



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 25 May 2021

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

19 May 2021

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**ORDINARY COUNCIL MEETING
25 May 2021**

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(Business Paper to be distributed on the night in accordance with the Code of Meeting Practice, cl20.5)

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

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 20 APRIL 2021

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 210420 Public Voice Committee Minutes

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

Attachment A

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 20 April 2021 at 6.04pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, K Elliott (*arrived 6.45pm*), B Luke, J Mackenzie, A Robinson, A Rufo, E White (*arrived 6.07pm*) and P Winney-Baartz.

IN ATTENDANCE

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

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

COUNCILLOR REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Clausen, seconded by Cr Rufo

The request submitted by Councillor Elliott to attend by audio visual link be received and leave granted.

Carried

APOLOGIES

MOTION

Moved by Cr Clausen, seconded by Cr Rufo

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PV 20/04/21 - 99 FREDERICK STREET, MEREWETHER - DA2020/01212 - PUB - ALTERATIONS, ADDITIONS AND SIGNAGE

Mr Dennis Courtney addressed Council and outlined concerns and objections to the development application. Mr Andrew Lazarus and Mr Doug White on behalf of the DA applicant addressed Council in support of the development application.

ITEM-2 PV 20/04/21 - 120 PARRY STREET AND 16 HALL STREET, NEWCASTLE WEST - DA2020/00322 - DEMOLITION (EXISTING BUILDING) AND MIXED-USE DEVELOPMENT (EIGHT STOREY) - INCLUDING RESIDENTIAL (30 APARTMENTS) AND GROUND FLOOR RETAIL / BUSINESS

Ms Amanda Wetzel and Steve Connell addressed Council and outlined concerns and objections to the development application. Mr Ben Rapely on behalf of the DA applicant addressed Council in support of the development application.

The meeting concluded at 7.18pm.

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MINUTES - ORDINARY COUNCIL MEETING 27 APRIL 2021

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 210427 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

Attachment A

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 27 April 2021 at 6.08pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, J Mackenzie, A Robinson (*left the meeting during confidential session*), A Rufo, E White (*retired 8.22pm*) and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), S Moore (Manager Finance), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), M Murray (Chief of Staff), E Dowswell (Senior Media Advisor), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

The requests submitted by Councillors Dunn, Robinson and White to attend by audio visual link be received and leave granted.

Carried

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 16 MARCH 2021

MINUTES - BRIEFING COMMITTEE 16 MARCH 2021

MINUTES - ORDINARY COUNCIL MEETING 23 MARCH 2021

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

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

**Carried
unanimously**

LORD MAYORAL MINUTE

ITEM-10 LMM 27/04/21 - BOB PALMER OVAL TUXFORD PARK, SHORTLAND

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that on 12 December 2020, Mr Robert 'Bob' Palmer was tragically killed in his beloved suburb of Shortland leading to expressions of grief from the local community;
- 2 Notes that the Shortland Devils Rugby League Football Club Committee, Club Members, the local Shortland community, and Bob's family have requested that Tuxford Oval Number 1 at Tuxford Park be renamed the Bob Palmer Oval, to honor Bob's lifelong commitment to the Shortland Community, and to the Shortland Devils RLFC;
- 3 Recognises Mr Palmer's incredible contribution to Shortland, the Shortland Devils RLFC and to Rugby League, and re-names Tuxford Oval Number 1 as the Bob Palmer Oval; and
- 4 Works with the Shortland Devils RLFC, Mr Palmer's family and the community to officially dedicate the Bob Palmer Oval, through the installation of a memorial to Mr Palmer and appropriate naming signage at Tuxford Park, Shortland.

**Carried
unanimously**

PROCEEDINGS IN BRIEF

Councillor Clausen gave notice of a late item of business.

