



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 22 February 2022

TIME: 6.00pm

VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

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

16 February 2022

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**ORDINARY COUNCIL MEETING
22 February 2022**

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

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 18 JANUARY 2022

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 220118 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 audio visual conferencing platform Zoom on Tuesday 18 January 2022 at 6.02pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church, D Clausen, C Duncan, J Mackenzie, C McCabe, C Pull, D Richardson, K Wark, P Winney-Baartz and M Wood.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), K Hyland (Interim Director Strategy and Engagement), H Sexton (Acting Manager Legal), A Knowles (Councillor Services/Minutes), K Neveltsen (Councillor Services/Meeting Support), G Axelsson (Information Technology Support), R Garcia (Information Technology Support) and U Bansal (Information Technology Support).

WELCOME TO COUNTRY

The Lord Mayor welcomed Aunty Cheryl to the first meeting of the Council term.

Aunty Cheryl delivered a formal welcome to Country.

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.

ATTENDANCE VIA AUDIO VISUAL MEANS

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

1. Notes tonight's Inaugural Council meeting of 18 January 2022 is livestreamed on Council's website providing for access to members of the public;
2. Notes the unprecedented public health risks facing the community as a result of the COVID-19 pandemic, and in the interests of the health and safety of the public, Councillors and staff, permits all Councillors to attend the Ordinary Council meeting of 18 January 2022 by audio visual means.

**Carried
unanimously**

APOLOGIES

Nil.

OATH OF OFFICE

The Chief Executive Officer confirmed that all Councillors had made the appropriate Oath or Affirmation of Office in accordance with the Local Government Act prior to attending the meeting.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Clausen

Councillor Clausen declared a non-significant pecuniary interest in Item 3 – Appointment of Councillor Representative to External Committees, recommendation 1(iv) to the Hunter Water Customer and Community Advisory Group due to his employment with Hunter Water and managed the conflict by leaving the meeting for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - BRIEFING COMMITTEE 16 NOVEMBER 2021

MINUTES - ORDINARY COUNCIL 23 NOVEMBER 2021

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

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

**Carried
unanimously**

LORD MAYORAL MINUTE

**ITEM-1 LMM 18/01/22 - CONGRATULATING NEW AND RETURNING
 COUNCILLORS**

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Notes that election for this new term of Council was held on 4 December 2021, with the following results declared by the NSW Electoral Commission:
 - i) Lord Mayor Nuatali Nelmes (Labor) declared elected as Lord Mayor on 21 December 2021.
 - ii) The following candidates were declared elected on 23 December 2021:
 - Ward 1
 Declan Clausen (Labor)
 John Church (Ind)
 Dr John Mackenzie (Green)

- Ward 2
Carol Duncan (Labor)
Jenny Barrie (Liberal)
Charlotte McCabe (Green)

- Ward 3
Peta Winney-Baartz (Labor)
Katrina Wark (Liberal)
Margaret Wood (Labor)

- Ward 4
Deahanna Richardson (Labor)
Dr Elizabeth Adamczyk (Labor)
Callum Pull (Liberal)

- 2 Congratulates all successful candidates and welcomes them to the Chamber as City of Newcastle Councillors;

- 3 Welcomes the following first term Councillors and extends an opportunity to them to address the Chamber upon their election as a new City of Newcastle Councillor:
 - i) Cr Dr Elizabeth Adamczyk
 - ii) Cr Deahanna Richardson
 - iii) Cr Margaret Wood
 - iv) Cr Jenny Barrie
 - v) Cr Charlotte McCabe
 - vi) Cr Katrina Wark
 - vii) Cr Callum Pull

Carried

Councillors Adamczyk, Barrie, McCabe, Pull, Richardson and Wood addressed Council as new City of Newcastle Councillors.

ITEM-2 LMM 18/02/22 - COVID-19 OMICRON VARIANT

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Notes the significant public health and economic consequences to Newcastle of the current national outbreak of the Omicron variant of COVID-19.

- 2 Notes reports that up to half of the NSW workforce have been absent from their duties due to the current outbreak, causing severe supply chain disruption across many industries, and direct economic impacts worse than the 2020 and 2021 mandated lockdowns.

- 3 Notes the withdrawal of State and Commonwealth support from many impacted industries, the redefinition of COVID contacts, and the difficulty and expense of accessing Rapid Antigen Tests (RATs).

- 4 Receives and endorses correspondence from the Australian Council of Social Services (ACOSS) sent to National Cabinet regarding the current COVID-19 Omicron outbreak (Attachment A), which calls for:
 - a. The establishment of a civil society COVID Rapid Response Group
 - b. Universal, reliable, and free access to Rapid Antigen Tests (RAT), and the equitable and reliable supply in the community of appropriate personal protective equipment (PPE)
 - c. Fast and equitable access to vaccination for Children, especially those aged 5 to 11 years of age with a focus on at risk families, and those people who live with disability
 - d. Provision of safe accommodation for children whose parents require hospitalisation because of COVID-19, where there is no parent or guardian available
 - e. To immediately suspend mutual obligations for JobSeeker recipients, and extend paid pandemic leave to all essential workers
- 5 Expresses deep concern that NSW Health is no longer publishing daily COVID statistics for the Hunter-New England region, including the Newcastle LGA
- 6 Writes to the NSW Premier and Minister for Health urging the reinstatement of reporting of daily case numbers for Newcastle.

AMENDMENT

Moved by Cr Mackenzie

Amend point six to read:

- 6 Writes to the NSW Premier and Minister for Health:
 - a. urging the reinstatement of reporting of daily case numbers for Newcastle; and
 - b. seeking an assessment of the specific public health risks of the upcoming Newcastle 500 Supercars' street circuit event, and a review of the Supercars COVID-19 Safety Plan in terms of mitigating identified potential public health risks.

The Lord Mayor accepted the amendment as part of the motion.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, Mackenzie, McCabe, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion:

Councillor Pull.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-1 CCL 18/01/22 - APPOINTMENT OF DEPUTY LORD MAYOR

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That the motion be dealt with in seriatim.

**Carried
unanimously**

PART 1

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council elect the Deputy Lord Mayor for a term of office commencing on 18 January 2022 and concluding on the day before the next government election.

AMENDMENT

Moved by Cr Mackenzie, seconded by Cr McCabe

Council appoint the Deputy Lord Mayor from 18 January 2022 until the meeting of 26 July 2022.

For the Amendment: Councillors Barrie, Church, Mackenzie, McCabe and Pull.

Against the Amendment: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Richardson, Wark, Winney-Baartz and Wood.

Defeated

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

Carried

PART 2

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council elect the Deputy Lord Mayor by a process of open voting, in accordance with the Local Government (General) Regulation 2021.

**Carried
unanimously**

The Chief Executive Officer announced that nominations had been received for the position of Deputy Lord Mayor from Councillors Barrie and Clausen.

The Lord Mayor put the nominations to Council and called for voting by show of hands. The Chief Executive Officer recorded the votes.

The Chief Executive Officer reported back to Council that Councillor Clausen received nine votes and Councillor Barrie four votes.

PART 3

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Councillor Clausen is elected as Deputy Lord Mayor for the duration of current the Council term.

Carried

ITEM-2 CCL 18/01/22 - COUNTBACK ELECTION

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Determines, pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and
- 2 Authorises the Chief Executive Officer (CEO) to notify the New South Wales Electoral Commission of Council's decision within seven days of the decision.

Carried

ITEM-3 CCL 18/01/22 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO EXTERNAL AND CITY OF NEWCASTLE COMMITTEES

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Appoints Councillor members to the following external committees for the current Council term:
 - i *Councillor Peta Winney-Baartz* to the Fort Scratchley Historical Society Incorporated.

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- ii *Councillor Dr John Mackenzie and Councillor Peta Winney-Baartz, and alternate members Councillor Carol Duncan, Councillor Dr Elizabeth Adamczyk and Councillor Callum Pull to the Hunter and Central Coast Regional Planning Panel.*
- iii *Councillor Peta Winney-Baartz to the Hunter Sports Centre Incorporated.*
- iv *Councillor Declan Clausen to the Newcastle Art Gallery Foundation Board.*
- v *Councillor Deahna Richardson and Councillor Peta Winney-Baartz as an alternate member to the Newcastle City Traffic Committee.*
- vi *Councillor Carol Duncan to the NSW Public Libraries Association.*

- 2 Appoints Councillors to the following Strategic Advisory Committees for the duration of the current Council term:

<i>Committee title</i>	<i>Chairperson</i>	<i>Deputy Chairperson</i>	<i>Councillor</i>
Community and Culture Advisory Committee	<i>Cr Carol Duncan</i>	<i>Cr Margaret Wood</i>	<i>Cr Jenny Barrie</i>
Infrastructure Advisory Committee	<i>Cr Peta Winney-Baartz</i>	<i>Cr Deahna Richardson</i>	<i>Cr Katrina Wark</i>
Liveable Cities Advisory Committee	<i>Cr John Mackenzie</i>	<i>Cr Dr Elizabeth Adamczyk</i>	<i>Cr John Church</i>
Strategy and Innovation Advisory Committee	<i>Cr Declan Clausen</i>	<i>Cr Charlotte McCabe</i>	<i>Cr Callum Pull</i>

- 3 Appoints three (3) Councillors to CN's standing committees for the duration of the current Council term:

<i>Committee title</i>	<i>Councillor Member</i>	<i>Councillor Member</i>	<i>Councillor Member</i>
Access Inclusion Advisory Committee	<i>Cr Margaret Wood (Councillor Co-Chair)</i>	<i>Cr Katrina Wark</i>	<i>Cr Dr Elizabeth Adamczyk</i>
Asset Advisory Committee	<i>Cr Nuatali Nelmes (Chair)</i>	<i>Cr Declan Clausen (Deputy Chair)</i>	<i>Cr Jenny Barrie</i>
Guraki Aboriginal Advisory Committee	<i>Cr Deahna Richardson</i>	<i>Cr Charlotte McCabe</i>	<i>Cr Peta Winney-Baartz</i>
Youth Council (Advisory Committee)	<i>Cr Callum Pull</i>	<i>Cr Deahna Richardson</i>	<i>Cr Charlotte McCabe</i>
Public Art Advisory Committee	<i>Cr Carol Duncan</i>	<i>Cr John Mackenzie</i>	<i>Cr Peta Winney-Baartz</i>

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- 4 Appoints two (2) Councillors and two (2) to the Audit and Risk Committee for the duration of the current Council term:

<i>Committee title</i>	<i>Councillor Member</i>	<i>Councillor Member</i>	<i>Alternate Councillor Member</i>	<i>Alternate Councillor Member</i>
Audit and Risk Committee	<i>Cr Dr John Mackenzie</i>	<i>Cr Carol Duncan</i>	<i>Cr Declan Clausen</i>	<i>Cr Callum Pull</i>

**Carried
unanimously**

ITEM-4 CCL 18/01/22 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO HUNTER WATER CUSTOMER AND COMMUNITY ADVISORY GROUP

Councillor Clausen left the meeting for discussion on the item.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council appoints Councillor Dr Elizabeth Adamczyk as member, and Councillor Callum Pull as alternate member to the Hunter Water Customer and Community Advisory Group.

Carried

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

ITEM-5 CCL 18/01/22 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 Endorse the motions for submission to the 2022 LGNSW Special Conference as set out at **Attachment A**.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Mackenzie

That the vote be taken in seriatim.

Carried

1 PROPERTY DEVELOPERS AND REAL ESTATE AGENTS IN LOCAL GOVERNMENT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council endorse Motion 1 for submission to the 2022 LGNSW Special Conference:

That Local Government NSW:

1. Notes that in November 2021, the NSW Legislative Council successfully passed a Bill to amend the Local Government Act to disqualify real estate agents and property developers from holding elected positions on local councils;
2. Notes that City of Newcastle supported a motion on 27 July 2021, that endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office;
3. Notes that the now NSW Treasurer, the Hon. Matt Kean MP, likened allowing property developers to be elected as local Councillors to “putting Dracula in charge of the blood bank” due to the planning decisions taken by Councils;
4. Writes to the Premier, the Treasurer and the Minister for Local Government requesting their support to amend the Local Government Act to prohibit property developers and real estate agents from running for elected local government positions.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Winney-Baartz and Wood.

Against the Motion:

Councillors Barrie, Church, Pull and Wark.

Carried

Councillor Richardson was not present at the meeting when the vote was taken.

2 REMOVE CRIPPLING RATE PEGGING IN NSW

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

Endorse Motion 2 for submission to the 2022 LGNSW Special Conference.

That Local Government NSW:

1. Reiterates the long-held position that Rate Pegging is crippling Councils in NSW, and that this problem has been further exacerbated by the recent IPART baseline rate cap of just 0.7% (rising for Councils experiencing population growth), which is lowest rate cap in more than 20 years and is a kick in the guts to local Councils who are already working hard to help their communities recover from the economic and social impacts of the ongoing COVID-19 pandemic;
2. Notes that City of Newcastle's 1.2% (accounting for population growth) cap, will have significant repercussions on local services to the community and will leave NSW's second largest city with a reduction in compounded income of more than \$15 million over the next ten years.
3. Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel, while further noting that IPART has also decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to Council workers for 2022, leaving local Councils even further out of pocket as yet more costs are shifted to local government;
4. Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging include the loss of an estimated \$15 billion in rate revenue, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;
5. Writes to the new Minister for Local Government, advocating for the removal of universal Rate Pegging in NSW, allowing duly elected Councils to set rates, in consultation with their communities, noting that the baseline rate cap of just 0.7% in 2022 is set to have a devastating economic and social impact for many local Councils and the communities they serve.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Richardson, Winney-Baartz and Wood.

