



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 8 December 2020

TIME: Following the Extraordinary Development Applications Committee

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

J Bath
Chief Executive Officer

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

3 December 2020

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**ORDINARY COUNCIL MEETING
08 December 2020**

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**FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO
COUNCIL'S WEBSITE AT www.newcastle.nsw.gov.au**

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 17 NOVEMBER 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 201117 Public Voice Committee Minutes

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

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CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, 1st Floor, City Administration Centre, 12 Stewart Avenue, Newcastle West and on video conferencing platform Zoom on Tuesday 17 November 2020 at 6.06pm.

PRESENT

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

IN ATTENDANCE

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

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PV 17/11/20 - RECLASSIFICATION AND REZONING OF 233 WHARF ROAD, NEWCASTLE (BOAT HARBOUR CAR PARK)

Mr Brian Ladd, on behalf of the Newcastle Inner City Residents Alliance (NICRA) addressed Council and outlined concerns and objections to the planning proposal. Ms Patricia McCarthy, Urban Planning Section Manager and Daniel Starreveld, Senior Urban Planner representing the City of Newcastle addressed Council in support of the planning proposal.

**ITEM-2 PV 17/11/20 - DA2020/00158 - 54 REGENT STREET NEW LAMBTON
- INFRASTRUCTURE - INSTALLATION OF A
TELECOMMUNICATIONS FACILITY (MONOPOLE AND ANCILLARY
EQUIPMENT 26.3M)**

Ms Katie Frankiewicz and Ms Tanya Montgomery addressed Council and outlined concerns and objections to the development application. Mr Phil Hull (Telstra Corporation) addressed Council in support of the development application.

The meeting concluded at 7.06pm.

MINUTES - ORDINARY COUNCIL MEETING 24 NOVEMBER 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 201124 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1 City Administration Centre, 12 Stewart Avenue, Newcastle West on 24 November 2020 at 6.08pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church (*left 8:25pm*), D Clausen, C Duncan, J Dunn, K Elliott (*arrived 8.08pm/left 8.25pm*), B Luke (*retired 9.30pm*), J Mackenzie, A Robinson (*retired 8:25pm*), E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), K Liddell (Director Infrastructure and Property), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), M Murray (Chief of Staff), S Grierson (Manager Transport and Compliance), Deborah Moldrich (Manager Customer Experience), J Vescio (Executive Officer), E Dowswell (Senior Media Advisor), E Horder (Council Services/Minutes), K Sullivan (Council Services, Meeting Support), A Knowles (Council Services/Meeting Support), G Axelsson (Information Technology Support) and U Bansal (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 Winney-Baartz, seconded by Cr Mackenzie

The apologies submitted on behalf of Councillor Rufo be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a less than significant non-pecuniary interest in Item 92 - Adoption of Planning Agreement - 73 - 79 Railway Lane, Wickham as a former employer was engaged to assist with the sales and marketing of the project. He stated he would manage the conflict of interest by removing himself from the meeting for discussion on the Item.

Councillor Church

Councillor Church declared a significant pecuniary interest in Item 85 – Adoption of Local Housing Strategy stating that he worked within the residential property industry and would manage the conflict by removing himself from the meeting for discussion on the item.

Lord Mayor, Councillor Nelmes

Lord Mayor, Councillor Nelmes declared a significant pecuniary interest in Notice of Motion Item 29 - McDonalds as two family members were employed by the subject matter and would manage the conflict by removing herself from the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 20 OCTOBER 2020

MINUTES - ORDINARY COUNCIL MEETING 27 OCTOBER 2020

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

**Carried
unanimously**

LORD MAYORAL MINUTE

ITEM-22 LMM 24/11/20 - CITY OF NEWCASTLE SUBMISSION- IPART LOCAL COUNCIL DOMESTIC WASTE MANAGEMENT CHARGES DISCUSSION PAPER

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that City of Newcastle has made a detailed submission (Attachment A) to the Independent Pricing and Regulatory Tribunal (IPART) in response to the release of the Local Council Domestic Waste Management Charges (DWMC) Discussion Paper;
- 2 Notes that the NSW Government collects around \$800 million annually through its Waste Levy, which has grown by more than 250 per cent over the past decade;
- 3 Continues to raise concerns regarding the fact that while we pay around \$37 million annually in Levy contributions, only \$175,000 is returned to the Newcastle Local Government Area (LGA) to fund vital resource recovery, waste management and waste and recycling education projects for Novocastrians;

- 4 Joins LGNSW in advocating for the NSW Government to adequately re-invest Waste Levy funds into the development of local waste management planning, local procurement, education and local priority waste management infrastructure projects such as the City of Newcastle Organics Recycling Facility at Summerhill Waste Management Centre.

**Carried
unanimously**

ITEM-23 LMM 24/11/20 - NSW ARTS MAINTENANCE AND UPGRADE FUND

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Welcomes the NSW Government's 2020 Budget announcement of the creation of an *Arts Maintenance and Upgrade Fund*, allocating \$103.5 million in capital expenditure over the next two years to both stimulate jobs and the economy through improving accessibility, sustainability and functionality at our cultural assets, in response to the COVID-19 global pandemic;
- 2 Notes that the Newcastle Art Gallery Redevelopment Project is shovel ready, and is specifically aimed at ensuring significant improvements to accessibility, sustainability and functionality of our gallery, as well as providing significant stimulus to the local economy and the creation of 170 local jobs;
- 3 Reiterates City of Newcastle and the community's commitment to the redevelopment project, with more than half of the \$35.6 million required for the project committed by Council and the community, through the Newcastle Art Gallery Foundation.
- 4 Writes to the NSW Premier, the Hon. Gladys Berejiklian MP, the Treasurer, the Hon. Dominic Perrottet MP, and the Minister for the Arts, the Hon. Don Harwin MLC, advocating for the outstanding funding required for the Newcastle Art Gallery Redevelopment Project to be provided through the \$103.5 million NSW *Arts Maintenance and Upgrade Fund*.

**Carried
unanimously**

ITEM-24 LMM 24/11/20 - HUNTER RENEWABLE ENERGY ZONE

MOTION

Moved by Cr Nelmes

That City of Newcastle:

- 1 Congratulates Minister for Energy and Environment, the Hon. Matt Kean MP, for steering the NSW Government's commitment to establish the Renewable Energy Zone network, including the recent inclusion of the Hunter as the State's newest Renewable Energy Zone;
- 2 Congratulates Deputy Leader of the Opposition, Yasmin Catley MP, Parliamentary Secretary for Agriculture, Michael Johnsen MP, and Member for Lake Macquarie, Greg Piper MP, for ensuring the Hunter's inclusion as the newest Renewable Energy Zone following successful amendments to the *Electricity Infrastructure Bill 2020*;
- 3 Notes that because of amendments, the *Electricity Infrastructure Bill 2020* now includes a NSW renewable energy sector board, including representation from the Australian Workers' Union; the Electrical Trades Union, the CFMMEU Mining and Energy Division and the Australian Manufacturing Workers' Union; as well as the appointment of an electricity infrastructure jobs advocate and a new Manufacturing Renewables Taskforce aimed at finding ways to drive the use of NSW materials in building the State's Renewable Energy Zones;
- 4 Notes that amendments accepted by the NSW Government and Minister for Energy and Environment, and now in the Bill, include:
 - \$50 million committed to develop the green hydro sector in NSW;
 - Local procurement provisions within the Hunter Renewable Energy Zone;
 - Local infrastructure project recommendations to be accepted after consultation with the Australian Energy Market Operator (AEMO);
 - Promotion of local industry, manufacturing and jobs;
 - Investment in education and training,
 - Employment creation for Aboriginal and Torres Strait Islander people in the NSW energy sector and
 - Support for economic development opportunities for NSW based manufacturing.
- 5 Writes to the Minister for Environment and Energy, the Hon. Matt Kean MP, congratulating the NSW Government on their progressive approach to energy policy and pledging City of Newcastle's support for the Hunter Renewable Energy Zone;

- 6 Writes to the Leader of the Opposition, Jodi McKay MP, Deputy Leader of the Opposition, Yasmin Catley MP, Parliamentary Secretary for Agriculture, Michael Johnsen MP and Member for Lake Macquarie, Greg Piper MP, congratulating them for their strong advocacy for the establishment of the Hunter Renewable Energy Zone, including strong local procurement and local job creation and protections associated with this important project.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-83 CCL 24/11/20 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 AUGUST TO 31 OCTOBER 2020

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

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

**Carried
unanimously**

ITEM-90 CCL 24/11/20 - VARIATIONS TO DEVELOPMENT STANDARDS

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the report on approved development variations between 1 July and 30 September 2020 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

For the Motion:

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

Against the Motion:

Nil.

Carried

**ITEM-92 CCL 24/11/20 - ADOPTION OF PLANNING AGREEMENT - 73 - 79
RAILWAY LANE, WICKHAM**

Councillor Church left the meeting for discussion on the Item at 6.31pm.

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

1 That Council:

- i) Endorses the Planning Agreement for 73-79 Railway Lane, Wickham and authorises the Chief Executive Officer (CEO) to execute the Planning Agreement (**Attachment A**).

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

Against the Motion: Nil.

**Carried
unanimously**

Councillor Church returned to the meeting at 6:34pm.

ITEM-95 CCL 24/11/20 - SEPTEMBER QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr White, seconded by Cr Winney-Baartz

That Council:

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

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

Against the Motion: Councillor Church.

Carried

ITEM-96 CCL 24/11/20 - SEPTEMBER QUARTERLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the September Quarterly Performance report on the 2018-2022 Delivery Program, as per **Attachment A**.

**Carried
unanimously**

ITEM-97 CCL 24/11/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr White, seconded by Cr Duncan

That Council:

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

For the Motion:

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

Against the Motion:

Cr Church.

Carried

ITEM-84 CCL 24/11/20 - ADOPTION OF THE 2025 CLIMATE ACTION PLAN

In moving the motion Councillor Clausen stated that he was moving additional parts B and C.

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- A Adopts the 2025 Climate Action Plan at **Attachment A**.
- B Commit to the following targets:
 - a) By no later than 2030, City of Newcastle will reach zero net emissions for council operations; and
 - b) By no later than 2040, Newcastle will be a net zero emissions city.

- C 1 Notes the formation of the Hunter Jobs Alliance, uniting workers and environmental groups to build a prosperous, safe and sustainable future for the Hunter Region.
- 2 Notes that this Alliance has been welcomed by a range of stakeholders, including the NSW Government and environmental organisations.
- 3 Notes that the Alliance is a model of how communities, workers, and environmental groups can work together to fight for good jobs and climate action in a way that other can join.
- 4 Seeks to formally partner with the Hunter Jobs Alliance in the implementation of the Climate Action Plan, and the development and implementation of the Economic Development Strategy, noting the importance of ensuring a just transition to high skilled jobs for the Hunter's workforce as our region diversifies.

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

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

Against the Motion: Councillor Luke.

Carried

ITEM-85 CCL 24/11/20 - ADOPTION OF LOCAL HOUSING STRATEGY

Councillor Church left the meeting for discussion on the Item at 6.48pm.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

- 1 That Council:
- i) Adopts the Local Housing Strategy (LHS) (**Attachment A**).
 - ii) Refers the LHS to the Department of Planning, Industry and Environment (DPIE) for endorsement.
 - iii) Rescinds the Newcastle Affordable Living Plan 2018 (NALP 2018) as it is superseded by the LHS.

**Carried
unanimously**

Councillor Church returned to the meeting at 6.55pm.

ITEM-86 CCL 24/11/20 - ENDORSEMENT OF THE ANNUAL REPORT

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That Council:

- 1 Endorses City of Newcastle's 2019/20 Annual Report and its submission to the NSW Minister for Local Government by 30 November 2020.

Carried

ITEM-87 CCL 24/11/20 - PUBLIC EXHIBITION OF DRAFT 2021-2025 DESTINATION MANAGEMENT PLAN

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Places the draft 2021-2025 Destination Management Plan at **Attachment A** on public exhibition for six weeks prior to final consideration by Council.

AMENDMENT

Moved by Cr Mackenzie

That Council:

- 1 Places the draft 2021-2025 Destination Management Plan at Attachment A on public exhibition for eight weeks prior to final consideration by Council.

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

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

**Carried
unanimously**

ITEM-88 CCL 24/11/20 - DRAFT COMMUNITY LAND PLAN OF MANAGEMENT - PUBLIC EXHIBITION

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Submits the draft Community Land Plan of Management (CLPoM) (**Attachment A**) to Crown Lands in accordance with land-owner notification under Section 39 of the Act.

- 2 Following approval from Crown Lands, places the draft CLPoM on public exhibition for a period of 28 days with submissions received for 42 days in accordance with Section 38 of the Act.
- 3 Requests that a report on submissions received be brought back to the Council following the public exhibition period.

AMENDMENT

Moved by Cr Mackenzie

That Council:

- 1 Submits the draft Community Land Plan of Management (CLPoM) (**Attachment A**) to Crown Lands in accordance with land-owner notification under Section 39 of the Act.
- 2 Following approval from Crown Lands, places the draft CLPoM on public exhibition for a period of 42 days with submissions received for 60 days in accordance with Section 38 of the Act.
- 3 Requests that a report on submissions received be brought back to the Council following the public exhibition period.

Councillor Duncan as the mover and Councillor Winney-Baartz as the seconder accepted Councillor Mackenzie's amendment into the motion.

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

**Carried
unanimously**

ITEM-89 CCL 24/11/20 - PROPOSED ROAD CLOSURES - 144 BOUNDARY ROAD, WALLSEND

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Endorse the closures of the Boundary Road, Wallsend, road reserves adjacent to Lot 3057 DP 1208470 as shown at **Attachment A**.
- 2 Approve the sale of the 6.92ha and 11.01ha parcels of land as shown at **Attachment B**, to the adjoining owners for \$725,000 (plus GST).
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to affect the transactions.

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Luke

That this item be laid on the table pending a workshop with Councillors for further information.

**Carried
unanimously**

ITEM-91 CCL 24/11/20 - ENDORSE A PLANNING PROPOSAL TO REZONE AND RECLASSIFY LAND AT 233 WHARF ROAD AND REZONE LAND 150 AND 150A, 250 SCOTT STREET, NEWCASTLE

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Endorses the Planning Proposal (**Attachment A**) prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012).
- 2 Forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting an amended NLEP 2012 be prepared and made.
- 3 Adopts the new section 6.01.04 Key Precincts – 'I. Multi-purpose Community Space Precinct' of section 6.01 City Centre of the Newcastle Development Control Plan 2012 (NDCP 2012), coming into effect upon gazettal of the amended NLEP 2012 (**Attachment B**).
- 4 Notes the submissions received during public exhibition and at the Public Hearing advocating for the sites to be used for community purposes and for future engagement opportunities (**Attachments C and D**).

For the Motion:

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

Against the Motion:

Councillors Church, Mackenzie and Robinson.

Carried

ITEM-93 CCL 24/11/20 - DRAFT PARKING PLAN - PUBLIC EXHIBITION

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Place the draft Parking Plan at **Attachment A** on public exhibition for a period of eight weeks.

**Carried
unanimously**

ITEM-94 CCL 24/11/20 - DRAFT CYCLING PLAN - PUBLIC EXHIBITION

MOTION

Moved by Cr White, seconded by Cr Clausen

That Council:

- 1 Place the draft Cycling Plan at **Attachment A** on public exhibition for a period of six weeks.

AMENDMENT

Moved by Cr Mackenzie

That Council:

- 1 Place the draft Cycling Plan at **Attachment A** on public exhibition for a period of eight weeks.

Councillor White as the mover and Councillor Clausen as the seconder accepted Councillor Mackenzie's amendment to the motion.

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

**Carried
unanimously**

ITEM-98 CCL 24/11/20 - TENDER REPORT - PROVISION OF SECURITY SERVICES - CONTRACT 2020/232T

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

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

The Chief Executive Officer reported the outcome of Item 98 - Tender Report – Provision of Security Services - 2020/232T.

That Council:

- 1 Accept the tender of Certis Security Australia Pty Ltd. in the amount of \$430,767.82 (excluding GST) for the provision of Security Services for Contract No. 2020/232T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

**ITEM-99 CCL 24/11/20 - LAND ACQUISITION - 77 DANGERFIELD DRIVE,
ELERMORE VALE**

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Resolve to acquire 77 Dangerfield Drive, Elermore Vale (Lot 6, DP 826092) as shown at **Attachment A**.
- 2 Resolve that the land be classified as Community Land and categorised as Natural Area Bushland.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

**Carried
unanimously**

**ITEM-100 CCL 24/11/20 - EXTENSION OF RECYCLABLES PROCESSING
CONTRACT**

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

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

The Chief Executive Officer reported the outcome of Item 100 – Extension of Recyclables Processing Contract.

That Council:

- 1 Resolve to extend contract 2020/277T for the value of \$5.35M to align with the expiration of contract 2012/360T (relating to the collection of recyclables) which expires on 12 November 2022.

