and Management and Staff Resources	25%
iii) Contract Programme and Methodology	15%
iv) WHS Management Systems	10%
v) Referees	5%
vi) Sub Contractors & non WHS Management Systems	5%
vii) Supplier Diversity	5%

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

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

**Recommended Tender**

9 The recommended tenderer is a long-established skate specific construction company originating in Victoria who has worked successfully with CN previously. It has a construction crew based in NSW and propose to utilise this crew for the contract.

**FINANCIAL IMPACT**

10 The total estimated cost of this element of the project, including the proposed contract amount, allowances for project management, contingency and other associated costs is \$1,644,000.

11 The total estimated cost of the contract is within the total approved budget for this project. Additionally, CN has received a \$5 million grant from Infrastructure NSW under the Restart NSW Funding Scheme for the Bathers Way – South Newcastle project. The grant will be used to partially fund construction of the skatepark and the Bathers Way element of the project (2020/240T) which has a total estimated cost of \$12,622,632. The grant submission was successful partly due to CN's commitment to deliver an accessible skatepark. Should the skatepark not proceed, the grant funding would not be realised.

**IMPLICATIONS**

**Policy Implications**

- 12 This project aligns with the following Newcastle 2030 Community Strategic Plan directions:
- i) Vibrant, Safe and Active Public Places,
  - ii) Inclusive Community, and
  - iii) Liveable Built Environment.
- 13 The project will enable the implementation of CN's strategic objective in relation to the Newcastle Coastal Revitalisation Master Plan, and Bathers Way Public Domain Plan.

**Environmental Implications**

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

**Social Implications**

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

**Ecological Sustainability**

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

**IMPLEMENTATION**

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

**CONSULTATION/COMMUNICATION**

- 21 The South Newcastle Beach Concept Masterplan was presented to the Community Reference Group (CRG) and endorsed by Council in December 2014. Works continued to revise the design, with the updates provided to the Coastal Revitalisation Consultative Committee.
- 22 From mid-2019 the project concepts were redesigned based on community feedback to incorporate all skate park features within the existing seawall footprint. Subsequent community engagement indicated approximately 80% of respondents supported the redesigned concepts. The Coastal Revitalisation Project Control Group endorsed the final concept design in July 2019.
- 23 The final design was supported by online community engagement undertaken in December 2019 and refined with input from the CRG throughout the first half of 2020.
- 24 In late 2019 the South Newcastle Beach Skatepark Community Reference Group provided input into the specific design elements and uses of the skate park and surround space.

**BACKGROUND**

- 25 Improving coastal infrastructure, access and connectivity is a high priority for CN. It is crucial to showcasing our beaches as an important asset for the community and visitors to enjoy
- 26 Through the delivery of critical elements of community infrastructure, the Bathers Way South Newcastle Beach Project (Project) will also have dynamic economic effects and stimulate growth in the regional economy, helping to further develop Newcastle as a regional economic hub.
- 27 The community ranked upgrading Bathers Way as the highest priority for revitalisation of the coastline in the Newcastle Coastal Revitalisation Strategy Masterplan, Newcastle Voice Survey 2010.