Against the Motion:

Councillors Barrie, Church, Pull and Wark.

Carried

3 RE-ESTABLISHING FIXED 4-YEAR TERMS FOR LOCAL GOVERNMENT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

Endorse Motion 3 for submission to the 2022 LGNSW Special Conference.

That Local Government NSW:

1. Notes that the current term of Council is yet another irregular term and will fall well short of a fixed 4-year term, with the next Local Government election scheduled to take place in September 2024;
2. Notes that two consecutive Council terms have been disrupted due firstly to Council amalgamations and then to the global COVID-19 pandemic;
3. Advocates for the return to a fixed 4-year term for the current Council term with the next election to be held in September 2025;
4. Notes that re-establishing a fixed 4-year term would enable Local Government elections to be held every second year between fixed State Government elections (2 years after the 2023 State Government election), ensuring that voters, and the NSW Electoral Commission, are not fatigued by back-to-back elections, and that Local Councils are able to fulfill their critical statutory obligation of implementing a full, 4-year delivery program of each Councils adopted Community Strategic Plan (CSP);
5. Writes to the new Minister for Local Government, advocating for the re-establishment of a fixed 4-year term, with an amendment to the Local Government Act to enable the next Council elections to be held in September 2025, noting the aforementioned benefits of providing a 2-year gap between Local and State elections, and the delivery of a full, 4-year delivery program of current adopted CSPs.

**Carried
unanimously**

ITEM-6 CCL 18/01/22 - PUBLIC EXHIBITION OF DRAFT COMMUNITY STRATEGIC PLAN

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1 Place the draft Newcastle 2040 as at **Attachment A** on public exhibition for a minimum 28 days.

Carried

The meeting concluded at 8.14pm.

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/IMPLICATION

7 Disclosures received from Councillors, Executive Leadership Team, and Audit and Risk Committee members are made publicly available on CN's website. Disclosures of other designated persons may be accessed by the public on request, in accordance with the GIPA Act.

RISK ASSESSMENT AND MITIGATION

8 Tabling of the Register supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements.

RELATED PREVIOUS DECISIONS

9 At the Ordinary Council Meeting held on 23 November 2021, Council noted the tabling of the Register for the period 1 August 2021 to 31 October 2021.

CONSULTATION

10 No consultation was required as this is a statutory process under the Codes of Conduct for Councillors and for Staff.

BACKGROUND

11 Nil.

OPTIONS

Option 1

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

Option 2

13 Council does not adopt the recommendation. The Codes of Conduct for Councillors and for Staff requires the Disclosures to be tabled at a Council meeting. Failure to do so may constitute a breach of the Code. This is not the recommended option.

REFERENCES

CN's Codes of Conduct for Councillors and for Staff

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

ATTACHMENTS

Item 7 Attachment A: Register of Disclosures of Interest to be tabled

ITEM-8 CCL 22/02/22 - ADOPTION OF CODE OF CONDUCT AND ASSOCIATED PROCEDURES

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER LEGAL

PURPOSE

To adopt Codes of Conduct and Procedures for the Administration of the Code of Conduct.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 5 City of Newcastle's (CN's) Codes of Conduct set the minimum requirements of conduct for Council officials in carrying out their functions (as prescribed by the Local Government (General) Regulation 2021 (the Regulation)). CN's Codes of Conduct and Procedures for the Administration of the Code of Conduct (Procedures) are consistent with the Model Code of Conduct for Local Councils in NSW (Model Code) and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Model Procedures) prescribed by the Office of Local Government (OLG) under the Regulation.
- 6 The Codes of Conduct and Procedures strengthen governance and leadership by providing clear guidance about appropriate standards of behaviour to meet community expectations of elected officials and staff.
- 7 CN must review and adopt its Codes of Conduct and Procedures within the first 12 months of each council term. There are no proposed changes to the current Codes of Conduct and Procedures.

- 8 The Minister for Local Government has initiated an independent review of the framework for dealing with councillor misconduct in NSW. The review is examining the process for making complaints, the investigation process, the timeliness of disciplinary action, and the efficacy of the disciplinary action and penalties available. CN will respond to any changes that may emerge from this review.

FINANCIAL IMPACT

- 9 The cost to CN for the engagement of external Conduct Reviewers is provided for in CN's adopted Our Budget 2021/22.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 Adoption of the Codes of Conduct and Procedures is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Open and Collaborative Leadership

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

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

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

Open and Transparent Governance Strategy

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The Codes of Conduct and Procedures will be made publicly accessible via CN's website.
- 12 Any complaint will be assessed in accordance with the relevant Code of Conduct and Procedures in force at the time the conduct complained of is alleged to have occurred.

RISK ASSESSMENT AND MITIGATION

- 13 Adopting the Codes of Conduct and Procedures assists Council staff and Councillors to meet the standards and requirements outlined in the Local Government Act 1993, the Regulation, the Model Code and Model Procedures.

RELATED PREVIOUS DECISIONS

- 14 At the Ordinary Council meeting held on 22 September 2020, Council adopted the (current) Codes of Conduct and Procedures.

CONSULTATION

- 15 There is no requirement for public exhibition as the Model Codes and Model Procedures are prescribed by the OLG.

BACKGROUND

- 16 There have been no further changes to the Model Code and Model Procedures since the adoption of the current Codes of Conduct and Procedures in 2020.

OPTIONS

Option 1

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

Option 2

- 18 Council does not adopt the Codes of Conduct and Procedures provided at Attachment A, B, C and D. In this instance, CN would continue to be bound by the current Codes of Conduct and Procedures adopted by the former Council.

REFERENCES

Model Code of Conduct for Local Councils in NSW

<https://www.olg.nsw.gov.au/councils/governance/model-code-of-conduct/model-code-of-conduct-and-procedures-2020/>

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

<https://www.olg.nsw.gov.au/councils/governance/model-code-of-conduct/model-code-of-conduct-and-procedures-2020/>

Terms of Reference – Independent review of the effectiveness of the framework for dealing with councillor misconduct in NSW

<https://www.olg.nsw.gov.au/wp-content/uploads/2021/06/Terms-of-reference.pdf>

ATTACHMENTS

- | | |
|----------------------------|--|
| Item 8 Attachment A | Code of Conduct for Councillors |
| Item 8 Attachment B | Code of Conduct for Staff |
| Item 8 Attachment C | Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors |
| Item 8 Attachment D | Procedures for the Administration of the Code of Conduct |

Item 8 Attachments A - D distributed under separate cover

ITEM-9 CCL 22/02/22 - AUDIT AND RISK COMMITTEE ANNUAL REPORT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER LEGAL

PURPOSE

To table the Audit and Risk Committee (Committee) Annual Report for the 2020/2021 financial year and note the 2021/2022 Forward Internal Audit Plan.

RECOMMENDATION

That Council:

- 1 Receives the Audit and Risk Committee's Annual Report for the 2020/2021 financial year at **Attachment A**; and
- 2 Notes the 2021/2022 Forward Internal Audit Plan at Appendix A of Attachment A.

KEY ISSUES

- 3 The Committee is required to report annually to Council in accordance with the Committee Charter and Office of Local Government's (OLG) Internal Audit Guidelines.
- 4 The Committee provides independent oversight and monitoring of City of Newcastle's (CN) Internal Audit function as part of the organisational governance framework.

FINANCIAL IMPACT

- 5 External Committee members are remunerated for their services. CN co-sources its internal audit function through the engagement of an external service provider. All expenses were within the 2020/2021 adopted budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The tabling of the Annual Report is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan:

Open and Collaborative Leadership

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

7 The Committee will meet in 2022 as follows:

- i) 3 March 2022
- ii) 2 June 2022
- iii) 8 September 2022
- iv) 6 October 2022
- v) 1 December 2022

RISK ASSESSMENT AND MITIGATION

- 8 CN has an Enterprise Risk Management Framework which provides a consistent and structured approach to identifying, managing and embedding risk management into strategic and operational processes.
- 9 CN's Internal Audit function is a key control to identifying, managing and mitigating risks. Internal Audit works in collaboration with senior management to create value by identifying opportunities to improve the efficiency and effectiveness of business operations. The Committee provides oversight to the Internal Audit function and risk management process receiving reports on a quarterly basis.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 23 February 2021, Council received the Audit and Risk Committee Annual Report for the 2019/2020 financial year.

CONSULTATION

- 11 The Annual Report was approved by the Committee at its meeting held on 11 November 2021.

BACKGROUND

- 12 The Committee provides independent oversight and monitoring of CN's Internal Audit function as part of the organisational governance framework. This oversight includes evaluating and improving the effectiveness of risk management, internal controls and governance processes, fraud and corruption, internal and external reporting, and internal and external audit and compliance. Internal Audit partners with Service Units and Executive Leadership Team to deliver recommendations for improvement across the organisation.
- 13 The Committee's membership of three (3) independent members and two (2) Councillors is in accordance with the OLG's Internal Audit Guidelines (September 2010) and the Audit and Risk Committee Charter (approved by Council at the Ordinary Council Meeting held on 27 February 2018).

OPTIONS

Option 1

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

Option 2

15 Council does not adopt the recommendations. This is not the recommended option.

REFERENCES

Office of Local Government - Internal Audit Guidelines

<https://www.olg.nsw.gov.au/wp-content/uploads/Internal-Audit-Guidelines-September-2010.pdf>

Audit and Risk Committee Charter

<https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Legal%20and%20Governance/Audit%20Committee/Audit-and-Risk-Committee-Charter.pdf>

ATTACHMENTS

Item 9 - Attachment A: Audit and Risk Committee Annual Report 2020/2021

Item 9 Attachment A distributed under separate cover

ITEM-10 CCL 22/02/22 - ADOPTION OF THE DISABILITY INCLUSION ACTION PLAN

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

PURPOSE

To adopt the Disability Inclusion Action Plan 2022-2026.

RECOMMENDATION

That Council:

- 1 Adopt the Disability Inclusion Action Plan 2022-2026 at Attachment A.

KEY ISSUES

- 2 City of Newcastle (CN) publicly exhibited the draft Disability Inclusion Action Plan (DIAP) from 24 November 2021 to 10 January 2022 consistent with Council's resolution of 26 October 2021.
- 3 Exhibition of the draft DIAP resulted in a total of 20 submissions, which are summarised and responded to in **Attachment B**.
- 4 Some minor changes to the draft DIAP as a result of the exhibition period are also noted in **Attachment B** as Appendix IV.
- 5 The DIAP is a four-year plan with 13 Objectives and 35 Actions which outlines CN's priority areas and partnership opportunities.
- 6 Focus areas within the DIAP align directly with the NSW Government's Disability Inclusion Action Plan 2021-2025 focus areas which are:
 - i) Positive community attitudes and behaviours
 - ii) Creating livable communities
 - iii) Supporting access to meaningful employment
 - iv) Improving access to mainstream services through better systems and processes.

FINANCIAL IMPACT

- 7 The DIAP will be delivered over multiple financial years commencing in 2021/22. Actions requiring funding will be identified in CN's Delivery Program and Operational Plans, with CN undertaking actions as funding and resources are confirmed.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Integrated and Accessible Transport

- 1.1c Plan and deliver accessible local infrastructure improvements for public transport.
- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3b Ensure community and business needs for adequate and accessible parking are prioritised.
- 1.3c Implement technology solutions to improve transport infrastructure and experiences and encourage mobility innovation.

Vibrant, Safe and Active Public Places

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.
- 3.1a Enhance our beaches and coastal areas through upgraded facilities.

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.

Liveable Built Environment

- 5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Smart and Innovative

- 6.2a Support and advocate for innovation in business research activities, education and creative industries.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The DIAP will supersede the existing DIAP.
- 10 Following adoption, the DIAP 2022-2026 will be placed on CN's website in multiple formats including Text Only (MS Word, which enables the use of screen reader), desktop published accessible PDF and an easy read version for increased access and comprehension.

- 11 The actions will be reported annually to CN's Access and Inclusion Advisory Committee via CN's Annual Report, and to the NSW Disability Council as required under legislation.

RISK ASSESSMENT AND MITIGATION

- 12 Under the *Disability Inclusion Act 2014 (NSW)*, all Councils are required to have a current DIAP in place. The NSW Government advises that 30 June 2022 is the deadline for DIAP adoption. This review ensures CN meets its statutory obligations.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 22 March 2016, Council resolved to adopt the current DIAP.
- 14 At the Ordinary Council Meeting held on 26 October 2021, Council resolved to place the draft DIAP on public exhibition for 28 days.