ITEM-11 LMM 27/04/21 - HOUSING AFFORDABILITY CRISIS IN NEWCASTLE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Recognises that dedicated, long-term social and affordable housing and advocates have declared that Newcastle is on the brink of a humanitarian crisis, with the end of JobSeeker and JobKeeper, the rent-rise moratorium coming to an end and a sharp increase in the value of property creating a 'perfect storm' for the rise of homelessness;
- 2 Acknowledges the current housing crisis, and commits to continuing to do all that we can from local government to address housing affordability across Newcastle, noting that the supply of new social and affordable housing stock is the responsibility of the State Government, with the support of the Federal Government;
- 3 Notes that City of Newcastle continues to advocate to the State and Federal Government to provide adequate funding to address housing affordability in Newcastle, including:
 - a) The development of the 'Newcastle Local Housing Strategy' (LHS) 2020 (**Attachment A**), which sets a framework for the provision of housing across the Newcastle Local Government Area (LGA), which includes the development of an Affordable Housing Contributions Scheme to facilitate the provision of affordable housing in new developments, and is currently the only available direct mechanism that the City of Newcastle can utilise to increase the availability of affordable housing;
 - b) Providing submissions to the NSW Government on the following reforms:
 - Introduction of a NSW Housing Strategy (**Attachment B**);
 - New Housing Diversity State Environmental Planning Policy (**Attachment C**); and
 - 'Continuing the Productivity Conversation' Green Paper by the NSW Productivity Commission (**Attachment D**).
 - c) Providing Budget Submissions to the State and Federal Treasurers advocating for additional funding for affordable housing initiatives as a part of every State and Federal Budget cycle, during this term of Council; and
 - d) The City of Newcastle COVID-19 Taskforce unanimously endorsed to advocate for affordable housing initiatives to State and Federal Governments as a part of their economic stimulus programs aimed to assist in the economic recovery from the COVID-19 global pandemic.

- 4 Recognises the concept of a 15% Affordable Housing Mandate on privately developed land, whereby 15% of new dwellings or floor space on privately developed land is mandated as Affordable Housing in new housing developments, and considers this rate as a part of the development of the Affordable Housing Contributions Scheme.
- 5 Notes that key housing and social services advocacy groups such as, the NSW Council of Social Service (NCOSS), Homelessness NSW, the Tenants Union of NSW, National Shelter, the Australian Housing and Urban Research Institute and the Community Housing Industry Association support the provision of a 15% affordable housing mandate, at a minimum, for private development;
- 6 Recognises that industry experts point to the ACT Government's 20% affordable housing mandate, and the South Australian Government's 15% affordable housing mandate on many new private developments, including a 5% social housing mandate, as key examples of government housing affordability policies;
- 7 Supports the Governance Directorate, through Regulatory, Planning and Assessment, to expedite the development of the City of Newcastle Affordable Housing Contributions Scheme, and endorses the provision of adequate resourcing to do so;
- 8 Notes, with ongoing concern, the Federal Government's decision to phase out funding for the National Rental Affordability Scheme (NRAS), with no new funding mechanisms identified to ensure the ongoing provision of leases 20% below market rate in affordable housing units, with no new funding mechanism identified that would facilitate the retention of existing stock beyond the 10-year obligation;
- 9 Continues to advocate to the NSW and Federal Government's to provide additional funding to address the affordable housing crisis across Newcastle, and writes to the NSW and Federal Treasurers, providing copies of our submissions and advocacy to date as well as a copy of the Newcastle Local Housing Strategy.

For the Motion:

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

Against the Motion:

Councillors Church and Luke.

Carried

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Byrne

Council alter the order of business to deal with the following reports forthwith:

- Item 31 – Code of Meeting Practice – Procedures for Councillors Attending Council and Committee of Council Meetings Remotely
- Late item of business – City of Newcastle's Summerhill Operating Licence
- Confidential Item 3 – Tender Report – East End Stage 1 – Hunter Street Mall Refurbishment – Contract 2020/380T
- Confidential Item 4 – Confidential Code of Conduct Matter

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-31 CCL 27/04/21 - CODE OF MEETING PRACTICE - PROCEDURES FOR COUNCILLORS ATTENDING COUNCIL AND COMMITTEE OF COUNCIL MEETINGS REMOTELY

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Adopt the Procedures for Councillors Attending Council and Committee of Council Meetings Remotely (Procedures) at **Attachment A**; and
- 2 Terminate the Practice Note: Code of Meeting Practice (April 2020).