- 28 In 2012, following adoption of the Bathers Way Public Domain Plan, CN commenced a 10 year construction program to deliver Bathers Way, providing comfortable pedestrian and cycle access, improving safety and diversifying recreational use along this iconic length of the city coastline.
- 29 The Project will provide a crucial link in what is currently an underused and dilapidated section of the coastline between King Edward Park, Newcastle Beach and the CBD.
- 30 The Project will provide a new intermediate level skate park and bowl which is expected to be the centrepiece of the City's skating infrastructure. The skatepark will be a facility that caters for intermediate skill level with appropriate opportunities for athlete skill progression. The facility comprises a street/flow section as well as a bowl and all features can be utilised by a range of athletes, including those in wheelchairs.
- 31 The project objectives are to:
- i) Protect the long-term future of the precinct as a public recreational and social facility,
  - ii) Address the shortage of community and youth space in Newcastle,
  - iii) Improve accessibility for all users,
  - iv) Address infrastructure maintenance backlog and reduce ongoing maintenance costs,
  - v) Provide improved community facilities for a variety of users,
  - vi) Address safety issues relating to existing infrastructure,
  - vii) Improve the appearance of the coastline facilities, while maintaining the character unique to the location, and
  - viii) Contribute to delivering a number of local, state, and federal strategic and policy objectives.
- 32 This contract will be novated to Lloyd Group, the contractor accepted by Council at its meeting of 28 July 2020, for Bathers Way - South Newcastle Beach. This process enables the City to select the most appropriate specialised contractor for the construction of the highly technical skate elements and will also ensure smooth management of what is a small, difficult to access site.
- 33 The calling of tenders was in accordance with the requirements of Section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

**OPTIONS**

**Option 1**

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

**Option 2**

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

**Option 3**

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

**Option 4**

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

**Option 5**

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

**ATTACHMENTS**

**Item 73 Attachment A:** Confidential Recommendation

**Item 73 Attachment B:** Confidential Tender Evaluation Matrix - Summary

***(refer Confidential Council Agenda 22 September 2020)***

**NOTICES OF MOTION**

**ITEM-19**                      **NOM 22/09/20 - CITY OF NEWCASTLE AND UBE CITY SISTER CITY 40TH ANNIVERSARY**

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

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**PURPOSE**

*The following Notice of Motion was received on Thursday 10 September 2020 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle:

- 1      Notes that on 21 November 1980, the City of Newcastle officially established a Sister City Affiliation with Ube City, Yamaguchi Prefecture, Japan, thanks to significant relationship building by then Lord Mayor, Joy Cummings;
- 2      Recognises that 21 November 2020 will mark the 40<sup>th</sup> anniversary of our Sister City relationship with Ube City;
- 3      Notes with sadness that we will be unable to host a delegation from Ube City and that City of Newcastle cannot visit our friends in Ube City, due to the COVID-19 global pandemic; and
- 4      Asks our Major Events and Corporate Affairs and Community Strategy & Innovation teams to work with our Local History Library to mark this important occasion, through an appropriate civic gift such as a commemorative booklet, to be sent to Ube City Mayor Kimiko Kubota, local Newcastle schools and to be made available at our Libraries, the Newcastle Museum and Newcastle Visitor Information Centre, to mark this very significant anniversary and the deep importance of our ongoing relationship with Ube City.

**BACKGROUND**

This year marks the 40<sup>th</sup> anniversary of the treasured Sister City relationship between the City of Newcastle and Ube City, Japan.

While the COVID-19 pandemic has meant we can't celebrate in the traditional ways we'd hoped, City of Newcastle recognises the significance of our relationship with Ube City, which has blossomed over the past 40 years.

The Newcastle Sister City Committee hosted the first ever Sister City Convention in September 1979 as a way to develop enduring networks of communication between the cities of the world and cut across international borders.

A year later, in 1980, Newcastle proudly signed a Sister City agreement with Ube City. The City of Newcastle's first female Lord Mayor and a pioneer in her own right, the late Joy Cummings, was the Lord Mayor at the time.

She was the driving force behind the establishment of our Sister City relationship, believing our two great cities – with a similar population size and industrial background in coal and steel manufacturing – had much in common.

Over the decades we've enjoyed a rich cultural relationship with Ube, developing strong connections in the areas of education, youth exchange, economics and sport. Annual exchange visits have been a highlight for local students at Merewether, Newcastle and Kotara High Schools, while Japanese culture is taught to tertiary students at the University of Newcastle.

Other community groups and institutions have also reaped the rewards of our Sister City relations, including the Newcastle Judo Community, Newcastle Bonsai Society and Marching Koalas.

Newcastle is also home to a significant collection of Japanese art and over the years we have received many generous gifts from esteemed delegates, such as the prized ceramics collection held at Newcastle Art Gallery.

