



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 26 May 2020

TIME: 6.00pm

VENUE: Video conferencing platform Zoom

J Bath
Chief Executive Officer

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

20 May 2020

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The location of all meetings will be determined by the CEO in consultation with the Lord Mayor, having regard to any applicable Public Health Orders regarding COVID-19, and will be either via video conferencing platform or at an appropriate CN facility in accordance with the requirements of the Local Government Act 1993.

**ORDINARY COUNCIL MEETING
26 May 2020**

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WOOD AND CLARENDON BUILDINGS

***Business Paper to be distributed on the night in accordance
with the Code of Meeting Practice, cl 20.5***

**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 21 APRIL 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 200421 Public Voice Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held via video conferencing platform Zoom on Tuesday 21 April 2020 at 6.16pm.

PRESENT

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

IN ATTENDANCE

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

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Clausen, seconded by Cr Rufo

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

PUBLIC VOICE SESSIONS

ITEM-1 PV 21/04/20 - DA2019/01097 - 15 NORTHUMBERLAND STREET MARYVILLE

Ms Jodie Dixon and Mr Greg Elseworthy addressed Council and outlined concerns and objections to the development application. Mr Mark Garmon, on behalf of the DA applicant, addressed Council in support of the development application.

ITEM-2 PV 21/04/20 - DA2019/00852 - 6 KING STREET, STOCKTON

Mr Dean Wooding, Wilson Planning and Stuart Campbell, Architect, on behalf of the DA applicant, addressed Council in support of the development application. Mr Mark and Mrs Toni Mulholland were unable to participate in the meeting as they were currently in South Africa however had provided a written submission. The Manager Regulatory Planning and Assessment provided a brief summary of the main points of concern.

ITEM-3 PV 21/04/20 - DA2019/01000 - 142 DARBY STREET, COOKS HILL - PUB - ALTERATIONS AND ADDITIONS

Ms Erin Karbowskiak and Louise Walmsley addressed Council and outlined concerns and objections to the development application. Mr David Rippingill, Design Collaborative, on behalf of the DA applicant addressed Council in support of the development application.

The meeting concluded at 7.52pm.

MINUTES - ORDINARY COUNCIL MEETING 28 APRIL 2020

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 200428 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held via video conferencing platform Zoom on Tuesday 28 April 2020 at 6.15pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn (*retired 7.22pm*), K Elliott, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal, Complaints Coordinator), H Sexton (Acting Manager Legal), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), T Uren (Waste Services Manager - *Confidential Item 5*), L Duffy (Manager City Wide Services - *Confidential Item 5*), A Ball (Project Manager - *Confidential Item 5*), I Challis (Contracts Coordinator - *Confidential Item 5*), K Sullivan (Council Services/Minutes), A Knowles (Council Services/Meeting Support) and D Silcock (Information Technology Support).

APOLOGIES

MOTION

Moved by Cr Elliott, seconded by Cr Winney-Baartz

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Elliott

Councillor Elliott declared a significant non-pecuniary interest in Confidential Item 6 - Code of Conduct Matter.

Councillor Duncan

Councillor Duncan declared a significant non-pecuniary interest in Confidential Item 6 - Code of Conduct Matter stating that she would not be taking part in the conversation or discussion on that item.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Confidential Item 5 - Tender - Organics Processing Facility 2019/144T stating that he made references in a workshop on this item last week that there were some conversations relating to his employer. He stated that he was not directly a party to those conversations and was declaring the interest for the public record.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 17 MARCH 2020
MINUTES - BRIEFING COMMITTEE MEETING MINUTES 17 MARCH 2020
MINUTES - ORDINARY COUNCIL MEETING 24 MARCH 2020

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

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

Carried

LORD MAYORAL MINUTE

ITEM-5 LMM 28/04/20 - PROTECTING CITY OF NEWCASTLE JOBS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that with more than 1,200 staff, City of Newcastle is a significant local employer of a highly valued, diverse and expert staff, who ensure a high level of service to the community;
- 2 Thanks City of Newcastle staff for continuing to deliver for our community through the COVID-19 global pandemic, which has brought much uncertainty and disruption to many aspects of our day-to-day lives;
- 3 Commits to doing all that we can, in close consultation with the United Services Union, to protect our workers from job losses being experienced across local government in Australia;
- 4 Commends the United Services Union, for their advocacy to protect Council jobs across New South Wales, particularly those jobs in rural and regional areas where local councils can often be the largest employers and are also crucial to supporting a wide range of local businesses in these communities;
- 5 Notes that through our Community and Economic Resilience Response, City of Newcastle will invest millions in initiatives aimed at supporting local people, businesses and our City of Newcastle workforce through the COVID-19 pandemic;
- 6 Notes that in the recession of the early 1990s the Federal Keating Government created the Local Government Capital Works Program which was instrumental in protecting council jobs and getting people back into work;

- 7 Raises deep concern that currently, NSW Local Government employees are not covered by the Federal Government scheme – the JobKeeper subsidy - to offer certain employers \$1,500 per fortnight to retain their employees for the next six months;
- 8 Calls on both the Federal Government and NSW Government to commit to protecting Council jobs, by ensuring that local government is included in any future COVID-19 economic survival measures introduced, noting that stimulus and investment of this kind would not only create legacy community infrastructure, but also sustain local services, employment and drive local economies;
- 9 Writes to the Prime Minister, the Hon. Scott Morrison MP, calling on the Federal Government to expand eligibility for the JobKeeper Payment, to include local government employees, as a safety net for all Council workers across the nation during the COVID-19 pandemic.

Councillor Church noted the State Government had introduced its own JobKeeper program of \$1500.00 a fortnight for local government employees and that it was running for three months. He questioned whether Council should note and commend the action but ask the State Government to consider aligning itself with the same duration as the Federal JobKeeper program.

The Lord Mayor stated she would include Councillor Church's proposal as an additional point 10.

- 10 *Notes and commends the State Government for the introduction of its own JobKeeper program of \$1500.00 a fortnight for local government employees (running for three months). In doing so, Council requests the State Government to consider aligning itself with the same duration as the Federal JobKeeper program.*

The motion, as amended, was put to the meeting.

**Carried
unanimously**

ITEM-7 LMM 28/04/20 - LGNSW - COVID-19 FINANCIAL SUPPORT

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.

- 2 Calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees, especially in early education and care.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
 - Ensuring that City of Newcastle is not deemed ineligible for any future grant or stimulus funding due to our status as metropolitan or regional, given the ongoing uncertainty that exists regarding this matter between the State and Federal Governments.

- 3 Commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.

- 4 Writes to the Federal Member for Newcastle, Sharon Claydon MP, Prime Minister, the Hon. Scott Morrison MP, State Member for Newcastle, Tim Crakanthorp MP, NSW Premier the Hon. Gladys Berejiklian MP, Federal Treasurer the Hon. Josh Frydenberg MP, NSW Treasurer the Hon. Dominic Perrottet MP, NSW Local Government Minister the Hon. Shelley Hancock MP, Federal Minister for Local Government, the Hon. Mark Coultan, Federal Opposition Leader the Hon. Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government, Jason Clare MP and NSW Shadow Minister for Local Government, Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.

- 5 Endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.

- 6 Advises LGNSW President Linda Scott of the passage of this Lord Mayoral Minute.

**Carried
unanimously**

**ITEM-8 LMM28/04/20 - CITY OF NEWCASTLE FAST-TRACK
INFRASTRUCTURE STIMULUS OPPORTUNITIES**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

Part A

- 1 Notes that on Sunday 26 April 2020, NSW Treasurer, the Hon. Dominic Perrottet MP, and Minister for Local Government, the Hon. Shelley Hancock MP, announced a \$395 million economic stimulus package to safeguard council jobs, services and infrastructure;
- 2 Thanks the NSW Government for recognising the critical importance of the local government sector, as we continue to provide essential services to our communities through the COVID-19 global pandemic;
- 3 Notes that while this stimulus package is welcomed, raises some concerns regarding the structure of the package, particularly with the majority of stimulus investment coming in the form of low-cost loans tied to Fit for the Future performance, which many Councils may be ineligible for or struggle to pay back given the impact of COVID-19 on the finances of local councils. A greater debt burden will not see the local government sector emerge successfully from the COVID-19 crisis;
- 4 Seeks the support of the NSW and Federal Governments for a dedicated Local Infrastructure Stimulus program, with funding for both large scale infrastructure projects and a 'Local Government New Deal', aimed at protecting jobs by building and improving much needed rapidly deliverable, smaller scale infrastructure projects such as local roads, gutters, footpaths, playgrounds, parks, community and recreation facilities and large scale tree planting throughout the city and our suburbs.

Part B – Large Economic Stimulus projects

That City of Newcastle:

- 1 Once again, calls on the NSW Government and Federal Governments to expedite the delivery of the Catalyst Areas for Greater Newcastle projects, as identified in the Greater Newcastle Metropolitan Plan. These catalyst areas have been endorsed by the NSW Government as projects that will lead to significant jobs growth across Greater Newcastle together with immediate funding support for the following large-scale infrastructure and community support initiatives, as outline in our previously submitted City of Newcastle Budget submissions 2020/2021 (**Attachment A**):

- Coastal Management Planning and Erosion Management, especially at Stockton Beach
 - Flood mitigation at Wallsend
 - Newcastle Airport Expansion
 - Port of Newcastle Diversification
 - Hunter Sports and Entertainment Precinct
 - Greater Newcastle Light Rail Expansion
 - Lower Hunter Freight Corridor
 - Affordable housing initiatives
 - Metropolitan wide active transport (walking & cycling) improvements
 - John Hunter Hospital campus upgrades
 - Newcastle Art Gallery Expansion
 - Local Sporting Amenity Upgrades
 - Local Playground upgrades, particularly for disability inclusion
 - Ferry Terminal at Wickham
 - Pensioner Rate Rebates
- 2 Presents a number of additional, specific large-scale infrastructure projects that we have been actively seeking grant funding support for, but are yet to receive support from the NSW or Federal Government including:
- Summerhill Waste Management Centre – Organics Processing Facility
 - Richmond Vale Rail Trail
 - Newcastle Beach Community Facility (Stage 2 Newcastle Beach – Bathers Way)
 - Junction to Merewether Cycleway
 - Newcastle West Bi-directional Cycleway – West End State 2, Phase 1
 - Newcastle East End Streetscape Upgrades and Cycleway – Stage 1, Phase 1
 - Foreshore Park All Abilities Playground
 - Western Corridor Active Hub
 - Local Centres Program including:
 - Joslin Street, Kotara – \$2.2 million;
 - Llewellyn Street, Merewether - \$3 million;
 - Shortland - \$500,000; and
 - Stockton (Stage 1 Queen Street to King Street) - \$1.6 million.
- 3 Notes that following a request from the Deputy Prime Minister, the Hon. Michael McCormack MP, CN has submitted a list of *Local Government Land Transport Infrastructure Projects: Potential for Construction to Commence in 3-6 months (Attachment B)*, totalling more than \$62 million worth of infrastructure investment, including the following projects:
- Cowper Street Wallsend CBD roadworks and bridge culvert expansion, and flood immunity improvements;
 - York Drive and Watt Street Newcastle Bathers Way - South Newcastle Beach footpath upgrade, seawall renewal, embankment and cliff stabilisation and safety improvements;

- Honeysuckle Drive Newcastle – bridge replacement and upgrade for heavy vehicles access for City Centre Revitalisation;
 - Maitland Road Mayfield West at Tourle Street – pedestrian and road intersections safety improvements;
 - Hunter Street Newcastle – East End Centre City Revitalisation – road, intersections and pedestrian and cycle improvements;
 - Hunter Street Newcastle – East End Stage 1 - Centre City Revitalisation – road, intersections and pedestrian and cycle improvements, flood mitigation, placemaking. (9 Phase project);
 - Joslin Street Kotara – safety, road and footpath reconstruction in Local Commercial Centre;
 - Llewellyn Street Merewether – safety, road and footpath reconstruction in Local Commercial Centre;
 - Mitchell Street Stockton- safety, road and footpath reconstruction in Local Commercial Centre;
 - Allowah Street Waratah West – road reconstruction to support hospital parking and improve road, cycle and pedestrian safety;
 - Helen Street Merewether at Watkins Street – pedestrian and road intersections safety improvements;
 - Yangan Drive Beresfield – replacement of failed pavement to support freight movement and use of intelligent transport vehicles, heavy industrial transport hub and distribution estate;
 - Wentworth Street Wallsend – replacement of failed road on regular bus route;
 - Cardiff Road New Lambton Heights – replacement of failed road on high volume traffic and bus route;
 - Pebblestone Street Fletcher – replacement of failed road pavement;
 - Elizabeth Cook Drive Rankin Park – replacement of failed road pavement;
 - Enterprise Drive Beresfield – pavement replacement and strengthening in heavy industrial precinct and transport hub;
 - Yarrum Avenue Beresfield – replacement of failed pavement on collector road and regular bus route;
 - Morehead Street Lambton at Elder Street – pedestrian and road intersections safety improvements.
- 4 Writes to the Prime Minister, the Hon. Scott Morrison MP; Treasurer, the Hon. Josh Frydenberg MP; Deputy Prime Minister, the Hon. Michael McCormack MP; Federal Member for Newcastle, Sharon Claydon MP, NSW Premier, the Hon. Gladys Berejiklian MP; NSW Deputy Premier, the Hon. John Barilaro MP; NSW Treasurer, the Hon. Dominic Perrottet MP, Parliamentary Secretary for the Hunter, the Hon Catherine Cusack MLC, and the State Members for Newcastle, Wallsend and Charlestown, seeking their support for these important projects aimed at creating and retaining local jobs, and stimulating the local and broader economy.

Part C: Local Government New Deal

That City of Newcastle:

- 1 Joins with Inner West Council, through Mayor Cr Darcy Byrne, in proposing a 'Local Government New Deal', including joint local, NSW and Federal Government investment in local infrastructure renewal to generate employment across NSW and Australia;
- 2 Advises the NSW and Federal Governments that a Local Government New Deal would comprise of infrastructure renewal works to improve basic community infrastructure, such as footpaths, roads, parks and recreation facilities, which could be brought forward and expedited with the assistance of immediate NSW and Federal capital investment.

Councillor Mackenzie requested that the Broadmeadow Locomotive Depot Restoration Project be included in Part B - 2.

Councillor Church requested that Ocean Baths refurbishment also be included in Part B -2.

The Lord Mayor stated that would include both projects in Part B - 2.

- 2 *Presents a number of additional, specific large-scale infrastructure projects that we have been actively seeking grant funding support for, but are yet to receive support from the NSW or Federal Government including:*

- *Summerhill Waste Management Centre – Organics Processing Facility*
- *Richmond Vale Rail Trail*
- *Newcastle Beach Community Facility (Stage 2 Newcastle Beach – Bathers Way)*
- *Junction to Merewether Cycleway*
- *Newcastle West Bi-directional Cycleway – West End State 2, Phase 1*
- *Newcastle East End Streetscape Upgrades and Cycleway – Stage 1, Phase 1*
- *Foreshore Park All Abilities Playground*
- *Western Corridor Active Hub*
- *Local Centres Program including:*
 - *Joslin Street, Kotara – \$2.2 million;*
 - *Llewellyn Street, Merewether - \$3 million;*
 - *Shortland - \$500,000; and*
 - *Stockton (Stage 1 Queen Street to King Street) - \$1.6 million*
 - *Broadmeadow Locomotive Depot Restoration Project*
 - *Ocean Baths refurbishment*

The motion, as amended, was put to the meeting.