Carried

NOTICES OF MOTION

ITEM-29 NOM 24/11/20 - MCDONALDS

The Lord Mayor, Councillor Nelmes left the meeting at 8.02pm for discussion on the item.

The Deputy Lord Mayor took the chair at 8.04pm.

MOTION

Moved by Cr Church, seconded by Cr Luke

That City of Newcastle:

Request that McDonalds Restaurants provide Councillors with a briefing on the safety, security and cleanliness measures that are in place at the King Street, Newcastle West McDonalds' premises and any future measures currently being planned.

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

Given Councillor Elliott's absence the item be laid on the table and discussed at the next Ordinary Council Meeting to provide Councillor Elliott with the opportunity to speak to the item.

Carried

Lord Mayor, Councillor Nelmes returned to the meeting at 8.08pm and resumed the Chair.

ITEM-30 NOM 24/11/20 - KEEP NEWCASTLE STREETS AND CREEKS CLEAR OF ABANDONED SHOPPING TROLLEYS

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

- 1 Notes the negative impact of abandoned shopping trolleys on community amenity, safety and the environment, and the costs to council associated with their removal and management

- 2 Notes that the NSW Government are presently undertaking a review of the Impounding Act 1993 which may provide local governments across NSW with additional powers to manage the issue of abandoned shopping trolleys
- 3 Calls on trolley owners, especially the major supermarkets and local shopping centre management, to take a more proactive approach to managing their assets, and preventing them from ending up in public places, on roads, or in creeks and waterways
- 4 Notes that other NSW Councils have sought to address this issue through the inclusion of controls within their Development Control Plans (DCP, extract from Liverpool City Council's DCP attached). Notes that any new development control would not be retrospective, and could only come into effect for new supermarket and shopping centre development approvals.
- 5 Includes appropriate development controls in the 2021 review of the Newcastle Development Control Plan (DCP) to minimise the abandonment of shopping trolleys in the Newcastle LGA.

**Carried
unanimously**

ITEM-31 NOM 24/11/20 - OFFSHORE COAL, OIL AND GAS EXPLORATION AND MINING

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That the City of Newcastle:

- 1 Reaffirms its opposition to both offshore exploration and mining activity due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
- 2 Notes the Motion to the Federal Parliament by the Member for MacKellar Mr Jason Falinski opposing oil and gas drilling off the coast of Sydney and opposing the renewal of the Petroleum Exploration Permit 11 (PEP11) License on 19th October 2020.
- 3 Notes further the contributions to the debate by Federal MPs representing coastal communities impacted by PEP11 and potential future offshore mining in this license area.
- 4 Expresses its gratitude in writing to the MPs who supported the motion to oppose the renewal of PEP11, including: Mr Jason Falinski MP, Ms Emma McBride MP, Mr Dave Sharma MP, Ms Sharon Claydon MP, Mr Trent Zimmerman MP, Mr Pat Conroy MP, Ms Julie Owens MP, and Ms Zali Steggall OAM, MP.

Carried

Councillor Elliott arrived at the meeting at 8.08pm.

ITEM-32 NOM 24/11/20 - STRONGER COMMUNITY COUNCIL GRANTS SCHEME

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- 1 Notes that every council in NSW has projects that have strong community support and genuine urgency, such as improved community facilities, essential local services and delivering quality green open space, and further notes the critical importance of State Government grants funding in the delivery of these projects through due process.
- 2 Expresses its deep concern with the lack of integrity measures surrounding the \$252 million Stronger Communities Fund administered by the NSW Coalition Government, including the lack of compliance with the obligations of public authorities to maintain records under the State Records Act.
- 3 Expresses its strong condemnation of the creation and administration of a \$252 million fund for local council projects that was never publicly notified to councils or to the NSW government peak body, Local Government NSW.
- 4 Writes to the Minister for Local Government to communicate these concerns and to request assurances that all future funding schemes for local councils administered by the NSW Government are publicly notified, transparent, merit-based and fair.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-33 NOM 24/11/20 - SUPPORT FOR A GLOBAL FUR BAN

In moving the motion Councillor Mackenzie stated he was moving the recommendation of Council officers as outlined in the business papers.

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

- 1 Notes that there is no information to suggest that the sale of fur products or exotic animal skins currently occurs on City of Newcastle land or premises.

- 2 Opposes the international trade of fur products, mislabelled fake fur products, and other exotic animal skins.
- 3 Writes to the Minister for Home Affairs the Hon. Peter Dutton, to investigate prohibiting the import of all fur into Australia and introduce random forensic testing of imported fake fur products; and
- 4 Reviews its event policies, terms and guidelines associated with the use of Council land to prohibit the sale of imported fur products and mislabelled fake fur products.

For the Motion:

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

Against the Motion:

Councillors Dunn and Robinson.

Carried

PROCEEDINGS IN BRIEF

At this stage of the meeting Councillor Elliott declared a less than significant pecuniary interest in Lord Mayoral Minute Item 24 - Hunter Renewable Energy Zone. Councillor Elliott stated that she worked for a major contributor to network transmission who would be operating in all energy zones. Although Councillor Elliott was not present when the item was discussed, she requested the declaration be noted in the minutes.

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

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

Carried

Council moved into confidential session at 8.25pm.

During confidential session:

- All staff other than the Chief Executive Officer, Director Governance, Manager Legal, Council Services and IT Meetings Support left the Chamber or were removed to the waiting room on video conferencing platform Zoom.
- Councillor Clausen (as the complainant) left the Chamber for discussion on Item 10 – Code of Conduct Matter at 8.25pm and returned to the meeting at 8.58pm for Item 11 – Code of Conduct Matter.
- Councillor Robinson (the respondent to the complaint on Items 10 and 11 – Code of Conduct Matters) retired from the meeting at 8.25pm.
- As noted by Council Services, Councillors Church and Elliott left the meeting at 8.25pm.

Councillor Luke retired from the meeting at 9.30pm.

At 9.30pm the following procedural motion was moved:

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That the duration of the meeting be extended for 30 minutes.

Carried

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Duncan

That Council move back into open session.

Carried

Council moved back into open session at 9.37pm and the Chief Executive Officer reported the outcomes of confidential session.

ITEM-10 CON 24/11/20 - CODE OF CONDUCT MATTER

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 notes that an investigation was undertaken into a Code of Conduct complaint against Councillor Allan Robinson. The investigation was undertaken by a Conduct Reviewer, independent of City of Newcastle (CN), in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
- 2 receives the Final Investigation Report of the Conduct Reviewer in relation to the complaint at **Attachment A**;

- 3 notes that Councillor Robinson was consulted by the Conduct Reviewer throughout the investigation and was provided with a formal opportunity to make a written or oral submission to Council in relation to both complaints;
- 4 accepts the findings of the Conduct Reviewer in relation to the complaint that on 27 June 2019, Councillor Allan Robinson breached clause 3.1(a), (e) and (g) of the Code of Conduct for Councillors, by the derogatory comments he made about another Councillor in an email to a resident that constituted verbal abuse and harassment or bullying;
- 5 in accordance with section 440G of the Local Government Act 1993 and based on the findings and recommendation of the Conduct Reviewer, formally censures Councillor Robinson for breaching clauses 3.1 (a), (e) and (g) of the Code of Conduct for Councillors, on the grounds that Cr Robinson engaged in the following forms of conduct:
 - (i) conducted himself in a manner that:
 - (a) brought CN or other CN officials into disrepute;
 - (b) caused, comprised or involved intimidation or verbal abuse; and
 - (c) constituted harassment or bullying behaviour under the Code of Conduct for Councillors, or was unlawfully discriminatory;
- 6 treats this confidential report and attachment relating to the matters specified in section 10A(2)(i) of the Local Government Act 1993 as confidential.

Carried

ITEM-11 CON 24/11/20 - CODE OF CONDUCT MATTER

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That the matter lay on the table for the following reasons:

- 1 Council considers these repeated behaviours and the six censures as serious misconduct and requests further opinion from the Office of Local Government under the serious misconduct provisions.
- 2 That Council does not consider censuring Councillor Robinson under section 440G of the Act and making the decision public as appropriate remedial action.
- 3 Seek legal advice on not claiming confidentiality on the Investigators Report (with appropriate redaction to protect complainants) to ensure open and natural justice

**Carried
unanimously**

The meeting concluded at 9.38pm.

REPORTS BY COUNCIL OFFICERS

ITEM-101 CCL 08/12/20 - CODE OF CONDUCT ANNUAL STATISTICS

REPORT BY: EXECUTIVE MANAGEMENT
CONTACT: CHIEF EXECUTIVE OFFICER / COMPLAINTS
COORDINATOR

PURPOSE

To report City of Newcastle's (CN) annual Code of Conduct complaints statistics for the period 1 September 2019 to 31 August 2020 in accordance with Office of Local Government (OLG) requirements.

RECOMMENDATION

That Council:

- 1 Notes City of Newcastle's Code of Conduct Complaints Statistics Report for the period 1 September 2019 to 31 August 2020 at **Attachment A**.

KEY ISSUES

- 2 Part 11 of CN's Procedures for the Administration of the Code of Conduct (Procedures) requires the Complaints Coordinator (the Manager Legal) to report the following to Council and the OLG for the period 1 September to 31 August each year:
 - i) The total number of Code of Conduct complaints made about Councillors and the Chief Executive Officer under the Code of Conduct in the year to September;
 - ii) The number of Code of Conduct complaints referred to a Conduct Reviewer;
 - iii) The number of Code of Conduct complaints finalised by a Conduct Reviewer at the preliminary assessment stage, and the outcome of those complaints;
 - iv) The number of Code of Conduct complaints investigated by a Conduct Reviewer;
 - v) Without identifying particular matters, the outcome of investigations completed under the Procedures;
 - vi) The number of matters reviewed by the OLG and, without identifying particular matters, the outcome of those reviews; and

- (vii) The total cost of dealing with Code of Conduct complaints made about Councillors and the Chief Executive Officer in the year to September, including staff costs.

FINANCIAL IMPACT

- 3 The total cost of dealing with Code of Conduct complaints, including staff costs, for the period 1 September 2019 to 31 August 2020, was \$46,122.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 4 The Code of Conduct Statistics Report is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan:

Open and Collaborative Leadership

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

7.3b Provide clear, consistent, accessible and relevant information to the community.

7.4d Maintain a high-quality workforce that is committed to delivering on our communities' and Council's vision and goals.

Open and Transparent Governance Strategy

2.1 Maintain a strong ethical culture and a high standard of conduct.

IMPLEMENTATION PLAN/IMPLICATIONS

- 5 The Code of Conduct statistics are submitted to the OLG and made publicly available on the 'Your Council' website.

RISK ASSESSMENT AND MITIGATION

- 6 Noting and submitting Code of Conduct statistics to the OLG supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements. Following these requirements reduces the risk of damage to CN's reputation and public confidence in Local Government associated with complaints and breaches of the Code of Conduct.

RELATED PREVIOUS DECISIONS

- 7 At the Ordinary Council Meeting held on 22 September 2020, Council adopted the Codes 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.

- 8 At the Ordinary Council meeting held on 10 December 2019, Council noted the annual report on Code of Conduct complaints for the period 1 September 2018 to 31 August 2019.

CONSULTATION

- 9 No consultation was required as this is a statutory process under the Procedures.

BACKGROUND

- 10 CN's Code of Conduct for Councillors and associated Procedures are consistent with the Model Code of Conduct for Local Councils in NSW, produced by the OLG in accordance with the Local Government (General) Regulation 2005.

OPTIONS

Option 1

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

Option 2

- 12 Council does not adopt the recommendation. CN has a legislative obligation to lodge the report with the OLG and it is appropriate for Council to note this. This is not the recommended option.

REFERENCES

Procedures for the Administration of the Code of Conduct

<https://www.newcastle.nsw.gov.au/Council/Our-Responsibilities/Code-of-Conduct>

ATTACHMENTS

- Item 101 Attachment A:** Annual report on City of Newcastle's Code of Conduct Complaints Statistics for the period 1 September 2019 to 31 August 2020.

Item 101 Attachment A: Annual report on City of Newcastle’s Code of Conduct Statistics for the period 1 September 2019 to 31 August 2020

Model Code of Conduct Complaints Statistics Newcastle City Council		
Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	4
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	3
Overview of Complaints and Cost		
2	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	4
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	1
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	2
	g The number of finalised complaints investigated where there was found to be no breach	1
	h The number of finalised complaints investigated where there was found to be a breach	2
	i The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
	j The number of complaints being investigated that are not yet finalised	5
	k The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	46,122

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action (clause 6.13(a) of the 2018 and 2020 Procedures) 0
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures) 0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures) 1
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures) 0
e	To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures) 5
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach, in which the following recommendations were made:
a	That the council revise its policies or procedures 0
b	That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures) 0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures) 0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures) 0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures) 1
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures) 0
6	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures) 0

Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
a	General conduct (Part 3) 1
b	Non-pecuniary conflict of interest (Part 5) 0
c	Personal benefit (Part 6) 0
d	Relationship between council officials (Part 7) 0
e	Access to information and resources (Part 8) 0
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation 0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG 0

ITEM-102 CCL 08/12/20 - 'STAIRWAY TO HEAVEN' CONCEPT

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

PURPOSE

To progress the 'Stairway to Heaven' concept to open up connections and view lines from Stockton and the Newcastle foreshore and the Hunter Street Mall to Christ Church Cathedral.

RECOMMENDATION

That Council:

- 1 Endorses the 'Stairway to Heaven' concept, which seeks to open up connections and view lines from Newcastle foreshore and the Hunter Street Mall to Christ Church Cathedral.
- 2 Notes that City of Newcastle's (CN) 59 year old Mall Car Park is not proposed to be reconstructed as a stand-alone car park due to its poor structural condition and significant costs to make the building safe, compliant and operational.
- 3 Authorises the Chief Executive Officer (CEO) to undertake feasibility analysis and discussions to progress the 'Stairway to Heaven' concept, including:
 - i) Exploring the potential for the Mall Car Park site to be redeveloped to deliver the concept;
 - ii) Entering into without prejudice discussions with Iris Capital regarding the potential for its adjoining development to integrate with redevelopment of the Mall Car Park site to deliver the concept;
 - iii) Assessing requirements for the provision of on-going public car parking capacity for CBD;
 - iv) Ensuring, and where necessary strengthening, controls in the Newcastle Development Control Plan 2012 (NDCP 2012) to protect view corridors to Christ Church Cathedral;
 - v) Ensuring an appropriate financial return and arrangements for CN and ratepayers.

- 4 Refers the matter to the Asset Advisory Committee and the Urban Design Consultative Group for advice.
- 5 Notes that any final decision to proceed will be subject to Council approval, and usual approval and public exhibition processes will apply to any development applications.

KEY ISSUES

- 6 In 2006, a group of prominent Novocastrians put forward a proposal to link Christ Church Cathedral to the Harbour with a new vibrant public space. The concept, known as ‘Stairway to Heaven’ (*‘Le Scale alla Chiesa di Christ’*) proposed a public space from the Harbour to Cathedral Park, by introducing a grand staircase full of activity and purpose. The concept was outlined at the time by EJE Architecture in a concept design for redevelopment of Market Square and the Mall Car Park (King Street Parking Station) (**Attachment A**).
- 7 Chapter 6.01 (Newcastle City Centre) of the NDCP 2012 specifies a number of controls relating to character areas (Section 6.01.02) and general controls (Section 6.01.03) including a section which shows the view axis to Christ Church Cathedral. Section 6.01.04 Key Precincts (Hunter Street Mall) contains Figure 6.01-29 which shows the important view corridors to Christ Church Cathedral.