While sadly we are unable to host a delegation in 2020, or likewise visit our friends in Ube, City of Newcastle looks forward to continuing to build on our relationship over the next 40 years.

**ATTACHMENTS**

Nil.

**ITEM-20                    NOM 22/09/20 - WICKHAM SCHOOL OF ARTS - STATE HERITAGE LISTING**

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

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**PURPOSE**

*The following Notice of Motion was received on Wednesday 9 September 2020 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle:

- 1    Notes that on 1 May, 2018, it was resolved by Notice of Motion to establish a Newcastle Heritage Working Party to assist in identifying areas for possible inclusion as Heritage Conservation Areas, and the protection of our historically significant sites;
- 2    Notes that the Wickham School of Arts has been identified as a site of significant historical and cultural value to Newcastle and New South Wales, with the NSW Government Statement of Significance noting '*The Former Wickham School of Arts has both social and historical significance*' and the building's association with Henry Lawson and as the first meeting place of the Newcastle Permanent Building Society;
- 3    Notes that on 21 July 2020, Lord Mayor Nuatali Nelmes wrote to the NSW Premier, the Hon. Gladys Berejiklian MP, asking the NSW Government to implement a Heritage Protection Plan, to ensure that the former Wickham School of Arts Building is not demolished; and
- 4    Calls on the NSW Government to list the former Wickham School of Arts Building on the NSW Government's State Heritage Register, to protect this significant historical asset, following Hunter & Central Coast Development Corporation's public declaration that they have no intention of demolishing the building.

**BACKGROUND**

Following a recent Newcastle Herald article, outlining the fact that Hunter Central Coast Development Corporation (HCCDC) had no intention to demolish the heritage listed building, a number of people contacted the Lord Mayor regarding the NSW Government's plans to protect this important building.

City of Newcastle Councillors have strongly advocated for the protection of the building, including representations to Hunter Central Coast Development Corporation (then Honeysuckle Development Corporation) in 2019, and the establishment of the Newcastle Heritage Working Party, with the protection of the former Wickham School of Arts Building at the forefront of that decision.



The significance of the building is recognised by the NSW Government, with the Statement of Significance noting its association with Henry Lawson, and the Newcastle Permanent Building Society, the Office of Environment and Heritage notes that:

*The Former Wickham School of Arts has both social and historical significance, originally designed by prominent Newcastle Architect, Peter Bennett for the use of residents of Wickham for their 'social and moral' advancement. Its historical significance is greatly enhanced by Henry Lawson writing 'I worked at Hudson Bros. at Wickham Newcastle, where I haunted the School of Arts, still with the idea of learning before it was too late. I felt I must take up some branch of study or other and it seemed getting too late fast'. Also of both social and historical significance, the Former Wickham School of Arts hosted the inaugural meeting of the Starr-Bowkett Society, which went on to become the Newcastle Permanent Building Society – Australia's second largest customer owned banking organisation.*

While City of Newcastle is pleased the NSW Government have advised they do not plan to demolish this building, we ask the Government to consider implementing a protection plan for the building, to ensure it is protected now, and for future generations to enjoy, and to list the site on the NSW State Heritage Register.

The City of Newcastle is committed to working with the NSW Government to protect Newcastle's rich cultural heritage.

**RELATED PREVIOUS DECISIONS**

- Notice of Motion: 1 May 2020: Protecting City of Newcastle's Heritage

**ITEM-21                    NOM 22/09/20 - MAKING PARKING EASY**

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

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**PURPOSE**

*The following Notice of Motion was received on Thursday 10 September 2020 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle

- 1     Notes that the City is currently reviewing its Parking and Cycling Plans, with stakeholder input currently underway, and public exhibition scheduled before the end of 2020;
- 2     Notes the rapid uptake of the EasyPark app since its introduction in 2018, currently outranking both cash and credit card as a form of payment for parking (45,000 transactions on the app per month prior to COVID-19);
- 3     Notes that the app significantly improves the user experience, including advanced predictive technology that assists users in quickly locating vacant parks, the ability to seek an instant refund for any unused parking, and immediate digital receipting;
- 4     Notes that car parking transactions made through the EasyPark app are currently subject to a 10 per cent surcharge (set by the app manufacturer) which covers the application's cost;
- 5     Notes that local health workers have contacted City of Newcastle to request changes to this surcharge so that using EasyPark is no more expensive for commuters than using a credit card at a physical parking meter; and
- 6     Amends the surcharge on the EasyPark App so that the total cost is no greater than paying via credit card at a physical parking meter, to ensure equity across the two contactless payment methods.

**BACKGROUND**

Nil.

**ATTACHMENTS**

Nil.

**REPORT ON NOTICE OF MOTION - NOM 22/09/20 - MAKING PARKING EASY**

**REPORT BY: CHIEF EXECUTIVE'S OFFICE**

**CONTACT: CHIEF EXECUTIVE OFFICER**

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**DIRECTOR COMMENT**

City of Newcastle does not charge for the first 15 minutes of paid parking as an incentive to accelerate the take-up of the EasyPark app. This has the effect of making the app cheaper than cash or credit card for those parking for 1 or 2 hours. This accounts for 84% of all transactions across a typical month.

EasyPark further offers motorists a Saver Account for \$1.99 per month which reduces the fee from 10% to 2.25%. This has the effect of making the EasyPark app a cheaper option than cash or credit card for 94% of all transactions across a typical month.

Time	Cash	Credit Card	EasyPark	Saver Account
1P	\$4.00	\$4.03	\$3.30	\$3.07
2P	\$8.00	\$8.06	\$7.70	\$7.16
4P	\$16.00	\$16.12	\$16.50	\$15.34
8P	\$8.00	\$8.06	\$8.80	\$8.18

To ensure an equitable cost to the motorist regardless of credit card or EasyPark use would require the current 2.25% EasyPark saver account fee being reduced to 0.75% (for commuter (8P) parkers). The cost to remove the pricing inequity is estimated at \$1,030 per month. Increasing the financial appeal of the EasyPark app to commuter parkers will accelerate take up of the app, with an ultimate aim of reducing the number of physical parking meters required in the it and consequently the associated costs of meter maintenance and coin collection.

**ITEM-22                    NOM 22/09/20 - FORT SCRATCHLEY AND FORT  
SCRATCHLEY HISTORICAL SOCIETY**

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

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**PURPOSE**

*The following Notice of Motion was received on Thursday 10 September 2020 from the abovenamed Councillors.*

**MOTION**

That Council:

- 1 Recognises and acknowledges the historical and cultural importance of Fort Scratchley;
- 2 Recognises and acknowledges the work undertaken by The Fort Scratchley Historical Society (FSHS) to preserve this invaluable piece of Newcastle's military history; and
- 3 Drafts a Memorandum of Understanding between CN and FSHS recognising the importance of Fort Scratchley to the people of Newcastle and committing to the ongoing support of FSHS.

**BACKGROUND**

Fort Scratchley is situated on the eastern headland of Newcastle and was originally the site of a coal mine in 1801.

While its coal seam was readily accessible, its prominence as a lookout proved to be its most valuable asset.

In 1813 a coal fired navigation beacon (on Beacon Hill) was established, along with a flagstaff and signal station becoming the Harbour Master's residence.

However, the sites strategic importance was soon recognised and by 1828 a battery had been constructed and was equipped with 7 guns.

In 1876 due to fears of a Russian attack, orders were sent from England to Major General Sir William Jervois and Lieutenant Colonel Peter Scratchley to oversee the completion of the Fort.

It was designed with 3 guns facing east and others covering the Harbour to the North and West and with mines laid in the Harbour channel that could be exploded from a control pit in the Fort.

The guns were used on several occasion during each of the World Wars to stop unauthorised shipping movements through the Harbour Mouth.