**Carried
unanimously**

LATE ITEMS OF BUSINESS

ITEM-39 LATE ITEM OF BUSINESS - CITY OF NEWCASTLE'S SUMMERHILL OPERATING LICENCE

The Lord Mayor advised that she had been informed by Councillor Clausen of a late item of business and the business proposed was of great urgency on the grounds that the matter of *City of Newcastle's Summerhill Operating Licence*, was required to go before Council prior to the next scheduled Council meeting.

Councillor Clausen was asked to outline the reasons for Council to consider the late item of business:

- The matter was of sufficient urgency to consider and could not be delayed to a future Council meeting as failure to transact the business may result in Council being unable to operate its Summerhill Waste Management facility and cause a public health crisis in the City of Newcastle.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

The matter of the City of Newcastle's Summerhill Operating Licence be heard as a late item of business in accordance with the Code of Meeting Practice and as outlined by Councillor Clausen.

Carried

The Lord Mayor ruled the matter of City of Newcastle's Summerhill Operating Licence to be of great urgency on the grounds that it required a decision by Council before the next scheduled Council meeting.

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Notes media reports of the prosecution of Councillor Robinson's company, ARSK Civil Pty Ltd, for illegally dumping 52 tonnes of demolition waste.
2. Notes that these are not the first reports of illegal dumping and prosecution for environmental offences by companies associated with Councillor Robinson.
3. Notes that City of Newcastle's operations of the Summerhill Waste Management Facility rely on an Environmental Protection Licence (EPL) issued by the NSW Environment Protection Authority (EPA) under the *Protection of Environment Operations Act 1997* (POEO Act).
4. Notes that under S79 and 83 of the POEO Act, the EPA may suspend or revoke Council's EPL if: "*a director of the body corporate is or has been the director of another body corporate that has contravened any of the environmental protection legislation or other legislation*".
5. Notes that the actions of Councillor Robinson's companies potentially threaten City of Newcastle's Summerhill EPL, and therefore its ability to operate the Summerhill Waste Management Facility, as the EPL could be suspended or revoked under the fit and proper criteria of the POEO Act.
6. Notes the disastrous impact of any suspension or revocation of the City's ability to collect domestic waste, the associated public health crisis it would cause, and the financial impacts on the City's budget.
7. Condemns illegal dumping and the fact that the City has been placed in this position in the strongest possible terms.
8. Refers these matters for investigation under Council's Code of Conduct, and requests that the CEO, Director Governance and Director of City Wide Services take necessary action to protect City of Newcastle's EPL from

suspension/revocation due to the actions of entities associated with Councillor Robinson.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Luke

Council vote on the motion seriatim.

Carried

PART 1

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Notes media reports of the prosecution of Councillor Robinson's company, ARSK Civil Pty Ltd, for illegally dumping 52 tonnes of demolition waste.

Carried

PART 2

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

2. Notes that these are not the first reports of illegal dumping and prosecution for environmental offences by companies associated with Councillor Robinson.

Carried

PART 3

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

3. Notes that City of Newcastle's operations of the Summerhill Waste Management Facility rely on an Environmental Protection Licence (EPL) issued by the NSW Environment Protection Authority (EPA) under the *Protection of Environment Operations Act 1997* (POEO Act).

Carried

PART 4

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

4. Notes that under S79 and 83 of the POEO Act, the EPA may suspend or revoke Council's EPL if: *"a director of the body corporate is or has been the director of another body corporate that has contravened any of the environmental protection legislation or other legislation"*.

Carried

PART 5

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

5. Notes that the actions of Councillor Robinson's companies potentially threaten City of Newcastle's Summerhill EPL, and therefore its ability to operate the Summerhill Waste Management Facility, as the EPL could be suspended or revoked under the fit and proper criteria of the POEO Act.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott, Luke, Mackenzie, Robinson and Rufo.