B. Hunter Street Mall

Figure 6.01-29: Hunter Street Mall Precinct



- 8 CN's 59-year old Mall Car Park at 92 King Street, Newcastle was temporarily closed on 20 April 2020 due to concerns about its structural condition. A subsequent detailed structural engineering assessment identified the poor structural condition of the building, whilst an associated cost estimate quantified the significant costs to make the building safe, compliant and operational.
- 9 Given the poor structural condition of the building, and the significant costs to rectify, it is not proposed to repair or reconstruct the Mall Car Park. A development application (DA) will shortly be lodged seeking approval to demolish the car park.
- 10 Adjoining the Mall Car Park is Iris Capital's East End development site. Stages 1 and 2 of the development are approved and in construction, with Stage 1 scheduled for completion in 2021 and Stage 2 in 2022. Iris Capital is currently preparing its plans to seek approval for Stages 3 and 4, with applications anticipated to be submitted in 2021.
- 11 The proposed demolition of the Mall Car Park offers an opportunity to reimagine the future of the former car park site. When combined with the current planning being undertaken by Iris Capital for Stages 3 and 4 of the East End development, CN has a unique opportunity to explore the potential to deliver the 'Stairway to Heaven' concept, and which expires in the next twelve months.
- 12 It is therefore timely to explore the highest and best use outcome for the Mall Car Park site, including its potential to deliver the 'Stairway to Heaven' concept and the potential to integrate the site with the adjoining Iris Capital development.
- 13 The controls in the NDCP 2012 relating to view corridors to Christ Church Cathedral, specifically in Section 6.01.04 Key Precincts (Hunter Street Mall) extends through the Mall Car Park and the Iris Capital site.
- 14 Conditions of consent for the approved Stages 1 and 2 of the East End Development include requirements in relation to onsite car parking in accordance with the NDCP 2012, including a requirement for 100% of car spaces required for residents to be provided on site. Consent conditions also require 75% of residential visitor parking spaces to be accommodated by the Mall Car Park and on-street parking. With the Mall Car Park no longer available, it is incumbent on both CN and Iris Capital to ensure existing and future car parking requirements associated with the East End Development are met, along with public car parking capacity for Newcastle Central Business District (CBD).
- 15 In order to proceed, CN needs to enter into discussions with Iris Capital and undertake a range of feasibility studies. The proposed feasibility analysis and discussions with Iris Capital will explore the potential to not only deliver the 'Stairway to Heaven' concept but also ensure essential public car parking requirements are factored into any planning and that the best outcome is achieved for the Mall Car Park site and CN.

- 16 Any final decision to proceed will be subject to Council approval. The matter will be referred to the Asset Advisory Committee and the Urban Design Consultative Group for advice. Usual approval and public exhibition processes will apply to any development applications.

FINANCIAL IMPACT

- 17 There is no financial impact from entering into discussions. Costs associated with any feasibility studies will be met within existing budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Liveable Built Environment

- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.
- 7.2a Conduct Council business in an open, transparent and accountable manner.

IMPLEMENTATION PLAN/IMPLICATIONS

- 19 Feasibility analysis and early discussions with relevant parties will be undertaken, with the Asset Advisory Committee and the Urban Design Consultative Group to also be briefed.
- 20 Any final decision to proceed will be subject to Council approval and in accordance with legislative requirements under the *Local Government Act 1993*.

RISK ASSESSMENT AND MITIGATION

- 21 There is a risk that the 'Stairway to Heaven' concept may not be able to proceed should timely consideration of its merit not occur aligned with planning for the future of the Mall Car Park site and in consideration of development of the adjoining East End development.

RELATED PREVIOUS DECISIONS

22 Nil

CONSULTATION

23 The matter will be referred to the Asset Advisory Committee and the Urban Design Consultative Group. The Newcastle Inner City Residents Alliance (NICRA) will also be briefed. Any proposed Development Applications would be subject to a public exhibition period for community consultation.

BACKGROUND

24 The Mall Car Park was constructed in 1961. It was temporarily closed in April 2020 due to structural concerns.

25 The Hunter and Central Coast Joint Regional Planning Panel approved concept plans for Iris Capital's four-stage East End development in December 2017, including 563 units and parking for 553 vehicles. Stages 1 and 2 have subsequently been approved and are in construction.

26 In 2006 a group of prominent Novocastrians put forward a proposal to link Christ Church Cathedral to the Harbour with a new vibrant public space. The concept, known as 'Stairway to Heaven' (*'Le Scale alla Chiesa di Christ'*) proposed a public space from the Harbour to Cathedral Park, by introducing a grand staircase full of activity and purpose.

OPTIONS

Option 1

27 The recommendations as at Paragraphs 1–5. This is the recommended option.

Option 2

28 Council resolves not to adopt this report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 102 Attachment A: Stairway to Heaven Concept

Item 102 Attachment A distributed under separate cover

ITEM-103 CCL 08/12/20 - ADOPTION OF 2021 COUNCIL MEETING CYCLE

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To adopt the Council meeting schedule for 2021.

RECOMMENDATION

That Council adopts the following meeting schedule for 2021:

- 1 i) For the period February 2021 to May 2021, July 2021 to August 2021 and October 2021 to November 2021 with meetings taking place on Tuesday commencing at 6.00pm:

Week 1	Advisory Committees (Quarterly as scheduled)
Week 2	Councillor Workshops
Week 3	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 4	Ordinary Council Meeting
Week 5	No scheduled meetings

- ii) For June 2021 with meetings taking place on Tuesday commencing at 6.00pm:

Week 1	Advisory Committees (Quarterly as scheduled)
Week 2	Councillor Workshops
Week 3	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 4	No meetings due to National General Assembly Conference
Week 5	Ordinary Council Meeting

- iii) For September 2021 with the meeting taking place on Tuesday commencing at 6.00pm:

Week 1	No scheduled meetings due to Council Election
Weeks 2 and 3	Commencement of Councillor Induction Program – no meetings
Week 4 (28 September 2021 OR Week 1 October pending declaration of the poll)	Ordinary Council Meeting (to be held in former Chamber at City Hall)

- iv) For December 2021 with meetings taking place on Tuesday commencing at 6.00pm:

Week 1 (7 December 2021)	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee Councillor Workshops (as required)
Week 2 (14 December 2021)	Ordinary Council Meeting
Weeks 3 to 4	No scheduled meetings

- 2 The location of all meetings with the exception of the September 2021 Ordinary Meeting, will be the City Administration Centre, 12 Stewart Avenue, Newcastle West, unless otherwise determined by the Chief Executive Officer (CEO) in consultation with the Lord Mayor.
- 3 For the purposes of the Instruments of Delegation to the Lord Mayor and CEO, Council's 'Recess Period' commences at midnight on Tuesday 8 December 2020 and ceases at midnight on Monday 8 February 2021.
- 4 Clause 7.1 of City of Newcastle's (CN) Code of Meeting Practice relating to meeting duration be amended to omit 9:30pm and instead insert 10:00pm. This means Committee, Ordinary and Extraordinary Council Meetings are to conclude no later than 10:00pm unless a resolution is passed to extend the duration of the meeting.

KEY ISSUES

- 5 Section 365 of the *Local Government Act 1993* (NSW) (the Act) provides that Council must meet at least ten times per year, with each meeting being in a different month.

- 6 The Code of Meeting Practice (COMP) requires Council to adopt a meeting cycle by the first Council meeting of each calendar year.
- 7 Clause 7 of the COMP provides for meetings to conclude by 9:30pm. This clause was relevant in previous years when meetings commenced at 5:30pm. The amendment to clause 7 to 10:00pm is consistent with meetings now commencing at 6:00pm and meeting duration being 4 hours.
- 8 In March 2020, the Minister for Local Government postponed the 2020 Local Government elections due to the COVID-19 pandemic and, in June 2020, notified that the next Local Government elections will be 4 September 2021.
- 9 Council will be required to assume a caretaker arrangement as of Friday 6 August 2021. In accordance with clause 393B of the Local Government (General) Regulation 2005, Council cannot perform the following functions during a caretaker period:
 - i) Enter into any contract or undertaking involving an expenditure or receipt by the City of Newcastle (CN) of an amount equal to or greater than \$150,000 or 1% of CN's revenue from rates in the preceding financial year (whichever is the larger).
 - ii) Determine a controversial development application, except where:
 - a) a failure to make such a determination would give rise to a deemed refusal under section 82 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), or
 - b) such a deemed refusal arose before the commencement of the caretaker period; or
 - iii) Appoint, reappoint or remove CN's CEO (except for temporary appointments).
- 10 Following the election, a Councillor Induction Program is proposed to be held between mid-September and October 2021. The date of the first meeting for the new Council is scheduled for 28 September 2021, however, is dependent on the declaration of the poll.
- 11 Meeting arrangements will consider and comply with the requirements of Public Health Orders associated with the COVID-19 pandemic as they apply at the time.

FINANCIAL IMPACT

- 12 CN's adopted Our Budget 2020/21 provides for arrangements for Council meetings.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 13 Adopting an annual Council meeting cycle is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan:

Open and Collaborative Leadership

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

7.2b Provide timely and effective advocacy and leadership on key community issues.

7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.

Open and Transparent Governance Strategy

8a Clear line of communications between members of the public and Councillors.

8b Established system for the efficient, effective and orderly conduct of meetings.

IMPLEMENTATION PLAN/IMPLICATIONS

- 14 In accordance with the requirements in the Act and the Code of Meeting Practice, Council meeting dates and times are advertised on CN's website.

RISK ASSESSMENT AND MITIGATION

- 15 Appropriately scheduled Council meetings support CN's Open and Transparent Governance Strategy and ensure CN complies with legislative requirements.

RELATED PREVIOUS DECISIONS

- 16 At the Ordinary Council Meeting held on 26 November 2019, Council adopted the Council meeting schedule for 2020.

CONSULTATION

- 17 No consultation is required as this is a statutory process under the Code of Meeting Practice.

BACKGROUND

- 18 Not applicable.

OPTIONS

Option 1

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

Option 2

20 Council does not adopt the recommendation. An alternative meeting schedule proposal for 2021 may be put forward by Councillors, provided that it allows for at least ten Council meetings, with each meeting being in a different month. Any increase in the number of meetings or significant change to the proposed meeting cycle would need to be considered in light of resourcing requirements. This is not the recommended option.

REFERENCES

Office of Local Government Circular 20-10 Postponement of the September 2020 Local Government Elections
<https://www.olg.nsw.gov.au/council-circulars/20-10-postponement-of-the-september-2020-local-government-elections/>

Office of Local Government Key Dates for Council Election Candidates
https://www.olg.nsw.gov.au/wp-content/uploads/2020/09/OLG_ElectionOfWomen_KeyDates-A4.pdf

ATTACHMENTS

Nil.

ITEM-104 CCL 08/12/20 - ADOPTION OF SECTION 7.12 NEWCASTLE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2019 (UPDATE DECEMBER 2020)

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

PURPOSE

To adopt the Section 7.12 Local Infrastructure Contributions Plan 2019 (Update December 2020).

RECOMMENDATION

That Council:

- 1 Adopts the Section 7.12 Local Infrastructure Contributions Plan 2019 (Update December 2020) (**Attachment A**).

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 25 August 2020, Council resolved to place the Section 7.12 Local Infrastructure Contributions Plan 2019 (Update December 2020) (Plan) on public exhibition for a minimum period of 28 days. The main intention of the update was to align projects with 2020/21 Our Budget since its adoption in June 2020. Other minor wording corrections were proposed. During the public exhibition period, no submissions were received regarding the updated Plan.
- 3 Since reporting the Plan to Council, it became apparent that other minor amendments are required. These are highlighted in the attached Plan. One amendment includes clearly stating that under the relevant Ministerial Direction (Environmental Planning and Assessment (Infrastructure Contributions – Port of Newcastle) Direction 2014, only complying development is exempt from paying an infrastructure contribution in the Port of Newcastle Lease Area. At times, it has been misunderstood by developers to mean that all development in the Lease Area is exempt from paying an infrastructure contribution. The updated Plan better reflects the Minister’s Direction.

- 4 An amendment has also been made to the Plan to allow applicants to prepare a cost summary report for development up to \$150,000. Currently, cost summary reports must be prepared by a suitably qualified person. There is no change to the requirement for development over this amount, which must be prepared by a suitably qualified person up to \$750,000 or a Quantity Surveyor for estimated development over \$750,000. It is considered reasonable to allow applicants to undertake the estimate for development up to \$150,000 as the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and relevant guidelines set out how it must be prepared. This change is also consistent with planning portal requirements.
- 5 An amendment has also been made to refine the Cathedral Park project item. This project, which implements the Cathedral Park Masterplan, is now reflected as a separate item with updated costs rather than grouped with other related projects. It is identified in the Heritage Strategy and current Plan but incorrectly referenced as being located within the City Centre Area (Part A). It has now been mapped and grouped with Part B projects as it is located outside of the identified City Centre area. The project includes new pathways and park entrance, heritage interpretation, landscaping, conservation of headstones, new memorials for the Cawarra Shipwreck, infant memorial and park memorial wall in King Street to this State listed heritage item.

FINANCIAL IMPACT

- 6 Costs associated with finalising the updated Plan are funded under City of Newcastle's (CN) operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The Plan 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

- 8 The updated Plan will be implemented in accordance with the *Environmental, Planning and Assessment Act 1979* (EP&A Act) and accompanying EP&A Regulation. The EP&A Act and EP&A Regulation identifies the process and responsibilities for preparing, exhibiting, adopting and implementing a Section 7.12 Contributions Plan. The works schedule will be reviewed periodically.

RISK ASSESSMENT AND MITIGATION

- 9 The updated Plan has been prepared in accordance with relevant legislation and Practice Notes issued by the Department of Planning, Industry and Environment. Adherence to the legislative framework reduces the risk to CN by ensuring the funds are levied, collected, spent and accounted for in the correct manner.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 27 August 2019, Council adopted the current Section 7.12 Plan.
- 11 At the Ordinary Council Meeting held on 25 August 2020, Council resolved to place the Section 7.12 Local Infrastructure Contributions Plan 2019 (Update December 2020) (Plan) on public exhibition for a minimum period of 28 days.

CONSULTATION

- 12 The public exhibition period was from 31 August 2020 to 28 September 2020. Exhibition material was placed on CN's webpage, in accordance with the EP&A Regulation. No submissions were received.

BACKGROUND

- 13 The Plan has been prepared to determine the Section 7.12 local infrastructure levy that applies and what public facilities are to be funded by the levy. The Plan applies to all land within the Newcastle Local Government Area (LGA). The Plan is reviewed annually to reflect Our Budget. The timing of projects listed in the Plan is indicative only and is dependent upon the level of funds collected and other specific requirements of the projects.

OPTIONS

Option 1

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

Option 2

- 15 Council does not adopt the Section 7.12 Local Infrastructure Contributions Plan 2019 (Update December 2020). This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 104 Attachment A: Section 7.12 Local Infrastructure Contributions Plan 2019
(Update December 2020).

Item 104 Attachment A distributed under separate cover

**ITEM-105 CCL 08/12/20 - ENDORSEMENT OF PLANNING PROPOSAL
TO AMEND NEWCASTLE LOCAL ENVIRONMENTAL PLAN
2012 - 505 MINMI ROAD, FLETCHER**

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

PURPOSE

To seek endorsement to commence the statutory process for amending the Newcastle Local Environmental Plan 2012 to rezone 505 Minmi Road, Fletcher from E4 Environmental Living to part R2 Low Density Residential and part E2 Environmental Conservation.

RECOMMENDATION

That Council:

- 1 Endorses the Planning Proposal (**Attachment A**) prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012), as follows:
 - i) Rezone the site from E4 Environmental Living to part R2 Low Density Residential and part E2 Environmental Conservation.
 - ii) Reduce the minimum lot size from 40Ha to 300m² and 1000m² for the R2 zoned portion of land to provide 150 residential lots.
 - iii) Introduce an 8.5 metre height of building standard.
 - iv) Designate the site as an urban release area.
- 2 Forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination pursuant to section 3.34 of the EP&A Act.
- 3 Require the preparation of additional studies and information listed in section 7.1 of the 'Review of Planning Proposal' report (**Attachment B**) prior to public exhibition, should a Gateway Determination be issued.
- 4 Receive a report on the Planning Proposal following the closure of the public exhibition period.