During the night on 7-8 June, 1942 the 6 Inch guns fired two salvos at a Japanese Submarine that shelled Newcastle with approximately two dozen shells – making Newcastle the only coastal Fort to fire on an enemy Naval vessel.

The Fort was decommissioned in 1962 and closed in 1972.

It laid idle until 1977 when City of Newcastle entered into a lease with the Commonwealth over the site.

The Fort opened as a Maritime Museum in 1977 and the Historical Society came to be in 1982.

Today the Fort Scratchley Historical Society is currently Chaired by Mr Frank Carter. This group of volunteers work tirelessly and passionately to maintain the Fort while collecting cataloguing thousands of times to ensure this unique history is maintained for generations to come.

The Fort is consistently recognised as one of Newcastle's premier tourist destinations, maintaining museum rooms, conducting tunnel tours and firing the historic guns each day.

The City incurs an annual cost of approximately \$123,898 for the operations of Fort Scratchley, which covers expenses such as security, phones, property charges, and materials.

The City has paid the Fort Scratchley Historical Society in excess of \$300,000 during the past ten years in return for their organising and managing of their popular tunnel tours.

The depreciation of Fort Scratchley is a fixed per annum cost to the City of Newcastle of \$213,000.

## **ATTACHMENTS**

Nil.

**ITEM-23                    NOM 22/09/20 - ONE HOUR FREE PARKING TRIAL ON  
HUNTER STREET**

**COUNCILLORS:    J CHURCH, K ELLIOTT, A RUFO, A ROBINSON AND  
J MACKENZIE**

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**PURPOSE**

*The following Notice of Motion was received on Wednesday 9 September 2020 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle

- Notes the progress on the city's Parking Plan and the anticipated completion of a draft plan for consultation before the end of the year;
- Accepts and notes a petition signed by more than 658 residents seeking the introduction of one-hour free parking in Hunter Street;
- Notes the negative impact on inner city businesses due to the Light Rail construction, Supercars street closures and now Covid-19 Pandemic;
- Notes that council received approx. \$8million in fees from parking meters and parking stations and another \$4million in parking fines during the 2018-2019 financial year;
- Conducts a trial of one-hour free parking in Hunter Street, and provides councillors with a report on the costs and benefits of such an arrangement becoming permanent; and
- Writes to the petition organiser to inform them of the outcome of this motion.

**BACKGROUND**

City of Newcastle has developed a comprehensive community and economic support package designed to help locals through the unprecedented effects of COVID-19. The package includes interest free payment plans for rates, rent reductions on council-owned buildings, free online training packages, and community grants programs to support our vulnerable and emerging at-risk community members.

Additionally, a City Taskforce, led by the City of Newcastle, has been established to oversee the recovery phases of the COVID-19 pandemic crisis. The City Taskforce is a collaboration of 17 leading organisations and employers, chaired by the Lord Mayor. At its fifth meeting on 3<sup>rd</sup> July, the Taskforce heard how commercial rental vacancies across Newcastle had significantly increased from February to June, changing the city's streetscape and eroding business confidence – an issue not localised to Newcastle, but which can be seen around the world as a result of COVID-19.

Among the ideas considered, city leaders raised the concept of applying the Renew Newcastle model more broadly to redevelop and revitalise commercial precincts and the city's overall amenity in parallel with discussions with the Department of Planning, Industry and Environment around zoning and the night-time economy. Leaders agreed to workshop this further with key members of the City Taskforce.

As part of their COVID-19 response, local governments in Sydney, Melbourne and Brisbane all made significant changes to metered parking in their respective CBDs. Melbourne's Lord Mayor Sally Capp and Sydney Lord Mayor Clover Moore waived parking fines, and Brisbane City Council turned off all parking meters. Woollahra Municipal Council in Sydney's eastern suburbs also turned off parking meters due to the reduced demand in commercial centres for parking as a consequence of business closures.