**Carried
unanimously**

ITEM-6 LMM 28/04/20 - ICLEI OCEANIA - CITIESWITHNATURE AUSTRALIA INITIATIVE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes our longstanding relationship with ICLEI (Local Government for Sustainability) dating back to the Pathways to Sustainability Conference held in Newcastle in 1997 and subsequently by the development of local strategies and solutions through the Cities for Climate Protection Program, the Global Covenant of Mayors for Climate and Energy and through development of practical implementation programs for Local Government in Australia and New Zealand.
- 2 Accepts ICLEI Oceania's invitation to become a Pioneer City for the new CitiesWithNature (CWN) Australia Initiative, aimed at recognising and enhancing the value of nature in and around cities across the world, noting that this initiative provides a shared platform for cities and their partners to engage and connect, working with shared commitment towards a more sustainable urban world.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-18 CCL 28/04/20 - PRACTICE NOTE: CODE OF MEETING PRACTICE

In moving the motion, Councillor Clausen stated he was moving the alternate recommendation circulated in an all Councillor memo dated 28 April 2020.

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 receives the Practice Note to the Code of Meeting Practice, as set out at **Attachment A**

CITY OF NEWCASTLE

Ordinary Council Meeting 26 May 2020

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2 adopts the following meeting schedule for May to September 2020 (inclusive)

(a) for the period May 2020 with meetings commencing at 6.00pm

Week 1 - Tuesday	Advisory Committee (Quarterly as scheduled) (if determined necessary by the Chair and Facilitator)
Week 2 – Tuesday	Extraordinary Council Meeting Councillor Workshops
Week 3 – Tuesday	Committee Meetings (as required): Public Voice Committee Briefings Committee Development Applications Committee
Week 4 – Tuesday	Ordinary Council Meeting

(b) for the period June 2020 to September 2020 with meetings commencing at 6.00pm

Week 1 - Tuesday	Advisory Committee (Quarterly as scheduled) (if determined necessary by the Chair and Facilitator)
Week 2 – Tuesday	Councillor Workshops
Week 3 – Tuesday	Committee Meetings (as required): Public Voice Committee Briefings Committee Development Applications Committee
Week 4 – Tuesday	Ordinary Council Meeting
Week 5 – Tuesday	No scheduled meetings

(c) the location of all meetings will be determined by the CEO in consultation with the Lord Mayor, having regard to all relevant public health orders, and will be either via audio-visual platform or at an appropriate CN facility in accordance with the requirements of the Local Government Act 1993.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott and Rufo.

Carried

ITEM-19 CCL 28/04/20 - ICLEI REGIONAL EXECUTIVE COMMITTEE 2021 - 2024

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Endorses the nomination of the Lord Mayor or delegate for the ICLEI Oceania regional executive committee.

Carried

ITEM-20 CCL 28/04/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

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

Carried

NOTICES OF MOTION

ITEM-9 NOM 28/04/20 - EXTENDED POWERS OF PLANNING MINISTER

Councillor Mackenzie stated that he was moving an alternate motion to the motion printed in the business papers.

ORIGINAL MOTION

That the City of Newcastle:

- 1 Writes to Premier Gladys Berejiklian, Treasurer Dominic Perrottet the Minister for Planning Rob Stokes MP to:
 - a) Express its opposition to the recent changes to the Environmental Planning and Assessment Act which grant the Minister unprecedented powers to override planning decisions made by local councils, Planning Panels, the Independent Planning Commission;
 - b) Noting the Minister's Order allowing extended building and demolition work on weekends and public holidays, request the NSW Government provide extra funding for local Councils to monitor building sites during the extended working hours to monitor the observance of social distancing, as well as the noise emitted from these sites on the weekend, and;

- c) Request further detail and full disclosure regarding the proposed changes outlined in the Media Release from Treasurer Perrottet and Minister Stokes on 3rd April 2020, such as fast-tracking State Significant Developments and greater Ministerial discretion.
- 2 Reaffirms its commitment to transparency and open governance, acknowledging that:
- a) planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents;
 - b) planning decisions have long term implications and even in times of crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents;
 - c) existing oversight powers are in place to ensure best possible planning outcomes; and
 - d) the extension of permissible construction hours has the potential to severely disrupt compulsory work and learn from home arrangements, and public health and wellbeing generally.

ALTERNATE MOTION

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Writes to Premier Gladys Berejiklian, Treasurer Dominic Perrottet, and the Minister for Planning and Public Spaces, Rob Stokes MP to:
 - a) Express its concern with the announcement of recent changes to the *Environmental Planning and Assessment Act* which grant the Minister unprecedented powers to override planning decisions made by local councils, Planning Panels, the Independent Planning Commission;
 - b) Notes that these changes were legislated under the *COVID-19 Legislation Amendment (Emergency Measures) Act 2020* to be utilised where necessary “to protect the health, safety and welfare of members of the public”;
 - c) Notes that the Government’s announcement of the changes on 3 April 2020, differed substantially from this approach, described the changes as being a “Planning System Acceleration Program” aimed to “cut red tape and fast track the planning process”;

- d) Notes the NSW Government's first tranche of projects to undergo a fast-tracked assessment process as part of the Planning System Acceleration Program in the announcement on 28 April includes the University of Newcastle campus at Honeysuckle;
 - e) Requests that these new emergency planning powers be reserved for COVID related critical projects (such as expansions to public hospitals, modification to operating hours for manufacturers of critical medical goods etc) and that these powers only be utilised where it is necessary to protect the health, safety and welfare of members of the public; and
 - f) Noting the Minister's recent Order allowing extended building and demolition work on weekends and public holidays, request the NSW Government undertake monitoring of building sites during the extended working hours to monitor noise and public amenity impacts from those sites. This monitoring would include protocols and procedures to receive, record and respond to public inquiries and complaints from the public or referred to them by Councils.
- 2 Reaffirms its commitment to transparency and open governance, acknowledging that:
- a) planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents;
 - b) planning decisions have long term implications and even in times of crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents;
 - c) existing oversight powers are in place to ensure best possible planning outcomes; and
 - d) the extension of permissible construction hours has the potential to disrupt compulsory work and learn from home arrangements, and public health and wellbeing generally.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 Part 1, a) to e) lay on the table to enable further consideration of changes.
- 2 Part 1, f) and Part 2, Council move to adopt.

**Carried
unanimously**

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

- 1 Noting the Minister's recent Order allowing extended building and demolition work on weekends and public holidays, request the NSW Government undertake monitoring of building sites during the extended working hours to monitor noise and public amenity impacts from those sites. This monitoring would include protocols and procedures to receive, record and respond to public inquiries and complaints from the public or referred to them by Councils.
- 2 Reaffirms its commitment to transparency and open governance, acknowledging that:
 - a) planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents;
 - b) planning decisions have long term implications and even in times of crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents;
 - c) existing oversight powers are in place to ensure best possible planning outcomes; and
 - d) the extension of permissible construction hours has the potential to disrupt compulsory work and learn from home arrangements, and public health and wellbeing generally.

**Carried
unanimously**

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr White

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

Carried

Council resolved into confidential session at 7.21pm.

During confidential session:

- Troy Uren, Manager Waste Services and Andrew Ball, Project Manager joined the meeting via video conferencing platform Zoom for Confidential Item 5 - Tender - Organics Processing Facility 2019/144T
- Councillor Dunn stated he had been unable to access the confidential reports on iPads and left the meeting at 7.22pm
- Council adjourned for a short recess to allow Councillors additional time to read the confidential reports
- A procedural motion moved by Councillor Mackenzie and seconded by Councillor Clausen to move into Committee to enable the Manager of Waste Services and Project Manager to answer questions on Confidential Item 5 - Tender - Organics Processing Facility 2019/144T was carried
- Council moved into Committee at 8.26pm
- A procedural motion moved by Councillor Clausen and seconded by Councillor Mackenzie to move back into Council was carried
- Council reconvened at 9.11pm
- The Manager Waste Services and Project Manager left the meeting at the conclusion of Confidential Item 5 - Tender - Organics Processing Facility 2019/144T
- The Lord Mayor noted the time at 9.19pm and called for a procedural motion to extend the meeting
- A procedural motion moved by Councillor White and seconded by Councillor Winney-Baartz to extend the meeting to 10.00pm was carried
- Councillor Duncan was removed to the waiting room facility video conferencing platform Zoom at 9.21pm in relation to Confidential Item 6 - Code of Conduct Matter
- Councillor Elliott was removed to the waiting room facility via video conferencing platform Zoom at 9.24pm In relation to Confidential Item 6 - Code of Conduct Matter
- As Confidential Item 6 - Code of Conduct matter was uploaded to iPads on the afternoon of Tuesday 28 April 2020, Councillors were allowed time to read the report

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr White

Council move out of confidential session.

Carried

Councillors Duncan and Elliott were returned to the meeting from the waiting room facility in video conferencing platform Zoom.

Council moved out of confidential session at 9.35pm and the Chief Executive Officer reported the outcomes of confidential session.

ITEM-5 CON 28/04/20 - TENDER - ORGANICS PROCESSING FACILITY 2019/144T

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Reject the lump sum tender prices submitted and endorse the engagement with Barpa Pty Ltd through an Early Contractor Involvement (ECI) procurement model based on a target budget of \$20,365,222 (excl. GST) for the Organics Processing Facility for Contract No. 2019/144T.
- 2 Award the contract based on delivery being comprised of two separable portions. Council shall fund Separable Portion 1 (Design and Approvals). During Separable Portion 1 City of Newcastle (CN) will seek third party funding. Commencement of Separable Portion 2 (Construction) will be contingent on CN Officers reporting back to Council regarding the success of this funding.
- 3 Council will condition the contract so that Barpa Pty Ltd must give preference to local companies when selecting the trade sub-contractors for the project.
- 4 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.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott, Robinson and Rufo.

Carried

ITEM-6 CON 28/04/20 - CODE OF CONDUCT MATTER

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr White

That Council lay the motion:

- 1 *In December 2018, a review of two complaints (containing 12 separate issues) against Councillor Elliott was undertaken by an Independent Conduct Reviewer in accordance with the Procedures for the Administration of the Code of Conduct (Procedures).*
- 2 *The Independent Conduct Reviewer determined that two of the complaints resulted in a breach of the Code of Conduct (Code) by Councillor Elliott.*

- 3 *The only matter before Council relates to the recommendation that Councillor Elliott be censured for that conduct in accordance with section 440G of the Local Government Act 1993 (Act) and clause 7.36 (j) of the Procedures. This is one of the limited circumstances under which code of conduct matters are referred to the elected Council.*
- 4 *Notes that an investigation was undertaken into Code of Conduct complaints against Councillor Kath Elliott in accordance with the Procedures for the Administration of the Code of Conduct;*
- 5 *Receives the report of the Independent Conduct Reviewer at Attachment A and notes that the report has been reviewed by the Office of Local Government;*
- 6 *In accordance with the findings and recommendation of the Independent Conduct Reviewer and to help ensure public accountability; (a) name the censured councillor in its resolution, and; (b) provide details in its resolution of the conduct that has been found to be in breach of the Code of Conduct;*
- 7 *Accepts the finding of the Independent Conduct Reviewer that on 4 December 2018, Councillor Kath Elliott breached clause 3.1(e) of the Code of Conduct by becoming verbally abusive and aggressive toward a member of senior staff;*
- 8 *Notes that Councillor Elliott was consulted throughout the investigation, and was provided with a formal opportunity to make a written or oral submission to Council;*
- 9 *In accordance with section 440G of the Local Government Act 1993 and based on the findings and recommendation of the Independent Conduct Reviewer, formally censures Councillor Elliott for breaching clause 3.1(e) of the Code of Conduct; and*
- 10 *Treats this confidential report relating to the matters specified in s10A(2)(i) of the Local Government Act 1993 as confidential.*

on the table pending urgent advice from the Office of Local Government on how to proceed to ensure the delivery of natural justice for this complaint, noting that a copy of the Investigation Report appears to have been leaked to the media prior to it being distributed to councillors.

Councillors were provided a redacted version of the report at 4pm on Tuesday 28 April 2020, after it appeared in the media. Council notes that under the Procedures for Administering the Code our understanding is that only the respondent (Cr Elliott), City of Newcastle legal and governance staff, the investigator and the Office Local Government had a copy of the investigation report prior to 4pm.

Carried

At the conclusion of the meeting the Lord Mayor stated that in accordance with clause 20.5 of the Code of Meeting Practice, after the resolution was reported to open session, the report relating to Item 6 would be removed from the Hub (iPads).

The meeting concluded at 9.39pm.

REPORTS BY COUNCIL OFFICERS

ITEM-22 CCL 26/05/20 - TABLING OF PECUNIARY INTEREST RETURNS - 1 FEBRUARY TO 30 APRIL 2020

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

PURPOSE

For the Chief Executive Officer (CEO) to table the pecuniary interest returns received from designated persons between 1 February and 30 April 2020 in accordance with the City of Newcastle's (CN) Code of Conduct for Staff.

RECOMMENDATION

That Council:

- 1 Note the tabling of the pecuniary interest returns (for the period 1 February to 30 April 2020) by the CEO.

KEY ISSUES

- 2 The Code of Conduct for Staff requires:
 - i) Designated persons to lodge a disclosure of interest return (Return) in the prescribed form within three months of:
 - a) Becoming a designated person; or
 - b) Becoming aware of an interest they are required to disclose that has not previously been disclosed; and
 - ii) The CEO to table the Returns lodged at the first Ordinary Council Meeting held after the lodgment of Returns; and
 - iii) The CEO to keep a register of Returns which may be accessed in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).
- 3 Designated persons are:
 - i) CEO (General Manager);
 - ii) Senior staff;
 - iii) CN officers designated because of the exercise of CN functions; and
 - iv) Committee members because of the exercise of CN functions.

- 4 In accordance with s739 of the Act, CN has amended the register of Returns to omit information that discloses a designated person's place of living where:
- i) The designated person requested that such information be deleted on the grounds that it would place their personal safety or their family's safety at risk; and
 - ii) The CEO was satisfied that disclosing the information would place the designated person's safety and / or their family's safety at risk.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The Tabling of Pecuniary Interest Returns is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan, including:

Open and Collaborative Leadership

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

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

Open and Transparent Governance Strategy

3.5 Open and Transparent Disclosures.

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 25 February 2020, Council noted the tabling of returns by designated officers (for the period 1 November 2019 to 31 January 2020) by the CEO.

CONSULTATION

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

BACKGROUND

- 12 Not applicable.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

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

ATTACHMENTS

Nil

ITEM-23 CCL 26/05/20 - ADOPTION OF LOCAL STRATEGIC PLANNING STATEMENT

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

PURPOSE

To adopt the Local Strategic Planning Statement.

RECOMMENDATION

That Council:

- 1 Adopts the Local Strategic Planning Statement (LSPS) at **Attachment A**.

KEY ISSUES

- 2 Public exhibition of the draft LSPS closed on 9 March 2020 and 34 submissions were received. Changes have been made throughout the LSPS to address issues raised in submissions, provide additional information and clarify the principles and actions within each planning priority. **Attachment B** provides a summary of these changes.
- 3 The following key changes have been made to the LSPS:

Recognition of Traditional Ownership

- i) City of Newcastle (CN) has been working with the Guraki Aboriginal Advisory Committee, the Awabakal Local Aboriginal Land Council and the Worimi Local Aboriginal Land Council to develop an agreed statement of recognition for inclusion in CN's Heritage Strategy. This Statement has been adapted for inclusion in the final LSPS.

Vision Themes

- ii) The four themes in the LSPS vision have been renamed to more closely align with themes within the Community Strategic Plan (CSP).