CONSULTATION

- 15 The first phase of community engagement to develop the draft DIAP was undertaken from 1 December 2019 to 30 June 2020. Activities included online surveys, face to face workshops, 4 drop-in sessions, targeted interviews with key stakeholders and detailed consultation with the Access Inclusion Advisory Committee. Key findings from the Phase One Engagement were considered at a theme consolidation focus group on 9 December 2020. The Phase One Community Engagement Report is at **Attachment C**.
- 16 A Councillor Workshop on the draft DIAP was held on 12 October 2021.
- 17 The draft DIAP was placed on public exhibition from 24 November 2021 to 10 January 2022, supported by the following promotion:
 - i) Notification of Access Inclusion Advisory Committee and other key stakeholders
 - ii) Media release and promotion on 3 December 2021, International Day of People with Disabilities
 - iii) Radio promotion on 2HPR
 - iv) E-Newsletter distributed to over 1900 contacts
 - v) Dedicated CN 'Have Your Say' page and Public Notice page
 - vi) Social media posts and advertising on CN's Facebook page.
- 18 Summary of submissions received during the public exhibition period and a summary of changes made as a result of public exhibition, are outlined within the Public Exhibition Report, at **Attachment B**.

BACKGROUND

- 19 The development of the DIAP is to meet the requirements of the NSW Disability Inclusion Act (2014) and adequately inform CN's Integrated Planning and Reporting including development of the Delivery Program and Operational Plans.
- 20 The initial DIAP had 18 strategies with 57 actions and achieved significant progress in multiple areas across the organisation. In total, 55 of the 57 actions were completed or progressed towards completion, while two were reconsidered and will be achieved by means other than the DIAP.

OPTIONS

Option 1

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

Option 2

- 22 Council resolves not to adopt the DIAP. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 10 Attachment A:** DIAP 2022-2026
Item 10 Attachment B: DIAP Public Exhibition Report
Item 10 Attachment C: Phase One Community Engagement Report

Item 10 Attachments A - C distributed under separate cover

ITEM-11 CCL 22/02/22 - BRUNKER ROAD, BROADMEADOW - PROPOSED PEDESTRIAN CROSSING UPGRADE NEAR COOLAH ROAD

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / INTERIM MANAGER TRANSPORT AND COMPLIANCE

PURPOSE

To approve the proposed upgrade of the existing at-grade pedestrian crossing on Brunker Road Broadmeadow, near Coolah Road, to a raised crossing with kerb extensions.

RECOMMENDATION

That Council:

- 1 Approves the proposed upgrade of the pedestrian crossing on Brunker Road, Broadmeadow, as generally shown at **Attachment A**.

KEY ISSUES

- 2 A concept plan has been developed to improve safety at the pedestrian crossing on Brunker Road near Coolah Road, Broadmeadow. High traffic volumes and speeding on Brunker Road exacerbate known sightline issues at the crossing, which is well-used by school students and the local community.
- 3 A proposal to upgrade the crossing was exhibited for four weeks, with submissions closing 15 November 2021. The exhibited scope of work included:
 - (i) Upgrade of the crossing to a raised pedestrian crossing
 - (ii) Construction of kerb extensions
 - (iii) Upgrade of street lighting
 - (iv) Signage and linemarking.
- 4 17 submissions were received. Submissions were generally supportive of the proposal. Summaries of submissions and City of Newcastle's (CN) comments are at **Attachment B**. Key issues raised related to sight lines, additional measures for slowing of vehicles prior to the crossing and provisions for cyclists. These matters will be considered in the detailed design phase. Illegal parking was also noted. Several matters were also raised which are outside the project scope.
- 5 The Newcastle City Traffic Committee (NCTC) endorsed the proposal for the crossing upgrade for referral to Council at its meeting of 13 December 2021.

FINANCIAL IMPACT

- 6 Design and construction funding for the crossing upgrade was included in the 2021/22 Pedestrian Access and Mobility Plan Program. Since adoption of the budget, Transport for NSW has advised that the project was successful in securing funding under the School Infrastructure Subprogram, for completion in 2021/22.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The proposal for upgrade of the crossing is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Integrated and Accessible Transport

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

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

Liveable Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

- 10 The proposal has been developed to mitigate reported incidents, improve pedestrian safety, and assist in reducing vehicle speeds along Bruncker Road.
- 11 Detailed design will address relevant Austroads and Transport for NSW guides and standards. Safety in design assessments and road safety audits will be undertaken.

RELATED PREVIOUS DECISIONS

- 12 Nil.

CONSULTATION

- 13 The NCTC endorsed undertaking community consultation to seek feedback at its meeting on 14 December 2020. The proposal was exhibited for four weeks, with submissions closing 15 November 2021. Details were published on CN's website and copies of the flyer at **Attachment C** distributed to residents and mailed to non-resident owners.
- 14 NCTC considered a report on the outcomes of the exhibition at its meeting on 13 December 2021 and endorsed the proposal for referral to Council.

BACKGROUND

- 15 Brunner Road is classified as a regional road. It has a 12.8m wide carriageway and one travel lane in each direction with parking on both sides. Side streets are controlled with 'Give Way' or 'Stop' signs. Multiple concerns have been raised about the speed of traffic on Brunner Road and safety for children crossing at the at-grade crossing near Coolah Road.

OPTIONS

Option 1

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

Option 2

- 17 Council does not approve the proposed upgrade. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 11 Attachment A:** CCL22022022 - Brunner Road, Broadmeadow – Raised Pedestrian Crossing
- Item 11 Attachment B:** CCL22022022 - Summary of Submissions – Brunner Road, Broadmeadow – Raised Pedestrian Crossing
- Item 11 Attachment C:** CCL22022022 - Consultation Brochure – Brunner Road, Broadmeadow – Raised Pedestrian Crossing

Item 11 Attachments A - C to be distributed under separate cover

ITEM-12 CCL 22/02/22 - ADOPTION OF INSTRUMENTS OF DELEGATION

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER LEGAL

PURPOSE

To adopt Instruments of Delegation to the Lord Mayor, Chief Executive Officer and Development Applications Committee.

RECOMMENDATION

That Council:

- 1 Adopts the Instrument of Delegation to the Lord Mayor at **Attachment A**.
- 2 Adopts the Instrument of Delegation to the Chief Executive Officer at **Attachment B**.
- 3 Adopts the Instrument of Delegation to the Development Applications Committee at **Attachment C**.

KEY ISSUES

- 4 Section 380 of the Local Government Act 1993 (NSW) (Act) requires Council to review all delegations during the first 12 months of each term of office. Section 377 of the Act sets out the functions that Council may not delegate.
- 5 The proposed Instrument of Delegation to the Lord Mayor is provided at **Attachment A** and includes a version with track changes for clarity and a final version. The proposed amendments include provisions for the Lord Mayor to appoint voting delegates for the Australian National Local Government Association, and to update wording reflecting emergency provisions as an outcome of reviewing how the City of Newcastle (CN) responded to the COVID-19 Pandemic and ensuring Council is able to respond to any potential emergency in the future.
- 6 The proposed Instrument of Delegation to the Chief Executive Officer (CEO) is provided at **Attachment B** and includes a version with track changes for clarity and a final version immediately after.

- 7 The proposed instrument of Delegation to the Development Applications Committee (DAC) is provided at **Attachment C** and includes a version with track changes for clarity and a final version immediately after. Clause 1.1 has been amended to increase the value of Development Applications (DA) which are required to be considered by DAC from \$10m to \$20m. This will mitigate a risk that significant DAs with a cost exceeding \$10m are unduly delayed simply because of the requirement to be determined by DAC due to their estimated cost only. A DA that is required to be determined by the Council rather than at Officer level adds a minimum of 50 days to the determination process due to the dual requirements for the DA to be brought before the Council via Public Voice and DAC. Safeguard measures in the delegation remain in that DAs which receive more than 25 objections or which exceed development standards by more than 10% will be continue to be determined by DAC. The 'call-in' requirement also remains in the Delegation, however is proposed to be increased from two or more Councillors to three or more Councillors, to ensure the 'call-ins' are supported by one quarter of Councillors rather than 15%. Other minor administrative changes are proposed.
- 8 The 'call-in' provision in the DAC Delegation will separately be supported by a process to enable Councillors to indicate their interest in a particular DA to the Manager Regulatory Planning & Assessment. The Manager will then notify those Councillors following assessment but prior to determination of that DA to support their consideration as to whether to 'call-in' that particular DA.

FINANCIAL IMPACT

- 9 There is no financial impact in adopting the Instruments of Delegations.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The adoption of the Instruments of Delegations is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan.

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.3b Provide clear, consistent, accessible and relevant information to the community.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The proposed Instrument of Delegations will become effective immediately, if adopted.

RISK ASSESSMENT AND MITIGATION

- 12 The proposed Instrument of Delegations comply with relevant legislation and allow for the functions of City of Newcastle to be carried out in an effective and timely manner.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 26 March 2019, Council adopted the amended Instrument of Delegations to the Lord Mayor and CEO.
- 14 At the Ordinary Council Meeting held on 27 March 2020, Council adopted changes to the current Instrument of Delegations for the Lord Mayor and CEO, to address the COVID-19 Pandemic and changes to public health advice or an order by legislation or government authority.

CONSULTATION

- 15 No external consultation was required as adopting Instruments of Delegations is a statutory process.

BACKGROUND

- 16 The Act provides that Council can delegate any of the functions of Council except those detailed in section 377, which must be exercised by the elected Council.
- 17 In accordance with section 378 of the Act, the Chief Executive Officer may sub-delegate functions to staff.

OPTIONS

Option 1

- 18 The recommendations as at Paragraph 1 - 3. This is the recommended option.

Option 2

- 19 Council does not adopt the Instruments of Delegation to Lord Mayor, CEO or Development Applications Committee. This is not the recommended option because Council is required to review its delegations within 12 months.

REFERENCES

ATTACHMENTS

Item 12 Attachment A: Instrument of Delegation to the Lord Mayor dated 22 February 2022

Item 12 Attachment B: Instrument of Delegation to the Chief Executive Officer dated 22 February 2022

Item 12 Attachment C: Instrument of Delegation to the Development Applications Committee dated 22 February 2022

Item 12 Attachments A - C distributed under separate cover

ITEM-13 CCL 22/02/22 - ADOPTION OF THE ALCOHOL REGULATED AREAS REVIEW

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

PURPOSE

To adopt Alcohol Regulated Areas (ARA) for a four-year period (2022 – 2026).

RECOMMENDATION

That Council:

- 1 Adopts the Alcohol Regulated Areas at **Attachment A**.
- 2 Delegates authority to the Chief Executive Officer to temporarily suspend Alcohol Free Zones (AFZ) pursuant to the Suspension or Cancellation of an AFZ provision of Section 645 of the NSW Local Government Act 1993 to facilitate the approval of licensed events not exceeding 5 days in length.

KEY ISSUES

- 3 City of Newcastle (CN) publicly exhibited the draft ARA from 27 October 2021 to 26 November 2021 consistent with Council's resolution of 26 October 2021.
- 4 Exhibition of the draft ARA resulted in one written submission, which is summarised and responded to in **Attachment B**.
- 5 Consultation was undertaken with the specified persons identified in Section 644A of the Local Government Act being;
 - i) Newcastle Police District Commander
 - ii) Holders of a licence in force under the Liquor Act 2007 for premises that border on, or adjoin or are adjacent to Alcohol Free Zones (AFZ) via the Newcastle and Hamilton Liquor Accords
 - iii) NSW Anti-Discrimination Board.
- 6 No changes are proposed to the draft ARA as a result of the exhibition process.
- 7 The ARA includes the following:
 - i) Re-establishment of CN's ARA network for a four-year term (to 2026).
 - ii) Apply a precinct-based approach to large areas within the ARA that encompass several public streets/roads. This would replace the current individual street/place-based allocation of zones and areas.

- iii) Ensure precinct perimeters are aligned to licensed premises and reflect alcohol related crime hotspots as identified by NSW Bureau of Crime Statistics and Research (BOCSAR).
 - iv) Map all CN beaches, ocean baths and skateparks as Alcohol Prohibited Areas (APAs).
 - v) The proposed ARA network will include CBD East, West and Central; Darby Street and Cooks Hill; Stockton (south, adjacent harbour); Beaumont Street Hamilton and Hamilton South; and Mayfield and Wallsend main streets.
 - vi) Facilitate opportunities for picnicking by adopting timed restrictions prohibiting the public consumption of alcohol from 8pm through to 8am for identified key picnic spots
 - vii) Improve clarity and consistency of ARA signage, and review signage locations. Ideally, signs would include a map illustration of the zone and be installed at the entry to ARA precincts to reduce signage clutter
- 8 Currently a resolution of Council is required to temporarily suspend a designated AFZ. This process requires significant administration and due to lead times for Council reports, creates a lengthy assessment period for event licence applications. It is proposed to delegate approval to the CEO to approve temporary AFZ suspensions for events of not more than 5 days where an alcohol licence has been approved by Liquor and Gaming NSW and NSW Police, and the event complies with CN guidelines. Similar to the Liquor Licence process, Councillors will be notified by memo of applications to temporarily suspend AFZ.

FINANCIAL IMPACT

- 9 ARA related costs, including signage will be funded from existing operational budgets.
- 10 Costs related to the temporary suspension of AFZ for events will continue to be recovered in full from event applicants, in accordance with the existing event licensing process.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The proposed ARA are consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Vibrant, Safe and Active Public Places

- 3.3a Collaborate with local groups and services to address crime and safety issues.

Liveable Built Environment

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

Open and Collaborative Leadership

- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 The ARA review recommendations will be implemented and reported on in accordance with Newcastle After Dark Strategy (2018-2022 Action 1.6. Continue to coordinate collaborative approaches to managing alcohol related impacts in the city.
- 13 The ARA network will be published on CN's website and new area signage will be installed.
- 14 The responsibility of implementing a temporary suspension of an AFZ lies with the event organiser, including the installation/removal of covers for all onsite regulatory signage. Event sites are inspected by CN staff to ensure this requirement has been met under the standard operational management of event licences.