Carried

PART 6

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

6. Notes the disastrous impact of any suspension or revocation of the City's ability to collect domestic waste, the associated public health crisis it would cause, and the financial impacts on the City's budget.

Carried

PART 7

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

7. Condemns illegal dumping and the fact that the City has been placed in this position in the strongest possible terms.

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

Against the Motion: Councillors Church, Elliott, Luke, Robinson and Rufo.

Carried

PART 8

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

8. Refers these matters for investigation and requests that the CEO, Director Governance and Director of City Wide Services take necessary action to protect City of Newcastle's EPL from suspension/revocation due to the actions of entities associated with Councillor Robinson.

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

Against the Motion: Councillors Church, Elliott, Luke, Robinson and Rufo.

Carried

Councillor Robinson did not vote on parts 1 - 8 and as such was recorded as having voted in the negative.

All staff other than the Chief Executive Officer, Director Governance, Manager Legal, Councillor Services and IT Meetings Support left the meeting for Item 4 - Confidential Code of Conduct Matter.

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

Carried

Council moved into confidential session at 7.29pm.

Councillor Robinson left the meeting for discussion on Item 4 - Confidential Code of Conduct matter and did not return to the meeting.

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

Council move into open session.

Carried

Council moved out of confidential session at 8.21pm and the Chief Executive Officer reported the outcomes of confidential session.

Councillor White retired from the meeting at 8.22pm.

ITEM-3 CON 27/04/21 - TENDER REPORT - EAST END STAGE 1 - HUNTER STREET MALL REFURBISHMENT - CONTRACT 2020/380T

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Mackenzie

That Council:

- 1 Accept the tender of Statewide Civil Pty Ltd. in the amount of \$4,399,002.50 (excluding GST) for East End Stage 1 – Hunter Street Mall Refurbishment for Contract No. 2020/380T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

ITEM-4 CON 27/04/21 - CONFIDENTIAL CODE OF CONDUCT MATTER

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 notes that an investigation was undertaken into a Code of Conduct complaint against Councillor Robinson. The investigation was undertaken by a Conduct Reviewer, independent of City of Newcastle (CN), in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
- 2 receives the Final Investigation Report of the Conduct Reviewer in relation to the complaint at **Attachment A**;
- 3 notes that Councillor Robinson was consulted by the Conduct Reviewer throughout the investigation and that prior to imposing a sanction, Councillor Robinson was provided with a formal opportunity to make a written or oral submission to Council;
- 4 accepts the finding of the Conduct Reviewer in relation to the complaint that on 25 February 2020, Councillor Allan Robinson breached clauses 3.1 (a) and (e), and 3.7 of the Code of Conduct for Councillors, by conducting himself in an inappropriate and intimidatory manner towards another Councillor without their consent;
- 5 in accordance with section 440G of the Local Government Act 1993 (Act) and based on the findings and recommendation of the Conduct Reviewer, formally censures Councillor Robinson for breaching clauses 3.1 (a) and (e), and 3.7 of the Code of Conduct for Councillors, on the grounds that Councillor Robinson engaged in the following forms of conduct:
 - (i) Conducted himself in a manner likely to bring CN into disrepute; and
 - (ii) Conducted himself in a manner which comprised intimidation; and
 - (iii) Conducted himself in a manner which amounted to harassment of another person;
- 6 accepts the Conduct Reviewer's further recommendation that, due to the repeated and serious nature of Councillor Robinson's conduct, Council refers to the matter to the Office of Local Government for further action under the misconduct provisions of the Act; and
- 7 treats this confidential report and attachment relating to the matters specified in section 10A(2)(i) of the Act as confidential.