Areas of Change

- iii) This section of the LSPS has been updated to include housing release areas and identify the key drivers of change in each Catalyst Area identified in the Greater Newcastle Metropolitan Plan. Planning Priority 8 – 'Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas' has been revised to clarify the actions CN will undertake and better articulate the principles that will guide change in these areas.

Local Centres

- iv) Planning Priority 9 has been amended to ‘Sustainable, healthy and inclusive streets, neighbourhoods and local centres’. This change supports more detailed rationale, actions and principles in relation to our local centres to better address issues identified in the supporting studies. The commercial centres hierarchy has also been included in the LSPS.

Implementation Plan

- v) A separate implementation plan has been prepared so that it can be reviewed and updated every 12 months. This will support effective monitoring of actions as completed actions can be acknowledged and the timing of actions can be adjusted to reflect changing circumstances that affect the timing of priorities (eg. changes to legislation or resourcing constraints).

FINANCIAL IMPACT

- 4 Funding for implementation of the LSPS will be considered through the Delivery Plan and budget process.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 The LSPS aligns with the CSP. Each Planning Priority within the LSPS identifies how it aligns with strategies in the CSP.

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 All regional Councils are required by the *Environmental Planning and Assessment Regulation 2017* to have a LSPS in place by 1 July 2020.
- 7 The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires the LSPS to be reviewed at least every seven years. However, as the LSPS and CSP are closely aligned, it is intended that the LSPS will be reviewed concurrently with the CSP every four years.
- 8 Monitoring and reporting of the implementation of the LSPS will be through the Integrated Planning and Reporting Framework.

RISK ASSESSMENT AND MITIGATION

- 9 The LSPS has been prepared in accordance with the EP&A Act and the Department of Planning, Industry and Environment (DPIE) Guidelines. Adherence to the NSW legislation reduces risk in implementing the LSPS.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 10 December 2019, Council resolved to:
- 1 *Place the draft Local Strategic Planning Statement (Attachment A), Housing Needs and Character Study Evidence Report (Attachment B) and Employment Lands Strategy (Attachment C) on public exhibition for 28 days.*
 - 2 *Authorise the Chief Executive Officer to make minor amendments to the attached draft LSPS prior to public exhibition to reflect comments from Councillors and the Liveable Cities Advisory Committee.*
 - 3 *Receive a report back to Council following public exhibition on the outcomes.*

CONSULTATION

- 11 A number of engagement activities were conducted in 2019 prior to preparing the draft LSPS to assist in identifying and confirming important issues for the community. This included a “kids page” on the website and a big picture drawing activity, the use of social pinpoint to identify great places and streets and attendance at pop up events such as the Wallsend Winter Fair and Newcastle Pride Festival.
- 12 The draft LSPS was publicly exhibited for 28 days between 10 February 2020 and 9 March 2020. The draft LSPS and supporting documents were made available on the ‘Have-Your-Say’ webpage and in hard copy at City Library and Wallsend Library.
- 13 The exhibition was advertised in the Newcastle Herald, the Newcastle Weekly and promoted through social media channels. Direct emails were sent to key stakeholders and all those who provided feedback during the first phase of community engagement.
- 14 An industry briefing was held on 26 February 2020 and CN participated in a joint briefing with Port Stephens Council hosted by the Urban Development Institute of Australia.
- 15 DPIE coordinated submissions from State agencies and provided detailed comments on the LSPS.

- 16 A total of 34 submissions were received. Issues raised in submissions were varied and ranged across the themes and planning priorities. A number of submissions raised concerns that environmental outcomes should be given more priority (than transport) and the city should be more bike and pedestrian friendly. Submissions from industry bodies were primarily concerned with principles for catalyst areas and identification of housing release areas. A number of submissions discussed affordable housing and requests were made for more prominence to be given in the LSPS for heritage matters and to progress work on local character. A summary of the issues raised is provided in **Attachment C**.
- 17 The Liveable Cities Advisory Committee (LCAC) meeting scheduled for 5 May 2020 was cancelled due to the NSW Government Public Health Orders. However, the LCAC has been regularly updated on the progress of the LSPS and a summary of submissions received and table of changes were circulated to the LCAC. The LCAC will be briefed at its quarterly meetings on progress with the implementation of the LSPS.

BACKGROUND

- 18 In March 2018 amendments to the EP&A Act introduced new requirements for Councils to develop a LSPS.
- 19 CN has had the equivalent of a LSPS since its first Urban Strategy was adopted in 1998. At the Ordinary Council Meeting held on 28 July 2015 the current Local Planning Strategy was adopted by Council. Newcastle Urbanism principles and strategic directions first developed in the Urban Strategy 1998 and detailed in the Local Planning Strategy remain current and are consistent with the planning principles included in the LSPS.
- 20 The LSPS will guide CN's land use decisions over the next 20 years. It builds on the strategic directions of our CSP and brings together land use planning actions in other adopted CN strategies. Once adopted, the LSPS will replace our Local Planning Strategy. The LSPS also gives effect to the State Government strategic directions for the Hunter region, outlined in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036.

OPTIONS

Option 1

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

Option 2

- 22 Council does not adopt the Local Strategic Planning Statement. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 23 Attachment A: Local Strategic Planning Statement

Item 23 Attachment B: Summary of Changes

Item 23 Attachment C: Summary of Submissions

Item 23 Attachments A – C distributed under separate cover

ITEM-24 CCL 26/05/20 - EXHIBITION OF DRAFT HERITAGE STRATEGY

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

PURPOSE

To exhibit the draft Heritage Strategy 2020-2030.

RECOMMENDATION

That Council:

- 1 Places the draft Heritage Strategy 2020-2030 (**Attachment A**) on public exhibition for 28 days.

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 25 March 2014, Council adopted the current Heritage Strategy 2013-2017 (**Attachment B**). The Heritage Strategy has been updated to align with the Newcastle 2030 Community Strategic Plan (CSP), the United Nation's Sustainable Development Goals, the Newcastle Heritage Policy and operational and business requirements of the ten-year Delivery Plan (2020–2030).
- 3 The purpose of the draft Heritage Strategy is to:
 - i) Provide a strategic framework to guide City of Newcastle's (CN) management of heritage matters over the next ten years.
 - ii) Ensure CN meets its statutory obligations and community expectations for regulating and managing heritage.
 - iii) Identify actions and services that when implemented are commensurate with the Newcastle Heritage Policy, best practice, legislative responsibilities and community expectations.
- 4 There are in excess of 700 Local and State Significant Heritage items, 23 archaeological sites and eight Heritage Conservation Areas (HCA) listed at Schedule 5 of the Newcastle Local Environmental Plan 2012 (NLEP 2012).
- 5 The draft Heritage Strategy builds on the principles of best practice in heritage management as recommended by the Heritage Council of NSW and Heritage NSW.

- 6 The draft Heritage Strategy incorporates the principles for managing Aboriginal cultural heritage articulated in CN's Aboriginal Heritage Management Strategy 2018-21 which at the Ordinary Council Meeting held on 26 June 2018 was adopted by Council. The draft Heritage Strategy contains actions for ensuring Aboriginal heritage is managed in accordance with those principles.
- 7 The draft Heritage Strategy provides a framework to implement the four core principles of CN's Newcastle Heritage Policy (**Attachment C**). It specifies actions, timeframes, responsibilities and measures to protect and promote heritage in Newcastle.

FINANCIAL IMPACT

- 8 Costs associated with the exhibition process will be met within existing budgets.
- 9 The draft Heritage Strategy identifies the need to continue to invest in asset management and cyclical maintenance of CN's heritage listed items and facilities.
- 10 The costs to CN associated with the implementation of the draft Heritage Strategy will be minimal as it does not identify any new projects or new actions that require expenditure.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The draft Heritage Strategy is consistent with the strategic directions of the CSP, including:

Vibrant and Activated Public Spaces

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

Liveable and Distinctive Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 The draft Heritage Strategy forms part of a broader heritage management framework at CN that includes statutory listings in the NLEP 2012, the Newcastle Development Control Plan 2012 (NDCP 2012) and Heritage Technical Manual, Newcastle City-Wide Heritage Study 1997 (City of Newcastle and Sutera Architects Snell Pty Ltd, 1997), the Archaeological Management Plan 1997 and 2013 (City of Newcastle, 1997 and 2013) and projects such as Cathedral Park Revitalisation.
- 13 The recommendation to place the draft Heritage Strategy on exhibition enables a period of consultation with the community and stakeholders.
- 14 By developing an updated draft Heritage Strategy that aligns to the CSP, the United Nation's Sustainable Development Goals, the Local Government Heritage Guidelines and Recommendations for *Local Council Heritage Management*, CN keeps its heritage practices in line with best practice and will be in a stronger position to obtain funding from government and non-government sources to undertake heritage projects.

RISK ASSESSMENT AND MITIGATION

- 15 The draft Heritage Strategy is a statement of intent that CN will manage the City's heritage based on best practice and the guidelines and principles of heritage management developed by the NSW Heritage Council and Heritage NSW.

RELATED PREVIOUS DECISIONS

- 16 At the Ordinary Council Meeting held on 25 March 2014, Council adopted the current Heritage Strategy 2013-2017.
- 17 At the Ordinary Council Meeting held on 1 May 2018, a Notice of Motion was carried by Council to establish a Newcastle Heritage Working Party (Working Party), to implement and update CN's Heritage Strategy.

CONSULTATION

- 18 The Working Party was established under the Liveable Cities Advisory Committee (LCAC). The first meeting was held in September 2019 to review the implementation of the existing Heritage Strategy and provide advice on producing the draft Heritage Strategy. The Working Party met on a further three occasions, was chaired by Councillor Winney-Baartz, coordinated by CN's Heritage Planner and included representatives from the community, the Local Aboriginal Land Councils, Heritage NSW, University of Newcastle, Hunter and Central Coast Development Corporation, the National Trust, and private heritage practitioners. The Working Party provided regular updates to the LCAC, including advising at the 4 February 2020 meeting that the Working Party had completed its work on the draft Heritage Strategy.

- 19 The draft Heritage Strategy has been circulated to internal stakeholders and members of CN's Guraki Aboriginal Advisory Committee, with comments incorporated into the document.
- 20 Heritage NSW will be invited to make comment on the draft Heritage Strategy during the exhibition period.
- 21 Internal and external consultation will occur during the 28-day exhibition period. Written comment will be invited from key stakeholders including members of the Working Party and the LCAC. Exhibition material will be placed on the CN webpage.

BACKGROUND

- 22 Local Government has played a pivotal role in heritage management in NSW since 1985. At that time, it was given responsibility for protecting local heritage through the local environmental planning process, under the Environmental Planning and Assessment Act 1979 (EP&A Act). Since then, the role of Local Government has been expanded following changes to the NSW Heritage Act in 1999. Heritage management in NSW is now a two-tier system where items of local heritage significance are listed and managed by Local Councils, and items of State heritage significance are listed on the State Heritage Register by the Minister for the Department of Premier and Cabinet and managed by the Heritage Council of NSW.
- 23 In order to support Local Government, NSW Heritage developed the *Local Government Heritage Guidelines and the Recommendations for Local Council Heritage Management*. These documents provide a framework for proactive Local Government heritage management. Key recommendations are preparation and adoption of a policy and strategy for dealing with heritage matters.

OPTIONS

Option 1

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

Option 2

- 25 Council resolves not to place the draft Heritage Strategy on public exhibition. This option will not provide the best practice strategic framework for CN over the next ten years and will be inconsistent with NSW Heritage Council directions and guidelines. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 24 Attachment A: Draft Newcastle Heritage Strategy 2020-2030

Item 24 Attachment B: Newcastle Heritage Strategy 2013-2017

www.newcastle.nsw.gov.au/Newcastle/media/Documents/Strategies,%20Plans%20and%20Policies/Strategies/Heritage_Strategy_2013_2017.pdf

Item 24 Attachment C: Newcastle Heritage Policy

www.newcastle.nsw.gov.au/Newcastle/media/Documents/Heritage%20publications/Newcastle-Heritage-Policy-2013.pdf

Item 24 Attachment A distributed under separate cover

**ITEM-25 CCL 26/05/20 - ADOPTION OF AMENDMENT TO NEWCASTLE
LEP 2012 - CREATE NEW HERITAGE ITEM FOR PARKWAY
AVENUE, NEWCASTLE**

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

PURPOSE

To adopt amendments to the Newcastle Local Environmental Plan 2012 following public exhibition.

RECOMMENDATION

That Council:

- 1 Endorses the Planning Proposal (**Attachment A**) to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to create a new heritage item for Parkway Avenue Newcastle.
- 2 Forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting that a draft NLEP 2012 be prepared and made pursuant to Section 3.36(1) of the *Environmental, Planning and Assessment Act* (EP&A Act).

KEY ISSUES

- 3 At the Ordinary Council Meeting held on 26 November 2019, Council resolved to endorse the Planning Proposal to amend the NLEP 2012 to list Parkway Avenue from Denison Street Hamilton East to Memorial Drive Bar Beach as a heritage item of Local Significance.
- 4 In accordance with the Council resolution, the Planning Proposal was forwarded to the Minister for Planning and Public Places for Gateway Determination pursuant to Section 3.34 of the EP&A Act. On 7 January 2020 a positive Gateway Determination was issued by DPIE.
- 5 The Planning Proposal was exhibited from 20 January 2020 until 18 February 2020. Eleven submissions were received, nine supported the proposal, one had no comment and one submission raised concerns.
- 6 A detailed summary of submissions and the response to issues is provided at **Attachment B**.

- 7 Submissions in support of the Planning Proposal recognised that the proposal seeks to ensure the heritage significance of the site will be protected, noting that Parkway Avenue was one of Newcastle's most iconic streets. Only one submission did not support the Planning Proposal. It raised concerns that the proposal may inhibit the potential development of a dedicated cycleway along Parkway Avenue. No changes are proposed in relation to these issues, which are subject to detailed responses in **Attachment B**.
- 8 The Planning Proposal only relates to the public domain elements of Parkway Avenue (being the avenue itself and its central median). It does not apply to private property along Parkway Avenue, noting that the northern end of Parkway Avenue is already included in the Hamilton South 'Garden Suburb' Heritage Conservation Area.

FINANCIAL IMPACT

- 9 Work will be undertaken by City of Newcastle (CN) staff within current allocated work programs and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The Planning Proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Vibrant and Activated Public Spaces

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

Liveable and Distinctive Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The preparation of the Planning Proposal was undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies CN's processes and responsibilities in applying the requirements of Part 3 of the EP&A Act for amending an LEP.

RISK ASSESSMENT AND MITIGATION

- 12 The Planning Proposal has been prepared in accordance with relevant legislation and DPIE Practice Notes. Adherence to the legislative framework and the timeframes provided by the Gateway Determination reduces the risk to CN by ensuring changes to the NLEP 2012 to create a new heritage item for Parkway Avenue can be made in the correct manner.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 28 June 2016, Council resolved to endorse the Review of Heritage Conservation Areas Report. A recommendation of this report was to investigate Parkway Avenue as a potential landscape heritage item.
- 14 At the Ordinary Council Meeting held on 26 November 2019, Council resolved to endorse the Planning Proposal to amend the NLEP 2012 and create a new heritage item for Parkway Avenue as recommended in the Review of Heritage Conservation Areas Report.

CONSULTATION

- 15 The Planning Proposal was exhibited for 30 days in accordance with the Gateway Determination. The Planning Proposal was exhibited on CN's website and printed copies provided at CN's Administration Centre, City Region Library and Hamilton Library.
- 16 Eleven written submissions were received during the exhibition period. These represented the views of local residents, a State Government Agency, and The National Trust. **Attachment B** outlines the issues raised in submissions and CN's response.