KEY ISSUES

- 5 505 Minmi Road, Fletcher (the site) has a long history (see Chronology at **Attachment C**) and has been subject to previous Planning Proposals seeking to rezone the site for residential development. The key issue has been the extent of biodiversity on the site and achieving a reasonable balance of land for conservation and residential development. Other matters include bushfire risk, mine subsidence, contamination, and Aboriginal heritage.
- 6 The site is identified as a Housing Release Area in City of Newcastle's (CN) adopted Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) and broadly aligns with the Greater Newcastle Metropolitan Plan.
- 7 The Planning Proposal was originally lodged in November 2017. In May 2018, CN engaged external consultants to undertake an independent assessment, which included:
 - i) A review of the strategic merit of the Planning Proposal and a review of the technical studies and supporting information.
 - ii) Identifying matters that were unresolved and / or unsatisfactory that needed to be addressed prior to accepting the Planning Proposal.
- 8 Throughout 2018 and 2019 the proponent commissioned updated studies and amended the Planning Proposal in response to the matters raised by the external consultants. CN provided ongoing advice regarding the adequacy of the information and advised that an updated Planning Proposal should be lodged as a new application to address the issues raised in the external consultant's report.
- 9 An updated Planning Proposal was lodged as a new application on 7 May 2020 which proposes to:
 - i) Rezone the site from E4 Environmental Living to part R2 Low Density Residential (15.4 hectares) and part E2 Environmental Conservation (10.8 hectares);
 - ii) Reduce the minimum lot size from 40Ha to 300m² and 1000m² for the R2 zoned portion of land to provide 150 residential lots;
 - iii) Introduce an 8.5 metre height of building standard; and
 - iv) Designate the site as an urban release area.
- 10 The following updated information was included in support of the Planning Proposal:
 - i) Indicative subdivision layout provided (noting this is preliminary and indicative only); and

- ii) Inclusion of a 'Stage 1' Biodiversity Inventory Report (generally endorsed by former Office of Environment and Heritage (OEH) / DPIE as part of consultation undertaken by the proponent), Traffic Impact Statement and Visual Impact Assessment.
- 11 An LEP Panel Meeting was held with CN and the proponent on 26 June 2020 to highlight key issues and additional information required as the Planning Proposal progressed. A letter was sent to the proponent on 17 July 2020 requesting additional information which outlined the pre-Gateway and post-Gateway recommendations for required information and agency consultation.
- 12 An updated Planning Proposal was lodged on 23 September 2020 with a Strategic Bushfire Study and updates to the Planning Proposal to reflect the feedback from the LEP Panel.
- 13 On 2 October 2020, CN requested the external consultant to re-commence the independent assessment of the Planning Proposal including:
- i) Review of additional submitted information.
 - ii) Preparation of a report on the merits of the proposal with a recommendation as to whether the proposal should proceed.
 - iii) Preparation of a Planning Proposal to be reported to Council for endorsement if the outcome is for a positive recommendation.
- 14 The 'Review of Planning Proposal' report recommends that the Planning Proposal be supported and forwarded to the DPIE. Rationale for the recommendation is outlined below.
- 15 The site (currently zoned E4 Environmental Living) is generally surrounded by R2 Low Density Residential-zoned land and is within a growth area. The site provides a 'gap' in this land use pattern, and the development of the suitable parts of the site for similar residential purposes is logical. The strategic studies identify the subject land as a future housing release area, and hence the Planning Proposal has broad strategic merit. The Planning Proposal is consistent with statutory planning provisions and relevant Ministerial Directions or is capable of justifying any inconsistency subject to the outcomes of further studies to be undertaken.
- 16 As recognised in previous studies and considerations, the site has significant environmental constraints and challenges. While the studies undertaken confirm the subject land has the potential for the intended residential and conservation outcome, several further studies will be required to address the inherent constraints and hazards of the land and the interdependent analysis of these constraints. The extent of impacts, the resultant area for suitable residential development, offset requirements and the proposed management of the proposed E2 zoned land require further refinement.

- 17 The additional studies and analysis will take time and be costly. It is not unusual for proponents to defer commissioning further work until post-Gateway when the project has more certainty of proceeding and is typical for the preparation of detailed investigations.
- 18 The additional work to be undertaken by the proponent prior to public exhibition may result in significant amendments to the Planning Proposal. Notwithstanding, there is sufficient strategic merit for the Planning Proposal to be forwarded to DPIE, which will outline additional consultation, supporting studies and State Agency requirements in the Gateway Determination.

FINANCIAL IMPACT

- 19 The costs associated with the external consultant's independent assessment of the Planning Proposal has been covered by relevant (Stage B) fees payable by the proponent in accordance with CN's Fees and Charges 2020/21.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 20 The Planning Proposal aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Liveable Built Environment

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

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 21 The implementation of the recommendations of this report will ensure that the NLEP 2012 reflects the strategies and actions within the Greater Newcastle Metropolitan Plan, LSPS and LHS.

RISK ASSESSMENT AND MITIGATION

- 22 The process of amending an LEP is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces risk to CN by ensuring that a Planning Proposal is prepared consistent with relevant strategic planning documents and determined in an appropriate timeframe.

RELATED PREVIOUS DECISIONS

- 23 At the Ordinary Council Meeting held on 18 December 2012, Council resolved to forward a Planning Proposal for 505 Minmi Road to the then Minister for Planning and Infrastructure for 'Gateway Determination' under the then section 56 of the EP&A Act.

- 24 At the Ordinary Council Meeting held on 25 August 2015, Council resolved to publicly exhibit the draft Planning Agreement along with the Planning Proposal and draft Conservation Agreement.
- 25 At the Ordinary Council Meeting held on 8 December 2015, Council resolved not to proceed with a previous Planning Proposal for the site and requested that the Minister for Planning and Environment allow CN to discontinue the proposed amendments.

CONSULTATION

- 26 Consultation with stakeholders (including the relevant State Agencies and the community) will occur in accordance with the Minister's requirements following Gateway Determination.
- 27 The Planning Proposal will be publicly exhibited in accordance with the Gateway requirements. It is anticipated that this will be for a minimum of 28 days.
- 28 Council will receive a report outlining the consultation outcomes prior to the plan being made.

BACKGROUND

- 29 This is the fourth Planning Proposal lodged by the proponent in respect of the subject lands. The first, submitted in 2009, progressed through Gateway and public exhibition, however at the Ordinary Council Meeting held on 8 December 2015, Council resolved to not proceed with the application.
- 30 The second Planning Proposal, submitted in 2017, was not supported by CN as it was too similar to the first (refused) proposal. The proponent requested that the Hunter Region Joint Regional Planning Panel (JRPP) review CN's decision to not proceed with the rezoning request. On 2 November 2017, the JRPP determined that, even though the Planning Proposal had demonstrated strategic merit, it had not demonstrated site-specific merit and should not proceed to Gateway.
- 31 A new Planning Proposal was lodged on 17 November 2017, and in May 2018, an external consultant was engaged by CN to undertake an independent assessment of the Planning Proposal. The assessment identified a number of matters to be addressed before assessment of the Planning Proposal could be finalised.
- 32 The current Planning Proposal, prepared to address the issues raised in the external consultant's report, was submitted on 23 September 2020.

OPTIONS

Option 1

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

Option 2

34 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 105 Attachment A: Planning Proposal – 505 Minmi Road, Fletcher

Item 105 Attachment B: Review of Planning Proposal Report – October 2020

Item 105 Attachment C: Chronology for 505 Minmi Road, Fletcher

Item 105 Attachments A - C distributed under separate cover

ITEM-106 CCL 08/12/20 - URBAN DESIGN REVIEW PANEL

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

PURPOSE

To endorse establishment of a new Urban Design Review Panel.

RECOMMENDATION

That Council:

- 1 Adopt the revised Charter for the operation and management of a new Urban Design Review Panel (UDRP) at **Attachment A**.
- 2 Grant delegation to the Chief Executive Officer (CEO) to appoint a UDRP under State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), as outlined in the Minister for Planning’s (Minister) Instrument of Delegation at **Attachment B**.

KEY ISSUES

- 3 The current Urban Design Consultative Group (UDCG) was formed in November 2012 under the provisions of SEPP 65 and operates under the existing Charter at **Attachment C** endorsed by City of Newcastle’s (CN) General Manager in November 2012.
- 4 In June 2015, the Minister issued an Instrument of Delegation delegating functions relating to the appointment of design review panels under SEPP 65, enabling CN to appoint a design review panel for the Local Government Area (LGA).
- 5 The UDCG has operated in accordance with its existing Charter since 2012. It is timely and appropriate to establish a new UDRP with an updated Charter to reflect the importance of its role and contemporary governance requirements nominated by the NSW Government.
- 6 The UDRP’s responsibilities are to provide independent advice to CN and applicants on the quality of urban design and amenity for development proposals. The Charter has been updated to support the efficient and effective operation and management of the UDRP.
- 7 Table 1 is a summary of the proposed amendments to the existing UDCG Charter.

Table 1

Change No.	Clause No. in proposed charter	Change details	Reason
1	All	Amendments to the format and structure of the document.	To provide consistency with other CN Policies and Charters and to improve the readability of the Charter.
2	All	Name change from “ <i>Charter Urban Design Consultative Group</i> ” to “ <i>Charter Urban Design Review Panel</i> ”.	To reflect the terminology in SEPP 65.
3	All	Remove references to previous CN structure.	To reflect the current organisational structure of CN.
4	All	Consolidation of information relating to procedures and processes.	To improve the readability of the Charter and remove any duplicated information.
5	Index Table and 6.11	Update related Policies and documents.	To reflect all Policies and documents that relate to members of the UDRP.
6	2.2 and 2.3	Refinement of applications referred to the UDRP.	To reflect required referrals to the UDRP.
7	3	Refinement of the establishment and dissolution of the UDRP.	To reflect the proposed delegation from the Minister for Planning
8	6.10	Inclusion of a requirement to notify the Minister for Planning of the members of the UDRP.	To meet the requirements of Condition 3 of the delegation from the Minister for Planning.
9	5	Inclusion of a term of service for the Chairperson, Members and Alternate Members of the UDRP.	To specify the term of service for the Chairperson, Members and Alternate Members of the UDRP.
10	5	Removal of references to current members at the time of forming the Charter.	The information is superfluous to the intent of the document.

11	5.3, 8.1.4	Inclusion of a voting mechanism on the suitability of aspects of applications.	To reflect the operating parameters of the State Design Review Panel.
12	6	Removal of the fee structure for payments from the Charter. Payment details will be in the public Expression of Interest.	To reflect the operating parameters of the State Design Review Panel.
13	6.8	Inclusion of the requirement to sign a Community Representative Member Undertaking Form.	To clarify requirements to meet standards of ethical behaviour required by CN.
14	6.3	Amendment of the membership criteria.	To reflect the requirements of the Apartment Design Guide Part 5 (Design Review Panels), Clause 21 of SEPP 65 and satisfy Condition 2 of the delegation from the Minister for Planning.
15	7.19, 8.1.8	Inclusion of a requirement to prepare and deliver an annual presentation to Councillors.	To introduce a new governance mechanism.
16	12.3	Removal of the submission requirements for an application to the UDRP.	The submission requirements are included in an application form.
17	16.4	Rewording of how recommendations are formatted.	To clarify the expectations of the UDRP about what applications are to be returned to the UDRP for further assessment.

8 There is not, nor has there previously been, a requirement for the Charter or membership of the UDCG to be endorsed by Council. The proposed Charter for the new UDRP is presented to Council for endorsement to support the request for delegations to the CEO to constitute the UDRP.

FINANCIAL IMPACT

9 The proposed structure for payments to UDRP members will be a flat fee for attendance that is comparable to the current average payments. The advantages of the proposed payment structure include improved budget forecasting and providing consistency with design review panels operating in other LGAs.

- 10 The 2020/21 budget for the existing UDCG is \$65,000 including fees for members, meetings and other operating costs. Applicants pay a fee to CN for development proposals to be reviewed by the UDCG offsetting operating costs.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The UDRP is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

Liveable and Distinctive Built Environment

- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.
- 5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 Upon adoption of the recommendations of this report a public Expression of Interest process will be undertaken for the positions of Chairperson, Member and Alternate Member. A Selection Panel will be established by the CEO that shall include the Chair of the Liveable Cities Advisory Committee (LCAC), the Manager Regulatory, Planning and Assessment and a Panel Coordinator. The Chairperson and Members will be selected by the Selection Panel and appointed to the UDRP by the CEO, in accordance with the proposed delegation and Charter. Existing UDCG members will be eligible to apply.

RISK ASSESSMENT AND MITIGATION

- 13 There is a risk to CN's reputation and public confidence if CN does not receive effective independent advice on the quality of urban design and amenity provided for development proposals. By adopting the recommendations of this report, CN will appoint the UDRP and administer effective operations, in an open and transparent manner, consistent with the governance prescribed by the NSW Government.

RELATED PREVIOUS DECISIONS

- 14 The current UDCG Charter was approved by CN's General Manager on 12 November 2012.

CONSULTATION

- 15 The Charter is not required to be placed on public exhibition.
- 16 The LCAC was briefed on the UDRP at its meeting held on 3 November 2020. The LCAC Chair will sit on the Selection Panel for the UDRP.

17 Input was sought from the NSW Office of the Government Architect, Department of Planning, Industry and Environment (DPIE), Secretariat and City of Gosford Design Advisory Panel in developing the revised Charter.

BACKGROUND

18 CN has had a UDCG, or equivalent, for more than 30 years. In November 2012, the current UDCG was formed, under the provisions of SEPP 65, with a Charter endorsed by the CN General Manager.

19 In June 2015, the Minister issued an Instrument of Delegation delegating functions relating to the appointment of design review panels under SEPP 65.

20 The delegation from the Minister:

- i) Removes the requirement for CN to negotiate with the DPIE for the Minister to establish a design review panel.
- ii) Enables CN to appoint a design review panel for the LGA.

21 The Minister’s delegation is subject to three conditions addressed in the proposed UDRP Charter outlined in Table 2.

Table 2

No	Conditions	Relevant clauses in proposed UDRP Charter
1	<i>Where two or more Councils appoint a design review panel for their Local Government Areas, agreement from both Councils is required before the Design Review Panel may be abolished under clause 19(2) of the SEPP.</i>	CN is not seeking to appoint a Design Review Panel in conjunction with another Council.
2	<i>The appointment of any member or alternate member to a Design Review Panel under clauses 21 and 22 of the SEPP must be on terms consistent with any determination made by the Minister of Planning under clause 23 of the SEPP.</i>	Reflected in clauses 3.5, 10.1 and 13.2 of the proposed UDRP Charter.
3	<i>Council/s must advise the Minister for Planning in writing on the membership (including alternate members) of a Design Review Panel.</i>	Reflected in clause 6.10 of the proposed UDRP Charter.

OPTIONS

Option 1

22 The recommendations as at Paragraphs 1 and 2. This is the recommended option.

Option 2

23 Council resolves not to endorse the UDRP Charter and delegation. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 106 Attachment A: Proposed Urban Design Review Panel Charter – Version 2

Item 106 Attachment B: Minister for Planning’s Instrument of Delegation

Item 106 Attachment C: Existing Urban Design Consultative Group Charter – Version 1

Item 106 Attachments A – C distributed under separate cover

ITEM-107 CCL 08/12/20 - IMPLEMENTATION OF LIVE MUSIC AND AFTER DARK STRATEGIES - PLANNING CERTIFICATES

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

PURPOSE

To note progress with the implementation of planning certificate notations to notify future purchasers of properties within the Newcastle Local Government Area of City of Newcastle's adopted Live Music Strategy and Newcastle After Dark Night-time Economy Strategy.

RECOMMENDATION

That Council:

- 1 Notes that the notation provided at **Attachment A** will be placed on part (5) of section 10.7 Planning Certificates for all properties within the Newcastle Local Government Area (LGA), to notify future purchasers of properties of City of Newcastle's (CN) adopted Live Music Strategy and Newcastle After Dark Night-time Economy Strategy.
- 2 Notes that local conveyancers will be advised of the new notation and the benefits of purchasers obtaining the full section 10.7(2) and (5) Planning Certificates along with a Frequently Asked Questions fact sheet for purchasers.

KEY ISSUES

- 3 At the Ordinary Council Meeting held on 27 October 2020, Council resolved to:
 - i) *Receive a report to provide a detailed update on the progress of implementing Action 2 of the Live Music Strategy, "Develop a suite of planning controls to reduce the risk of land use conflict including notification in the section 10.7(5) Planning Certificates".*
- 4 Live music venues within the LGA are mostly located in mixed-use zones, where both commercial and residential uses are permitted. In addition, many city centre nightlife precincts identified in the After Dark Strategy, such as Darby Street, Hamilton and The Junction, are adjacent to Medium Density Residential Zones. Night-time activity is an inherent aspect of these mixed-use precincts. Land use conflict may occur when residents are disturbed by the sound of live music, or patrons within or near these venues at night, and as a result, restrictions are placed on venue operators that curtail the night-time economy.

- 5 There are limits to what planning controls can do to reduce the risk of land use conflict in these circumstances. Consent conditions on development applications can include requirements for noise attenuation measures to be included in new buildings and can limit hours of operation. In addition to these measures, there is an important role for education of residents and business owners / operators living and working in mixed-use areas on what to expect as part of living in an LGA with a diverse and significant number of venues that provide live music, particularly after 5pm.
- 6 Both the adopted Live Music Strategy and After Dark Strategy include recommendations to include notations on Planning Certificates to manage community expectations regarding noise in mixed-use business and residential zones and night-time precincts. Providing advice of the existence of potential night-time noise on Planning Certificates will raise awareness for new purchasers of property within the LGA.
- 7 It is important to note that Planning Certificates are only provided when purchasing property and are not provided to people renting privately (35%; Census of Population and Housing, 2016).
- 8 Section 10.7(2) Certificates must be provided with contracts of sale, however, a full section 10.7(2)(5) Certificate is optional. CN may only include advice regarding adopted policies and strategies on part (5) of a section 10.7 Certificate. In 2019, 25% of property purchasers bought a full section 10.7(2)(5) Planning Certificate. Increasing awareness of the additional information provided on section 10.7(5) Planning Certificates may be achieved by notifying local conveyancers of the benefits of a full section 10.7(2)(5) Planning Certificate.
- 9 Identifying properties to apply additional notation has been investigated. Considerations included:
 - i) Where live music venues are currently located.
 - ii) Where live music venues are permitted.
 - iii) Residential areas where complaints are received.
- 10 CN has identified approximately 95 live music venues across the LGA, situated in and adjacent to a range of land use zones. Commercial venues that may host live music are permitted in all High Density Residential, Business, Tourist and Recreation zones. Because of a range of factors such as topography, the built environment and weather conditions, sound can travel variably and over large distances, particularly at night-time. Given the undefined area where live music venues are located in the LGA, and the difficulty in determining where impacted properties may be, it is recommended that the additional notation be included in section 10.7(5) Planning Certificates for all properties within the LGA.