RISK ASSESSMENT AND MITIGATION

- 15 Under the Local Government Act 1993, AFZ are required to be reviewed every four years. This review ensures CN meets its statutory obligations.

RELATED PREVIOUS DECISIONS

- 16 At the Ordinary Council Meeting held on 26 October 2021, Council resolved to place the proposed amendments to Alcohol Free Zones (AFZ) and Alcohol Prohibited Areas (APA), collectively termed Alcohol Regulated Areas (ARA), on public exhibition for 30 days.
- 17 Council has previously approved temporary suspensions of AFZ to allow music events to be held in specific locations.

CONSULTATION

- 18 The draft ARA network was placed on public exhibition through CN's 'Have Your Say' webpage on 27 October 2021 and was open for submissions until 26 November 2021 inclusive.
- 19 CN wrote to NSW Housing, Department of Communities and Justice, representatives of local peak Aboriginal and culturally and linguistically diverse groups and Newcastle and Hamilton Liquor Accord Members inviting feedback on the draft ARA network.
- 20 NSW Police District Command is a key stakeholder in the development of the ARA network and has been involved through detailed consultation. The Police are supportive of the ARA network proposed in this report, including its re-establishment of AFZ.

- 21 Any event that involves including a temporary suspension of an AFZ would be classified as a medium or high impact event, and as per existing requirements, notification will be delivered via a letterbox drop to residents and businesses in the local area. This notification will include information regarding the temporary suspension of the AFZ and provide opportunity for feedback. For high impact events a Public Lands Notice will also be posted in advance on CN's website providing the opportunity for public comment.

BACKGROUND

- 22 A Councillor Workshop was held on 12 October 2021 in which the draft ARA network was outlined, prior to Council considering a report with recommendations on 26 October 2021 to place the draft ARA network on public exhibition.
- 23 Sections 642 and 632A of the Local Government Act 1993 provide Local Councils with the power to establish an AFZ and APA, in locations where anti-social behaviour or crime has been linked to the public consumption of alcohol. An AFZ can be declared in any public road or car park and include the adjoining footpaths and nature strips. Approved outdoor dining areas are exempt from AFZ restrictions. APA can be declared in any CN managed park, reserve and/or beach. Once these zones and areas are established, the drinking of alcohol is prohibited at any or set times.
- 24 The object of an ARA is as an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime. They also aim to address alcohol related anti-social activity including disorderly behaviour in public places. They are tools best used as part of a broader strategy to manage alcohol related crime and anti-social behaviour.
- 25 An ARA also aids public perceptions of an area's community safety and in turn contribute to local economic viability.
- 26 Section 645 of the Local Government Act 1993 (Act) provides for Council, by resolution, to allow the temporary suspension of AFZ. The Act and Ministerial Guidelines on Alcohol Free Zones (February 2009) provides a procedure which must be followed in relation to the temporarily suspension of an AFZ, and this includes a requirement to seek Council's endorsement. It is proposed to delegate this endorsement to the CEO for compliant applications.

OPTIONS

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

Option 2

- 28 Not endorse the recommendation as at Paragraph 1 and 2. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 13 Attachment A: Alcohol Regulated Area Network

Item 13 Attachment B: Alcohol Regulated Area Stage Two Report (with engagement summary)

Item 13 Attachments A - C distributed under separate cover

ITEM-14 CCL 22/02/22 - MINISTER'S CONSENT APPLICATION - LEASE FOR DIXON PARK KIOSK

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

PURPOSE

To seek consent from the Minister for Local Government (Minister) for City of Newcastle (CN) to enter into a lease for Dixon Park Kiosk.

RECOMMENDATION

That Council:

- 1 Approve the making of an application to the Minister for Local Government seeking consent for City of Newcastle to enter into a lease with Sunnyboy Kiosk Pty Ltd for Dixon Park Kiosk, in accordance with section 377(s) of the *Local Government Act 1993*.
- 2 Subject to receiving the consent of the Minister for Local Government, approve City of Newcastle entering into the lease with Sunnyboy Kiosk Pty Ltd for Dixon Park Kiosk.

KEY ISSUES

- 3 In accordance with section 47 of the *Local Government Act 1993* (Act), CN gave public notice of a proposal to lease Dixon Park Kiosk to Sunnyboy Kiosk Pty Ltd for a five-year term and a five-year option. The public notice was advertised on Wednesday 6 October 2021 and provided 28 days for submissions.
- 4 In accordance with section 47(5) of the Act, if any one person makes a submission by way of objection to the proposal to lease, CN requires Ministerial consent to grant the lease. In accordance with the Act, the making of an application to the Minister for consent is not delegable and requires a resolution of Council.
- 5 CN received only one submission objecting to the lease. CN officers have assessed the submission and prepared an application to the Minister seeking consent.

FINANCIAL IMPACT

- 6 Nil.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 Entering into the lease is consistent with the following Newcastle 2030 Community Strategic Plan (CSP) directions:

Vibrant, Safe and Active Public Places

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

Open and Collaborative Leadership

- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 Upon receipt of the Minister's consent, CN will enter into a lease with Sunnyboy Kiosk Pty Ltd.

RISK ASSESSMENT AND MITIGATION

- 9 Nil

RELATED PREVIOUS DECISIONS

- 10 Nil

CONSULTATION

- 11 The Chief Executive Officer and Property Manager met with the objector to understand their concerns. The objector informed the meeting that their partner had been unsuccessful in their attempt to lease the Dixon Park Kiosk from CN.

BACKGROUND

- 12 The Dixon Park precinct project addresses initiatives in alignment with the CSP and the anticipated growth in the utilisation of the Bathers Way.

- 13 The kiosk, the construction of a new shaded seating area, and the precinct water main upgrade were completed mid-2021. As a result, CN undertook a Request for Tender (RFT) for the fitout and operation of the kiosk in July and August 2021. Fourteen submissions were received, all conforming tenders.

- 14 The tender assessment criteria considered:

- i) the rent offer,
- ii) product offering (including healthy and affordable options),
- iii) service delivery,
- iv) previous experience in the hospitality industry,

- v) feasibility of the operation, and
 - vi) alignment with CN strategies and the CSP.
- 15 Of the 14 submissions, four were shortlisted for further assessment including their commercial terms, feasibility modelling, food offering, and concept design.
- 16 A report was presented to CN's Asset Advisory Committee in September 2021 recommending the tender of Sunnyboy Kiosk Pty Ltd due to their submission achieving the highest overall score against the assessment criteria. The Asset Advisory Committee resolved unanimously to endorse the recommendation to enter into a Lease with Sunnyboy Kiosk Pty Ltd.

OPTIONS

Option 1

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

Option 2

- 18 Council does not approve the application for Minister's consent. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil

ITEM-15 **CCL 22/02/22 - VARIATION TO DEVELOPMENT STANDARDS REPORT - 4TH QUARTER - 1 OCTOBER TO 31 DECEMBER 2021**

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

PURPOSE

To report on development variations approved between 1 October 2021 and 31 December 2021.

RECOMMENDATION

That Council:

- 1 Receives the report on approved development variations between 1 October 2021 and 31 December 2021 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

KEY ISSUES

- 2 Under clause 64 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), consent authorities may be notified that they may assume the Secretary of DPIE's (Secretary) concurrence for exceptions to development standards for applications made under clause 4.6 of the NLEP 2012. The Secretary has provided a concurrence to NSW Councils, subject to conditions, to vary development standards proposed in applications. That concurrence, and the reporting and record keeping requirements are outlined in Planning Circular PS 20-002 issued on 5 May 2020.
- 3 This report addresses the requirement that all variations approved under delegation must be tabled at a meeting of the Council at least once each quarter.
- 4 A total of 17 Development Applications (DA) were determined between 1 October 2021 and 31 December 2021 that proposed a variation to a development standard as outlined in Table One below.

Table One

Variation to Development Standard	Required Determining Authority	Number determined between 1 October 2021 and 31 December 2021
10% or less	Under delegation	14
Greater than 10% or a variation to a non-numerical development standard	Council or where appropriate the Regional Planning Panel	3
Total		17

- 5 The concurrence issued by the Secretary, requires all DAs, Modifications to DAs and Requests for Reviews, with variations greater than 10%, to be determined by Council or where appropriate the Regional Planning Panel. All applications effected by this requirement are included in Attachment A and identified as being determined by Council under assumed concurrence.

FINANCIAL IMPACT

- 6 Nil.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Liveable Built Environment

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

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.3b Provide clear, consistent, accessible, and relevant information to the community.

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 A report of all development approved variations has been submitted to the DPIE and the register of all development variations has been updated on City of Newcastle's (CN) website.

- 9 A report is tabled to Council each quarter detailing all approved applications with a development variation, in accordance with the requirements of the Secretary’s concurrence.

RISK ASSESSMENT AND MITIGATION

- 10 By implementing required reporting measures and record keeping arrangements, CN will comply with the requirements of the Secretary’s concurrence.

RELATED PREVIOUS DECISIONS

- 11 Council received reports on the development variations approved in the last 12 months as listed in Table Two.

Table Two

Ordinary Council Meeting held	Period Contained in Report
25 May 2021	1 January to 31 March 2021
24 August 2021	1 April to 30 June 2021
23 November 2021	1 July to 30 September 2021

CONSULTATION

- 12 Applications that propose a variation to a development standard are placed on public exhibition prior to the determination of the application.
- 13 Any submissions received as a result of public notification are taken into consideration prior to the determination of the application.

BACKGROUND

- 14 Development standards are a means to achieving an environmental planning objective and can be numerical or performance based. Some developments may achieve planning objectives despite not meeting the required development standards.
- 15 The planning system provides flexibility to allow these objectives to still be met by varying development standards in particular cases.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

- Item 15 Attachment A:** Report on all approved development variations between 1 October 2021 to 31 December 2021

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Item 15 ATTACHMENT A - Report on all approved development variations between 1 October 2021 to 31 December 2021
 port on all approved development variations between 1 October 2021 to 31 December 2021

DA reference number	Lot number	DP number	Street number	Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2021/01301	9	1151975	50	Nobbys Road	Newcastle East	2300	ResiAltAdd	LEP2012	R3	Floor Space Ratio	Achieves underlying objectives of FSR control	2.06%	Council	20/12/2021
DA2021/01371	8	11309	29	Boreas Road	Hamilton North	2292	ResiSingle	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	0.85%	Council	20/12/2021
DA2021/00752	26	216567	47	South Street	Adamstown	2289	ResiSingle	LEP2012	R2	Building Height	Not have unreasonable impact on amenity of area	3.5%	Council	16/12/2021
DA2021/01214	35	517779	103	Henry Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Building Height	Compatible with streetscape (bulk, scale and mass)	9%	Council	9/12/2021

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DA reference number	Lot number	DP number	Street number	Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2021/00786	1	1277084	653	Hunter Street	Newcastle West	2302	Commercial	LEP2012	B3	Floor Space Ratio	Not have unreasonable impact on amenity of area	10%	Council	6/12/2021
DA2021/00866	32	111239	29	Frederick Street	Merewether	2291	ResiSecOc	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	6.32%	Council	2/12/2021
DA2020/00948	801	1255028	65	Macquarie Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Building Height	Achieves underlying objectives of height control	9.2%	Council	30/11/2021
DA2021/00575	6	92	38	William Street	Jesmond	2299	ResiMulti	LEP2012	R2	Lot Size	Achieving the underlying objectives of the Lot size control	9.95%	Council	16/11/2021
DA2021/01140	5	1151975	42	Nobbys Road	Newcastle East	2300	ResiAltAdd	LEP2012	R3	Floor Space Ratio	Achieves underlying objectives of FSR control	6.4%	Council	16/11/2021
DA2021/01071	2	224625	46	Nesca Parade	The Hill	2300	ResiMulti	LEP2012	R2	Building Height	Achieves desired future	9.65%	Council	10/11/2021

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DA reference number	Lot number	DP number	Street number	Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
											character for the area			
DA2021/00998	15	1151975	62	Nobbys Road	Newcastle East	2300	ResiAltAdd	LEP2012	R3	Floor Space Ratio	Achieves underlying objectives of FSR control	2.7%	Council	3/11/2021
DA2021/00907	127	111243	15	Llewellyn Street	Merewether	2291	ResiSecOcc	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	6%	Council	2/11/2021
DA2021/00294	331	1109745	16	Parkway Avenue	Bar Beach	2300	ResiAltAdd	LEP2012	R2	Building Height	Compatible with streetscape (bulk, scale and mass)	21.35%	Council	1/11/2021
DA2021/00729	931	569169	2	Princeton Avenue	Adamstown Heights	2289	ResiMulti	LEP2012	R3	Building Height	Not have unreasonable impact on amenity of area	20.4%	Council	25/10/2021
									R3	Floor Space Ratio	Not have unreasonable impact on amenity of area	6.7%	Council	25/10/2021

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DA reference number	Lot number	DP number	Street number	Street name	Suburb	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Determination by	Date DA determined
DA2021/00812	1	919898	4	Garrett Street	Carrington	2294	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Not have unreasonable impact on amenity of area	32.96%	Council	22/10/2021
DA2018/00885	1 2 3	95107	36	Kenrick Street	The Junction	2291	ResiMulti	LEP2012	R3	Building Height	Not have unreasonable impact on amenity of area	9.5%	Council	20/10/2021
									R3	Floor Space Ratio	Not have unreasonable impact on amenity of area	5.6%	Council	20/10/2021

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DA2021/00372	1	943057	49	Thornton Street	Carrington	229 4	ResiAltAdd	LEP201 2	R 2	Floor Space Ratio	Not have unreasonabl e impact on amenity of area	6.7%	Council	19/10/2021
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ITEM-16 CCL 22/02/22 - ADOPTION OF FEES FOR LORD MAYOR AND COUNCILLORS (INCLUDING SUPERANNUATION)

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER LEGAL

PURPOSE

To determine the fees and superannuation contributions payable to the Lord Mayor and Councillors for the current term of Council.