BACKGROUND

- 17 The Review of Heritage Conservation Areas Report June 2016 reviewed the boundaries of existing Heritage Conservation Areas (HCA) and the need to establish new HCAs. In the chapter concerning the Hamilton South 'Garden Suburb' HCA, it discussed the heritage significance of Parkway Avenue and recommended that this avenue with its central median, be protected by listing as a heritage item, to minimise any loss of intactness, or changes to street design, layout or form that impacts on the heritage integrity of this iconic street.
- 18 The site to be included within the heritage item is almost the entire length of Parkway Avenue. That being from Denison Street in Hamilton East to Memorial Drive in Bar Beach. The northern section of Parkway Avenue in Hamilton East between Tudor Street and Denison Street is excluded from the planning proposal site, although, planned as part of the main avenue, it is incomplete and has remained as a narrow suburban street. A site location plan is attached at **Attachment C**.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 25 Attachment A: Planning Proposal – new heritage item for Parkway Avenue, Newcastle

Item 25 Attachment B: Summary of Submissions and Responses

Item 25 Attachment C: Site Map

Item 25 Attachments A - C distributed under separate cover

ITEM-26 CCL 26/05/20 - ADOPTION OF THE UPDATED EAST END STAGE ONE STREETScape PLAN

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

PURPOSE

To approve traffic changes to the updated East End Stage One Streetscape Plan (Plan).

RECOMMENDATION

That Council:

- 1 Adopt the proposed traffic changes to the Hunter Street Newcastle East End Stage One Streetscape Plan as shown at **Attachment A**.

KEY ISSUES

- 2 The Plan provides strategic direction for public domain renewal within the rapidly evolving East End. City of Newcastle (CN) commenced detailed design for the implementation of the Plan in 2019. Through detailed design the scope was extended to include works between Perkins Street (Crown and Anchor Hotel) to the boundary of the Lucky Hotel, inclusive of the Brown Street intersection and redundant Hunter Street Mall bus stop. This section of Hunter Street was not upgraded during the Newcastle Light Rail project and contains several street elements that need rejuvenation.
- 3 Extensive stakeholder engagement has occurred throughout detailed design. Early engagement with the community and stakeholders required a review of the adopted plan to ensure it aligned with community expectations.
- 4 Further changes have also been proposed to respond to:
 - i) a March 2019 fatal accident involving a truck that collided with a cyclist at the corner of Perkins and King streets,
 - ii) the constraints of the site including drainage and infrastructure requirements, driveway alignments, vehicle turning paths, and
 - iii) enhancing neighbouring development interactions with the street inclusive of Iris Capital Stage 1 and 164 Hunter Street.
- 5 Through early engagement with stakeholders and the community, CN's project team have been able to reduce the risks within the project while addressing the needs of the community and stakeholders.

FINANCIAL IMPACT

- 6 The Plan was developed within existing resources and will inform future actions in the Delivery Program and Operational Plan. For new programs, projects and services, funding will be sought through CN's budget process and potential future grant funding.
- 7 There are no changes to the deliverables of the adopted streetscape plan, therefore, no increased cost.
- 8 Detailed design will be delivered over multiple financial years commencing in 2019/20 and continuing in 2020/21. Implementation of phase one has been programmed in the 2020/21 financial year with delivery scheduled to align with the adjoining Iris Capital Stage 1 development public domain works.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 9 The Plan 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.
- 3.3a Collaborate with local groups and services to address crime and safety issues.
- 3.3b Plan for a night-time economy, characterised by creativity, vibrancy and safety, that contributes to cultural and economic revitalisation.

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

- 5.1b 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.
- 5.2a Plan for concentrated growth around transport and activity nodes.
- 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.

Smart and Innovative

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 Implementation of the Plan has been identified within CN's Hunter Street Revitalisation Masterplan Strategic Framework 2010, the State Government's Draft Newcastle Urban Renewal Strategy 2012 and the Newcastle Urban Renewal Strategy 2014.
- 11 Actions will be implemented by CN through integration into relevant work programs and operational plans.

RISK ASSESSMENT AND MITIGATION

- 12 There are minimal risks associated with adoption of the proposed traffic changes. The changes have been driven to reduce risks identified through public consultation and the detailed design process.

RELATED PREVIOUS DECISIONS

- 13 The Hunter Street Revitalisation Masterplan Strategy (Strategy) was endorsed at the Ordinary Council Meeting held on 14 December 2010. The development of a streetscape plan for the East End was one of the 44 actions listed in the Strategy and identified the East End as a catalyst project in the revitalisation of the city.
- 14 The Hunter Street Newcastle East End Stage One Streetscape Plan was adopted by Council on 26 June 2018.

CONSULTATION

- 15 The proposed changes to the intersection of Brown and Hunter streets were submitted to the Newcastle City Traffic Committee (NCTC) on 17 June 2019, and revisions to Market and Keightley streets were submitted on 16 December 2019. On both occasions recommendations for community consultation were made before resubmission to the NCTC for further consideration.
- 16 Detailed concept plans (incorporating variations outlined in paragraph 15) were placed on public exhibition for a four week period from 2 March to 30 March 2020. Formal advertisement of the exhibition period occurred in the Newcastle Herald. A media release and social media posts were utilised to encourage the community to have their say.

- 17 Over 300 people viewed the concept plans with 24 completing the survey. Seven people completed the open response section. A summary of the community consultation feedback is shown at **Attachment B**.
- 18 A direct flyer drop to businesses within the area was undertaken to encourage feedback. Members of the community working group were directly notified of the proposed changes and exhibition period.
- 19 The concept plans were circulated to the Newcastle City Cycling Working Party on 3 March 2020 for review at their March meeting.
- 20 An onsite drop-in session was held on 19 March 2020 with the project team to discuss the proposed changes. Over 50 people attended with 12 completing surveys.
- 21 The revised concept plans were tabled at the NCTC meeting of 20 April 2020. Concerns were raised regarding cycleways in the business centres and traffic exiting from Market Street to Scott Street. CN officers addressed these matters and the revised concept plans were subsequently endorsed by NCTC

BACKGROUND

- 22 Planning approval was granted for 185 Hunter Street (former David Jones Site) on 19 April 2020. The site impacts 50% of the Phase One streetscape. Consultation was undertaken with the developer throughout the proposed changes to the streetscape.

OPTIONS

Option 1

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

Option 2

- 24 Council does not resolve to adopt variations to the Plan. This would result in increased risk to people within the street and reduce the capacity for existing and proposed businesses to activate the streetscape. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 26 Attachment A:** Proposed Traffic Changes - Detailed Concepts
Item 26 Attachment B: Community Consultation Summary of Feedback

BACKGROUND - EAST END PROPOSED TRAFFIC CHANGES

East End Stage One Streetscape Plan

The East End Stage One Streetscape Plan (EES1) was adopted in 2018.

Key deliverables included in the masterplan are:

- Reinstate Hunter St as a traditional high street.
- Improved accessibility throughout the site.
- Cycling upgrades allowing cyclists to easily travel north-south and east-west through the precinct.
- Connections to Market St Lawn and Newcastle Cathedral.
- Upgrade of landscape features including pavements, furniture, trees and gardens.
- Upgrade of lighting and smart city infrastructure.
- Providing vibrant streets that enhance the unique character of the east end with opportunities for on-street activation and alfresco dining.



Current view of Hunter Street - looking east from Perkins St intersection



Artist impression of Hunter St from the adopted Streetscape Plan

Detailed Concept

City of Newcastle commenced detailed design of EES1 in April 2019.

Community Consultation to Date

Pre-Adoption

The draft EES1 plan was exhibited during April 2018, including advertisements within the local paper, online surveys and direct flyer drop to businesses within the local area encouraging feedback on the plan.

Pre-Detailed Design Surveys

Face to face surveys were conducted in May 2020 to gain metrics on the current users of the project site and identified the perceived strengths and weakness of the site, what people valued about the site, and what they would like to see in the see in their ideal town centre.

404 respondents provided feedback on the overall character of the site.

A further 143 respondents provided feedback on the three gateway sites.

Business Group Meetings

On the 22nd May 2019, the CN's Corporate and Community Planning service unit facilitated an open meeting with business owners and managers to present a detailed update on the East End upgrades.

Placemaking Workshops

On the 25 July 2019 CN and PlaceScore invited representatives from a range of community organisations, educational institutions, businesses and residents' groups to attend a placemaking workshop that looked at the proposed charter of Hunter St with a specific focus on three gateway sites at the major northern, southern and western entry points.

This workshop allowed refinement of the adopted EES1 streetscape plan during the detailed concept phase before commencement of the detailed design.



East End Stage One Streetscape Plan - Adopted June 2018



May 2019 - on-site surveys establishing a benchmark for the current landscape character of Hunter Street.



July 2019 - Workshop held with businesses and community groups to define how the spaces should be designed.



July 2019 - Samples from community workshop defining elements proposed for the streetscape.

PROPOSED TRAFFIC CHANGES

Detailed design for precinct commenced mid 2019. The design includes several necessary variations from the adopted streetscape plan due to site restrictions such as service locations and changes to emergency vehicle access. Additional changes are a direct result of the community consultation held throughout May to July 2019.

Six significant variations are shown below:

Traffic Variation 1 - Scott & Hunter Intersection

These works have been incorporated into the detailed design for EES1- streetscape plan.

Design improvements to this area include:

- Improved pedestrian crossing at Brown St.
- Modified intersection at Scott St and Hunter St, allowing increased pedestrian refuge to the western and southern sides of Hunter St that allows for increased landscaping and alfresco dining.
- Increased soft landscaping to the northern side of Hunter St.
- Retention of parking.

*See page 3 plan for proposed changes.

Traffic Variation 2 - Hunter St Cycleway

Realignment of Hunter St cycleway from the southern side to the northern side of the street. This design change has benefited the design by:

- Providing improved cycle links to northern destinations including the foreshore link at Perkins St, and access to Market St and Market St Lawn
- Provides improved parking conditions, allowing motorists to park conventionally with the passenger exiting the car to the footpath.

*See sheet 3 for proposed changes.

Traffic Variation 3 - Wolfe St Pedestrian Crossings

Pedestrian crossings are proposed at the intersection of Wolfe St and Hunter St to aid in pedestrian circulation as act as a traffic calming device.

Traffic Variation 4 - Market St Exit to Scott St

The adopted PDP proposed Market St traffic to exit via Keightley St and Thorn St onto Hunter St. Through community workshops in 2019, laneway activation of Keightley and Market St was highly desirable. Modifications to through traffic along Keightley St allow this activation to occur.

*See page 4 for proposed changes.

Traffic Variation 5 - Perkins St Cycleway

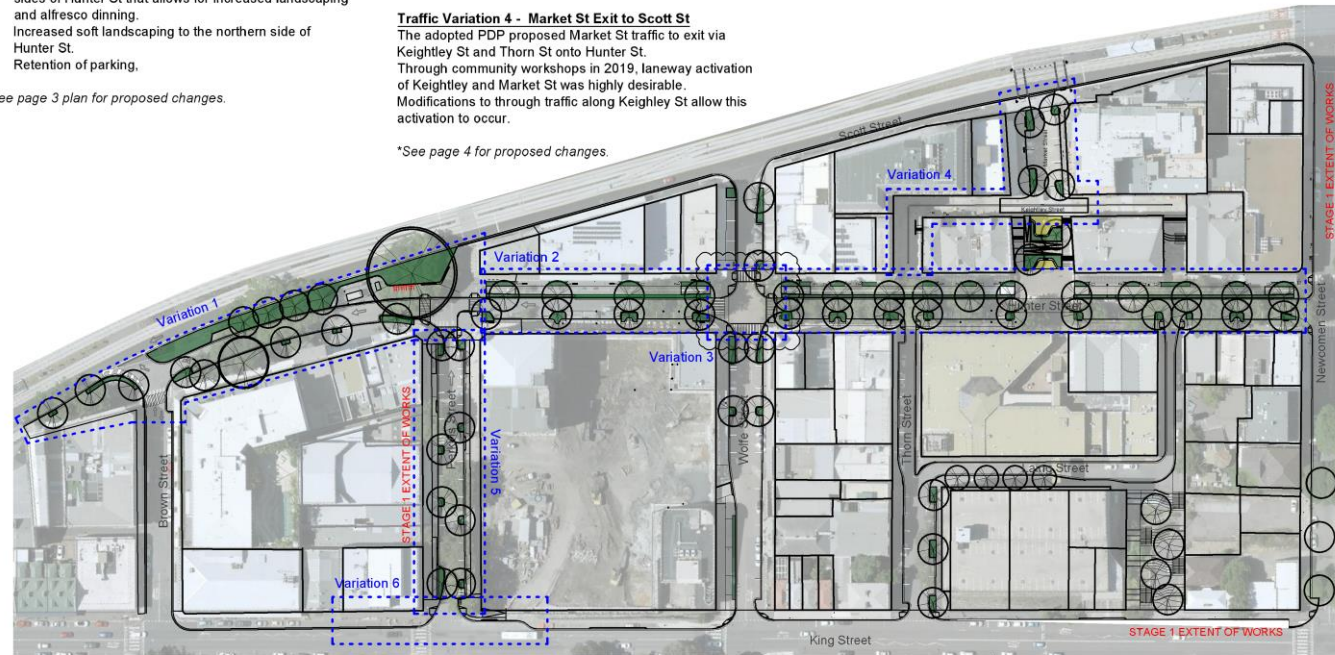
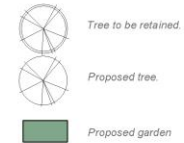
Realignment of the Perkins St cycleway link from a bidirectional on the east side of the street, to two single direction separated cycleways on either side of the street. This was done to minimise conflicts between cyclists and parks cars & simplify cycle access from King St to Perkins.

*See page 3 for proposed changes.

Traffic Variation 6 - King St East Bound Bus Stop

The bus stop to King St will be re-instated to the eastern side of Perkins St allowing additional parking along King St.

Legend







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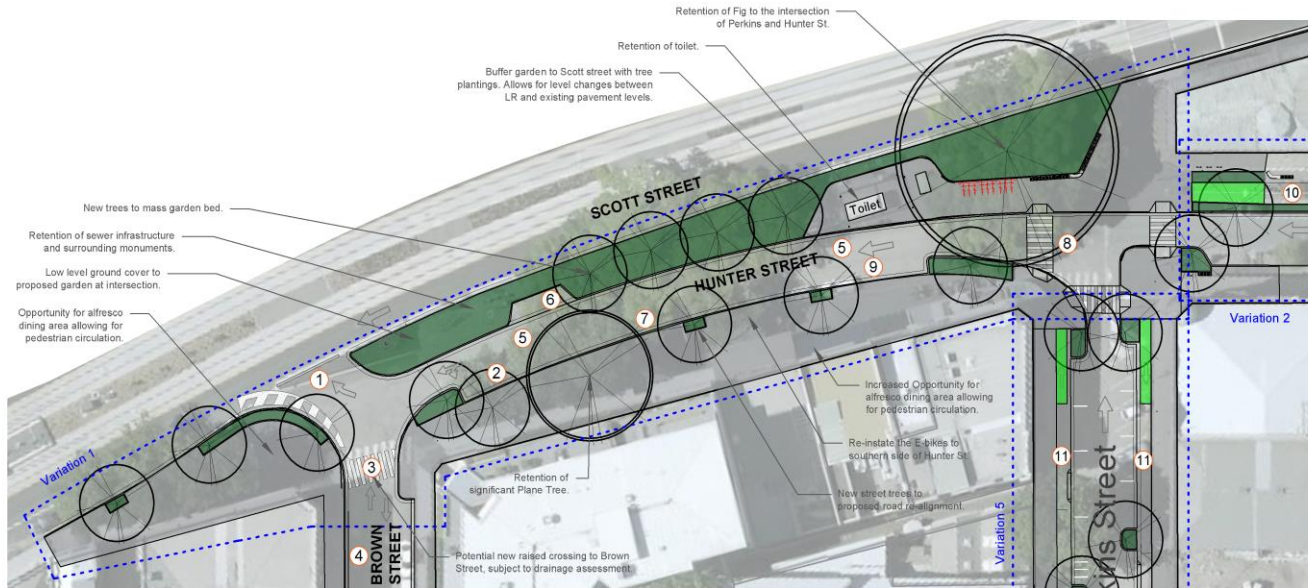
HUNTER AND SCOTT STREET INTERSECTION PROPOSED TRAFFIC CHANGES

Proposed traffic changes to Hunter St.