- 11 Proceeding with the additional notation on Planning Certificates will not remove CN's responsibility to investigate noise complaints or to regulate noise from live music venues under the *Protection of the Environment Operations Act 1997* (POEO Act), and the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 12 Section 10.7(5) Planning Certificates have a range of existing notations regarding CN plans and strategies. A Council resolution is not required to place this notation on Planning Certificates.

FINANCIAL IMPACT

- 13 There are no financial impacts to CN in placing this notation on Planning Certificates.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 14 The additional notation to Planning Certificates is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Vibrant, Safe and Active Public Places

- 3.3b Plan for a night-time economy, characterised by creativity, vibrancy and safety, that contributes to cultural and economic revitalisation.

IMPLEMENTATION PLAN/IMPLICATIONS

- 15 This report is in regard to the following action from the Live Music Strategy (2019):

- i) *Action 2. Develop a suite of planning controls to reduce the risk of land use conflict.*

The existing environmental planning, assessment and protections legislation in NSW needs amendment to reduce the risk of land use conflicts in zones where multiple land uses co-exist eg. residential and commercial developments in mixed-use zones.

City of Newcastle will consider the use of s149 certificates (officially known as section 10.7(5) zoning certificates under the NSW Environmental Planning and Assessment Act 1979) to manage community perceptions in this regard.

- 16 This report also addresses the following action from the Newcastle After Dark Strategy:

- i) *Action 5.4. Implement use of s149 Certificates to manage community expectations around sound levels in mixed-use business and residential zones and night-time precincts.*

RISK ASSESSMENT AND MITIGATION

- 17 CN has a legal obligation to provide accurate information on Planning Certificates to both the property owner selling land and prospective purchasers. While section 10.7(6) states that a Council will not incur liability for information provided in good faith, Council must exercise reasonable care that the information given is correct.
- 18 If a property did not have this proposed notation, and new owners believed they were affected by night-time noise, complaints could be made that they were not alerted to the issue when considering the purchase of a property. A Frequently Asked Questions fact sheet will be prepared to provide information about the notation to interested parties.

RELATED PREVIOUS DECISIONS

- 19 At the Ordinary Council Meeting held on 27 November 2018, Council unanimously adopted the Newcastle After Dark Night-time Economy Strategy.
- 20 At the Ordinary Council Meeting held on 16 April 2019, Council unanimously adopted the Live Music Strategy.
- 21 At the Ordinary Council Meeting held on 10 December 2019, a Notice of Motion was unanimously endorsed requesting CN staff prioritise Actions 2 and 4 of the Live Music Strategy and provide a report to Council on the implementation of the agreed actions.
- 22 At the Ordinary Council Meeting held on 27 October 2020, Council unanimously resolved to:
 - i) Note the outcomes of the endorsed Live Music Strategy and After Dark Strategy, with particular note to the support of Newcastle's Live Music Industry.
 - ii) Acknowledge the importance of growing Newcastle's night-time economy.
 - iii) Receive a report at the next Ordinary Council meeting to provide a detailed update on the implementation of Action 2 of the Live Music Strategy, "Develop a suite of planning controls to reduce the risk of land use conflict including notification in the section 10.7(5) Planning Certificates".

CONSULTATION

- 23 Extensive consultation was undertaken to inform the Live Music Strategy and Newcastle After Dark Strategy.

BACKGROUND

24 A Planning Certificate is a legal document required to be included with the contract of sale for a property. A basic Planning Certificate (section 10.7(2)) contains information prescribed by section 10.7 of the EP&A Act and clause 279 and schedule 4 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). A full Planning Certificate (section 10.7(2)(5)) includes an additional part where a Council can provide advice on any other matter affecting the land. The full Planning Certificate is obtained by paying an additional fee. A Council resolution is not required to place a notation on section 10.7(2) of Planning Certificates.

OPTIONS

Option 1

25 The recommendations as at Paragraphs 1 and 2. This is the recommended option.

Option 2

26 Council resolves not to proceed with the placement of a notation on section 10.7(5) Planning Certificates. This is not the recommended option.

REFERENCES

Australian Bureau of Statistics (2016). Census of Population and Housing. *Census QuickStats Tenure*. Retrieved November 2020.

https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA15900?opendocument

ATTACHMENTS

Item 107 Attachment A: Section 10.7(5) Planning Certificate Notations

Item 107 Attachment A – Section 10.7(5) Planning Certificate notations

Live Music Strategy (2019) and Newcastle After Dark: Night-time Economy Strategy (2018)

City of Newcastle's Live Music Strategy and Newcastle After Dark: Night-Time Economy Strategy support live music and the night-time economy which play a key role in accommodation, events, cultural and business uses in the City Centre and Town Centres. Future residents should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, including after 5pm, which is part of living in / near a commercial centre. The Strategies promote the sharing of the City, including the mitigation of impacts of new residential development, live music or the night-time economy on other land uses.

Note: Refer to our website to view the strategies. www.newcastle.nsw.gov.au

ITEM-108 CCL 08/12/20 - MARYLAND DRIVE, MARYLAND - PROPOSED PEDESTRIAN REFUGES NEAR GRANGE AVENUE AND HOLYWELL STREET

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

PURPOSE

To approve the construction of pedestrian refuges on Maryland Drive near Grange Avenue and Holywell Street, Maryland.

RECOMMENDATION

That Council:

- 1 Approve construction of a pedestrian refuge on Maryland Drive near Grange Avenue, Maryland, as shown at **Attachment A**.
- 2 Approve construction of a pedestrian refuge on Maryland Drive near Holywell Street, as indicated at **Attachment B**, subject to funding.

KEY ISSUES

- 3 Maryland Drive is a collector road with a posted speed limit of 50km/h. Surveys undertaken in 2017 indicate that the average daily traffic and 85th percentile speed at the survey location west of McNaughton Avenue were 6,490 vehicles and 61km/h respectively.
- 4 Community members have raised concerns with speeding on Maryland Drive. Representations have also been made, noting the various attractors of Maryland Public School, skate park, sport fields and shops along or proximate to Maryland Drive and the lack of adequate crossing facilities for access.
- 5 Design of a refuge or refuges was scheduled to be undertaken in 2019/20 as part of the Pedestrian Access and Mobility Plan (PAMP) Program. Concept plans were developed for two refuges: one approximately 60 metres west of Grange Avenue to link the skate park and Bill Elliot Oval, and another at Holywell Street. The proposals were exhibited for four weeks, with submissions closing on 21 August 2020. The scope, as exhibited, includes:
 - i) Construction of a pedestrian refuge on Maryland Drive west of Grange Avenue.
 - ii) Construction of kerb extensions and kerb ramps on both sides of the refuge.

- iii) Construction of a new footpath on the northern side of Maryland Drive to connect with the existing footpath east of Grange Avenue.
 - iv) Upgrades to street lighting, landscaping, drainage, signage and line marking works.
- 6 The exhibition noted a potential for the future construction of a refuge near Holywell Street, with kerb extensions and ramps.
- 7 18 submissions were received. A summary of submissions is at **Attachment C**. The refuges were well supported.
- 8 Finalisation of design and construction of the refuge near Grange Avenue is part of the 2020/21 PAMP Program. City of Newcastle (CN) has secured grant funding under the NSW Safer Roads Program for construction of a refuge near Grange Avenue in 2020/21. As the exhibited location is slightly west of that submitted with the grant application, a variation is to be submitted.
- 9 The Newcastle City Traffic Committee (NCTC) endorsed the proposal for referral to Council for determination at its meeting held on 14 September 2020.

FINANCIAL IMPACT

- 10 Finalisation of design and construction of the refuge near Grange Avenue is part of the 2020/21 PAMP Program, with an adopted budget of \$220,000. As the cost estimate for the refuge near Grange Avenue was \$140,000, a budget decrease was submitted to the September 2020 quarterly review, to accommodate other PAMP Program changes.
- 11 Construction of a refuge near Holywell Street is to be included in the 2021/22 PAMP Program.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Integrated and Accessible Transport

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

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

Liveable Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 The proposal is consistent with positions outlined in the Newcastle Transport Strategy to improve conditions for pedestrians and reduce traffic speeds.
- 14 Approval of the refuges is not delegated to CN officers and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 15 Implementation of Stage 1 (refuge near Grange Avenue) will provide a safe crossing point for pedestrians and assist in reducing traffic speeds.
- 16 The design addresses relevant Austroads and Transport for NSW guides.

RELATED PREVIOUS DECISIONS

- 17 Nil.

CONSULTATION

- 18 Concept designs were exhibited for four weeks, with submissions closing on 21 August 2020. Details of the proposed refuges and an online submission form were published on CN's website. Copies of the leaflet at **Attachment D** were distributed to properties in the vicinity of the proposals and mailed to non-resident owners.
- 19 The NCTC considered a report on the outcomes of the exhibition process at its meeting held on 14 September 2020 and recommended referral to Council.
- 20 The proposal is routine and therefore has not been considered by the Infrastructure Advisory Committee.

BACKGROUND

- 21 Multiple concerns have been raised regarding speeding on Maryland Drive. A crash collision diagram and preliminary concept plan for road cushions (approximately 25 sets) were considered by NCTC in July 2017. The NCTC report noted potential for a pedestrian refuge near Grange Avenue to cater for pedestrian movements between the school and fields. The proposal for road cushions was not supported by NCTC.
- 22 In January 2018, representations were made to CN noting the lack of safe crossing facilities on Maryland Drive. A PAMP assessment was undertaken, provision of a refuge rated highly, and the proposal was scheduled for design in 2019/20 under the PAMP Program.

OPTIONS

Option 1

23 The recommendations as at Paragraphs 1 and 2. This is the recommended option.

Option 2

24 Council does not approve the proposed refuges. This will result in an ongoing risk to pedestrians at this location. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 108 Attachment A: Plan – Pedestrian Refuge - Maryland Drive near Grange Avenue, Maryland

Item 108 Attachment B: Plan – Pedestrian Refuge - Maryland Drive near Holywell Street, Maryland

Item 108 Attachment C: Summary of Submissions – Proposed Pedestrian Refuges – Maryland Drive near Grange Avenue and Holywell Street, Maryland

Item 108 Attachment D: Consultation Leaflet – Proposed Pedestrian Refuges – Maryland Drive near Grange Avenue and Holywell Street, Maryland

Item 108 Attachments A - D distributed under separate cover

ITEM-109 CCL 08/12/20 - FORT SCRATCHLEY HISTORICAL SOCIETY INCORPORATED - MEMORANDUM OF UNDERSTANDING

REPORT BY: CITY WIDE SERVICES
CONTACT: INTERIM DIRECTOR CITY WIDE SERVICES / DIRECTOR MUSEUM

PURPOSE

To seek Council endorsement of the Memorandum of Understanding with Fort Scratchley Historical Society Incorporated as provided in **Attachment A**.

RECOMMENDATION

That Council:

- 1 Endorses the Memorandum of Understanding with the Fort Scratchley Historical Society Incorporated as provided in **Attachment A** and delegates authority to the Chief Executive Officer to sign the document on behalf of Council.

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 22 September 2020, Council resolved that a Memorandum of Understanding (MoU) be prepared between City of Newcastle (CN) in consultation with the Fort Scratchley Historical Society Incorporated (FSHS) recognising the importance of Fort Scratchley to the people of Newcastle and committing to the ongoing support of FSHS.
- 3 The MoU is a statement of intent by each party to guide the relationship between them in partnership to deliver the best possible outcomes for Fort Scratchley Historical Society. Each party agrees to act in good faith towards the other party and use its best endeavours to comply with the spirit and intention of this MoU.
- 4 The purpose of this MoU is to record the spirit of cooperation and respect between CN and FSHS to preserve this invaluable piece of Newcastle's military history. The parties acknowledge the significant role CN plays in providing financial, promotional and management support for FSHS as one of Newcastle's iconic tourist attractions. The parties also acknowledge the significant historical and cultural importance of Fort Scratchley and recognises the work undertaken by FSHS.
- 5 The MoU has been endorsed by FSHS President Frank Carter.

FINANCIAL IMPACT

- 6 Entering into this MoU with FSHS has no financial impact on CN's 2020/21 operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 Entering into a MoU with FSHS is in alignment with Newcastle 2030 Community Strategic Plan action of Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The MoU with FSHS has no impact on the Operational Plan and approved budget.

RISK ASSESSMENT AND MITIGATION

- 9 There is no risk to CN in entering into a MoU with FSHS.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 22 September 2020, Council resolved that it:
- i) *Recognises and acknowledges the historical and cultural importance of Fort Scratchley;*
 - ii) *Recognises and acknowledges the work undertaken by The Fort Scratchley Historical Society (FSHS) to preserve this invaluable piece of Newcastle's military history; and*
 - iii) *Drafts a Memorandum of Understanding (MOU) between CN and FSHS recognising the importance of Fort Scratchley to the people of Newcastle and committing to the ongoing support of FSHS. The MOU to come back to Council for endorsement.*

CONSULTATION

- 11 The MoU has been prepared in consultation between FSHS President Frank Carter and representatives of CN - Director Museum and Interim Director City Wide Services and Councillor Peta Winney-Baartz as a representative of the FSHS Strategic Committee.

BACKGROUND

- 12 In considering a Notice of Motion at the Ordinary Council Meeting held on 22 September 2020, Council resolved to prepare a MoU between CN and FSHS recognising the importance of Fort Scratchley to the people of Newcastle and committing to the ongoing support of FSHS.
- 13 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.

- 14 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.
- 15 In 1876 due to fears of a Russian attack, orders were sent from England to Major General Sir William Jervis 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.
- 16 The guns were used on several occasion during each of the World Wars to stop unauthorised shipping movements through the Harbour Mouth.
- 17 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.
- 18 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.
- 19 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 cataloguing thousands of items to ensure this unique history is maintained for generations to come.
- 20 The Fort is consistently recognised as one of Newcastle's premier tourist destinations, maintaining museum rooms, conducting tunnel tours and regularly firing several of the historic guns.

OPTIONS

Option 1

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

Option 2

- 22 Council resolves not to endorse the Memorandum of Understanding between City of Newcastle and Fort Scratchley Historical Society. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 109 Attachment A: Memorandum of Understanding between City of Newcastle and Fort Scratchley Historical Society

Item 109 Attachment A

Memorandum of Understanding

Between (“**the Parties**”):

CITY OF NEWCASTLE (“CN”)

And

FORT SCRATCHLEY HISTORICAL SOCIETY INCORPORATED (“FSHS”)

Background

- A. CN is the owner of the Fort Scratchley Historic Site (“**the Site**”) bounded by Fort Drive and Nobbys Road, Newcastle East NSW.
- B. In accordance with the Plan of Management (“**PoM**”) of the Site, FSHS and CN have collaborated since 2008 with FSHS undertaking the interpretation, staffing and visitor engagement and CN undertaking the physical maintenance of the Site.
- C. In accordance with the terms of this Memorandum of Understanding (“**MoU**”), CN and FSHS agree to recognise and acknowledge the:
 - a) historical and cultural importance of the Site to the local community;
 - b) work undertaken by FSHS to preserve the Site; and
 - c) commitment of CN and FSHS to the ongoing management and operation of the Site.

Objectives

- 1. The objectives of CN and FSHS as parties to the MoU are to:
 - a) establish a framework for the continuing joint interaction of CN and FSHS for mutual benefit and for the benefit of the communities that they serve;
 - b) ensure the protection and preservation of the Site;
 - c) explore opportunities and synergies for improving the Site for community service delivery and tourism opportunities which could generate revenue streams to benefit ratepayers and FSHS;
 - d) recognise and encourage the ongoing contribution of FSHS and its volunteers to both the Site and the local community;
 - e) maintain strong and collaborative working relationships between CN and FSHS;
 - f) strategically plan and ensure the governance of the Site operations through the PoM, Fort Scratchley Historic Site Heritage Management Plan, this MoU, and all other documents or terms of reference relevant to the Site (collectively, the “**Site Documents**”);
 - g) promote, interpret and preserve the cultural and historical significance of the Site and its moveable cultural heritage through museological and heritage tourism best practice; and

- h) investigate means of leveraging CN partnerships with educational institutions such as TAFE NSW and University of Newcastle to facilitate new relationships with the FSHS that could benefit students and graduates of destination management and tourism marketing courses.

Term

- 2. This MoU will commence on 8 December 2020 and will continue until superseded by another document or terminated pursuant to clause 7.