## **ATTACHMENTS**

**NOM Item 23 Attachment A:** Newcastle Herald Article September 10 2020

NOM Item 23 Attachment A

Saturday September 05, 2020 NEWCASTLE HERALD 15 NEWS

newcastleherald.com.au

# Push for hour free parking

BY MICHAEL PARRIS

AN INNER-CITY business owner says strict enforcement of parking rules has made her "feel like prey" as she calls on Newcastle council to introduce one hour of free parking in Hunter Street.

Blackstone Gallery owners Marguerite Tierney and Tim Moran have organised a petition with 658 signatures which they hope will be presented to the council in coming weeks.

The couple returned to Newcastle last year after 15 years in Melbourne to open the gallery on what they thought would be a thriving tram route. But the light rail line removed much of the parking in Hunter Street, and Ms Tierney said what was left



The tram line has not aided businesses like they do in Melbourne; they have killed them.

Marguerite Tierney



PETITION: Marguerite Tierney and Tim Moran.

business owners and driving customers away to suburban shopping centres.

"The tram line has not aided businesses like they do in Melbourne; they have killed them. Our customers are further charged to have a coffee, visit a gallery or pick up a wedding dress."

She conceded many of the signatories on the petition were not from Newcastle.

"But parking pisses off everybody," she told the *Newcastle Herald* on Friday.

"I don't want to go whinge-ing; I want to provide a solution and help everyone."

"I know the council relies on a lot of their revenue from parking, so they can't just eradicate it, but I think we need some leniency, particularly in these times."

hour parking spots.

Ms Tierney said many businesses had shut along Hunter Street in the past 18 months, and COVID-19 had added to their plight.

The petition asks the council to introduce one hour of free, timed parking in Hunter Street. Motorists would pay for the second hour in two-

vote to rescind the trial because it was "being abused by members of the public".

The petition asks the council to introduce one hour of free, timed parking in Hunter Street. Motorists would pay for the second hour in two-

showed parking fine revenue was tracking \$400,000 above what had been budgeted.

Ms Tierney's sister Lisa was a Liberal councillor when the city tested free parking briefly in December 2012, before then lord mayor Jeff McCloy used his casting

its May financial update



**REPORT ON NOTICE OF MOTION - NOM 22/09/20 - ONE HOUR FREE PARKING TRIAL ON HUNTER STREET**

**REPORT BY: GOVERNANCE**

**CONTACT: DIRECTOR GOVERNANCE**

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**DIRECTOR COMMENT**

City of Newcastle is currently renewing its parking and cycling plans in response to the significant development occurring in the Newcastle CBD combined with the introduction of the Newcastle light rail and Newcastle Transport Interchange.

Early engagement with key stakeholders including Councillors commenced in September 2020 and Draft Plans are intended to be publicly exhibited during November.

One-hour free parking on Hunter Street has to date not been suggested during this early engagement period.

Properly planned and implemented parking arrangements will help CN achieve the community's aspiration for more active transport as well as contribute to the revitalisation of the city centre and local suburban centres.

Timed free parking on Hunter Street has been trialed twice previously. On both occasions, despite being almost two decades apart, the results were near identical and showed that the free parking of any length in the city does not lead to an increase in traffic, parking turnover or business activity.

Council resolved on 4 December 2012 to initiate a 2-hour free parking trial in the City to support small businesses across the Christmas holiday season. The trial lasted just 2 weeks – it was rescinded by Council at a Special Meeting held on 19 December 2012.

The trial was abandoned for similar reasons to that of a one hour free parking trial in 1993. That is, free parking spaces were utilised by workers - to the detriment of retail businesses. Workers, by taking up parking spaces and moving their vehicles every 1-2 hours or when Parking Officers were sighted, prevented genuine customers and visitors accessing businesses.

For commercial centres like Newcastle, with a high non-retail employee base coupled with a high (and increasing) residential component, paid parking is a necessity to effectively manage parking and provide sufficient turnover of parking spaces to support the retail sector of the centre.