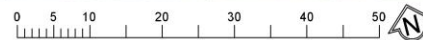
1. Re-alignment of intersection to Hunter, Scott and Brown Streets (approximately 66 degree angle) & 10-metre radius of the internal corner (SW). Re-alignment includes straightening of the parking bays, maintaining a consistent offset from the light rail tracks. A chevron will help define the parking bays, while allowing increased space for large vehicle movements.
2. Taxi zone near the intersection of Hunter and Brown Street.
3. Raised pedestrian crossing at Brown Street with 9 metre offsets to parking bays.
4. Postal and loading zone to the western side of Brown Street.
5. Re-alignment of Hunter Street, creating a wider footpath to the southern side of the street. Road widths to be consistent with the adopted East End PDP, 6.4m wide road reserve inclusive of parking bays.
6. Retention of a Hunter Water service parking area.
7. Parking retained to the southern side including remove of a community bus parking in the west.
8. Additional pedestrian crossing to Hunter St for easier access to the Foreshore and public toilets.
9. Loading zone to Hunter Street.
10. Separated bidirectional cycleway located on the northern side of Hunter St.
11. Separated single direction cycleway located on either side of Perkins St.

Legend

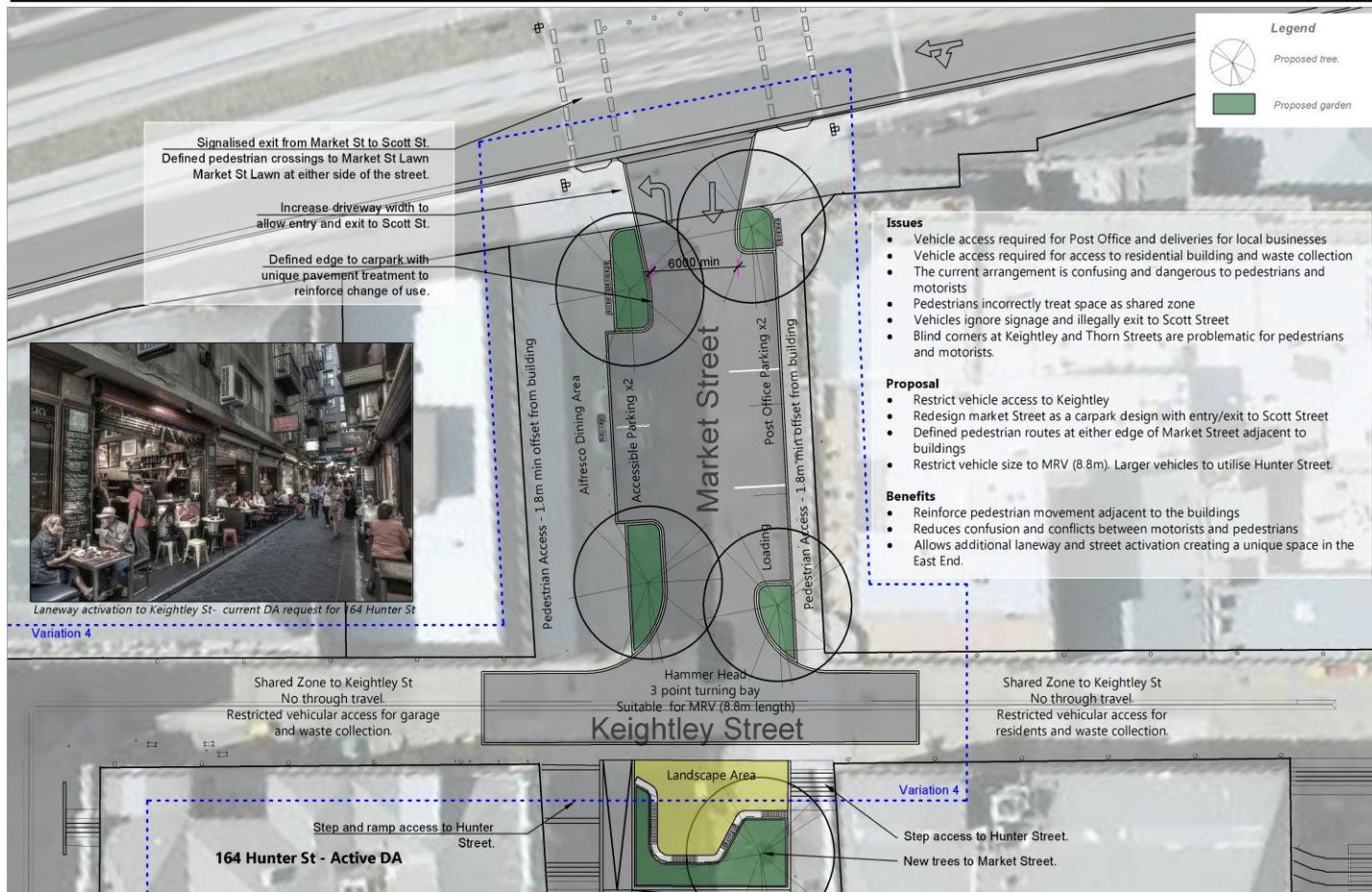
-  Traffic Committee Notes - plan locations.
-  Tree to be retained.
-  Proposed tree.
-  Proposed garden.



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MARKET STREET - PROPOSED TRAFFIC CHANGES



- Issues**
- Vehicle access required for Post Office and deliveries for local businesses
 - Vehicle access required for access to residential building and waste collection
 - The current arrangement is confusing and dangerous to pedestrians and motorists
 - Pedestrians incorrectly treat space as shared zone
 - Vehicles ignore signage and illegally exit to Scott Street
 - Blind corners at Keightley and Thorn Streets are problematic for pedestrians and motorists.
- Proposal**
- Restrict vehicle access to Keightley
 - Redesign market Street as a carpark design with entry/exit to Scott Street
 - Defined pedestrian routes at either edge of Market Street adjacent to buildings
 - Restrict vehicle size to MRV (8.8m). Larger vehicles to utilise Hunter Street.
- Benefits**
- Reinforce pedestrian movement adjacent to the buildings
 - Reduces confusion and conflicts between motorists and pedestrians
 - Allows additional laneway and street activation creating a unique space in the East End.

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EAST END STAGE ONE - DETAILED CONCEPT

February 2020
Page: 4 of 4

Community Consultation Results

1 Introduction

The survey was available to be completed by anyone who wanted to participate. A total of 24 people participated in the survey.

1.1 Objectives

The survey was developed to run alongside the exhibition period of proposed traffic changes to the East End Stage 1 Public Domain Plan to identify agreement levels with certain aspects of the draft plan. The public exhibition period was open Monday 2 March to Monday 30 March 2020. The purpose of the survey was to obtain more structured responses than feedback provided in a formal written submission.

Questions asked in this survey were:

- Please tell us, how do you use this area? A pedestrian, a cyclist, a motorist, other?
- Variation 1: Do you agree or disagree with the revised intersection layout to Hunter St and Scott St? **88% Approval**
- Variation 2: Do you agree or disagree with the Hunter St bidirectional cycleway relocated to the northern side of the street? **83% Approval**
- Variation 3: Do you agree or disagree with the proposal for additional pedestrian crossings to Hunter Street and Wolfe St? **83% Approval**
- Variation 4: Do you agree or disagree with the proposal for vehicles to enter and exit Market St from Scott St? **71% Approval**
- Variation 5: Do you agree or disagree with the proposal for single direction separated cycleways to either side of Perkins St? **92% Approval**
- Variation 6: Do you agree or disagree with the proposal to reinstaate the King St (eastern direction) to eastern side of Perkins St? **79% Approval**

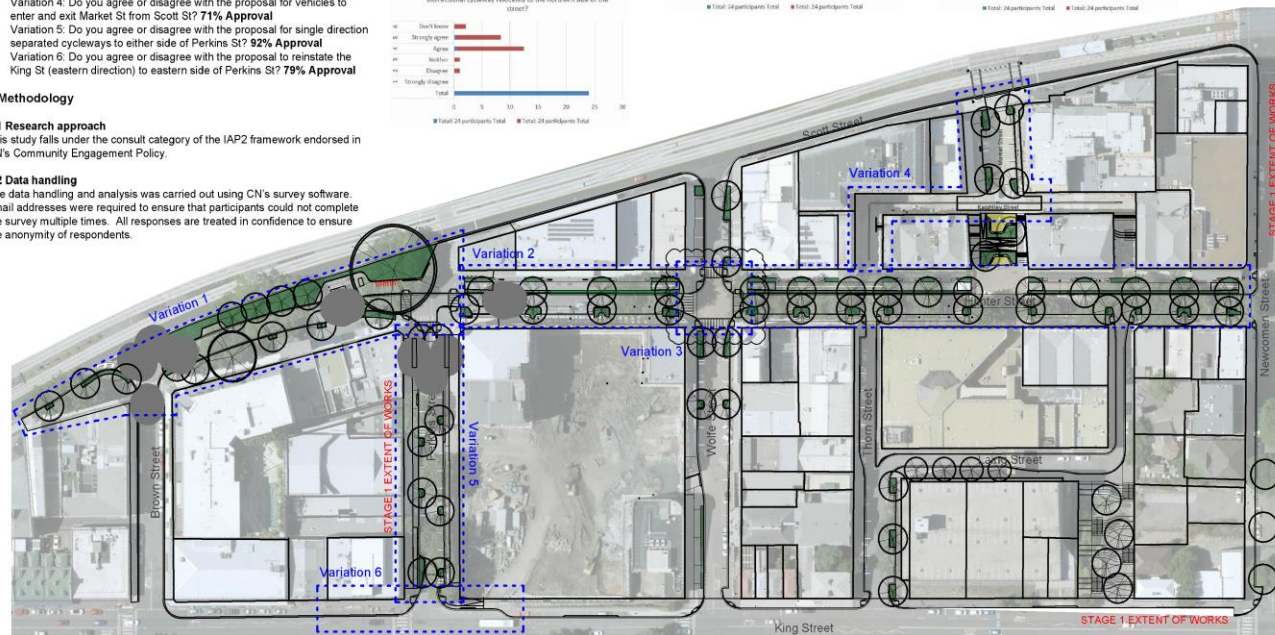
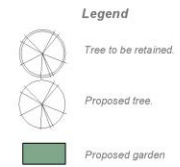
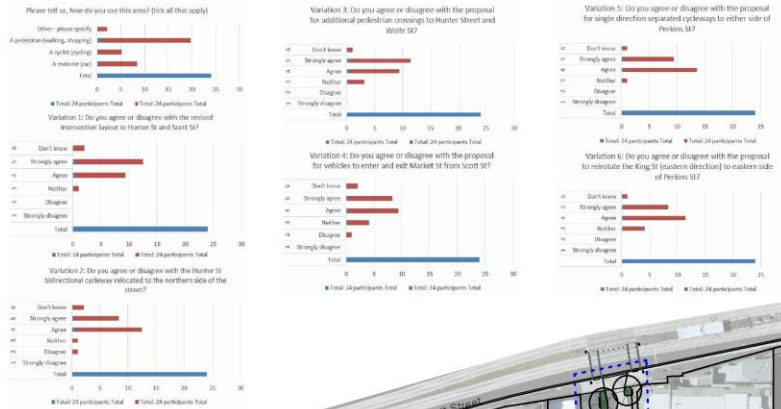
2 Methodology

2.1 Research approach

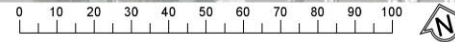
This study falls under the consult category of the IAP2 framework endorsed in CN's Community Engagement Policy.

2.2 Data handling

The data handling and analysis was carried out using CN's survey software. Email addresses were required to ensure that participants could not complete the survey multiple times. All responses are treated in confidence to ensure the anonymity of respondents.



DRAFT DETAILED CONCEPT PLAN - JAN 2020



Community Consultation - Written Submissions & Comments

Written Submission	Officer Comment	Changes to the plan
Good concept. The new plan will bring fresh air and healthy mix of wide range of space for people.	Noted	No changes to the plan
Consider how shopping centres have plenty of parking	Noted - The design team has conserved parking numbers retaining 90% of existing numbers.	No changes to the plan
Would be great to activate laneways perpendicular to Market St.	Noted - this is a key element of Variation 5. Restricting vehicular access to Keightley and Thorn Streets will allow activation of the laneways without risk to pedestrians. This proposal received a 71% approval rating.	No changes to the plan
Just a few queries and comments relating to your proposal: 1. Can NCC confirm the final speed limit for the mall? Currently it's 10km/hr however neither this speed nor the future speed are shown on the plans. Working in this area and walking/cycling it everyday I would have concerns over any increase in speed due to the high pedestrian utilisation. 2. Where the cycle lane terminates near the 7 eleven store, where are cyclists meant to continue their journey from this point? I can't see anything directing them onto road to share the lane with motorists or to use the signals and continue down the northern side of Hunter st. 3. Can you provide typical cross sections to assist in understanding the proposal? It's hard to envisage the envelope without seeing dimensions of the through lane, footpath, parking and cycle way. 4. A minor presentation comment, I have good eye sight however I can barely make out where trees are existing or proposed. I'm all in favour of more trees, it's just your graphic designer hasn't been able to effectively communicate this through these plans. 5. Are the pedestrian crossings raised? If not, have NCC considered this to aid in traffic calming to help keep the current amenity of the mall? See attached file, mostly focussed on Hunter re-alignment, Perkins St, and cycleways.	1. The speed limit will be 40km/ hr. This is the lowest speed achievable for a high pedestrian zone. The street has been designed to limit speed and minimise pedestrians unknowingly entering traffic. 2. Adequate signage will be provided. There will be the option for cyclist to cross to Market St Lawn and the foreshore, or head south along Perkins St. 3. Noted. Cross sections unavailable at the time of this comment. 4. Noted. 5. The pedestrian crossing to Wolfe St and Market Streets are raised to act as speed reduction devices and assist in stormwater catchment controls.	No changes to the concept plan. Additional details to be provided at detailed design stage.
Please provide as much area as possible where there will be no vehicle access. An area where people of all ages can sit & relax & eat & feel safe. Please provide lots of COVERED public furniture to protect people from the sun & rain. Deciduous trees drop leaves in autumn & the birds poop on you. Please DO NOT ALLOW CARS DOWN HUNTER STREET. Allow deliveries to shops/cafes before 9am. Please provide flat footpaths & resurfaced roads. Pavers & bricks become uneven over time.	The plan is in keeping with the adopted streetscape masterplan which improves pedestrian amenity through well defined paths, activation spaces and separated cycleways. Vehicle access is retained to ensure the shops and residents can be functional. Variation 5 proposes restricting vehicular access to Keightley and Thorn St to assist in the activation of spaces and increase the public domain within the East End. Pavers on a concrete base has been proposed for the majority of footpaths. The pavers are mortared into place, limiting the opportunity for displacement and cracking.	No changes to the plan.
Note: The following comments have been summarised for the purpose of this report 1. Support for the Brown Street Re-alignment to improve pedestrian safety. 2. The close location of the eastern pedestrian crossing to the northern buildings limits the opportunity for alfresco dining. Proposes only one north south crossing on the western side of Perkins St. 3. Proposes raised crossings to aid in traffic calming. 4. Requests that 10km/hr speed limits be retained as 40km/hr feels too fast. Case study for London provided where they have adopted 30km/hr as the maximum speed limit for the city. 5. Requests that the mall be retained, I line with several other international cities. 6. Support for active transport. 7. Support for public art, requests that missing plaques be reinstated. 8. Requests that trees replacing the figs at the old bus stop have a high canopy to maintain views to the harbor. 9. Questions the need for a cycleway to Perkins St due to the low speed of the short street and no clear southern connection. 10. Supports the relocation of the Bykko e-bikes. Questions their need at the east end and if they should be expanded. Supports the relocation of the cycleway to the northern side of the street. Questions the need of a bidirectional cycleway, especially if a 10km/hr speed limit is retained. Questions how the cycleway will fit within the greater citywide cycleway. Believes that most cyclists will use Wharf Road/Joy Cummings cycleway to get to the beach. Questions impacts on future stages to Pacific Park.	1. Noted 2. Intersections will be shared environments for cyclists/pedestrians. This will not limit the opportunity for alfresco dining opposite Perkins St. Note: activation spaces are equal to both sides of the street. 3. To be reviewed. The item was considered an abandoned due to unfavourable impacts on low lying neighbouring properties. 4. 40km is the lowest speed limit for a high traffic location. 5. Noted - outside of scope - PDP already adopted by Council in 2018. 6. Noted. 7. Noted - Plaques owned by third party. 8. Noted. 9. Perkins St cycleway links to a larger cycle network. See 2017 Newcastle Cycle Network. CN currently working on updating the policy. 10. Noted. Noted. Further stages will be developed with extensive community consultation.	3. to be reviewed to ensure best outcome has been achieved. 7. request through third party that the plaques be reinstated.