Joint Obligations

- 3. The Parties will:
 - a) keep each other informed of key projects, activities and strategies that have the potential to affect the service provision of the Site (including strategic planning activities, tourism activities, major events, projects and maintenance works on infrastructure assets), or any joint project activities or investigations;
 - b) ensure they perform their respective obligations under this MoU in compliance with all relevant laws, including work health and safety laws;
 - c) ensure financial governance and evidence-based decisions for the preservation of the Site;
 - d) promote the Site as a heritage tourism destination; and
 - e) ensure the Site Documents are accurate and updated.

CN's Obligations

- 4. CN agrees to:
 - a) collaborate on the opening of the Site outside agreed opening hours with FSHS to facilitate private bookings, tours, tourism opportunities or for major events;
 - b) ensure CN Councillor and staff representation on any committees relevant to the operation of the Site;
 - c) provide in kind venue hire to FSHS each financial year, subject to availability and in accordance with normal booking procedure, of the Multipurpose Function Centre for 3 x 8 hour bookings and the Barracks Rooms for 5 x 8 hour bookings; and
 - d) explore volunteering by CN's eligible employees at the Site up to two days (or four half days) per annum during work hours in accordance with CN's Enterprise Agreement 2019 Community Volunteer Leave program.

FSHS's Obligations

- 5. FSHS agrees to:
 - a) provide the services listed in Schedule 1;
 - b) ensure FSHS representation on any committees relevant to the operation and strategy of the Site;

- c) collaborate with CN to develop strategic planning for the maintenance, interpretation, marketing and tourism promotion of the Site;
- d) obtain and maintain all approvals, authorisations, licences, and permits required for the activities carried out at the Site;
- e) maintain complete and accurate records concerning the operation and management of the Site in accordance with all legislation and provide CN and its representatives access to inspect those records at all reasonable times;
- f) maintain and interpret the moveable cultural heritage of the Site's historic collection;
- g) comply with all relevant legislation, regulations and Australian Taxation Office requirements concerning not for profit organisations;
- h) cooperate with CN in any audit of the Site or FSHS's records concerning the operations of the Site;
- i) perform its obligations under this MoU with due skill, care and in a professional manner;
- j) at all times act in the best interest of the Site;
- k) make the Site available to host an annual luncheon during the Newcastle 500 event, which will also serve as a fundraiser for a local not for profit organisation selected by CN; and
- l) make the Site available for 1 day prior and 5 days after the above fundraiser luncheon for the purpose of venue hire.

Financial Governance

- 6. The Parties acknowledge and agree that financial governance will be administered as follows:
 - a) FSHS will provide funds for operational expenses of the Site as per clause 1 of Schedule 2.
 - b) CN will provide funds for operational expenses of the Site as per clause 2 of Schedule 2.
 - c) CN will pay the FSHS an annual contribution (currently set at \$6,000) resolved in its budget and indexed each financial year, to be paid quarterly, to assist with operations of the Site.
 - d) CN will provide monthly financial reporting of CN's Site budget and annual reporting of service asset planning for the Site.
 - e) CN will retain all income from commercial activities at the Site which are generated through the Multipurpose Function Centre, venue hire and events or functions including major event functions.
 - f) FSHS may retain income from the sale of goods through its shop, firing of the guns, sponsorships, grants and donations, fundraising activities and tours.

- g) FSHS will keep daily records of sale from tunnel tours and record the Z-reads from the cash registers in its shop. The FSHS Treasurer will reconcile the tunnel tours revenue on a monthly basis and report this to the responsible CN officer, whereby the responsible CN officer will generate an invoice to FSHS for reimbursement of the tunnel tours income. After hours tunnel tour revenue for special one off events arranged by FSHS will be retained by FSHS.

Termination

- 7. CN may terminate this MoU immediately if:
 - a) FSHS ceases to be a not for profit organisation registered with the Australian Charities and Not-for-profits Commission;
 - b) FSHS suffers an insolvency event including:
 - i. the suspension or cessation of its business activities;
 - ii. the liquidation or insolvency of FSHS;
 - iii. the appointment of a receiver or trustee in respect of its property;
 - iv. the assignment of any rights or other property, or making of any arrangements by FSHS for the benefit of its creditors; or
 - v. any other act which shows that FSHS is insolvent;
 - c) FSHS commits a breach of the MoU and fails to remedy the breach within 14 days after notice in writing from CN specifying the breach and requiring its remedy;
 - d) FSHS commits a breach of the MoU and in the reasonable opinion of CN the breach is not capable of remedy; or
 - e) FSHS carries out its obligations under this MoU in a manner which present a health or safety hazard to its customers, employees or the public and fails to take reasonable steps to correct such events after receiving notice from CN or any relevant government authority.
- 8. Termination of this MoU will not prejudice the rights of the Parties with respect to any prior breach of this MoU nor affect any obligation or liability of a Party arising before termination.

Indemnity

- 9. FSHS indemnifies CN to the fullest extent permitted by law from and against all costs, expenses, losses, damages, claims, actions or liabilities ("**Damages**") suffered, incurred or payable by CN, and releases CN from all Damages, arising directly or indirectly from or in connection with:
 - a) the performance or non-performance of FSHS's obligations under this MoU or any of the Site Documents;
 - b) any breach of this MOU or the Site Documents by FSHS;
 - c) any act or omission of FSHS or any of its volunteers; and
 - d) the presence of FSHS or any of its volunteers on the Site.

10. The indemnity at clause 9 will be reduced proportionally to the extent that any negligent act or omission of CN or its representatives directly contribute to that Damage.

Dispute Resolution

11. Any dispute that may arise in connection with this MoU will initially be tabled at the Operational Management Committee meeting for consensus. Should a consensus not be reached the following CN officers may be called upon to assist in resolving the dispute:

- a) Director Museum;
- b) Director of City Wide Services;
- c) CEO; or
- d) Elected Councillor member.

12. If after having complied with the requirements of clause 11, the Parties have not been able to resolve the dispute, then either party may require by service of a written notice that the dispute be referred to an independent third party for dispute resolution.

13. The Parties will within 14 days of the notice referred to in clause 12 nominate the process for resolution of the dispute and make all relevant and necessary arrangements to appoint the independent third party and a time for the process to be undertaken.

14. If the Parties cannot agree on the appointment of an independent third party then the Parties will request the President of the NSW Law Society nominate and appoint the independent third party.

15. Despite the resolution, determination or other outcomes of the dispute, the Parties will share equally the costs of the independent third party.

Non-Binding

16. The Parties acknowledge and agree that the obligations in this MoU are not binding upon CN or FSHS, unless and until such time that the Parties execute a legally binding document to the effect that the obligations in this MoU are now binding upon the parties, but excluding clause 9 (Indemnity) which the parties acknowledge and agree will be binding on the parties on and from the date the parties execute this MoU.

Variation

17. A provision of this MoU can only be varied by a later written document executed by or on behalf of the Parties and in accordance with a Council resolution.

No Assignment

18. FSHS cannot assign or otherwise transfer its rights or obligations under this MoU.

Waiver

19. Delay by a Party in exercising a right or remedy does not constitute a waiver of that right or remedy.

Costs

20. Each party must bear its own costs of preparing, negotiating and executing this MoU.

Survival

21. Any indemnity under this MoU is independent and survives termination. Any other term by its nature intended to survive termination of this MoU survives termination of this MoU.

No Merger

22. The rights and obligations of the Parties under this MoU do not merge on completion of any transaction contemplated by this MoU.

Interpretation

23. References in this MoU to a document are references to that document as abridged or updated from time to time.

24. Including and includes are not words of limitation.

Relationship

25. This MoU does not create a relationship of employment, trust, agency or partnership between the Parties.

Governing Law and Jurisdiction

26. The laws applicable in New South Wales govern this MoU.

27. The Parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

Signed for and on behalf of Fort Scratchley Historical Society Incorporated by its authorised representative	Signed for and on behalf of City of Newcastle by its authorised representative
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	Date:

SCHEDULE 1 – Services

FSSS is required to:

- a) implement measures to manage the safety and welfare of persons at the Site;
- b) open and maintain a presence at the Site during the opening hours for visitor services as agreed with CN;
- c) inform CN museum staff of any alterations to opening hours due to weather events or rostering;
- d) schedule pre-booked group tours (in consultation with CN staff);
- e) perform tunnel and guided tours at the Site;
- f) open and maintain a presence at the Site outside of opening hours as agreed with CN from time to time;
- g) close and secure the Site at the end of daily operations;
- h) promote, interpret and preserve the moveable cultural heritage associated with the Site through museological and heritage tourism best practice noting the two mark seven guns are covered by their own maintenance agreement;
- i) repair, maintain and store artefacts that are not at any given time to be exhibited at the Site;
- j) undertake gun firings and historical re-enactments as determined and organised by FSSS including informing CN and local community about the gun firing schedule on a monthly basis; and
- k) routinely service the guns at FSSS's cost.

SCHEDULE 2 – Expenses

1. Expenses to be paid by FSHS include:

a) Operational and statutory costs of running FSHS, including but not limited to:

- Operating costs for the office and cottage
- Bank, accounting and business fees and charges
- Printing, postage, stationery
- Open Days and Event expenses
- Gun firing expenses
- Advertising, promotion and marketing
- Shop operating costs, including cost of goods for sale
- Permits, licenses and registration fees
- Museum display printing and expenses
- Library expenses

b) Volunteer management expenses, including but not limited to:

- Permits and licenses
- Tour guide expenses

2. Expenses to be paid by CN including but not limited to:

- Physical maintenance of heritage buildings and Site
- Depreciation
- Uniforms
- Security Services
- General materials and chemicals
- Advertising, promotions and marketing
- Telephones
- Electricity and Gas charges
- Water rates
- Parking permits
- WHS and First Aid expenses

ITEM-110 CCL 08/12/20 - ADOPTION OF STRATEGIC SPORTS PLAN

REPORT BY: CITY WIDE SERVICES
CONTACT: INTERIM DIRECTOR CITY WIDE SERVICES / MANAGER PARKS AND RECREATION

PURPOSE

To adopt the Strategic Sports Plan.

RECOMMENDATION

That Council:

- 1 Adopts the Strategic Sports Plan at **Attachment A**.

KEY ISSUES

- 2 The Strategic Sports Plan (SSP) addresses future demand and informs the ongoing supply, maintenance and upgrading of sporting infrastructure with consideration of current and future community needs, adopted strategies and City of Newcastle's (CN) financial capacity and sustainability.
- 3 The SSP provides strategic guidance and direction for 13 outdoor sports.
- 4 Extensive consultation and evidence-based research was undertaken by Otium Planning Group (OPG) prior to developing the draft SSP to identify and address the key issues raised by local sporting clubs / associations, state sporting associations, neighbouring Councils and other stakeholders.
- 5 Common emerging themes related to facilities and communication, condition of playing surface conditions, building amenity, insufficient lighting and other supporting infrastructure (eg. parking, shade). CN communication with clubs was also perceived as unsatisfactory and issues regarding administration and processes were raised by some sporting clubs.
- 6 A Preliminary Directions Discussion Paper was presented to key stakeholders in October 2019 that included sport specific issues to inform the recommendations for the draft SSP.
- 7 The Preliminary Directions Discussion Paper findings indicated that while 27% of playing fields are utilised at, or in excess of notional carrying capacity; over half (54%) are utilised below or well below carrying capacity.
- 8 Feedback on the Preliminary Directions Discussion Paper was a mix of support and alternate views.
- 9 The recommendations in the draft SSP carefully considered all feedback and was placed on public exhibition for a period of 42 days.

- 10 OPG undertook a detailed review of all submissions received on the Draft SSP and held further discussions where required. A summary of issues raised is provided in the Strategic Sports Plan Summary of Key Issues Report at **Attachment B**.
- 11 The publicly exhibited draft SSP was amended to reflect the key issues raised by sporting clubs / associations during the exhibition period.
- 12 Recommendations in the SSP are based on a vision to support the health and wellbeing of the community through the provision and management of land, facilities and / or services for sport and recreation.
- 13 Development of the SSP (including research, consultation, analysis and draft recommendations) was largely completed prior to the COVID-19 pandemic. The SSP has not been amended to consider any ongoing impact that the pandemic will have on the delivery of sport or recreation.
- 14 Adoption of the SSP is a significant step to guide CN's approach to addressing future demand and informs the ongoing supply, maintenance and upgrading of sporting infrastructure with consideration of current and future community needs within the Newcastle Local Government Area (LGA).

FINANCIAL IMPACT

- 15 The SSP will be delivered over multiple financial years. Actions that require funding will be identified in CN's Our Budget and Long-Term Financial Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 16 The SSP aligns with the following Newcastle 2030 Community Strategic Plan directions:

Vibrant, Safe and Active Public Places

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

Inclusive Community

- 4.2a Ensure people of all abilities can enjoy our public places and spaces.
- 4.2c Promote recreation, health and wellbeing programs.

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

- 17 The SSP provides a strategic framework to guide the future direction of sport in the Newcastle LGA. The recommendations allow more effective and strategic decision making in the management of sport facilities as well as following a set of guiding principles to improve relationships with the sporting community.
- 18 These guiding principles provide a reference point and are integral to the implementation of the SSP. The principles focus on alignment, regional framework, strategic planning, sustainability and functionality, partnerships and communication.
- 19 Implementation of the SSP requires forward programming and prioritisation of recommendations to ensure integration with Our Budget, Long-Term Financial Plan, Service Asset Plans, Workforce Planning and resource allocation.
- 20 Implementation of the SPP also links with key regional planning documents including the Greater Newcastle Metropolitan Plan 2036, Hunter Sports and Entertainment Precinct, Draft Hunter Sport and Recreation Plan 2018–2023, Quarterly Community Survey 2019 and Community Strategic Plan 2018-2028.

RISK ASSESSMENT AND MITIGATION

- 21 The SSP has been prepared to translate strategic guidance and facility direction into actions for 13 outdoor sports. The SSP will be reported through the Integrated Planning and Reporting Framework.

RELATED PREVIOUS DECISIONS

- 22 At the Ordinary Council Meeting held on 25 August 2020, Council resolved to place the draft SSP on public exhibition for 42 days and requested a further report be submitted to Council following the public exhibition period.

CONSULTATION

- 23 Preparation of the SSP included extensive and comprehensive consultation and engagement with key stakeholders.
- 24 Consultation included engagement with sporting clubs/associations, neighbouring LGAs and State Government agencies during February 2019 to April 2019.
- 25 Workshops were held with CN staff as well as 14 face to face community workshops.

- 26 Feedback from sporting clubs / associations on the Preliminary Discussion Directions Report was obtained during October 2019 to February 2020. Engagement included face to face information sessions, written submissions and discussions with CN staff. 172 submissions were received in total with 28 from sporting organisations, 142 from individuals and two unknown. Detailed submissions were received from Northern NSW Football, Cooks Hill Football Club, Newcastle Hunter Rugby Union / Wanderers Rugby Union, Cricket NSW, New Lambton Football Club, Newcastle Junior Australian Football Club and a submission relating to National Park.
- 27 Two Councillor Workshops were held on 10 September 2019 and 14 July 2020.
- 28 The draft SSP was placed on public exhibition on 25 August 2020 for 42 days and promoted through CN's website and social media sites. CN's 'Have your Say' page was used as a mechanism for sports clubs/associations to provide feedback. Sporting clubs / associations were notified of the exhibition period via email.
- 29 Submissions from the public exhibition were collated by CN staff and forwarded to OPG for review and compilation into an SSP Summary of Key Issues Report – see **Attachment B**.

BACKGROUND

- 30 Due to competing and increasing demands for CN sporting assets, a strategic approach is required to ensure the current and future needs of the city's sporting community are addressed in a holistic manner.
- 31 CN engaged OPG to review CN's sporting provision, develop recommendations and provide a strategic direction for the future supply of sporting facilities.
- 32 The study approach was based on a 6-stage methodology that guided the development of the SSP. CN staff assisted with the collection of utilisation data, background information, workshops and the review of recommendations.
- 33 The SSP is supported by three resource documents available on CN's website:
- i) Background Research and Analysis (Vol 1)
 - ii) Sports Facilities Hierarchy (Vol 2)
 - iii) Capital Works Prioritisation Guide (Vol 3)

OPTIONS

Option 1

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

Option 2

35 Council does not adopt the SSP. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 110 Attachment A: Strategic Sports Plan

Item 110 Attachment B: Strategic Sports Plan Summary of Key Issues Report

Item 110 Attachments A – B distributed under separate cover

ITEM-111 CCL 08/12/20 - ADOPTION OF CARRINGTON GREENSPACE MASTERPLAN

REPORT BY: CITY WIDE SERVICES
CONTACT: INTERIM DIRECTOR CITY WIDE SERVICES / MANAGER PARKS AND RECREATION

PURPOSE

To adopt the Carrington Greenspace Masterplan.

RECOMMENDATION

That Council:

- 1 Adopts the Carrington Greenspace Masterplan at **Attachment A**.