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

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

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-35 CCL 27/04/21 - PROPOSED ROAD CLOSURE - CROWN STREET LANEWAY, STOCKTON

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Endorse the closure of the section of Crown Street laneway road reserve, Stockton, adjacent to Lot 5 Section B DP 6865.
- 2 Approve the sale of the 30.17m² parcel of land (**Attachment A**) to the adjoining owner of Lot 5 Section B DP 6865 for \$38,400 (plus GST).
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transactions.
- 4 Endorse the sale revenue be transferred to City of Newcastle's (CN) 'Works Program: Specific Projects' internally restricted reserves.

Carried

ITEM-36 CCL 27/04/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

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

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

Against the Motion: Councillor Church.

Carried

Councillor Elliott was absent from the Chamber when the vote was taken on Item 36.

ITEM-32 CCL 27/04/21 - DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN AND CHILDREN

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Receives and acknowledges City of Newcastle's actions outlined at **Attachment A** in response to domestic violence, coercive control and violence against women and children.
- 2 Continues to support domestic violence support groups Got Your Back Sista and Nova for Women and Children as City of Newcastle's nominated corporate charities for a further 3 years until 2024.

**Carried
unanimously**

ITEM-33 CCL 27/04/21 - PUBLIC EXHIBITION OF DRAFT COMMUNITY INFRASTRUCTURE INCENTIVE POLICY

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Places the draft Community Infrastructure Incentives Policy (**Attachment A**) on public exhibition for 28 days.
- 2 Receive a report on submissions following the public exhibition.

AMENDMENT

Moved by Cr Luke

- 3 City of Newcastle engage with the community, Liveable Cities Advisory Committee, Department Planning Industry and Environment, Property Council, Urban Development Institute of Australia, Independent Commission Against Corruption and other stakeholders as part of the recommended public exhibition process.

The mover and seconder of the motion accepted Councillor Luke's amendment to the motion.

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

**Carried
unanimously**

ITEM-34 CCL 27/04/21 - ADOPTION OF THE COMMUNITY GRANTS AND SPONSORSHIP POLICY

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1 Adopt the Community Grants Policy at **Attachment A** and Sponsorship Policy at **Attachment B**.

AMENDMENT

Moved by Cr Church, seconded by Cr Elliott

The policy be amended to state that *the Policy authorises the Director to approve grants and or sponsorship up to a value of \$10,000 with all others to come before elected Councillors.*

Defeated

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

**Carried
unanimously**

ITEM-37 CCL 27/04/21 - TENDER REPORT - STAGE 3A WALLSEND LOCAL CENTRE - INTERSECTION OF KOKERA AND COWPER STREETS - CONTRACT 2021/362T

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

That Council:

- 1 Accept the tender of Statewide Civil Pty Ltd in the amount of \$3,909,733.74 (excluding GST) for construction of Stage 3A of Wallsend Local Centre for Contract No. 2021/362T.
- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

ITEM-38 CCL 27/04/21 - TENDER REPORT - SUMMERHILL WASTE MANAGEMENT CENTRE - PROVISION OF ENVIRONMENTAL SERVICES - CONTRACT 2021/293T

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

That Council:

- 1 Accept the tender of AECOM Australia Pty Ltd for Environmental Services at Summerhill Waste Management Centre, for Contract No. 2021/293T.
- 2 The confidential attachments relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

NOTICES OF MOTION

ITEM-9 NOM 27/04/21 - WASTE REDUCTION AND GREEN CAFFEEN PROGRAM

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- Notes the commitment of the City of Newcastle to ensuring that all Council-managed enterprises, activities and events on Council land eliminate the use of disposable and single-use plastic items;
- Notes the City of Newcastle's diverse portfolio of waste reduction programs and campaigns, including partnerships with a range of stakeholders to raise community awareness of this issue; and
- Join the Hunter Joint Organisation's partnership with Green Caffeen to reduce the litter and waste stream associated with disposable coffee cups.

Carried

ITEM-10 NOM 27/04/21 - MODERNISING SHARK BITE RISK MITIGATION

In moving the motion, Councillor Mackenzie moved Part 3 of the recommendation in the Director's Report as outlined in the business papers.