**ITEM-27 CCL 26/05/20 - CROWN RESERVES MANAGEMENT -
DEVOLVED LAND**

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

PURPOSE

To endorse an application under the Crown Land Management Act 2016 to change the status of three Crown reserves, at Federal Park Wallsend, Waratah Park Waratah, and West Park Adamstown that are currently 'Devolved to Council' to 'Crown Land Manager' status.

RECOMMENDATION

That Council:

- 1 Endorse an application to Crown Lands - NSW Department of Planning, Industry and Environment (DPIE) for three Crown reserves currently managed by City of Newcastle (CN), as identified in **Attachment A**, to change from 'Devolved to Council' status to 'Crown Land Manager' status in accordance with the Crown Land Management Act 2016.

KEY ISSUES

- 2 The Crown Land Management (CLM) Act 2016 grants councils Crown Land Manager status over all Crown reserves previously managed as Reserve Trusts. Under the CLM Act 2016, CN must now manage this land as part of a Plan of Management (PoM) prepared under the Local Government Act 1993 (LG Act 1993).
- 3 Section 48 of the LG Act 1993 prescribes that CN also has responsibility and control of Crown reserves that have 'Devolved to Council' status. However, these devolved reserves are subject to conditions that restrict and prohibit some functions and is inconsistent with other Crown reserves managed by Council. Devolved reserves cannot be leased or licensed by Council, cannot be used for any purpose inconsistent with its reservation or dedication (unless authorised by the Minister) and under these conditions a PoM is not allowed.
- 4 CN manages fifteen Crown reserves that have the status of 'Devolved to Council'.
- 5 A review of the fifteen 'Devolved to Council' reserves indicates that three reserves have existing tenure (ie licences) and recreational values. The three reserves are Federal Park Wallsend, Waratah Park Waratah, and West Park Adamstown (see **Attachment A**). The reserves are important in the provision of sport and recreation opportunities for the community and are components of a larger park and/or sport complex.

- 6 To ensure ongoing use and tenure of these reserves, CN needs to be appointed as Crown Land Manager in accordance with the CLM Act 2016 and include the reserves in future PoMs.
- 7 Changing the status of these reserves from 'Devolved to Council' to 'Crown Land Manager' and appointing CN as Crown Land Manager will ensure their continued management and value added to the community in accordance with a PoM.
- 8 The remaining twelve 'Devolved to Council' reserves are not considered to be of significant recreational value, and are not subject of current or future tenure/licensing, (see **Attachment B**). It is not proposed to change the status of these remaining reserves.
- 9 CN is progressing with development of the PoMs for all its Crown reserves, which are due for completion by 30 June 2021 as per the CLM Act 2016.

FINANCIAL IMPACT

- 10 The proposed change in status will have no financial impact on Our Budget 2020/21 (Operational Plan Delivery Program).

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 Protected Environment

2.2a Provide and advocate for protection and rehabilitation of natural areas

12 Vibrant, Safe and Active Public Places

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

13 Inclusive Community

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

4.1c Improve, promote and facilitate equitable access to services and facilities

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

4.2c Promote recreation, health and wellbeing programs

IMPLEMENTATION PLAN/IMPLICATIONS

- 14 Community land is managed under a framework of PoMs and associated masterplans. Changing the status of the proposed three reserves will provide the ability to include the reserves in future PoMs and clarity on how they are managed on behalf of the community into the future.

RISK ASSESSMENT AND MITIGATION

- 15 The proposal reduces risk for CN as a change in status will allow leases and licenses to be provided to users under a valid reserve status and associated PoM that outlines permissible use.
- 16 Devolved to Council land status will allow any existing leases and licences to continue providing community benefit as well as provide the opportunity for future events and activities, and capital improvement.

RELATED PREVIOUS DECISIONS

- 17 There are no previous decisions related to this matter.

CONSULTATION

- 18 Internal consultation was undertaken with staff from various Service Units including Parks and Recreation, Property and Facilities, Assets and Projects and Governance (Legal). CN staff also liaised with officers from Crown Lands (DPIE).
- 19 Community consultation is not necessary to change the status of the land. The development of any related PoM will entail community engagement.

BACKGROUND

- 20 The LG Act 1993 requires NSW Councils to prepare PoMs for all Council owned community land which guide the use and development of all public open space in the Local Government Area. Current use and activities are identified, and future uses and activities, including leases and licences, are authorised by the PoM.
- 21 The new Crown Lands Management (CLM) Act 2016 came into effect on 1 July 2018 and includes new requirements that all Crown reserves managed by Council (as Crown Land Manager) must be included in a Ministerial approved and Council adopted Plan of Management by 30 June 2021. In addition, they are to be managed as if they are community land according to Sections 35-47 of the LG Act 1993.

OPTIONS

Option 1

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

Option 2

- 23 Council does not support an application to Crown Lands NSW DPIE for the change in management status from 'Devolved to Council' to 'Crown Land Manager' for three Crown reserves as identified in **Attachment A**. This option does not allow tenure to be provided on these Devolved reserves. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 27 Attachment A:** Crown reserves recommended for Change from 'Devolved to Council' land status to 'Crown Land Manager' (including maps)
- Item 27 Attachment B:** Crown reserves recommended to remain as 'Devolved to Council'

Crown reserves recommended for Change from ‘Devolved to Council’ land status to ‘Crown Land Manager’ (including maps)

Criteria:

- Tenure** The reserve has leases, licences or other land tenures over the site
- Park/Sport** The reserve is a designated park or sportsground
- Embellish** There is significant embellishment of the reserve, e.g. playground, boat ramps, picnic facilities
- Contiguous** The reserve forms part of a larger park, or is a connecting reserve to adjacent designated parks
- Future** The reserve has been identified for future works that would fit one of the above criteria

Reserve Number	Name	Address	Suburb	Lot/DP	Criteria					Comments
					Tenure	Park/Sport	Embellish	Contiguous	Future	
570062	Federal Park	2 Boscawen Street	Wallsend	Lot 7010 DP 1053001	√	√	√	√	√	The site has significant season use by sporting groups and infrastructure in place. Site is adjacent to Wallsend Swimming Centre
570072	Waratah Park	2 Young Street	Waratah	Lot 3190-3191 DP 44990	√	√	√	x	√	The site has significant season use by sporting groups and infrastructure in place.
52096	West Park	1 Dora Road	Adamstown	Lot 7312 DP 1144999	x	√	√	√	√	The current use is a designated Dog Off Leash Area and future improvements that have been identified.



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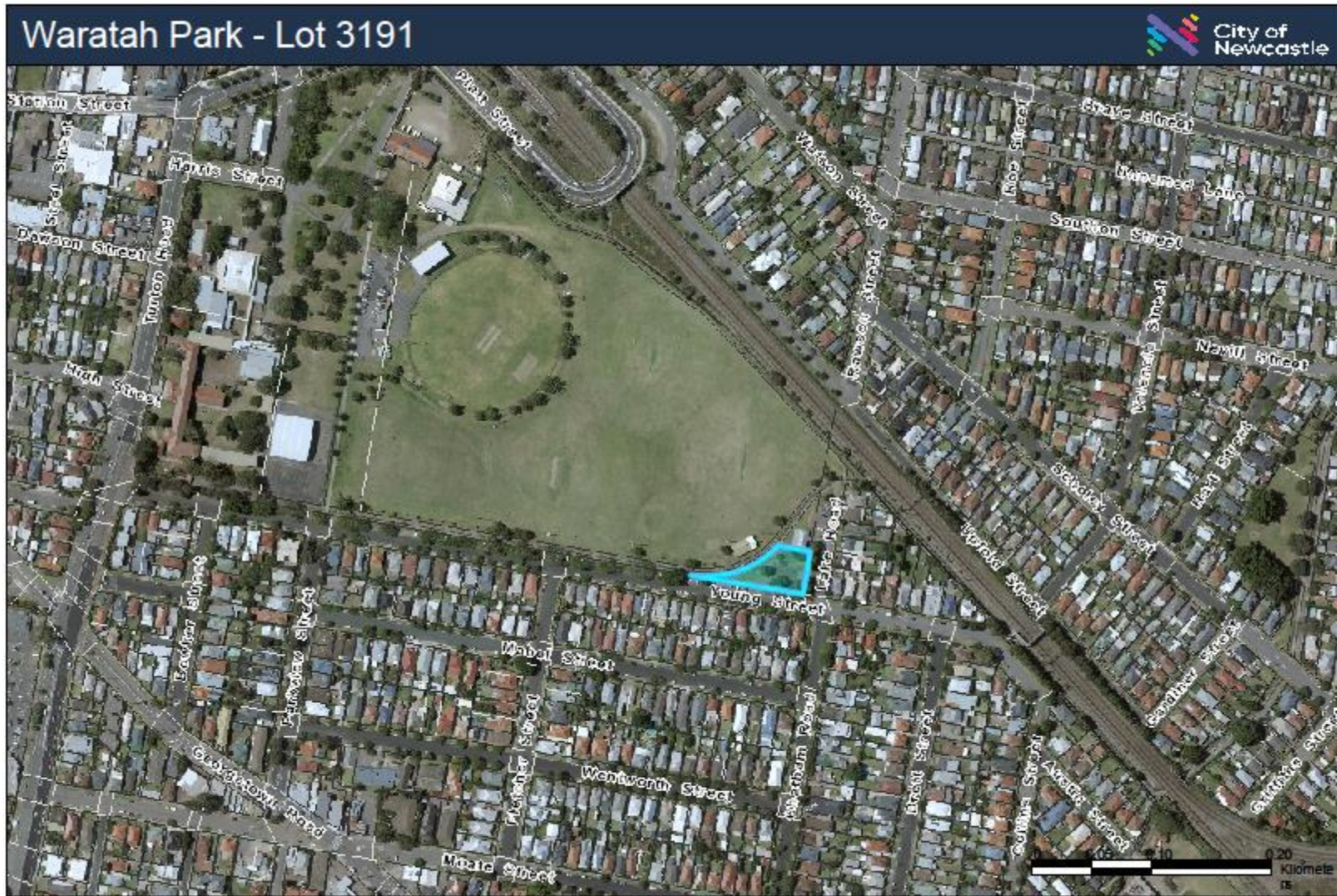


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CITY OF NEWCASTLE

Item 27 Attachment B

Crown reserves recommended to remain as 'Devolved to Council'

Reserve Number	Name	Address	Suburb	Lot/DP	Comments
63080	Braye Park	68 Clarence Road	Waratah	Lots 505, 7324 DP 755247 Lots 7314-7315, 7320-7323 DP 1149773	There is currently a pending Aboriginal Land Claim and dependent on the outcome, we will revisit the status when this Land Claim is resolved.
91541	Hillview Reserve	66 Morehead Street	North Lambton	Lot 13 -14 DP 257371	There is currently a pending Aboriginal Land Claim and dependent on the outcome, we will revisit the status when this Land Claim is resolved. The site does not include the playground.
97598	Allowah Street Reserve	19 Leonora Parade	Waratah West	Lot 3200-3201 DP 720667 Lot 360-362 DP 755247	There is currently a pending Aboriginal Land Claim and dependent on the outcome, we will revisit the status when this Land Claim is resolved.
89675	Allowah Street Reserve	19 Leonora Parade	Waratah West	Lot 7031 DP 93963	There is currently a pending Aboriginal Land Claim and dependent on the outcome, we will revisit the status when this Land Claim is resolved.
1019628	General Cemetery - Wallsend	Sandgate Road	Wallsend	Lot 7305 DP 1141674	Due to being governed by the Cemeteries and Crematoria Act 2013, cemeteries should remain as devolved land.
36878	Reserve – Hexham/Maryland	100C Creek Road	Maryland	Lot 7004 DP 1132598	Land is not contiguous with CN land and would be difficult to access and maintain.
88975	Reserve - Sandgate	51 Maitland Road	Sandgate	Lots 1-2 DP 233804	ARTC use this land as a turning bay/site area. There is currently a pending Aboriginal Land Claim and dependent on the outcome, we will revisit the status when this Land Claim is resolved.
1015448	General Cemetery - Stockton	Nelson Bay Road	Stockton	Lot 7032 DP 1053003	Due to being governed by the Cemeteries and Crematoria Act 2013, cemeteries should remain as devolved land.

CITY OF NEWCASTLE

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39142	Drainage Reserve	151 Griffiths Road	Lambton	Lot 3275 DP 823723	Drainage reserves to remain as Devolved land
57153	Drainage Reserve	Between 4-6 Clarence Road	New Lambton	Lot 2628 DP 755247	Drainage reserves to remain as Devolved land
570077	Drainage Reserve	Between 105- 107/109 Hobart Road	New Lambton	Lot 1879 DP 755247	Drainage reserves to remain as Devolved land
15960	Drainage Reserve	123A Teralba Road	Adamstown		Drainage reserves to remain as Devolved land

ITEM-28 CCL 26/05/20 - MARCH QUARTERLY BUDGET REVIEW STATEMENT

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

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 31 March 2020, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 The March Quarterly Budget Review Statement includes adjustments to the current adopted budget to reflect trends identified in the actual operating performance to date for the 2019/20 financial year. The operational budget variations identified have lowered City of Newcastle's (CN) budgeted operating surplus by \$12.5m and forecast an annual budget deficit of \$8.3m for the year ended 30 June 2020.
- 3 The adjustments recommended through the March Quarterly Budget Review Statement require CN to use an additional \$12.6m of funds. This results in CN forecasting a transfer of \$23.8m from reserves for the full financial year 2019/20.
- 4 The 2019/20 works program was reviewed as part of the March Quarterly Budget Review Statement and scheduling changes were made to projects to ensure CN was best placed to respond to community priorities. Overall the scheduling changes have slightly increased the works program to \$99.9m.
- 5 The March Quarterly Budget Review Statement reflects economic factors from the COVID-19 pandemic. CN is experiencing lower than anticipated revenues which will impact the 2019/20 budget in the order of \$18m while also planning additional expenditure as part of a community and economic resilience package. These trends are evident in the YTD reporting to the end of April 2020 and have been forecast out to 30 June 2020 as part of the quarterly budget review.