RECOMMENDATION

That Council:

- 1 Approves the Lord Mayor and Councillors to be paid the maximum fee payable (as per the Local Government Remuneration Tribunal's annual determination) for the period of 1 July 2022 to until the office of Lord Mayor or Councillor becomes vacant due to a successor being declared, an election or other casual vacancy.
- 2 Resolves for the Lord Mayor and Councillors to receive superannuation at the federal Superannuation Guarantee rate from 1 July 2022 in accordance with the provisions of section 254B of the Local Government Act 1993.

KEY ISSUES

- 3 The Local Government Remuneration Tribunal reviews the annual fees paid to mayors and councillors. Each council is categorised based on population, strategic importance and scale, and fees are applied consistently to each of the categories.
- 4 Over recent years, fees have been capped at 2.5% which is consistent with the NSW Government's Wages Policy. In determining the increase, the Tribunal reviews the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging.
- 5 The Tribunal releases an Annual Report and Determination for fees paid to councillors and mayors each year. A copy of the Local Government Remuneration Tribunal - Annual Report and Determination of fees (23 April 2021) (Annual Determination) is at Attachment A. The current Determination increases councillor and mayoral fees by 2%, consistent with the 2% increase paid to City of Newcastle employees under the Award for the year 2022/23.
- 6 Under the Annual Determination, Newcastle is classified as a Non-metropolitan Major Regional City.

- 7 Setting the fees payable to the Lord Mayor and Councillors for the remainder of the Council term provides for greater efficiency, transparency and clearer administration.
- 8 On 24 May 2021, the Local Government Amendment Bill 2021 commenced, introducing provisions in the Local Government Act 1993 that allow councils to make superannuation contribution payments to councillors, starting from 1 July 2022 if the matter is resolved in open council.
- 9 The Act provides that Councillors are to receive superannuation at the Federal Super Guarantee rate (10%). The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council. Councillors do not currently receive superannuation.
- 10 Consistent with the Act, an individual Councillor may opt out of receiving the superannuation payment.
- 11 Neighboring councils have recently resolved to receive the maximum fee as set by the Tribunal.
- 12 Under the NSW Local Government (State) Award, Council employees receive annual wage increases of 2%, and superannuation consistent with the Superannuation Guarantee rate of 10%.

FINANCIAL IMPACT

- 13 Our Budget 2021/22 provides for the recommended fee payments, and future budgets will be allocated accordingly. The recommendation is consistent with budgeted increases for City of Newcastle staff.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 14 The policies are consistent with the following strategic directions of the Newcastle 2030 Strategic Plan:

Open and Collaborative Leadership

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

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

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

Open and Transparent Governance Strategy

4.1 Accountable to actions it takes to support a strong governance framework.

IMPLEMENTATION PLAN/IMPLICATIONS

- 15 If supported, the motion applies from the Determination by the Remuneration Tribunal. Consistent with the legislation, superannuation payments will be introduced from 1 July 2022.

RISK ASSESSMENT AND MITIGATION

- 16 Council must determine the fees payable to the Lord Mayor and Councillors within the range specified by the Local Government Remuneration Tribunal.

RELATED PREVIOUS DECISIONS

- 17 At the Ordinary Council Meeting held on 12 December 2017, Council approved the fees payable to the Lord Mayor and Councillors to be the maximum fee payable to the Lord Mayor and Councillors as set down in the Local Government Remuneration Tribunal's annual report with increases applied from 1 July each year.

CONSULTATION

- 18 N/A.

BACKGROUND

- 19 Council is required under s. 248 and 249 of the Act, to fix an annual fee for Councillors and the Lord Mayor in accordance with a range determined by the Local Government Remuneration Tribunal.
- 20 The Local Government Remuneration Tribunal has commenced its review for the 2022 annual determination and is required to make an annual determination by no later than 1 May 2022, on the fees payable to Councillors and Mayors to take effect from 1 July 2022. CN has made a submission to the Tribunal, consistent with Council's resolution of 23 February 2021.

OPTIONS

Option 1

- 21 The recommendation as at Paragraphs 1 to 2. This is the recommended option.

Option 2

- 22 Council resolves not to determine the fees payable to the Lord Mayor and Councillors for the balance of the Council term. This is not the recommended option as a report will need to be presented each financial year.

REFERENCES

ATTACHMENTS

Item 16 Attachment A: Local Government Remuneration Tribunal (Tribunal)
Annual Report and Determination

Item 16 Attachment A distributed under separate cover

ITEM-17 CCL 22/02/22 - SIX MONTHLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM

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

PURPOSE

To report progress against the 2018-2022 Delivery Program for the July to December 2021 period, in accordance with section 404(5) of the Local Government Act 1993.

RECOMMENDATION

That Council:

- 1 Receives the 2018-2022 Delivery Program – Six Monthly Performance Report (Report) at **Attachment A**.

KEY ISSUES

- 2 Section 404(5) of the NSW Local Government Act 1993 (Act) requires councils to report at least every six months on the progress of the ‘principle activities’ detailed in its Delivery Program. City of Newcastle’s (CN) quarterly updates are over and above the statutory requirement.
- 3 The Report outlines CN's achievements under the 2018-2022 Delivery Program (2021-22 Our Budget) against the Newcastle 2030 Community Strategic Plan’s (CSP) seven key focus areas:
 - i) Integrated and Accessible Transport,
 - ii) Protected Environment,
 - iii) Vibrant, Safe and Active Public Places,
 - iv) Inclusive Community,
 - v) Liveable Built Environment,
 - vi) Smart and Innovative and Open and,
 - vii) Collaborative Leadership.

FINANCIAL IMPACT

- 4 There are no financial implications arising from the report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 The Six-Monthly Performance Report outlines CN’s performance against the Newcastle 2030 Community Strategic Plan’s (CSP) seven strategic directions.

IMPLEMENTATION PLAN/IMPLICATIONS

6 The Report will be published on CN's website.

RISK ASSESSMENT AND MITIGATION

7 The Report fulfills CN's statutory reporting activities.

RELATED PREVIOUS DECISIONS

8 At the Ordinary Council Meeting on 25 May 2021 Council resolved to adopt the 2018-2022 Delivery Program and 2021-22 Operational Plan (2021-22 Our Budget).

CONSULTATION

9 There is no requirement for consultation on Quarterly Performance Reports.

BACKGROUND

10 CN's 2018-2022 Delivery Program (2021-22 Our Budget) aligns with the CSP's seven strategic directions adopted by Council on 26 June 2018.

11 A Delivery Program is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are required to be reviewed annually and adopted by 30 June.

OPTIONS

Option 1

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

Option 2

13 Council resolves not to receive the Six-Monthly Performance Report on the 2018-2022 Delivery Program. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 17 Attachment A: Six-Monthly Performance Report on the 2018-2022 Delivery Program (2021/22 Our Budget)

Item 17 Attachment A distributed under separate cover

ITEM-18 CCL 22/02/22 - DECEMBER QUARTERLY BUDGET REVIEW

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER FINANCE

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 31 December 2021, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 The December Quarterly Budget Review Statement reflects economic factors from the on-going COVID-19 pandemic. City of Newcastle (CN) is delivering the Council approved Community and Economic Resilience Package 2.0 and boosted works program while experiencing revenue \$1.4m lower than anticipated due to the continuing impact of State Government mandated restrictions designed to suppress the health impact of COVID-19 wave.
- 3 The December Quarterly Budget Review Statement includes adjustments to the Adopted Budget to reflect trends identified in the actual operating performance to date for the 2021/22 financial year. The operational budget variations have a net unfavorable impact of \$1.9m on CN's operating position and forecast an annual budget deficit of \$13.6m for the year ended 30 June 2022.
- 4 The adjustments recommended through the December Quarterly Budget Review Statement require CN to use \$4.4m less funds than previously predicted. CN is now forecasting to use \$12.5m in cash reserves for the full financial year 2021/22 but is forecast to maintain \$23.5m in unrestricted cash reserves at 30 June 2022.
- 5 The 2021/22 works program was reviewed as part of the December 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 result in an increase in the total cost of the works program of \$0.4m. The works program for the full financial year is forecast at \$105.1m.

FINANCIAL IMPACT

- 6 The budget variations recommended through the December 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:

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 adoption of the recommendation will enable ongoing implementation of CN's adopted 2018 - 2022 Delivery Program and 2021/22 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 22 February 2022 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 May 2021, Council adopted the 'Our Budget' (2018 - 2022 Delivery Program and 2020/21 Operational Plan).
- 11 At the Ordinary Council meeting held 26 October 2021, Council adopted the Quarterly Budget Review Statement September 2021.

CONSULTATION

- 11 A workshop was conducted with all Councillors on 15 February 2022 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 18 Attachment A: December Quarterly Budget Review Statement

ITEM-19 CCL 22/02/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER FINANCE

PURPOSE

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

- a) Monthly financial position and year to date (YTD) performance against the 2021/22 Operational Plan as at the end of January 2022.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

- 1 Receives the Executive Monthly Performance Report for January 2022.

KEY ISSUES

- 2 At the end of January 2022 the consolidated YTD actual operating position is a deficit of \$3.7m, against the budgeted YTD deficit of \$7.5m. 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 2021/22 is a deficit of \$11.6m.
- 3 The net funds generated as at the end of January 2022 is a surplus of \$8.8m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$9.9m to the YTD budgeted deficit position of \$1.1m. This is primarily due to a timing variance in the delivery of CN's works program and project expenditure (both capital and operational expenditures).
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under section 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of January 2022 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Open and collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

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 At the Ordinary Council Meeting held on 5 August 2021 Council unanimously adopted a resolution to increase the works program by at least \$10m and to support the Community and Economic Resilience Package 2.0 to help offset the adverse economic impact of the on-going COVID-19 pandemic and specifically the lockdown placed upon the Newcastle local government area on 5 August 2021.

CONSULTATION

- 12 A monthly finance 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 19 Attachment A: Executive Monthly Performance Report –
January 2022

Item 19 Attachment A distributed under separate cover

result in the withholding of such information by suppliers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

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

RECOMMENDATION

- 1 At **Attachment A**.

KEY ISSUES

Contract

- 2 This contract is for the supply and delivery of one rear loading bulk waste collection truck.

Contract Term

- 3 The contract is for the one-off purchase of a single truck.

Tender Exemption

- 4 The contract is for an amount detailed at confidential **Attachment A**. A contract of this value normally requires tenders to be called.

- 5 Under Section 55(3)(i) of the Act, an exemption applies to calling tenders for a contract of this value where:

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

- 6 On 15 November 2021 one of only two City of Newcastle (CN) rear loading bulk waste collection vehicles suffered a catastrophic fire resulting in it being written off.

An average of 65 bulk waste and illegal dumping collections are performed each weekday by the bulk waste collection vehicles. Additionally, domestic waste management services to predominantly residential multi-unit sites are provided by the same rear loading collection vehicles up to twice per week. Waste Services require fit for purpose equipment to support these critical services.

- 7 CN staff have been working to source a replacement vehicle and have secured a secondhand fit for purpose rear loading truck. Following enquiries, the recommended supplier is the only supplier with current stock that matches CN's specific requirements. Should CN seek to purchase an equivalent truck in a brand new condition, due to current global supply chain issues, the availability of such a truck would be delayed by 6 to 12 months until delivery.

- 8 The procurement of this secondhand vehicle is an interim measure to replace the loss of the collection vehicle due to the catastrophic fire. CN is currently in the process of engaging a suitably qualified consultant to develop a fleet transition plan whilst ensuring that all vehicles meet critical fit for purpose criteria to ensure service levels are maintained to the community.
- 9 Due to the limited availability of stock, the current high demands for community bulk waste collection, associated backlog of works, and global supply chain issues in the truck and automotive industry, CN is seeking an exemption from inviting tenders. Given the extenuating circumstances and unavailability of reliable tenderers it is such that a satisfactory result would not be achieved by inviting tenders.

FINANCIAL IMPACT

- 10 The contract will be funded through the 2021/2022 Capital Works Program and insurance settlement obtained following the truck fire.

IMPLICATIONS

Policy Implications

- 11 This report is consistent with the following Newcastle 2030 Community Strategic Plan Direction:
 - 7.2a Conduct Council business in an open, transparent and accountable manner.
- 12 This procurement is in alignment with the goals of the Newcastle Waste Avoidance and Resource Recovery policy.

Environmental Implications

- 13 The recommended supplier complies with current Australian Vehicle Emission Standards and National Heavy Vehicle Regulator requirements.

Social Implications

- 14 This contract will ensure CN can maintain critical waste collection services to the community.