KEY ISSUES

- 2 The Carrington Greenspace Masterplan (CGM) outlines a vision and principles for the strategic development of greenspaces and public domain in Carrington, providing innovative and active spaces for all members of the community to enjoy.
- 3 Carrington has undergone significant economic and urban transformation whilst retaining its unique personality and its generous and distinctive open spaces.
- 4 The CGM aims to improve the amenity and livability of Carrington by developing a community endorsed vision for the management of Carrington's green spaces.
- 5 The CGM was publicly exhibited for 60 days in late 2019 with 44 submissions received. The CGM Engagement Activity Report at **Attachment B** outlines engagement activities undertaken, and key issues raised.
- 6 Key changes and recommendations in response to submissions include:
 - i) **Vision and Principles** - amendment to better align with greenspace themes.
 - ii) **Location of the fenced dog park** - submissions were both in support of and against the location. Further review of this element will be undertaken with reference to the future adopted Dogs in Open Space Plan.
 - iii) **Location of cultural meeting place** - the proposed location for the cultural meeting place was not supported. Further community consultation will be undertaken with key stakeholders to identify a preferred location.

- iv) **Landscape** – the proposed CGM increases greenspace by reducing hardstand areas in the Sports Precinct area, Fitzroy Street, and removal of the skate plaza element. Jubilee Park concept plan has been amended to reduce the hardstand areas. Selected tree species for future works within Carrington will be in accordance with City of Newcastle’s (CN) Urban Forest Technical Manual and government policies to ensure best practice.
- v) **Connectivity** - CN has commenced investigation of separate cycleway paths within Carrington. Pathway designs will be in accordance with the standards and directions provided by AustRoads and CN’s Cycling Plan.
- vi) **Lighting** - impact considerations for neighbours and bat colonies will be addressed during detailed design.
- vii) **Access to Throsby Creek** - further investigation is required for access points for recreational aquatic activities.
- viii) Many submissions raised issues that cannot be resolved with the CGM and will be considered at detailed design stage of relevant projects.

FINANCIAL IMPACT

- 7 The CGM will be delivered over multiple financial years. Actions that require funding will be identified in CN’s Our Budget and Long-Term Financial Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The Plan 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.

Vibrant, Safe and Active Public Places

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

Inclusive Community

- 4.1a Acknowledge and respect First Nations peoples.
- 4.1b Support initiatives and facilities that encourage social inclusion and community connections.
- 4.2a Ensure people of all abilities can enjoy our public places and spaces.

Liveable Built Environment

- 5.1 A built environment that maintains and enhances our sense of identity.
- 5.2 Mixed-use urban villages supported by integrated transport networks.
- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Open and Collaborative Leadership

- 5.1 A built environment that maintains and enhances our sense of identity.
- 5.2 Mixed-use urban villages supported by integrated transport networks.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The CGM provides a strategic framework to guide the future development for greenspace in Carrington. The recommendations allow more effective and strategic decision making to occur in the management of innovative and active spaces for all members of the community to enjoy.
- 10 The principles are integral to the implementation of the CGM focus on a regional framework, strategic planning, sustainability and functionality, partnerships and communication.
- 11 Implementation of the CGM will require forward programming and prioritisation of recommendations.

RISK ASSESSMENT AND MITIGATION

- 12 The CGM has been prepared to translate strategic guidance into actions which will be reported through the Integrated Planning and Reporting Framework.
- 13 Community concerns raised through the public consultation will be addressed through further consultation during the detailed design process.
- 14 The CGM references areas of open space utilised by the community that are not under CN's control. Whilst a reference exists to these locations in broad terms, CN is not responsible for further development of these spaces.

RELATED PREVIOUS DECISIONS

- 15 At the Ordinary Council Meeting held on 27 February 2018, Council considered a Notice of Motion in relation to Carrington Parklands Concept Plan and resolved:

“That Newcastle City Council:

Seek funding within the 2018/19 Operation Plan to commence community engagement towards the future development of a Carrington Parkland Concept Plan.”

- 16 At the Ordinary Council Meeting held on 22 October 2019, Council resolved:

“That Council:

- i) Resolves to place the draft Carrington Greenspace Masterplan – Attachment A – on public exhibition for a period of 60 days.*
- ii) Considers a further report following the exhibition period”.*

CONSULTATION

- 17 Preparation of the CGM included comprehensive consultation and engagement with key stakeholders.
- 18 The CGM was publicly exhibited for 60 days through CN’s ‘Have Your Say’ consultation portal from 24 October to 22 December 2019.
- 19 The exhibition period was advertised and promoted in the Newcastle Herald, social media and a Media Release to encourage comment.
- 20 Hard copies of the CGM were available at the City Administration Centre, Mayfield Library, Newcastle Regional Library and Carrington Community Centre.
- 21 A flyer was distributed to local businesses inviting the community to a drop-in session on Saturday 16 November 2019 between 10:30am and 12:30pm.
- 22 A variety of engagement methods were employed including:
- i) Online survey / asset mapping attracting 190 visitors to the site completing 38 surveys and providing 39 comments.
 - ii) Two community workshops attended by 24 community members.
 - iii) Eight onsite engagement chalkboards in parks with 130 comments provided.
 - iv) 1,300 flyers distributed.
 - v) Stakeholder meetings.

- vi) Sporting club meetings (aquatic and land clubs).
 - vii) Online deliberation survey with 139 participants and 574 comments.
 - viii) Design feedback drop-in session attended by 25 community members.
 - ix) 44 submissions from formal exhibition of CGM.
- 23 A summary CGM Engagement Activity Report for the exhibition period is included at **Attachment B**.
- 24 Following exhibition of the CGM and review of submissions, CN staff have met with individuals from the Carrington community to further discuss submissions and proposed amendments.

BACKGROUND

- 25 Carrington Community Council had a vision for the development of open spaces in Carrington. CN advised the Carrington community members to develop a masterplan and seek community consultation and feedback on the future direction of the open space areas.
- 26 Funding was approved in the 2018/19 to commence community engagement as part of the future development of a Carrington Parkland Concept Plan.

OPTIONS

Option 1

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

Option 2

- 28 Council does not adopt the CGM. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 111 Attachment A: Carrington Greenspace Masterplan

Item 111 Attachment B: Carrington Greenspace Masterplan - Engagement Activity Report

Item 111 Attachments A – B distributed under separate cover

ITEM-112 CCL 08/12/20 - TENDER REPORT - PARKING METER SERVICES - 2021/125T

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

PURPOSE

To enter into a contract for Parking Meter Services in accordance with Contract No. 2021/125T.

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to entering into a contract for Parking Meter Services for Contract No. 2021/125T.

- 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 contract is for the provision of parking meter services for City of Newcastle's (CN) existing fleet of parking meters as follows:
- i) Parking Enterprise Management System (PEMS)
 - ii) PEMS Field Maintenance Module
 - iii) Credit Card Transaction Fees
 - iv) Supply of Replacement Parts

Contract Term

- 3 The term of the contract is 3 years, with 2 x 1-year extension options at CN's discretion.

Advertising of Tenders

- 4 Not Applicable.

Tenders Received

- 5 Not Applicable.

Evaluation Process

- 6 Not Applicable.

Recommended Tenderer

- 7 CN's current meter and parking services provider is Duncan Solutions - a world leading provider of parking and enforcement technologies. Duncan Solutions has vast experience and success in providing parking solutions for many cities and authorities throughout Australasia.

Tender Exemption

- 8 The contract is to provide software licensing, credit card processing services and supply parts for CN's existing parking meters. As CN's existing parking meters are from Duncan Solutions, they are the only company that can supply the proprietary software and equipment parts. On this basis, the calling of tenders is not considered to provide CN with any benefit.
- 9 Under section 55(3)(i) of the Act, an exemption to calling tenders for a contract of this value is allowed, but it requires a Council resolution. The relevant part of the Act states:

s55(3)(i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a Council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

FINANCIAL IMPACT

- 10 The total annual cost of this contact is \$377,124 excluding GST.
- 11 Funding for the costs of this contract is included in CN's operational budget.

IMPLICATIONS

Policy Implications

- 12 This project will enable the implementation of CN's strategic objective in relation to the Newcastle 2030 Community Strategic Plan (CSP), including:

Integrated and Accessible Transport

- 1.3c Implement technology solutions to improve transport infrastructure and experiences and encourage mobility innovation.

Environmental Implications

- 13 There are no environmental implications.

Social Implications

- 14 There are no social implications.

Ecological Sustainability

- 15 There are no ecological sustainability implications.

IMPLEMENTATION

- 16 This contract ensures that the current arrangements for CN's existing fleet of parking meters will be maintained.
- 17 Failure to maintain these systems would have considerable impact as CN would have no visibility of its parking meter operations including transactions and cash reconciliation functionality. Parking meters would not be able to self-diagnose a fault and provide notification to CN parking meter technicians.

CONSULTATION/COMMUNICATION

- 18 There is no requirement for consultation.

BACKGROUND

- 19 The purpose of the contract is to consolidate and update arrangements for parking meter services provided by Duncan Solutions for CN's 355 parking meters.
- 20 At the Ordinary Council Meeting held on 21 June 2011, Council resolved to award a contract for the supply and installation of parking meters to Duncan Solutions (Reino International).
- 21 CN has maintained the service since the end of the original 2011 contract term on a month to month basis. The contract has not been updated due to the proprietary nature of the services provided. No other supplier can provide the service without the replacement of the parking meters.
- 22 CN has been using electronic parking meters supplied by Duncan Solutions since 1998.
- 23 At the Ordinary Council Meeting held on 23 October 2018, Council added Pay by Phone technology to expand payment options for customers. Pay by Phone is not integrated into the parking meters and sits alongside the parking meter operations. The Pay by Phone operation is the subject of a separate contract.
- 24 Since implementing the parking meters, the operational system which supports the fleet has been developed to include the following four key support systems and services:

Parking Enterprise Management System (PEMS)

- 25 This system records parking meter activity including transactions, faults, infringements and collection information.

Field Maintenance Module Fee

- 26 This function assists CN with the maintenance of the parking meters. Technicians receive parking meter faults on mobile devices allowing them to efficiently service parking meters in the field.

Credit Card Transaction Fees

- 27 CN is charged a processing fee on parking meter credit card transactions. CN expects around 740,000 credit card transactions per year across the network.

Supply of Replacement Parts

- 28 The four support systems and services can only be provided by Duncan Solutions, as it is proprietary equipment that requires proprietary software to operate.
- 29 CN is seeking to enter into a contract for the provision of these services for its existing fleet of parking meters.
- 30 Under section 55 of the Act, CN is required to call tenders for a contract of this value. However, because of the proprietary nature of the services, only Duncan Solutions could tender for the services.
- 31 The Act allows exemptions from calling tenders in circumstances where there are no other providers, or where a satisfactory result would not be achieved by inviting tenders.
- 32 Section 55(3)(i) of the Act allows for this type of exemption but requires a Council resolution and Council must state the reasons for seeking the exemption in its resolution.

OPTIONS

Option 1

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

Option 2

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

Option 3

- 35 Council resolves not to proceed with the contract. Council must state a reason for this in its resolution. This is not the recommended option.

ATTACHMENTS

Item 112 Attachment A: Confidential Recommendation – *refer Confidential Ordinary Council Meeting Agenda 8 December 2020*

NOTICES OF MOTION

ITEM-29 NOM 24/11/20 - MCDONALDS

COUNCILLORS: J CHURCH AND K ELLIOTT

PURPOSE

The following Notice of Motion was received on Tuesday 10 November 2020 from the abovenamed Councillors.

MOTION

That City of Newcastle:

Request that McDonalds Restaurants provide Councillors with a briefing on the safety, security and cleanliness measures that are in place at the King St, Newcastle West McDonalds' premises and any future measures currently being planned.

BACKGROUND

Residents in the Newcastle West area have contacted Councillors on a number of occasions regarding the issues related to late night revelling in the city centre; in particular, noise, traffic, anti-social and illegal behaviour, safety, security and rubbish.

It is acknowledged that McDonalds in King St is a 24 hour per day restaurant and highly regarded, key retail business in Newcastle West End.

Newcastle West Residents have recently advised a number of Councillors that there are a number of issues surrounding the area of McDonalds. In particular, there are significant numbers of late night revellers and others, spending considerable amounts of time in and around the restaurant, with some unlawful activities noticed and apparently "drawing" people to the area.

McDonalds has implemented security measures including securing toilet facilities and engaging security guards.

In discussions between the residents and McDonalds', McDonalds has indicated they it would like to be part of a solution to make the Newcastle West area a safer, cleaner and more amendable area in the late night and early hours.

It is acknowledged that there is currently a development application on foot for neighbouring late night premises to expand, which will increase the number of patrons into the area.

It is timely that Councillors gain an increased understanding of the situation as it relates to safety, security, cleanliness and noise mitigation.

It would be useful to understand the implications that this may have on satellite businesses such as McDonalds, and what the plans are for managing increased trade, and any opportunities for Council and McDonalds Restaurants to work together to mitigate increased impacts or risks.

ATTACHMENTS

Nil.

ITEM-34 NOM 08/12/20 - DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN AND CHILDREN

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

PURPOSE

The following Notice of Motion was received on Thursday 25 November 2020 from the abovenamed Councillors.

The purpose is to ensure that City of Newcastle acts to ensure the City's role in the reduction and prevention of violence against women and children, including domestic violence and workplace behaviour, and that this is a guiding principle of CN decision making and WHS policy.

MOTION

That City of Newcastle:

- 1 Notes that, tragically, at least 45 women have been murdered in Australia this year due to gender-based violence (as at 25 November 2020).
- 2 Receives a report with an update on the actions of the unanimously supported Notice of Motion adopted on 24 July 2018, including an update on CN's policies or plans that support existing domestic violence support organisations and women's refuges within the CN LGA, including Got Your Back Sista, NOVA for Women and children, and others.
- 3 Ensure that CN workplace policies are reviewed to provide safe and effective mechanisms for staff to report incidents of inappropriate workplace behaviours, and that CN staff and Councillors are offered opportunities to engage in further learning about gender-based discrimination.
- 4 Write to the NSW Office of Local Government requesting explanation of measures in place to ensure the respect and protection of elected officials, particularly women, in their workplace and in the conduct of their duties.

BACKGROUND

As at 25 November 2020, 45 women had been murdered in Australia due to gender-based violence. The date is significant as it was the International Day for the Elimination of Violence Against Women and the launch of this year's 16 Days of Activism Against Gender-Based Violence.

The scourge of gender-based violence in Australia continues to worsen with cuts to government funding of agencies and other resources that support women and children dealing with domestic violence and the COVID19 pandemic leading to in some instances a five-fold increase in requests for assistance from women.

It is important that CN act to ensure every possible step is taken to play our role in the work of eliminating violence against women – in our policies, our actions, our community and our workplaces.

ATTACHMENTS

- Attachment A:** [CN Ordinary Meeting Agenda 24 July 2018 p97](#)
- Attachment B:** [AIHW – Family, Domestic and Sexual Violence](#)
- Attachment C:** [HARMING WOMEN WITH WORDS – THE FAILURE OF AUSTRALIAN LAW TO PREVENT GENDERED HATE SPEECH - UNSW](#)
- Attachment D:** [UN WOMEN – Types of violence against women and girls](#)
- Attachment E:** [Women In The Workplace – 2020 McKinsey Report \(US\)](#)
- Attachment F:** [Professionals Australia – Issues Women Face in the Workplace](#)
- Attachment G:** [Got Your Back Sista](#)
- Attachment H:** [NOVA for Women and Children](#)
- Attachment I:** [Article ‘The Federal Government has slashed funding for anti-domestic violence education in schools.’](#)
- Attachment J:** [Article ‘Six Reasons International Day of the Elimination of Violence Against Women is more urgent than ever’](#)

ITEM-35 NOM 08/12/20 - VIRUS ESCAPEES SEEKING PROVINCIAL AUSTRALIA (VESPAS)

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

PURPOSE

The following Notice of Motion was received on Friday 27 November 2020 from the abovenamed Councillors.

MOTION

That Council:

- 1 Notes that COVID-19 related flexible work arrangements has accelerated a previous trend of residents leaving capital cities for a 'sea change' or 'tree change'.
- 2 Notes the description of this accelerated trend as VESPAs – Virus Escapees Seeking Provincial Australia: early- to mid-career professionals (often in highly paid industries with young families) seeking the “safety, security, space, affordability, and lifestyle” of provincial cities within striking distance of capital cities.
- 3 Explores opportunities to accentuate the benefits of this trend to Newcastle, within existing economic development and marketing budgets, with the aim of promoting Newcastle to VESPAs as a lifestyle city for innovative and creative talent: given our close proximity to Sydney, attractive lifestyle and culture, relative affordability, and high quality of life.

BACKGROUND

**Meet the VESPAs changing our nation
Bernard Salt, 28 August 2020**

Forget the Fokkers. And the same goes for the dinks, the yuppies, the hipsters and maybe even the old-time seachangers and treechangers. These once trendy tribes are fashionable no more. The latest, the coolest, the hippest new life form to emerge from the Australian demographic soup are the Virus Escapees Seeking Provincial Australia, otherwise known as the VESPAs.