FINANCIAL IMPACT

- 6 The budget variations recommended through the March Quarterly Budget Review Statement are presented in more detail in **Attachment A**.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2018 - 2022 Delivery Program and 2019/20 Operational Plan in a cost effective and efficient manner.

RISK ASSESSMENT AND MITIGATION

- 9 Adoption by Council at the Ordinary Council Meeting to be held on 26 May 2020 will ensure CN meets the legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 25 June 2019, Council adopted the 'Our Budget' (2018 - 2022 Delivery Program and 2019/20 Operational Plan).

CONSULTATION

- 11 A workshop was conducted with Councillors on 12 May 2020 to provide detailed information and a forum to ask questions.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 28 Attachment A: March Quarterly Budget Review Statement

Item 28 Attachment A distributed under separate cover.

ITEM-29 CCL 26/05/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

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

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 At the end of April 2020 the consolidated YTD actual operating position is a surplus of \$11.9m which represents a positive variance of \$5.8m against the budgeted YTD surplus of \$6.2m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2019/20 is a surplus of \$4.1m, noting that the proposed March Quarterly Review Statement forecasts an annual budget deficit of \$8.3m for the year ended 30 June 2020.
- 3 The net funds generated as at the end of April 2020 is a surplus of \$8.9m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$1.4m. This is primarily due to a timing variance in the delivery of CN's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final two months of the financial year.
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under s.625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

- 5 The financial results contained in this report have been affected by economic factors from the COVID-19 outbreak. CN has experienced lower than anticipated revenues while also planning additional expenditure to address community needs as approved by Council in March 2020. These trends are evident in the YTD reporting and are likely to worsen over the final two months of the financial year. The financial impact of COVID-19 on the 2019/20 budget have been quantified and reported to Council in the March Quarterly Budget Review Statement.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Open and collaborative leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 29 Attachment A: Executive Monthly Performance Report – April 2020

Item 29 Attachment A distributed under separate cover

NOTICES OF MOTION

ITEM-10 NOM 26/05/20 - CITY OF NEWCASTLE RATING POLICY

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 Wednesday 13 May 2020 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes that CN was deemed to be 'Financially Fit for the Future' due to the prudent financial decision making over the last two terms of Council;
- 2 Notes that the Independent Pricing and Regulatory Tribunal (IPART) has determined that the 2020-21 Rate Peg for all NSW Councils is 2.6 per cent;
- 3 Notes that the Rate Peg is a retrospective true-up mechanism, designed to allow Councils to recover the actual impacts of inflation on local government services, as measured by the Local Government Cost Index (LGCI), a local government version of the Consumer Price Index (CPI). Rate pegging has been in place in NSW since 1977;
- 4 Notes that, in real terms, the application of the rate peg offsets the actual impacts of inflation, and means no-net change in Council's financial position (i.e. Council's purchasing power is unaltered);
- 5 Notes that for the average Newcastle household, the impact of the Rate Peg in 2020/21 is a \$34.42 increase in nominal terms in rates across the year (\$0.66 cents per week);

	Average residential rate 2019-20 [average value of \$325,218]	Average residential rate 2020-21 [average value of \$368,569]	Difference [average land value has increased by \$43,351]
Annual notice	\$1,551.69	\$1,586.11	\$34.42
Quarterly instalments	\$387.92	\$396.53	\$8.61

- 6 Notes that as a result of land re-valuations by the NSW Valuer General, 41,281 residential properties and 2,601 business properties will pay less in real terms in council rates in 2020/21;

CITY OF NEWCASTLE

Ordinary Council Meeting 26 May 2020

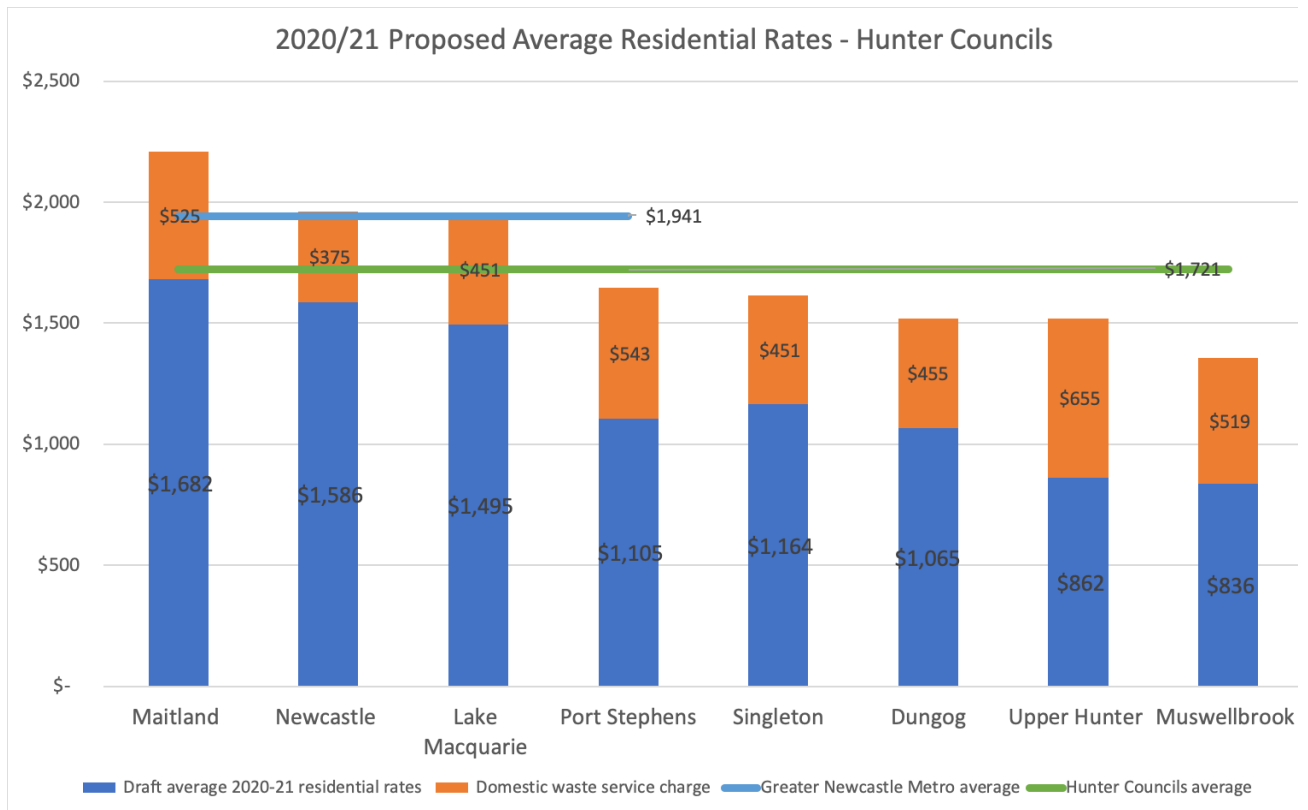
Page 72

- 7 Notes that, in addition, due to growth in the number of business ratepayers, the average Newcastle businesses' rates will fall by \$277 in 2020/21;
- 8 Notes that rate revenue funds important local infrastructure and services. Given impacts of the COVID-19 pandemic on council's financial position, including through significant decreases in other revenue (including from parking fees, airport revenue, rental income, City Hall and Civic Theatre fees and charges), rates remain critical to City of Newcastle's ability to maintain jobs, and prevent local austerity that would come with substantial, negative economic impacts for the city and region. Notes that other councils are in a similar position, and are excluded from Commonwealth JobKeeper assistance (**Attachment A**);
- 9 Notes, with concern, that there are a large number of Newcastle residents and businesses that have been adversely impacted by the COVID-19 pandemic. Notes that Council is already providing tailored financial assistance to these ratepayers, through the first \$5.5million phase of its Community and Economic Resilience Package;
- 10 Notes that while some residents have been significantly adversely impacted, this is not a universal experience. The ABS Household Survey on 1 May 2020 found that for those aged 18-64, 65.5 per cent of household's financial position improved or stayed the same [i.e. 34.5% were worse off]; and for those aged 65 years and over, 79.7% of household's financial positions improved or stayed the same [i.e. 20.3% were worse off] (**Attachment B**);
- 11 Notes that this highlights the increasing need for tailored financial hardship assistance, rather than broad-brush and poorly targeted measures that are costly to deliver, but provide very limited assistance to any household experiencing financial difficulty as a result of the COVID 19 pandemic;
- 12 Notes that across the region, **all** other Councils have indicated that they are collecting the Peg Rate amount in 2020-21:

Council	Draft average residential rates 2020-21	Draft proposed domestic waste service charges 2020-21	Total	% increase
Dungog ⁱ	\$1,065.04	\$455.00#	\$ 1,520.04	15.00%
Lake Macquarie ⁱⁱ	\$1,495.00	\$451.00	\$ 1,946.00	2.60%
Maitland ⁱⁱⁱ	\$1,682.23	\$525.35	\$ 2,207.58	7.25%
Muswellbrook ^{iv}	\$835.90	\$519.00	\$ 1,354.90	2.60%
Newcastle^v	\$1,586.11	\$374.52	\$ 1,960.63	2.60%
Port Stephens ^{vi}	\$1,104.89	\$543.00	\$ 1,647.89	2.60%
Singleton ^{vii}	\$1,164.06	\$451.00	\$ 1,615.06	2.60%
Upper Hunter ^{viii}	\$862.31	\$655.00#	\$ 1,517.31	2.60%

Note: At the time of collation, Cessnock City Council had not yet exhibited their Draft Operational Plans for 2020/21

#Dungog and Upper Hunter are in the Regional S88 Waste Levy Area, and pay \$82.70/tonne to the State Government in landfill tax. The other Councils, including Newcastle, are in the Metropolitan Levy Area and pay \$143.60/tonne in landfill tax



- 13 Notes SMH reporting, that of NSW’s 128 Councils, 126 have elected to apply the full rate peg (98% of councils)^{ix}. Notes that the remaining two Councils, MidCoast and Hilltops, were both formed after a forced merger in 2016. MidCoast Council currently has a Special Rates Variation in place, and the Hilltops Council Mayor, Cr Brian Ingram, has indicated his support for the rate peg;
- 14 Notes calls from Local Government NSW, the Committee for Sydney, the Sydney Business Chamber and the Western Sydney Business Chamber, for reform to the rating system in NSW^x. City of Newcastle has previously supported IPART’s 2016 recommendations on reform to the NSW Rating System to promote efficiency, equity, simplicity, sustainability and competitive neutrality^{xi}; and
- 15 As a policy position, Council commits to:
 - a. Apply the rate peg in 2020/21, consistent with previous years, to ensure that Council can protect local services and jobs
 - b. Continues with its phased Community and Economic Resilience Package approach, with a strong targeted focus on households that have been adversely financially impacted as result of the COVID-19 pandemic
 - c. Allocates, at a minimum, the income from the residential Rate Peg in 2020-21 (\$2.6m) to hardship measures, targeted at individual ratepayers experiencing financial hardship, including due to the COVID-19 pandemic.

BACKGROUND

Nil

ATTACHMENTS

Notice of Motion Item 10 Attachment A: 45,000 council jobs in the balance as local govt sidelined (5 April 2020)
Notice of Motion Item 10 Attachment B: Sun Herald – Sunday 3 May 2020, pg4

Notice of Motion Item 10 Attachment A

09/05/2020

45,000 council jobs in the balance as local govt sidelined - Government News

Advertisement



45,000 council jobs in the balance as local govt sidelined

5 April, 2020



Councils are being treated differently to other employers when it comes government rescue packages.

Councils say they have been left in the cold as the federal government announces a raft of coronavirus stimulus and support measures designed to keep the economy afloat.

The national local government peak ALGA says up to 45,000 jobs could be lost as a result.

President David O'Loughlin says councils have been hit hard by rate relief, facility closures and loss of parking revenue, as well as a lack of assistance from the federal government's recently announced [JobKeeper](#) and [Child Care](#) packages.

"If councils are not included under the schemes, the entitlements available to local government employees who work in facilities that have been forced to close will be less than those who work in comparable workplaces in the private and not for profit sector," he said.

"Our estimates indicate up to 45,000 workers will be lost."

Government News has learned that one Sydney Council has already identified \$5 million worth cuts by the end of the financial year and has asked staff to reduce weekly working hours to remain financially viable.

In an update to staff last Friday obtained by *Government News*, Hornsby Shire's General Manager Steven Head warns the impact of the cuts "will be directly felt by the community in the way of deferred or cancelled initiatives that we will no longer deliver".



David O'Loughlin

SHORTLIST 0

09/05/2020

45,000 council jobs in the balance as local govt sidelined - Government News

Mr Head says that projects proposed for the following year will have to be significantly cut or refocused, and staff where services are closing or being restricted will be affected.

"Our branch managers and directors are currently discussing with every team and individual an approach that will help reduce our direct staff costs, protect our overall finances and hence improve our ability to keep our permanent staff employed during and after the pandemic has subsided," the email says.

Further comment has been sought.

Concern about childcare

Local Government NSW says many essential services, including childcare, are under threat in the state because councils aren't eligible for the JobKeeper allowance, which provides employers with \$1,500 a fortnight per employee.



Linda Scott

LGNSW president Linda Scott says council-run childcare centres could be forced to close as a result of their exclusion from JobKeeper payments and a flaw in the government's \$1.6 billion free childcare package announced on Thursday.

Cr Scott says the child care initiative, designed to be complemented by the JobKeeper payment, leaves councils out of pocket because it will replace the Child Care Subsidy, which makes up to 50 per cent of their childcare revenue.

She says one Sydney council has estimated it will lose \$3 million over the next three months under the new arrangement and will struggle to keep its doors open.

"The Prime Minister must reverse a decision to deny JobKeeper payments to councils," she told *Government News*.

"Without it, we are looking at the closure of council-run childcare centres across NSW, where local government is not only the largest provider of childcare and early education services but in some regional areas the only provider.

"It is absolutely critical that councils have access to the JobKeeper assistance package, not just to help them keep their childcare centres open but to keep council staff employed right across NSW."

Commonwealth 'to provide more information'

The United Services Union also says local government has been left out of many of the government's stimulus measures.

"There is no point announcing a \$1.6 billion childcare package that promises essential workers that childcare services will be free if a major flaw in the funding model means centres in communities across the country will still be forced to close their doors," General Secretary Graeme Kelly said.

NSW local government minister Shelley Hancock said she was "acutely aware" of the impact of the childcare decision on local councils.

"I have heard from many of you already about the difficulty you are having keeping staff employed as well as providing services, such as childcare," she said in an email to councils.

"The Commonwealth has advised me that they have heard our concerns about childcare services in particular and will provide more information soon."

Concerns raised by Queensland councils

Queensland councils also say they are working with Premier Anastacia Palaszczuk to protect their 40,000 workers who have missed out on the JobKeeper program.

LGAQ CEO Greg Hallam says COVID-19 could cost the state's councils, which are already introducing measures like rate relief and fee waivers, hundreds of millions of dollars.

Among council staff affected are around 1,700 librarians who are seeking redeployment or support.

SHORTLIST 0

09/05/2020

45,000 council jobs in the balance as local govt sidelined - Government News

“Without access to JobKeeper funding, the task of supporting communities while also sustaining jobs becomes much more difficult,” he said.