Ecological Sustainability

- 15 Whilst the recommended supplier does not have a specific ecologically sustainable development policy in place they have not been prosecuted for environmental offences, nor involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

IMPLEMENTATION

- 16 Delivery and ongoing maintenance will be managed by Depot Operations.

CONSULTATION/COMMUNICATION

- 17 On 2 November 2021 the Liveable Cities Advisory Committee was consulted on the roadmap to deliver on fleet transition under the Climate Action Plan 2021-2025.

BACKGROUND

- 18 A single quote acceptance (SQA) will be completed to engage the supplier to supply and deliver one bulk waste collection vehicle.
- 19 Clause 17.5 of CN's Procurement Policy supports the SQA due to the specialist nature of the procurement, and there being only one demonstrated supplier that met the requirements.
- 20 Failure to supply fit for purpose fleet for waste collections will have a detrimental effect on service delivery and may result in reductions to core services. A significant backlog of bulk waste services already exists as a result of the extenuating circumstances listed within the report.

OPTIONS

Option 1

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

Option 2

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

Option 3

- 23 Council resolves not to accept the quote and invite tenders. This is not the recommended option.

Option 4

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

Option 5

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

ATTACHMENTS

- Item 20 Attachment A:** Confidential Recommendation (*refer Confidential Council Agenda 22 February 2022*)

NOTICES OF MOTION

**ITEM-1 NOM 22/02/22 - LORD MAYORS EARTHQUAKE APPEAL
FUND AND THE NEWCASTLE REGION NATURAL DISASTER
RELIEF FUND TRUSTEE LTD**

**COUNCILLORS: C DUNCAN, N NELMES, E ADAMCZYK, D CLAUSEN,
D RICHARDSON, P WINNEY-BAARTZ AND M WOOD**

PURPOSE

The following Notice of Motion was received on 29 December 2021 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes that audited financial statements for the year ending 2020 record the Newcastle Region Natural Disaster Relief Fund Trustee Ltd as having assets of more than \$1 million, consisting of \$734,018 in a term deposit bank account, \$146,901 in low interest bearing bank account, and receivables of \$160,806.
- 2 Notes that no donations have been made by the Trust for the past six years.
- 3 Notes that the Fund annually pays accounting and consulting expenses of more than \$5,000 and auditing fees of \$3,000.
- 4 Notes that in December 2019 Trust Chairman Michael Johns told the Newcastle Herald that it was time for the fund to be wound up and the money transferred to another charity.
- 5 Notes that the Federal Member for Newcastle, Sharon Claydon MP, raised concerns about the operation of the Newcastle Region Natural Disaster Relief Fund Trustee Ltd in the federal parliament in February 2020.
- 6 Notes the Assistant Minister for Finance, Charities and Electoral Matters Senator Zed Seselja responded by saying he had referred the matter to the Australian Charities and Not-for-profits Commission.
- 7 Again write to the Assistant Minister for Finance, Charities and Electoral Matters Senator Zed Seselja asking for an update of the formal investigation into the Newcastle Lord Mayor's Earthquake Appeal Fund and the Newcastle Region Natural Disaster Relief Fund.

BACKGROUND

The Newcastle Lord Mayor's Newcastle Earthquake Appeal was announced by former Lord Mayor John McNaughton on 29 December 1989 and resulted in The Earthquake Trust Fund (ETF).

Section 13 of the Earthquake Trust Deed provided that the Earthquake Trust Fund would be wound up on 31 December 1994. Trustees of the ETF agreed that any funds remaining in the trust be transferred to a new trust known as the Newcastle Regional Natural Disaster Relief Trust (NRNDRT).

The Annual Information Statement 2020 indicates that the NRNDRT made no donations or grants in that reporting year. The most recent donation made by the NRNDRT was the sum of \$60,000 reported in the 2015 Annual Information Statement.

ATTACHMENTS

- NOM Item 1 Attachment A:** [Hansard February 2020](#)
- NOM Item 1 Attachment B:** [Newcastle Herald article 27 December 2019](#)
- NOM Item 1 Attachment C:** [Annual Information Statement \(ACNC\) 2020](#)
- NOM Item 1 Attachment D:** [Annual Information Statement \(ACNC\) 2015](#)
- Nom Item 1 Attachment E:** [Newcastle Herald Article 2 March 2020](#)

NOM Item 1 Attachment B: Newcastle Herald article 27 December 2019

DECEMBER 27 2019 - 7:00AM

Newcastle earthquake 30 years later, Part V: Newcastle disaster relief fund likely to wind up in 2020 says chairman on eve of 1989 earthquake anniversary



Ian Kirkwood

Archival Revival



+21

Some moments in the life of the original fund and its successor, the Newcastle Region Natural Disaster Relief Fund Trustee Ltd

THIRTY years after the Lord Mayor's Earthquake Appeal was conceived on the day of the 1989 earthquake, the chairman of the organisation responsible for a final \$1 million in assets says it's time for the fund to be wound up and the money passed to another charity.

The Newcastle Region Natural Disaster Relief Fund Trustee Ltd was formed in December 1994, when the lord mayor's fund was shut down under its five-year sunset clause.

Fund chairman Michael Johns, a retired Newcastle solicitor and businessman, told the *Herald* this week that with only three directors left on the board and everyone "getting on a bit" in age, it was time to hand over the reins.



The latest publicly available financial report - for the year to June 30, 2018 - shows the fund had just over \$1 million in assets, made up of \$166,000 in cash, 708,000 in investments and \$160,800 in receivables, representing the balance of four outstanding earthquake loans.

Johns, a director since 2002, said the alternative was to wait until the loans were repaid following the deaths of the recipients, which had been the procedure for most of the loans from the earthquake fund. He said the transfer could be voted on at a January board meeting, with the new custodian to receive the repaid loans.

The other directors are Barrie Lewis, appointed in 1995 after retiring as Newcastle council's town clerk (the closest equivalent position to the modern council CEO's position held by Jeremy Bath); and Margaret Murray, appointed in 2005, who worked on the earthquake fund while employed by the Department of Community Services.



Johns said the fund's assets were likely to go to the Newcastle Permanent Charitable Foundation, which had already received donations of earthquake money, including \$3 million in 2007.

He said the plan was unrelated to approaches from Newcastle City Council, which is seeking \$400,000 to cover half remaining costs of restoring Shepherd's Hill cottage near King Edward Park, severely battered during the 2015 "east coast low" storm that hit the region and resulted in the drowning deaths of three people at Dungog.

Council general manager Jeremy Bath says the fund and its directors had ignored his requests for a meeting since February 2018, releasing a chain of emails and "unanswered" letters to back his claims.

"Thirty years on, it is outrageous that this fund holds \$1 million but has no website or obvious means for people to contact it to apply for help," Bath said. "And it's controlled by three people who don't want to be contacted," Bath said.

Johns defended the board's communications with the council, saying it had "no authority" over the fund. The Shepherd's Hill application "didn't fit" the grant criteria.



Bath said he did not understand how Shepherd's Hill wasn't eligible, given it was damaged in the same storm that saw the fund give \$30,000 to an organisation in Dungog.

In an email to the *Herald*, Johns indicated that the reasons were technical. The cottage was not a "deductible gift recipient" or DGR, while the community group in Dungog was.

Asked about the modest size of the Dungog donation, Johns said it was limited by the trust's 1994 constitution, which states that more than half of the money granted must go to the five Greater Newcastle local government areas: Newcastle, Lake Macquarie, Cessnock, Maitland and Port Stephens.

As well-intentioned as it was, the "50 per cent" rule was a brake on the fund. Johns said it would likely affect how much money, if any, could go to victims elsewhere of this season's bushfires, who would be obvious targets of help.

With the 30th anniversary of the earthquake approaching, the *Herald* first approached the relief fund seeking an update on its recent activities.

Little had been heard since 2009, the 20th anniversary, when the fund's inaugural chairman, accountant Alwyn Druce, told Greg Ray about the fund's history. Conceived on quake day, Newcastle lord

mayor John McNaughton said at the time that a public appeal was a necessity, given the widespread nature of the damage.

Druce, who died in 2015, said the fund was established as "a safety net".

"Applications went to government first, then if they couldn't help they would be referred to the fund committee. Subcommittees were set up to consider the details of various kinds of claims, including injury and property damage. The committee was given access to government files to help evaluate claims."



He said they met three nights a week for four years and conferred on every decision.

"If the government could fully help then we did nothing. But there were many cases where government rules caused problems and we had to step in."

From the word go, money poured into the fund quickly, although lord mayor McNaughton was continually calling for more donations, saying the money wasn't enough.

The \$1-million mark was topped the Sunday after the quake. On January 17, the total was \$2.4 million. At month's end it was \$3.45 million. A week later, \$3.8 million, after a charity auction raised \$15,000, including \$40 for a palm full of moustache clippings from the extravagant Australian fast bowler Merv Hughes. By March 1990 it had hit \$5 million.

On November 29, 1990, Hawke's treasurer Paul Keating infamously announced "recession we had to have". Home loan interest rates were an eye-watering 17 per cent a year, so the earthquake fund's zero - interest loans - which for householders needed not be repaid until the recipient died - were a lifeline for many.

By August 1991, the fund had distributed \$6.5 million. And as money started coming back in, it was lent out again. By the wind-up date of December 1994, the fund had collected a reported \$7.9 million and paid out \$10.5 million, with \$1.2 million in the kitty - a little more than remains today, although with considerably more purchasing power back then.



Calls came to distribute the remaining remaining money. The Westpac rescue helicopter service lobbied for \$500,000 for a new chopper. Others wanted money directed towards bushfire relief, after fires from August 1993 through to January 1994 raged from the NSW south coast to the Queensland border, and west as far as Bathurst, killing four people.

With earthquake claims having virtually stopped, a NSW Supreme Court decision was sought and obtained to allow a new fund to distribute the money outside of Greater Newcastle, giving rise to the "50 per cent rule".

If this account reads like a litany of controversies, the quake fund played a crucial role in getting it should be remembered that the donated funds were put to good use. Despite generous quake relief promised by the state and federal governments, stories soon appeared

of seemingly worthy applicants unable to jump eligibility hoops swaddled in red tape.

John McNaughton remains obviously proud of what the fund achieved – and what he and the others who led the quake response and the city's revival achieved. Now, as then, he believes the efforts of many have been overlooked.

It's almost inevitable that arguments emerge in such situations. In 1992, we reported on two pensioner siblings in adjoining Cooks Hill terraces, who were both helped with their quake repairs. The insured brother had to repay a quake appeal loan of \$50,000, while his uninsured sister received a \$50,000 government grant.

And there was public anger, too, in 1994, when news broke that 13 people compensated for their Workers Club injuries would have to repay any grants from the quake fund. Quake hero Norm Duffy and Nina Bailey, whose leg was amputated, were both expected to repay \$28,000 each. It may have seemed harsh at the time, but it did help the fund to keep on giving.

As McNaughton said on the quake's 10th anniversary: "I clearly remember one 80-year-old lady in real trouble who we helped out, quietly and without fuss. I know more quake stories than you could poke a stick at and many of them have similar happy endings."

- *This story is part of [a series by journalist, Ian Kirkwood, marking 30 years since the Newcastle earthquake](#). On Saturday, the Newcastle Herald will publish Part VII: Heritage, and quake consequences*

NOM Item 1 Attachment E: Newcastle Herald Article 2 March 2020

EXCLUSIVE

MARCH 2 2020 - 5:30AM

Charities minister Zed Seselja agrees to inquiry call by Sharon Claydon after meeting quake victim Jennifer Matthews



Ian Kirkwood

Editors Pick - List



THANKFUL: Jennifer Matthews, pictured recently, was thankful 'on behalf of all earthquake victims' last night for the federal government's acknowledgement of concerns raised by Newcastle MP Sharon Claydon

THE disaster fund administering the remaining money raised by the lord mayor's earthquake appeal has been referred for investigation by the federal government.

Charities minister Zed Seselja told the *Newcastle Herald* late yesterday that he had agreed to a request by Newcastle MP Sharon Claydon, who had raised the disaster fund in federal parliament on Thursday.

Ms Claydon told the House of Representatives that she had serious concerns about the way the Newcastle Region Natural Disaster Relief Fund was operating since meeting in January with [quake survivor Jennifer Matthews](#), whose doctors say her 30 years of ill health are a direct result of the serious injuries she suffered as a 20-year-old in the collapse of the Newcastle Workers Club.

The fund had refused a [request by Ms Matthews](#) for a meeting and wrote to her on January 30 [saying it could not assist her](#).

Responding to Ms Claydon's call, Senator Seselja, Assistant Minister for Finance, Charities and Electoral Matters, said yesterday: "I was very concerned to hear of these circumstances.

"Charitable organisations have a legal and moral responsibility to look after those in need and especially help those who the funds were raised to assist.

"I have referred the matter to the Australian Charities and Not-for-profits Commission."



Senator Zed Seselja in parliament late last year

The fund has reported having more than \$1 million in assets, including \$860,000 in cash. In January, it refused an application from City of Newcastle chief executive Jeremy Bath to help fund repairs to the storm-damaged Shepherd's Hill cottage in King Edward Park.

The fund's situation was brought to light on December 27 in [one of a series](#) of *Herald* articles to mark the 1989 earthquake's 30th anniversary.

A firm of architects alerted to the fund's existence wrote recently to inquire whether money might be available for repairs to a suburban Newcastle church that suffered serious damage in the 1989 earthquake.