It is also worth noting that as part of its COVID-19 response, CN implemented a range of parking related measures, including:

- Modifying its approach to parking enforcement during March and April by taking a more relaxed approach to permissible parking offences and focusing on those offences that relate to the safety of road users and the general community only. It should be noted, that CN received a significant number of requests from local businesses for the lifting of the modified approach due to a noticeable reduction in parking availability. This was credited to a significant increase in tradies as well as city residents working from home, choosing to park in previously timed parking spaces. Similar calls for the return of parking officers occurred in Melbourne, Brisbane and Sydney, who had similarly ceased fining motorists
- Providing free residential parking permits to key health care workers and emergency services personnel to help them respond faster to emergencies during the COVID-19 pandemic.

Finally, CN already provides 15 minutes of free parking on Hunter Street in all short stay locations through its Pay by Phone (PbP) app. Fifteen minutes free parking is built into every purchase in these locations, which reduces the cost of parking to \$3.30 or \$3.07 for those who sign up to EasyPark's Saver Account. The aims of this is to support short stay high turnover parking events.

## **RECOMMENDATION**

That Council:

- 1 Notes that two previous trials of free timed parking have been ceased due to resulting reductions in parking availability, and didn't deliver increases in visitation or business turnover.
- 2 Promotes an evidence-based discussion about parking via City of Newcastle's upcoming Parking Plan and engagement

**ITEM-24                      NOM 22/09/20 - WICKHAM SCHOOL OF ARTS**

**COUNCILLORS:        J CHURCH, K ELLIOTT, A RUFO AND A ROBINSON**

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**PURPOSE**

*The following Notice of Motion was received on Wednesday 9 September 2020 from the abovenamed Councillors.*

**MOTION**

That City of Newcastle:

- 1     Notes the historical significance of the Wickham School of Arts building, located on land owned by the Hunter and Central Coast Development Corporation.
- 2     Notes the connection with Henry Lawson who improved his education on the site in 1891 and went on to become one of Australia's much loved writers.
- 3     Notes the building has a Local Heritage Protection order and seeks to work with the State Government to place the building on the NSW Heritage register
- 4     Seeks written assurances from HCCDC that it has no plans to demolish the building.
- 5     Works with the State Government to develop a plan for the building and the surrounding site which would see the structure repaired and refurbished for a future adaptive reuse and the adjacent land preserved as green space for public recreation and for enhancing the city's connections with the harbour.

**BACKGROUND**

The Former Wickham School of Arts has both social and historical significance, originally designed by prominent Newcastle Architect, Peter Bennett for the use of residents of Wickham for their 'social and moral' advancement.

Its historical significance is greatly enhanced by Henry Lawson writing 'I worked at Hudson Bros. at Wickham Newcastle, where I haunted the School of Arts, still with the idea of learning before it was too late. I felt I must take up some branch of study or other and it seemed getting too late fast'.

Also of both social and historical significance, the Former Wickham School of Arts hosted the inaugural meeting of the Starr-Bowkett Society, which went on to become the Newcastle Permanent Building Society – Australia's second largest customer owned banking organisation.

In a major street which has lost most of its fine buildings because of a street deviation scheme, which has now been abandoned, the Former Wickham School of Arts is one of Hannell Street's few survivors. The angled aspect toward Hannell Street and the area between the street and façade which indicate historical property boundaries.

The Former Wickham School of Arts has aesthetic appeal being a strong and imposing element in the immediate vicinity of the former Wickham Public School. The former Wickham Infants School, former Wickham Public School and the Former Wickham School of Arts are part of a classical group, all of which are identified as heritage items by the Newcastle Local Environmental Plan.

**Source:**

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2170350>

**ATTACHMENTS**

Nil

**ITEM-25                      NOM 22/09/20 - MANAGEMENT OF AMMONIUM NITRATE STOCKPILES**

**COUNCILLOR:            J MACKENZIE**

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**PURPOSE**

*The following Notice of Motion was received on Thursday 10 September 2020 from the abovenamed Councillor.*

**MOTION**

That City of Newcastle

- Request a briefing from Orica on current and proposed safety and risk management measures associated with the production, storage and transport of ammonium nitrate;
- Works collaboratively with Orica and Crawfords to support the relocation of their stocks of ammonium nitrate away from all residential areas in the Newcastle LGA.