“Councils need their support to not only sustain jobs but to ensure further jobs can be created when the time comes to inject further stimulus into local economies to help Queensland recover from the pandemic.”

Cr O’Loughlin says he has written to the PM asking for action.

“ALGA is pursuing this matter with urgency,” he said.

Comment below to have your say on this story.

If you have a news story or tip-off, get in touch at editorial@governmentnews.com.au.

Sign up to [the Government News newsletter](#)



Greg Hallam

Notice of Motion Item 10 Attachment B

LOCKDOWN BOOST

Millions of households now better off

Caitlin Fitzsimmons

The coronavirus lockdown is a hammer blow to the economy but millions of Australians are actually financially better off, at least for now.

Most households have the same income as before but greatly reduced expenditure, giving them the opportunity to add to savings and pay off debt, national economic figures show. A significant number of households are also better off because of stimulus payments.

It comes as the Australian Banking Association released data showing 320,000 home owners have been approved for a deferral on their mortgages. In total, banks have deferred \$5.9 billion worth of business, mortgage and other loan repayments.

Since the start of the pandemic, banks have also provided \$45 billion in new loans to businesses, including nearly \$8.5 billion to 23,000 small businesses and another \$6 billion in extended credit.

Luisa Low, 29, who works at a university, and her husband Richard Moore, 32, who works in advertising, are among the Sydneysiders who have found themselves getting ahead.

The couple from Normanhurst recently bought their first home, a semi in Marrickville, and will have savings left over after they pay the deposit and stamp duty. They plan to keep it in their offset account and use it for renovations later.

"We don't know what's going to happen to the economy and our jobs later down the track, but right now we're in a better financial position than we thought we'd be just by virtue of the fact that we can't do anything," Ms Low said. "We weren't that bad before but there are things you can't help spending



money on, like a close friend's birthday or catching the train to work."

The couple's experience with enforced saving is reflected in the wider economy.

Figures from the Commonwealth Bank confirm household spending is down far more than household income. Based on the bank's credit and debit card transactions, overall spending for the week ended April 17 was 18 per cent lower than a year ago.

Meanwhile, Australian Bureau of Statistics figures show wages and salaries have fallen by far less - total wages paid by businesses decreased by

Getting ahead: First-home buyers Richard Moore and Luisa Low are saving money during the virus lockdown. Photo: Louise Kennerley

6.7 per cent between March 14 and April 4, the three weeks after Australia's 100th confirmed COVID-19 case.

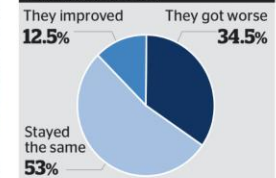
Brendan Coates, the program director for household finances at the Grattan Institute, said precautionary saving made sense for individuals but would make the recession deeper.

"People are worried about what might happen and so the natural response is to get ahead and save more to build up those buffers just in case you need them down the line," Mr Coates said.

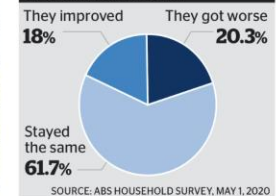
He said people who had good balance sheets before the pandemic and

FINANCIAL HEALTH CHECK
How were your household finances affected by the COVID-19 shut down?

Those aged 18 to 64



Those aged 65 and over



SOURCE: ABS HOUSEHOLD SURVEY, MAY 1, 2020

managed to get through the crisis unscathed, could "come out the other side and make a lot of money". This occurred after the global financial crisis and a COVID-19 recession would be "no different".

Household income actually rose in April. Commonwealth Bank head of Australian economics Gareth Aird said so far the decrease in salaries and wages was more than offset by an increase in government benefits.

He said the savings rate will "rise massively" over the second quarter of the year, though the outlook over the next six months was uncertain.

ITEM-11 NOM 26/05/20 - SKILLED WORK REGIONAL VISA (491) AND CHANGES IMPACTING THE CITY OF NEWCASTLE

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 Wednesday 13 May 2020 from the abovenamed Councillors.

MOTION

That Council:

- 1 Receives the letter from Newcastle resident, former Gosford Mayor and former DPC Regional Director, Tony Sansom OAM, regarding the Skilled Work Regional Visa (491) and changes impacting the City of Newcastle (**Attachment A**);
- 2 Notes that the Skilled Work Regional Visa (491) is a Commonwealth immigration visa available to non-citizens who live, work and study in a designated regional area, have an occupation on a relevant skilled occupation list, and are sponsored by a state or territory government;
- 3 Notes that under the [Commonwealth Government's definition](#), residents of Newcastle and Lake Macquarie are eligible for the 491 Visa, as Newcastle is defined as a "designated regional area" alongside the cities of Perth, Adelaide, the Gold Coast, Canberra, Wollongong, Geelong and Hobart;
- 4 Notes with alarm that, despite the Commonwealth definition, residents of the City of Newcastle may not have their application be supported by the NSW Government, as for the purpose of this Visa, NSW considers Newcastle to be "metropolitan". Residents of Lake Macquarie are however eligible. This means that, for example, a resident of Adamstown would be ineligible for a 491 Visa, but a resident of Adamstown Heights would be eligible;
- 5 Notes that the NSW Government does not have a consistent definition for whether the Newcastle LGA is 'regional' or 'metropolitan', instead making unique determinations on the particular grant scheme or policy. For example, sports grants, seniors travel cards, and arts funding;
- 6 Notes that this lack of consistency has a detrimental impact on the economy of the Hunter, including residents who work or interact with businesses in the Newcastle local government area;
- 7 Notes that this provides significant uncertainty for visa holders and applicants, especially those currently working in Australia during the COVID crisis;

- 8 Notes that the NSW Government's policy changes disproportionately impact Novocastrians, including international graduates of the University of Newcastle seeking to remain in Newcastle following the completion of their studies, or prospective students seeking to study at Nihon University in Newcastle;
- 9 Writes to the Premier, Deputy Premier and Minister for Regional NSW, Minister for Jobs, Investment, Tourism and Western Sydney, and Leader and Deputy Leader of the Opposition, and State Members for Wallsend, Newcastle and Charlestown, requesting policy amendments to ensure Newcastle and Wollongong are considered regional for the purposes of the 491 Visa, as per the Commonwealth definition; and
- 10 Shares a copy of this motion with the University of Newcastle, Hunter Business Chamber, Hunter Joint Organisation and Committee for Hunter, seeking joint advocacy for a solution.

BACKGROUND

Nil

ATTACHMENTS

Notice of Motion Item 11 Attachment A: Letter from Newcastle resident, former Gosford Mayor and former DPC Regional Director, Tony Sansom OAM

Notice of Motion Item 11 Attachment A

P.O. Box [REDACTED]
Newcastle NSW 2300

Phone: [REDACTED]
Email: [REDACTED]

Subject: Skilled Work Regional Visa (491) program

Good morning Lord Mayor Nelmes

I hope my letter to you finds you safe and well.

I seek your urgent assistance with an issue which directly effects Newcastle City Council area and potentially other parts of the Hunter region.

Currently the NSW Government has a review underway on how the State Government will respond to the Federal Governments Skilled Work Regional Visa (491) program. I understand a decision will be made shortly.

Each State must provide its support for a 491visa application that an applicant will make to the Department of Home Affairs.

This support is called "State Nomination".

Each state has a quota of 491 State Nominations they can provide each year. Therefore, each state sets its own policies on *how* they will filter/ prioritise which applicants they will grant the "State Nomination" to.

The current NSW thinking is to connect/link the 491visa to Special Activation precincts (SAP). Current SAP have been identified which are all currently located west of the ranges. The establishment of a SAP is directly connected to the spending of the \$4.2billion Snowy Hydro win fall for NSW.

I have included the link to the NSW Government website for further information on the current list of Special Activation Precincts.

<https://www.nsw.gov.au/snowy-hydro-legacy-fund>

Skilled Work Regional Visa (491) was introduced by the Federal Government Department of Home Affairs to push migration to the regional areas. Almost every occupation thinkable is on a list for this visa. And now many cities not previously deemed to be Regional are now correctly classified as Regional, including Newcastle and Lake Macquarie.

In respect of the classification of "Regional" for the purposes of Skilled Work Regional Visa (491), I can confirm that Lake Macquarie and Newcastle are included – see here: <https://immi.homeaffairs.gov.au/visas/working-in-australia/regional-migration/eligible-regional-areas>

The following is an extract from the Federal Governments Home Affairs website relating to designated regional areas:



Designated regional areas

The regional definition is comprised of 3 categories and offers regional incentives for skilled migrants who migrate to locations classified as Category 2 'Cities and Major Regional Centres' or Category 3 'Regional Centres and Other Regional Areas':

- Category 2 – 'Cities and Major Regional Centres' of Perth, Adelaide, the Gold Coast, the Sunshine Coast, Canberra, Newcastle/Lake Macquarie, Wollongong/Illawarra, Geelong and Hobart have access to the following regional incentives:
 - Access to the dedicated 25,000 regional places
 - Priority processing of regional visas
 - Access to the Regional Occupations List – more jobs compared to non-regional lists
 - International graduates with a bachelor or higher qualification from a regional campus of a registered institution will be eligible to access additional year in Australia on a post-study work visa
- Category 3 – 'Regional Centres and Other Regional Areas' will also have access to the dedicated 25,000 regional places, priority processing of regional visas, and the Regional Occupations List. Additional incentives include:
 - International graduates with a bachelor or higher qualification from a regional campus of a registered institution will be eligible to access an additional 2 years in Australia on a post-study work visa.
 - Priority in negotiating region-specific Designated Area Migration Agreements (DAMAs)

The major issue for Newcastle and Wollongong, is the current NSW Government does not recognise both cities as Regional however Lake Macquarie is classified as regional. The rollout of the \$1.3billion NSW Regional Growth funds, both Newcastle and Wollongong were excluded with exception of Resources for Region Program relating to mining effected areas. Another example is the \$250 pensioner travel subsidy, both Newcastle City and Wollongong City were also excluded.

Put simply, international students need a pathway to Permanent Residence. They can only do this through Skilled, Employer-sponsored or Partner visas. Skilled is highly competitive. Employers were reluctant, and will be more so now. Partner visas have high rate of refusal, due to non-genuine relationships, even with marriage evidence.

Queensland has a Small Business Owner "stream" of their 491 State Nominations criteria. See here: <https://migration.qld.gov.au/skilled-visa-options/im-operating-a-small-business-in-regional-queensland/>

I am advised NSW Government has no intention to develop a policy to set a Small Business Owner stream. Their rationale is they have so many students in Sydney they will have more applications than quota, so they don't need a special policy that drives Investment into regional areas. I would have thought it is about the quality of the application and benefits to regional areas, not the numbers.

If a 491visa applicant had a letter of support from a Newcastle or Lake Macquarie Regional Council/ Recognised Organisation, their existing investment into a Regional Business was highly welcomed and expected to save & create new jobs, I am fairly confident that the NSW Skilled Migration Team would prioritise the state nomination. This is all about jobs. Which has become even more important in recent times. The 491 is a Regional Visa. If the NSW Government will not set a policy, then it is vitally important they don't exclude the SBO stream for Regional NSW including Newcastle and Wollongong.

If the NSW government ignores an SBO stream then we lose Investment to Qld.

At this time, QLD's 491 SBO program is providing much needed capital to existing owners and preserving jobs. Consider this: Under QLD's 491 SBO program the owner will receive \$100,000 purchase of existing business and the business will also receive, on average, \$200,000 in respect of the required working capital injection to employ staff, pay landlords and keep the business running.

Expert advice has been provided to me where I believe that NSW could adopt a similar SBO program with some important modifications which will strengthen the stream. Advice is as follows:

"1) Increase the investment amount to a total of \$300,000, with only \$100,000 of the amount allowed to be paid to the owner directly. Therefore, spreading the benefit to the workers in the business.

2) Remove the requirement for the purchase to be 100% of the business. Instead, allow for business owners to negotiate the value of the business and allow for the business owner to continue to oversee the proper functioning of the business to ensure sustained jobs.

3) Allow for up to three (3) 491 applicants to join the same business, each providing a minimum of \$300,000.

E.g. A business worth \$1,000,000 in December 2019 might have a net profit of \$200,000 (at 5x valuation). That business today might be loss making (due to drop in revenues and high rental costs). The value of the company may be agreed at \$600,000.

By accepting 2 x 491 applicants into this business the owner could receive \$200,000 for a 33% share in the company and the business would be given \$400,000 in working capital (by way of loan capital from the 491 applicants). Each 491 applicant would end up with 16.7% of the company. The owner would still retain 67% and be incentivised to keep the business going.

I have several other suggestions on how to identify the companies in regional areas that are most suitable for these type of arrangements and how we can ensure the industry's most in need of jobs preservation receive this benefit. These ideas include piggy-backing on the great practical work done by Export Market Development Grant recipients".

Summing up, the three main issues are:

- 1. The NSW Government must reverse its previous classification where Newcastle and Wollongong cities are classified as non-regional. This may require legislation.**
- 2. The allocation of 491visa is not restricted or wholly targeted to Special Activation Precincts (SAP) as this will impact on other regional centres who need skilled workforce and investment. Including investment in Sporting facilities eg Nihon University/Broadmeadow Sports precinct as an example.**
- 3. Small Business owner stream should not be excluded as we will lose investment to QLD**

Apologies for length however needed to provide full background. Happy to discuss further.

Urgent representations need to be made to the NSW Deputy Premier and the NSW Minister Ayres.

Best wishes

Tony Sansom OAM

CC Deputy Lord Mayor Councillor Declan Clausen

ⁱ <https://www.dungog.nsw.gov.au/sites/dungog/files/public/documents/DRAFT%20OP%20PLAN%2020-21%20EXHIBITION.pdf> & https://singleton.infocouncil.biz/Open/2020/CM_20042020_AGN_AT.PDF

ⁱⁱ <https://www.lakemac.com.au/files/assets/public/council/council-meeting-documents/2020/sp023-attachment-2-draft-2020-2021-operational-plan-and-budget.pdf>

ⁱⁱⁱ <https://www.maitland.nsw.gov.au/file/69006/download?token=KDP8N0Ye>

^{iv} <https://www.muswellbrook.nsw.gov.au/index.php/component/edocman/?task=document.viewdoc&id=2193&Itemid=>

^v https://www.newcastle.nsw.gov.au/Newcastle/media/Public-Exhibitions/Our%20Budget/Our-Budget_2020_21.pdf?ext=.pdf

^{vi} <https://www.portstephens.nsw.gov.au/trim/council-minutes-2020?RecordNumber=20%2F89949>

^{vii} https://singleton.infocouncil.biz/Open/2020/CM_20042020_AGN_AT.PDF

^{viii} <http://portal.singleton.nsw.gov.au/RedDocServ24/default.aspx?DocID=9siWB4b5x1k%3d>

^{ix} https://singleton.infocouncil.biz/Open/2020/CM_20042020_AGN_AT.PDF

^x <https://www.smh.com.au/politics/nsw/nsw-councils-back-broader-reform-of-rate-pegging-system-20200507-p54qj.html>

^{xi} <https://www.smh.com.au/politics/nsw/nsw-councils-to-be-given-more-flexibility-over-rates-20200505-p54q00.html>

^{xii} <https://www.ipart.nsw.gov.au/files/sharedassets/website/shared-files/investigation-section-9-legislative-review-of-the-local-government-rating-system/final-report-review-of-the-local-government-rating-system-december-2016.pdf>

& https://www.ipart.nsw.gov.au/files/sharedassets/website/shared-files/investigation-section-9-submissions-review-of-the-local-government-rating-system/online_submission_-_newcastle_city_council_-_q_cousins_-_13_may_2016_150342785.pdf