"The fund does not have a specific process for receiving applications.

As the earthquake occurred over 30 years ago, it is not likely to accept any new applications received," fund chairman Michael Johns told the inquiring firm.

The other directors are former Newcastle city council town clerk Barrie Lewis and retired Lake Macquarie public servant Margaret Murray.



Shepherds Hill cottage after the 2015 storm

Speaking before confirmation of the investigation - which he and Ms Claydon both subsequently applauded - Mr Bath criticised the operation of the fund.

"For the chair to suggest that after all these years there is still no process for considering applications is inexcusable," Mr Bath said.

"What was once a meaningful example of public support for the victims of the Newcastle earthquake is today a secretive group of three people who refuse to make themselves known to the public.

"Worse still, the directors refuse to even consider supporting the victims of the earthquake who have been waiting 30 years for help.

"This extraordinary debacle demands intervention from the charities commission.

"I can't help but wonder what the trust's true intentions are for the remaining million dollars given they are refusing to consider applications for its dispersal."



Newcastle Labor MP Sharon Claydon, pictured last year, said last night she was pleased that the government had agreed to refer her concerns to the charities commission and hoped that questions raised on behalf of the community would be answered.

The disaster fund replaced the original earthquake appeal in 1994 and according to a breakdown provided by the board has donated more than \$4.6 million since then, including \$3 million to the Newcastle Permanent Building Society's "regional relief fund" set up after the Pasha Bulker storm in 2007 and another \$150,000 the same year to the Perm's charitable foundation.

But with virtually no public presence apart from its listing on the charities commission website, the fund has been criticised for its lack of visibility.

Mr Bath said he had also written to the charities commission calling for an investigation.

Ms Claydon told parliament that the fund money should be used for the purposes it was donated for.

"I can also see that there is a strong imperative for the trustees of this donated money to actively seek out potential beneficiaries across our community before closing the fund down," Ms Claydon said.

"I am particularly disappointed that the remaining funds seem to have been inaccessible to survivors since the disaster relief fund was formed in 1994."

Ms Claydon said any investigation should look at the history of both funds and whether they complied with the law and their own constitutions.

"I have asked the minister to advise whether there are any avenues for individuals to challenge the fund's closure or the manner in which the funds are disbursed," Ms Claydon said.

The *Herald* asked Mr Johns and Mr Lewis for comment but they had not responded by deadline.



Jennifer Matthews in hospital after the quake

The full text of Ms Claydon's references to the earthquake fund in parliament on Thursday.

"The Newcastle earthquake in 1989 stands as one of the darkest days in history for my community of Newcastle.

It left property destroyed and lives shattered.

At the time, the community banded together to help others by contributing to what was then called the Newcastle Lord Mayor's Earthquake Appeal Fund to pay for injuries and property damage caused by the earthquake.

Recently, there have been some reports that the directors of this fund, which has now been rebadged as the Newcastle Region Natural Disaster Relief Fund, now plan to shut it down and transfer the remaining money to another charity.

The news of the fund's planned closure has dismayed one person in my electorate who still lives with the scars from that terrible day.

That person is Jennifer Matthews. Recently, I met with Jennifer and her family.

They described to me their confusion and anger at learning that \$1 million of the fund had gone unspent despite there being no way for anyone who was hurt in the earthquake, or in any other natural disaster since then, to apply for that money since 1994.

Ms Matthews was at pains to tell me that she wasn't just speaking out for herself and her family but wanted to see justice for other survivors in our community who may still be suffering from the impacts of the earthquake.

I have sympathy with the argument that the fund should not be wound up while survivors like Ms Matthews still suffer from damage inflicted on that day.

People donated in good faith to a fund for a very specific purpose.

Surely, that purpose is what it should be used for.

I can also see that there is a strong imperative for the trustees of this donated money to actively seek out potential beneficiaries across our community before closing the fund down.

I am particularly disappointed that the remaining funds seem to have been inaccessible to survivors since the disaster relief fund was formed in 1994.

I would hate to think that some Novocastrians may have died without getting the support they might have been entitled to access.

Accordingly, I have written to the minister who has responsibility for charities—a senator from the other place. I have requested that the minister investigate the history of the actions of these funds and report back on whether they have complied with both the law and their own constitutions.

I have asked the minister to advise whether there are any avenues for individuals to challenge the fund's closure or the manner in which the funds are disbursed.

Today I call on the minister to fast-track this process and launch a formal investigation into the Newcastle Lord Mayor's Earthquake Appeal Fund and the Newcastle Region Natural Disaster Relief Fund so that people like Jennifer and her family are not kept waiting any longer."

ITEM-2 NOM 22/02/22 - NEWCASTLE OCEAN BATHS UPGRADE

COUNCILLOR: J CHURCH

PURPOSE

The following Notice of Motion was received on 10 January 2022 from the abovenamed Councillor.

MOTION

That City of Newcastle:

- 1 Notes that a contract has been let to commence the long awaited Stage One upgrade to Newcastle Ocean Baths, lower promenades and pumping systems.
- 2 Notes that the works will see a new concrete floor included which will cap a natural rock shelf that has survived intact for more than 100 years.
- 3 Notes a public meeting that was held at the baths on November 28, 2021 and hosted by Friends of Newcastle Ocean Baths, where concerns were raised about retaining the pool's natural rock floor and sandy bottom.
- 4 Notes that the sandy bottom is highly valued by pool users who walk on the soft surface, for fitness and rehabilitation, and who claim the sandy bottom reduces the impact of sea lice.
- 5 Undertakes an independent and external engineers report, prior to construction commencing, into the decision to concrete the floor and its impact on the retention of a sandy floor.
6. Continues to lobby the NSW State Government for the Newcastle Ocean Baths to be included in the State Heritage Register noting the iconic facility turns 100 this year.

BACKGROUND

Nil.

ATTACHMENTS

NOM Item 2 Attachment A: Correspondence Friends of Newcastle Ocean Baths Inc dated 8 February 2022 to Lord Mayor and Councillors

NOM Item 2 Attachment A



To Lord Mayor Cr Nuatali Nelmes

8th February 2022

Cc City of Newcastle Councillors

We write to you to express our members' and supporters concerns about the apparent lack of rigour and due diligence in the assessment of the Coastal Engineering implications of the Newcastle Ocean Baths Stage 1 proposal. Our concerns are formed by the independent coastal engineering advice we have sought.

Background:

GHD was the principal design consultant (PDC) for the stage 1 Baths redevelopment. Coastal inundation was addressed in the GHD (2021) document "Newcastle Ocean Baths -Stage 1- Coastal Hazard Assessment", Revision version Rev B, 24 August 2021.

Section 5 of the above GHD report states:

"When designing public infrastructure for exposed coastal locations, it is critical to understand the impact of coastal hazards on built assets and users of the facility. In the case of the Newcastle Ocean Baths, the topography of the natural rock shelf, bleachers, promenade and the pool itself result in complex redirection, refraction and focusing of wave energy and associated return waters as waves overtop the seaward rock shelf. As a result, accurate quantification of such behaviours would require highly complex CFD (Computational Fluid Dynamics) modelling and or physical modelling, which is beyond the appropriate level and scope of investigations for this project."

With the baths having existed for more than 100 years, they could be considered to be a full-scale physical model. However, with ongoing sea level rise and proposed changes to the configuration of many wave deflecting structures, accurate quantification of such behaviours is required to minimise risk on the project and ensure its longevity.

The risk in not undertaking more detailed analysis can manifest in two ways:

- a risk of overdesign and consequent excessive unnecessary costs, or
- the risk of underdesign and consequent unanticipated failure or reduced performance.

The EurOtop Manual (2018) on wave overtopping of sea defences and related structures, (2018 page 2) relied upon in the GHD 2021 report states:

“This means that the actual overtopping rate could be three times smaller as well as three times larger than the predicted mean value.” and

“The methods presented here, in general, will not predict overtopping performance with the same degree of accuracy as structure-specific model tests.”

Further, there are implications for assumptions made about sand being replenished in the pool following the annual sand removal process.

It is concerning that no data is presented that would determine the time taken to provide a useable sand floor for the users following raising of the deck and changes to the pool surrounds. Based on information provided by council to the Newcastle Herald, the quoted 1,000T of sand removed each year, being the equivalent amount of sand washed into the pool during 12 months, would only provide an average gain in sand depth of 10mm per month.

As an example, if all sand is removed in August as part of the annual clean, on average there will only be 40mm of sand on the floor by Christmas. This would render the pool unusable for thousands of pool joggers and waders, dependent on a consistent soft sandy bottom, for a considerable period every year. The raising of the promenade by approximately 300mm would further reduce the amount of sand that will wash into the pool.

Council is reluctant to confirm the maintenance regime for the pool, however, it is understood from multiple council officers that all sand that washes into the pool will be removed as part of the annual cleaning process. As such, replacement of the sand, an important aspect of the project, will be heavily contingent on the wave behaviour. This potential for ongoing additional manual sand replenishment appears not to have been factored into council's apparent costings.

In summary, it appears that the necessary level of Coastal Engineering assessment has not been carried out due to issues of scope constraints within the Principal Design Contract or expediency to have the Construction Contract awarded in October 2022. Regardless of the reason, the potential implications of not fully addressing the Coastal Engineering aspects are very serious and long term.

Recommendations

The scale of this iconic project warrants more detailed analysis. We request that the following actions be undertaken:

1. An independent professional peer review by an experienced coastal engineer of the GHD (2021) Coastal Hazard Assessment.

2. Subject to the findings of the peer review, more accurate quantification of wave runup, redirection and wave forces through a CFD model or physical model, (as recommended by GHD).
3. An independent reassessment, including cost/benefit analysis, into the possible impacts of engineering works on water quality (water stagnation, temperature changes and alteration in pH) and the amenity of the proposals to the users.

We believe these above actions are critical due to the exclusion noted above in the GHD documentation. This appears to be a serious risk to performance of the facility over the next century if the appropriate review is not conducted.

Peter Wickham

President, Friends of Newcastle Ocean Baths Incorporated

REPORT ON NOTICE OF MOTION - NEWCASTLE OCEAN BATHS UPGRADE

REPORT BY: INFRASTRUCTURE AND PROPERTY

CONTACT: ACTING DIRECTOR INFRASTRUCTURE AND PROPERTY

DIRECTOR COMMENT

The Council unanimously voted to award Newcastle Ocean Baths Upgrade Stage 1 2021/877T to Daracon Pty Ltd on 26 October 2021.

Subsequently a memo was provided to Councillors confirming that an independent engineering report was undertaken during the design stage to assess the impact of the coastal processes and hazards and to provide recommendations.

In addition to this, CN was required to assess the Project's proposed impact on the coastal processes in the vicinity of the baths. CN engaged an independent external engineering consultancy to prepare these assessments and inform optimum design options with regard to the lower promenade levels, water quality and sandy floor.

Investigations considered the long-term impacts of sea level rise, visual impact and wave overtopping both now and into the future. It was recognised that projected sea level rise will increase mean sea levels by approximately 100mm each decade through to 2050. As a result, it was identified that the design level for the lower promenade area needed to be raised by 150mm at pool edge and 250mm at the promenade perimeter to maintain status quo with sea levels to 2050. As the height increase to the promenade perimeter level is minor, modelling indicated waves in storm events will continue to overtop the seaward rock shelf and pool edge allowing sand to continue to naturally accumulate on the pool floor. This ensures that the pool will continue to be a facility for our community into the future and be able to maintain the sandy bottom that the community values.

Water and pool cleanliness is a key concern for the community. A multi-criteria assessment (MCA) was conducted to assist in determining the most appropriate option. Considerations were made to improve water clarity, reduced algae growth, improve safety maintenance issues, promenade design levels to cope with mean sea level rise and accumulation of sand on the pool floor.

Furthermore, by increasing the height of the lower promenade area by 150mm, the depth of the pool is effectively increased by 150mm. Such an increase in the depth of the pool would have the undesirable effect of preventing it from being used for walk-based activities, which was an activity identified by the community during the consultation process as requiring protecting. The importance of being able to walk the pool is also noted in the Notice of Motion submitted by Councillor Church.

Separately, the Lord Mayor wrote to then Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts, Hon Don Harwin, requesting that the NSW Government list the Newcastle Ocean Baths on the State Heritage List on 23 November 2021. A copy of this letter and confirmation of his receipt is attached.

RECOMMENDATION

That City of Newcastle:

- 1 Notes that a contract has been let to commence the long awaited Stage One upgrade to Newcastle Ocean Baths, lower promenades and pumping systems.
- 2 Notes that the works will see a new concrete floor included which will cap a natural rock shelf that has survived intact for more than 100 years.
- 3 Notes a public meeting that was held at the baths on November 28, 2021 and hosted by Friends of Newcastle Ocean Baths, where concerns were raised about retaining the pool's natural rock floor and sandy bottom.
- 4 Notes that the sandy bottom is highly valued by pool users who walk on the soft surface, for fitness and rehabilitation, and who claim the sandy bottom reduces the impact of sea lice.
- 5 Continues to lobby the NSW State Government for the Newcastle Ocean Baths to be included in the State Heritage Register noting the iconic facility turns 100 this year.