**BACKGROUND**

On 4<sup>th</sup> August 2020, 2,750 tonnes of ammonium nitrate stored in a facility at the Port of Beirut caught fire creating an explosion that resulted in over 200 deaths, 6,000 injuries, flattened the port and caused widespread damage throughout the City of Beirut and between US \$10 to \$15 billion of economic losses for Lebanon. The explosion was felt up to 240 kilometres away and detected by the United State Geological Survey as a 3.3 local magnitude earthquake. There have been 30 major explosions of ammonium nitrate around the world including a 2001 explosion in Toulouse that killed 29 people and a 2013 explosion in Texas City that killed 15 people, both involving roughly 300 tonnes of ammonium nitrate.

The Orica ammonium nitrate plant at the Port of Newcastle, which is around three kilometres from the Newcastle CBD, stores up to 11,000 tonnes of ammonium nitrate at a single time, nearly four times the amount that caused the devastating Beirut explosion. Crawfords Freightlines' Sandgate facility can store up to 13,500 tonnes of ammonium nitrate just 300 metres from Newcastle residential areas and 600 metres from a nursing home.

An explosion at either site would impact an area containing 40,000 Newcastle residents and cause unimaginable damage to the City of Newcastle and the New South Wales economy.

A 2011 NSW Upper House inquiry into the Kooragang Island Orica chemical leak found that Orica had breached its licence 130 times in a ten-year period, was responsible for three chemical spills over three months and the release of arsenic into the Hunter river.

A community petition calling for Orica to relocate their ammonium nitrate stockpile at the Newcastle Port to a safer location has almost 15,000 signatures, and community groups including Stockton Community Action Group, Correct Planning and Consultation for Mayfield, the Tighes Hill Community Group, the Throsby Villages Alliance, Better Planning Network NSW and Hunter Community Forum have been raising major concerns about the large stockpiles of ammonium nitrate so close to Newcastle for many years.

**ATTACHMENTS**

Nil

**ITEM-26                      NOM 22/09/20 - UPDATE ON SMART DRUMLINE TRIALS IN  
NEWCASTLE**

**COUNCILLOR:      J MACKENZIE**

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**PURPOSE**

*The following Notice of Motion was received on Thursday 10 September 2020 from the abovenamed Councillor.*

**MOTION**

That City of Newcastle

- Request a briefing from the NSW Department of Primary Industries on the outcomes of the trials of SMART drumlines undertaken across Newcastle beaches in 2019.

**BACKGROUND**

‘SMART’ stands for Shark-Management-Alert-In-RealTime. SMART drumlines are a key technological advance in shark bite mitigation measures, with potential to significantly decrease marine animal death compared with shark nets. SMART drumlines consist of an anchor, two buoys and a satellite-linked GPS communications unit attached to a hook baited with one sea mullet. They are designed to be non-lethal and to send an alert when a shark has been captured on the line. Sharks caught on SMART drumlines are tagged and released; in turn, they contribute to our understanding of shark behaviours.

Trials of SMART drumlines have been undertaken at multiple locations on the NSW coast by DPI scientists since December 2015. These trials are undertaken to better understand how the technology works in different coastal areas and operating environments.

Two three-month trials of SMART drumlines were undertaken across Newcastle beaches from 1 February – 30 April and 30 August – 1 December 2019. SMART drumlines were placed at Stockton, Nobbys, Newcastle, Bar, Dixon Park and Merewether beaches, located near existing mesh nets to compare how this new technology performs.

This NoM requests a briefing to inform Council and the wider community about the outcomes of these trials and the next steps in the use of this technology.

**ATTACHMENTS**

Nil.