Here's a pool of people streaming, or should that read scootering, out of the big cities, in search of the safety, the security, the space, the affordability and, in their minds at least, the possibility of introducing their values and lifestyle to provincial cities within striking distance of the capitals.

I am thinking Geelong, Ballarat, Wollongong, Newcastle, Toowoomba and probably also the Sunny and the Gold Coasts as well as “villagey” places such as Robe and Victor Harbor; and I couldn’t leave off this list of very desirable VESPA destinations bustling Busselton and booming Bunbury.

It’s all a bit heady. It’s all very exciting. Demographers are positively giddy with excitement at the prospects of a COVID-inspired switch in the direction of the pattern of Australian settlement. For years, decades even, a brooding and, I suspect, a somewhat resentful regional Australia tithed their youngest and their brightest to the bright lights of our nation’s biggest cities and beyond.

All across Australia the rural, the remote, the modestly populated places for decades conceded their young people to other places. The pattern is evident in a simple map of Australia tracking population growth and loss over the five years to 2019.

See the human spillage to the capital city hinterland. See the hollowing out of the great Australian wheatbelt. See the barely growing remote communities determined to hang on to every service, to every facility, to their local “shire”, to their sporting teams that have yet to merge with those of nearby towns.

Closer to capital cities the story changes from the injustice of the loss of youth (to the city) to the transaction of outgoing “young exiters” being offset by incoming “older retirees”.

Compare the age profile of Mitchell Shire (includes Kilmore) immediately north of Melbourne (and within commutable distance at a push) with that of Surf Coast Shire (includes Torquay) on Victoria’s west coast. Closer Mitchell concedes less youth than does the more distant Surf Coast. Melbourne is like a magnet attracting 20-somethings out of distant towns.

But it’s a complicated story. Melbourne does indeed soak up youth from the surrounding cities and towns (and mostly in the 20-something age group) but it also pushes out people from the mid-40s onwards.

That is the arrangement that has defined the relationship between regional and metropolitan Australia for a generation or two.

Oh, in their time seachangers and treechangers also rejected the concept of city-centricity, but these movements involved small numbers of retirees, or of those thinking about retirement, or of those who simply woke up one day and decided to reject city life.

I credit Darryl Kerrigan in *The Castle* (1997) for first encouraging Baby Boomers to “feel the serenity” of regional Australia. Well, a generation beyond being introduced to Darryl’s beloved Bonnie Doon idyll, as well as a global pandemic, it seems that based on anecdotal evidence and residential property sales data for July 2020, there could well be a new narrative driving — or is that scootering? — Australians off to the regions in search of new lifestyle options.

The pandemic has no doubt unnerved many city-based cosmopolitan-living aficionados to the extent that they are now thinking differently.

But there were many warnings of a flee-the-city movement for years, laying the groundwork for the rise of the VESPA tribe. Skyrocketing big-city house prices, security concerns in some parts of some cities, and the advent of gridlock congestion on Saturday mornings were all pointers to a way of life that was neither desirable nor sustainable.

That's all on the push side (from the city).

On the pull side (to the regions) is the advent of the NBN, which delivers high-speed broadband access to the interior. And then there's the rains, the bushfire-quelling rains that fell from the heavens in January and February, that acted like a defibrillator to towns and regions knocked for six by successive seasons of debilitating drought.

Nothing enlivens, enriches, ennobles the glorious plains, indeed the sunlit plains extended of Banjo Paterson's poetry, like soaking rain. It breeds life. It creates opportunity. It makes people happy.

And perhaps quite understandably all of this human activity is having the effect of encouraging the VESPAs to leave their dingy city offices and seek out a better way, a safer way, a pathway to the people and the places of regional Australia.

And there they are listed by local government area, the regions in demand as measured by the jump in residential property sales in July 2020 as compared with July 2019. And they have such "Australian" names like Wodonga and Wollondilly and Warrnambool and Wingecarribee, where residential sales are up more than 47 per cent over 12 months.

Live in the regions, telecommute, start a business, come up to town as you must, once a week or, better still, once a fortnight. Members of the VESPA movement might well be surprised by the sophistication of regional living as well as the (low) cost.

No need to make over towns that already offer the best of Carlton, the best of Surry Hills, the best of New Farm right there in the safe, secure, affordable, connected regions of Australia. The cafes of Shepparton, Mt Gambier, Tamworth, Ballina and the Latrobe Valley are, I am sure, just as capable of making a smashed avocado that compares with the cafes of central Sydney and Melbourne, and they'll do it for less.

So, what are you waiting for, VESPAs?

Rev up the Vespa and scooter off to reconnoitre job and lifestyle prospects in the now well-watered towns of regional Australia!

CITY OF NEWCASTLE

Ordinary Council Meeting 08 December 2020

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Bernard Salt is managing director of The Demographics Group: bernard@tdgp.com.au; research by Hari Hara Priya Kannan.

Bernard Salt, Meet the VESPAs changing our nation, 28 August 2020:

<https://www.theaustralian.com.au/special-reports/on-your-bike-and-out-of-the-city/news-story/7cf3e59bd302ce47042e59921694058c>

ATTACHMENTS

Nil

ITEM-36 NOM 08/12/20 - COERCIVE CONTROL

COUNCILLORS: K ELLIOTT AND J CHURCH

PURPOSE

The following Notice of Motion was received on Friday 27 November 2020 from the abovenamed Councillors.

MOTION

That City of Newcastle

- 1 Recognise that coercive control is a silent and dangerous problem for people in our city, particularly women and the elderly;
- 2 Recognise that not all people in unhealthy relationships or suffering coercive control are aware that it is happening to them, nor realise that there are support services available to them;
- 3 Recognise domestic violence is a continuing problem in our city, particularly for women and their children;
- 4 Applaud the services that are providing support and assistance to sufferers of domestic violence;
- 5 Publish a pocket guide on relationships, domestic abuse and coercive control to highlight the aspects of unhealthy relationships, coercive control and domestic violence; and
- 6 Provide this pocket guide to a range of locations and to health and support service providers, to assist people to understand what help is available.

BACKGROUND

Coercive control is a pattern of behaviours — including isolating a person so they are no longer connected to any support networks, intimidating and micromanaging them, humiliating, degrading and monitoring them.

It can appear subtle at first, but can gradually increase over time.

Experts have compiled the following list of warning signs:

- Being isolated from friends, family and other support (either physically or online).
- Turning people against you or behaving so poorly around friends and family that they don't want you as guests.
- Gaslighting (making you think that they are always right) and forcing you to question your ability to make decisions and can result in you feeling confused and doubting your decisions and memory.
- Humiliating or bullying you in front of others. This can include fabricating lies about you.
- Making threats of physical harm (against you, them, your family, your pets) or threatening to take things away.

- Constantly monitoring your activities (where you were, who you talked to).
- Controlling finances; only allowing access to a small sum of money for groceries and asking to see all receipts.
- Monitoring all communications: phones, social media and emails.
- Prohibiting or enforcing you to go to religious gatherings.
- Taking away your choices or making you feel like you don't have a choice.CO

What do we do?

City of Newcastle has undertaken some initiatives to address domestic violence, including providing domestic violence leave for our staff, partnering with domestic violence support charity, Got Your Back Sista, and the introduction of a wellbeing pack which has local support services listed.

What else could we do?

If we recognise that coercive and financial control can lead to domestic violence in some cases, it seems important that educating people about it may reduce the problems escalating and allow people to access services earlier.

Nearly 16 per cent of Australian women experience economic abuse. But many don't recognise it as a form of domestic and family violence.

Coercive control can lead to domestic violence, but not always.

Georges River Council has prepared a handy pocket guide called Relationships, domestic abuse and coercive control which:

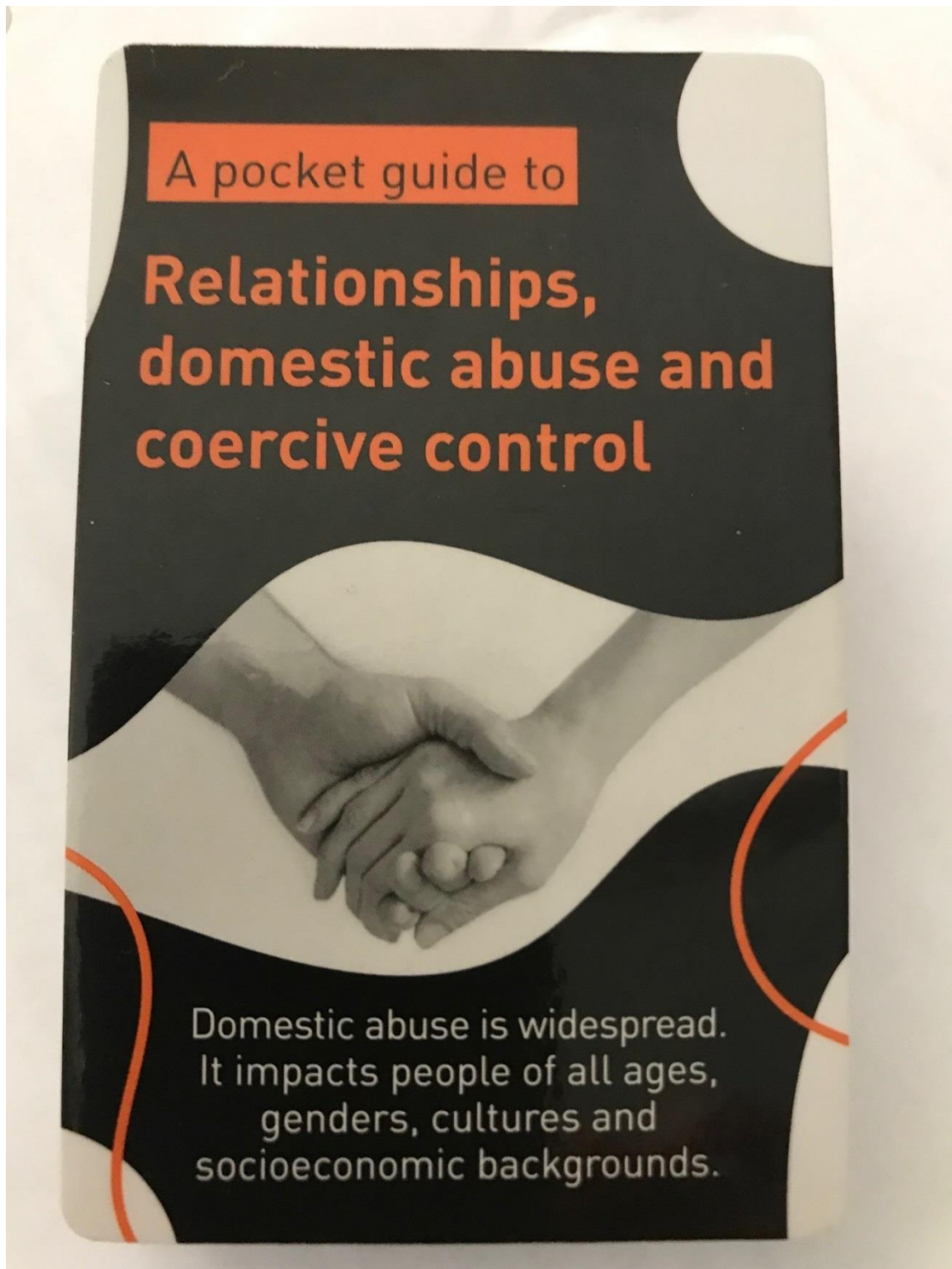
- Lists support services
- Identifies the things to look out for in an unhealthy relationship, demonstrates the coercive. Control measures that can be used against people
- Includes a checklist to identify people who are controlling.

City of Newcastle could produce a similar guide and provide this to places where people can access them such as doctors, hairdressers, chemists, and other places where they may be "allowed" to go on their own and are not watched or monitored.

ATTACHMENTS

Attachment A: A pocket guide to Relationships, domestic abuse and coercive control

NOM Item 36 Attachment A



Coercive control

Coercive control is abusive behaviour used to cause fear and/or control a person or situation. This type of domestic violence is known as domestic abuse and can go undetected in intimate partner or family relationships for years. **not recognised this controlling behaviour can escalate to physical life threatening violence.**

Some people do not recognise they are in an unhealthy or abusive relationship because there may not be physical violence.

Coercive control checklist

Is there someone in your life who:

- Makes you feel afraid?
- Controls what you do and say?
- Puts you down or embarrasses you?
- Accuses you of lying or cheating?
- Pressures or forces you to do sexual things?
- Threatens to hurt you, themselves, friends or family?
- Constantly checks your phone and location?
- Limits your access to money?

Any of the actions above may be signs of coercive control and domestic abuse. If you answered yes to any of these or recognise that you use these behaviours you are likely to be in an unhealthy relationship.

There is support available to make changes and help build a healthier relationship. It is important to seek advice and support even if you're not sure. We all need sometimes.

Harassment
Aggressive pressure or intimidation, constant calling or messaging you.

Isolating
Being stopped from seeing friends or family and made dependent on your partner.

Technological abuse
Viewing your text messages, emails and social media without your consent. Or controlling your access.

Blaming
Being made to feel responsible, at fault and wrong.

Degrading
Being put down, publicly humiliated, disrespected and having your secrets used against you.

Interrogation
Being questioned constantly and told that you are lying.

Threatening
Threats to kill, hurt or ruin the life of you, themselves, friends, family or pets.

Gaslighting
Making you feel confused, manipulating your emotions and making you feel like you're going crazy.

Stalking
Being followed or feeling like your partner knows where you are doing and where you are at all times.

Financial abuse
Limiting your access and controlling how you spend your money.



Support Services

Emergency and Life Threatening Situations
Police 000
Fire 000

Law Enforcement
Crime Stoppers (report anonymously) 1800 333 000
NSW Police Assistance Line 131 444

Legal Services
Local Support Service St George 0552 4450 or 0475 975 742

Domestic Violence Unit
Legal Aid NSW 9212 6300
Women's Domestic Violence Court Advocacy Service 1800 938 227
Women's Legal Service NSW 1800 801 5017

Indigenous Services
Aboriginal Family Worker Program 9528 2933
ACT 1800 785 767
Victims Services (Aboriginal Contact Line) 1800 019 123

Settlement and Community Services
Advanced Diversity Services 9597 5945
Immigrant Women's Speakout Association 9535 8022

Referral and Support
Integrare Parenting and Family Service 9599 7821
Interstate 1300 473 528
St George and Sutherland Domestic Violence Service 9113 2495
St George Family Support services 9553 9100
Sutherland Shire Family Services 9528 2933

Am I in a healthy relationship?

Psychological/Emotional

- ✓ My feelings are not judged by my partner, they support me and respect my boundaries.
- ✗ My partner makes me feel crazy and tells me I am, my feelings are judged and my boundaries aren't respected.

Physical

- ✓ I feel safe with my partner, they never hurt me or people I care about.
- ✗ My partner reacts violently towards me, they are angry or hit me during arguments.

Financial

- ✓ My partner doesn't control how I spend my money, I have complete access to my finances.
- ✗ My partner controls what I can spend money on, I always have to say when we do things together. They spend my money without permission.

Technological control

- ✓ My partner doesn't check my phone, or limit who I can speak to and what I can do online, I feel trusted and in control of my own technology.
- ✗ My partner checks my messages and social media accounts, asks for my passwords and tells me they can see where I am at all times.

Verbal

- ✓ We calmly discuss our issues and respect each other's opinions, we communicate effectively and fairly to find a positive outcome for each other.
- ✗ My partner blames me, makes negative comments, humiliates and puts me down.

Social

- ✓ I am encouraged to spend time with my friends and family, we understand the importance of these relationships.
- ✗ My partner doesn't let me see my family or friends and isn't allowed to socialise without them there.

Sexual

- ✓ I have a choice whether I want to engage in sexual activities, my partner asks for consent and respects my decisions.
- ✗ My partner makes me engage in sexual activities even if I don't want to, they do everything they can to convince me and harass me until I do it.

Spiritual


- ✓ My partner respects my beliefs and values my choice to participate in religious or spiritual practices.
- ✗ My partner doesn't agree with my religious or spiritual practices, stopping me from participating and uses my religion or beliefs against me.


Relationships, domestic abuse and coercive control

Domestic abuse is not limited to men and women. It impacts people of all ages, genders, cultures and socioeconomic backgrounds.



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CONFIDENTIAL REPORTS

ITEM-12 CON 08/12/20 - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REPORT

REASON FOR CONFIDENTIALITY

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

Section 10A(2)(a) personnel matters concerning particular individuals (other than Councillors)

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 report take place in a closed session, with the press and public excluded, for the following reasons:

A The matter relates to Section 10A(2)(a) personnel matters concerning particular individuals

B The closed session involves - only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.