Report on NOM Item 2 - Attachment A Third Party consultation – response to Department 7 February 2022

From: [Jan Sullivan](#)
To: [Emily Jackley](#)
Subject: FW: Correspondence from City of Newcastle Lord Mayor Nuatali Nelmes
Date: Tuesday, 23 November 2021 11:13:24 AM
Attachments: ~WRD000.jpg
[211123 Harwin State Heritage Ocean Baths.pdf](#)

From: NSW Government <webforms@customerservice.nsw.gov.au>
Sent: Tuesday, 23 November 2021 11:08 AM
To: Webform Harwin <webform@harwin.minister.nsw.gov.au>
Subject: Correspondence from City of Newcastle Lord Mayor Nuatali Nelmes

✉

Your details

Title	Ms
First name	Nuatali
Last name	Nelmes
Phone	(02) 49742233
Email	lordmayor@ncc.nsw.gov.au
Street address	12 Stewart Avenue
Suburb	NEWCASTLE WEST NSW 2300
State	New South Wales

Your enquiry

Subject	Correspondence from City of Newcastle Lord Mayor Nuatali Nelmes
Type of enquiry	Comment
Message	Dear Minister, Please find attached correspondence from City of Newcastle Lord Mayor Nuatali Nelmes. Best regards, Lord Mayor's Office

I would like a response Yes



LORD MAYOR NUATALI NELMES
CITY OF NEWCASTLE

The Hon. Don Harwin MLC
Special Minister of State, and Minister for the Public Service and Employee Relations,
Aboriginal Affairs, and the Arts

By email: don.harwin@parliament.nsw.gov.au

Dear Minister

I write to you to seek your assistance in listing the Newcastle Ocean Baths on the State Heritage List, due to its cultural significance to the City of Newcastle and New South Wales.

As you would be aware, Newcastle Ocean Baths is currently endorsed as locally significant on the State Heritage Inventory, as per the *Newcastle Local Environmental Plan 2012*.

The State Heritage Inventory advises that the *Newcastle Ocean Baths are an icon for the City of Newcastle – standing alone on a wave cut rock platform dominating the city's coastline. The Art Deco – stripped classical bathing pavilion sets an appropriate stage for the pursuit of bathing and swimming; in a city uniquely nestled between harbour and sea. The building and the baths are significant for their demonstration of the values placed on recreational bathing by the citizens of Newcastle. It is believed to be the only example of a bathing pavilion in the stripped classical style.*

The City of Newcastle recently resolved to restore Newcastle Ocean Baths through a two-stage process, with the tender for the first stage of the restoration of the pools and promenades recently awarded. We worked closely with the National Trust of Australia' to ensure that the heritage of the Newcastle Ocean Baths is protected during this first stage of the restoration.

With works on the iconic façade to be undertaken during Stage Two of the restoration project, and 2022 marking the iconic sites 100th anniversary, I believe it would be timely to list Newcastle Ocean Baths on the State Heritage Register to ensure its ongoing preservation and protection for our community.

If Heritage NSW requires any further information regarding my request, please do not hesitate to contact me by email at lordmayor@ncc.nsw.gov.au.

I look forward to your response, in due course.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'N' followed by a horizontal line.

Lord Mayor Nuatali Nelmes
CITY OF NEWCASTLE

ITEM-3 NOM 22/02/22 - CONFIDENTIAL COUNCILLOR WORKSHOPS

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Friday 11 February 2022 from the abovenamed Councillor.

MOTION

That the City of Newcastle

As per Section 91 of the Code of Meeting Practice, resolve to open future Council Workshops to the public via webcast, except where required to be closed in accordance with section 10A of the Local Government Act 1993.

BACKGROUND

In 2017 City of Newcastle adopted the Open and Transparent Governance Strategy, which commits Council to a governance framework that ensures all processes and decisions are made openly and transparently. The second of four objectives in that strategy aims to achieve “considered decision-making based on collaborative, transparent and accountable leadership”, and outlines Council’s commitment to a “a transparent and accountable approach to doing business” (see attached).

The Local Government Regulation in NSW requires all councils to webcast council meetings and councillor-only committee meetings. The Local Government Regulation requires:

- each meeting to be recorded by an audio or audio-visual device
- recordings to be made publicly available on the council’s website at the same time the meeting is taking place or as soon as practicable after the meeting
- recordings to be published on the council’s website for a minimum of 12 months
- the chairperson to inform meeting attendees at the start of each meeting that the meeting is being recorded and will be made publicly available on the council’s website and that attendees should refrain from making any defamatory statements.

These requirements do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Local Government Act 1993. These requirements do not apply to Councillor Workshops, although we do follow these requirements for Development Applications Committee, Public Voice Meetings and Briefings. It is at the discretion of the Council as to whether Workshops are to be similarly open to the public or webcast.

Under our current Code of Meeting Practice (section 91) “all Workshops are closed to the public except those Workshops (or parts of the Workshop) which are opened to the public by resolution of Council or a Committee of Council (insofar as it is delegated the authority to do so) or the CEO.”

The Local Government Act is specific with regards to the grounds on which a council can close its meetings to the public: a Council can close parts of the meeting that involve the discussion or receipt of any of the following matters or information:

- personnel matters concerning particular individuals (other than councillors)
- the personal hardship of any resident or ratepayer
- information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- commercial information of a confidential nature that would, if disclosed: – prejudice the commercial position of the person who supplied it, or – confer a commercial advantage on a competitor of the council, or – reveal a trade secret
- information that would, if disclosed, prejudice the maintenance of law
- matters affecting the security of the council, councillors, council staff or council property
- advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- information concerning the nature and location of a place or an item of Aboriginal significance on community land
- alleged contraventions of the council’s code of conduct.

Workshops would similarly be closed to the public where these matters are raised or discussed. The Local Government Regulation and the Model Meeting Code do not require parts of a meeting that have been closed to the public under section 10A of the Local Government Act to be webcast.

Webcasting workshops is more consistent with the intention and objectives of s10 of the Local Government Act generally. It should be noted that s10B(4) of the Act states that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- a person may misinterpret or misunderstand the discussion, or
- the discussion of the matter may cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
- cause a loss of confidence in the council or committee.

Webcasting Councillor workshops is similarly consistent with Council’s statutory responsibilities under the GIPA Act – that is, agencies uphold the general principles of open government information, and as highlighted in section 5 of the GIPA Act:

“There is a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure.”

The “Guide to Webcasting Council and Committee Meetings” developed by the Office of Local Government (OLG) and published in August 2020 recognises that “transparency and accountability are essential prerequisites for good governance, particularly in local government” and provides a rationale for webcasting of meetings:

“As councillors are elected by their communities to make decisions on their behalf, it is important that the community can see this decision-making in action and understand how and why decisions are made. ... It also promotes greater community confidence in the integrity of meeting practices, and the conduct of their elected representatives.”

ATTACHMENTS

NOM Item 3 Attachment A: Office of Local Government Guide to Webcasting Council and Committee Meetings: <https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Guide-to-webcasting-council-and-committee-meetings-updated-August-2020.pdf>

NOM Item 3 Attachment B: Department of Premier and Cabinet, The Closure of Council Meetings to the Public, Director General’s Guidelines issued pursuant to section 10B(5) of the Local Government Act 1993, <https://www.olg.nsw.gov.au/wp-content/uploads/Closure-of-Council-Meetings-to-the-Public-2013.pdf>

NOM Item 3 Attachment C: City of Newcastle Open and Transparent Governance Strategy, December 2017. <https://www.newcastle.nsw.gov.au/getmedia/d39bdba3-6816-42f5-a4cd-625b4d33ff75/Open-and-Transparent-Governance-Strategy-Final.aspx>

REPORT ON NOTICE OF MOTION – CONFIDENTIAL COUNCIL WORKSHOPS

REPORT BY: GOVERNANCE

CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER

DIRECTOR COMMENT

Councils are legally required to adopt a Code of Meeting Practice (s360 of the Local Government Act 1993). The Code of Meeting Practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of the Model Code released from the Office of Local Government (s360(4) of the Local Government Act 1993). Council is required to adopt a Code of Meeting Practice within 12 months following an ordinary election of councillors (s360(3) of the Local Government Act 1993).

Section 3.34 of the Model Code states that pre-meeting briefing sessions are to be held in the absence of the public. While this is not a mandatory provision, it is the recommended position of the NSW Office of Local Government.

Section 91.5 of CN's adopted Code of Meeting Practice (COMP) contemplates that Council may resolve to open an individual workshop, or a portion of a workshop, to the public. In practice, this provision would be used alongside Section 9.12 of the COMP, which requires any resolution requesting a workshop to include a clear statement on the subject of discussion. It contemplates that such a resolution to open a workshop to the public would be narrow in scope to a single topic of discussion.

The proposal of this NOM is that all workshops be open to the public by default, except for those required to be closed under s10A of the Local Government Act. This is problematic as Section 10A of the Act does not apply to Councillor Workshops. The Act is clear that it only applies to meetings of the Council or Committees of the Council (such as DAC). Additionally, s10 of the Act requires Councillors to pass a procedural resolution to close a meeting (s33 of the COMP). Workshops, by definition, are not council meetings, and do not have the authority to make decisions or carry resolutions. Under this NOM, it is not clear who is the decision maker for the closure of workshops.

The suggested blanket use of s91.5 of the existing COMP is therefore inconsistent with its intention and is unworkable.

Further, sections 361 and 362 of the Act outline the process for the preparation, public notification and exhibition of the draft COMP, including a requirement for a public notice period of no less than 42 days.

Council last adopted a COMP in September 2019. Prior to adoption, the draft COMP was exhibited for 42 days. No submissions were received from the public. The COMP is scheduled to again be reviewed and placed on public exhibition in May 2022.

RECOMMENDATION

That Council:

- Continues to webcast the Public Voice Committee; which is an opportunity for the general public to nominate a matter for discussion with the elected Council.
- Continues to webcast the Public Briefings Committee; which is an opportunity for the Council or an Advisory Committee to, by resolution, request that the CEO schedule a briefing on an issue.
- Notes that the Code of Meeting Practice is scheduled to be reviewed and placed on public exhibition in May 2022.

ITEM-4 NOM 22/02/22 - NEWCASTLE CLIMATE ACTION TASKFORCE

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Friday 11 February 2022 from the abovenamed Councillor.

MOTION

That the City of Newcastle

- 1 Notes the preceding commitments by the City of Newcastle to addressing climate change, including but not limited to:
 - Formally committing to the principles and targets of the Paris Climate Agreement (December 2018);
 - Making the switch to 100% of the electricity used across Council's operations produced from renewable sources (January 2020).
 - Adopting the Newcastle Climate Action Plan 2021-25 that commits the City of Newcastle to net zero emissions for its operations by no later than 2030, and a Net Zero Emission City by not later than 2040 (November 2020).
 - Taking the Cities Race to Zero Pledge (September 2021).
- 2 Acknowledges the work of the Hunter Community Alliance, representing 23 organisations and more than 250,000 people in the Hunter region, in the development of climate action proposals through cross-sector collaboration since October 2020.
- 3 Notes the success of the City of Newcastle Covid-19 Taskforce in establishing a model of appropriate collaboration and response to crisis, with the independent evaluation describing taskforce as "providing a blueprint for how leaders can respond to future crises or unexpected events within the city and region."
- 4 Builds on the achievements of the Covid-19 Taskforce in the context of Climate Emergency, establish a City of Newcastle Climate Action Taskforce to:
 - a Develop a city-wide pathway and timetable to carbon neutrality by December 2035 in conjunction with business, the public sector and the community and based on the best scientific and technical advice. The pathway should review issues and options and sets clear targets, including interim targets; and
 - b Recommend measures to progress economic diversification and structural economic change as fossil fuel industries become less reliable within the LGA and more broadly across the Hunter.

BACKGROUND

The draft Newcastle 2040 Community Strategic Plan notes that City of Newcastle (CN) is leading in many aspects of climate change policy, strategy and planning. We are working to mobilise and improve our capacity and that of our community through education, awareness-raising and strategies for climate change mitigation, adaptation, impact reduction and early warning. We are building and transitioning to green jobs and encouraging sustainable, inclusive growth of climate-aware enterprise.

To meet the challenges of a climate emergency, take advantage of the economic opportunities from meeting emissions targets and create a net zero emissions city, it will take collective action, commitment and leadership from all sectors of the community.

The Newcastle Climate Action Plan (2021-2025) sets the roadmap for achieving emission reduction both within the City of Newcastle (CN) operations and across the broader community, to support a future net zero emission Newcastle. The plan includes consideration of how not just Council, but Newcastle as a whole can track towards Net Zero Emissions in a practical way. It is also focused on taking advantage of the considerable economic opportunities that arise from a clean energy and low-emissions industry landscape. It is imperative that the CN accelerates this low carbon journey as soon as possible, given the scale of emissions associated with all sectors of the community. CN can address areas such as electricity and transport use where decarbonisation is already achievable, while beginning the groundwork and supporting emerging areas such as renewable hydrogen and zero-emission industries. This will pave the way for a resilient and thriving Net Zero Emission City.

Further, CN can also take a leadership role in working collaboratively with other levels of government, business, industry and advocacy groups to ensure a managed transition that supports the community along the way and provides new and meaningful opportunities for work.

ATTACHMENTS

NOM Item 4 Attachment A: Hunter Research Foundation Centre, January 2021. "City of Newcastle Covid-19 Taskforce Evaluation", www.newcastle.nsw.gov.au/Newcastle/media/Documents/COVID-19/City%20Taskforce/City-Taskforce-Final-Report_1.pdf