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- 1 Supports a modernisation of shark bite risk mitigation including the removal of shark nets in favour of increased drone surveillance, SMART drumlines, and trials of additional non-lethal measures.
- 2 Endorses the response to the NSW Shark Management Strategy attached to this report.
- 3 Notes that shark mitigation is the responsibility of the NSW State Government.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-11 NOM 27/04/21 - CITY OF NEWCASTLE VACCINE HUBS

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Notes Australia's slow progress in vaccinating the population against COVID-19;
- 2 Notes calls from public health experts for vaccine hubs to be established to expedite vaccination and deliver herd immunity;
- 3 Notes the negative public health and economic consequences of a prolonged vaccination rollout;
- 4 Notes the long history of Council supporting community vaccination programs, including at CN venues such as City Hall;
- 5 Offers to make available CN venues to support the expedited delivery of community vaccination in Newcastle; and
- 6 Write to the NSW Ministry of Health and advise of Council's decision.

**Carried
unanimously**

The meeting concluded at 9.42pm.

REPORTS BY COUNCIL OFFICERS

ITEM-40 **CCL 25/05/21 - ADOPTION OF THE OUR BUDGET 2021/22 (DELIVERY PROGRAM 2018-2022 AND OPERATIONAL PLAN 2021/22)**

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

PURPOSE

To adopt the 2021/22 Our Budget and 2021/22 Fees and Charges Register in accordance with the Local Government Act 1993 (Act).

RECOMMENDATION

That Council:

- 1 Adopts the 2021/22 Our Budget as at **Attachment A** and the 2021/22 Fees and Charges Register as at **Attachment B**.

KEY ISSUES

- 2 Section 404 of the Local Government Act 1993 (Act) requires councils to have a delivery program (DP) detailing the principle activities to be undertaken to implement strategies established by the community strategic plan (CSP). An operational plan (OP) is required each year outlining the planned activities to be delivered.
- 3 City of Newcastle (CN) combines the DP and OP into the '2021/22 Our Budget' ("Budget") (**Attachment A**).
- 4 Section 608 of the Act enables CN to apply fees for services provided. CN's 2021/22 Fees and Charges Register ("Register") is at **Attachment B**.
- 5 CN has demonstrated its commitment to financial sustainability in the Budget by maintaining a net operating surplus, renewing and maintaining assets in a sustainable range and utilising evidence based decision making to underpin its financial governance.
- 6 The 2021/22 Budget returns CN's financial position to an operating surplus after the planned 2020/21 operating deficit to support the city through the COVID-19 pandemic. However, the effects of the pandemic continue to impact CN's revenue, including an expected 50% reduction in the dividend from Newcastle Airport and significantly lower investment returns due to declining interest rates designed to stimulate consumer spending by the Reserve Bank of Australia.

- 7 Budget investment highlights include:
- i) \$10.5m for environmental protection including Stockton Beach sand re-nourishment to protect property and maintain the beach amenity;
 - ii) \$2m to fund early works for the expansion of the Newcastle Art Gallery;
 - iii) \$4m towards the Newcastle Ocean Baths upgrade;
 - iv) \$3.5m for the East End Pacific Park public domain plan design and \$2m for the extension of Bathers Way and associated facilities between Newcastle Skate Park and Zaara St Newcastle;
 - v) \$3.25m for Local Centre upgrades at Wallsend and New Lambton;
 - vi) Funding to deliver initiatives arising from the Parking Plan, Cycling Plan, Climate Action Plan, Economic Development Strategy and Customer Experience Strategy.
- 8 The draft Budget and Register were publicly exhibited for 28 days from 24 March to 23 April 2021 with a report on submissions at **Attachment C**. CN utilised different media formats to inform the community of the public exhibition period including print and online channels. A video snapshot was created for online and social media distribution and a range of editorial pieces published for internal and external audiences.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 15 The Budget and Register are required to be adopted by Council by 30 June 2021 following a minimum 28-day public exhibition period.
- 16 The Budget includes actions that require implementation by CN as well as partner agencies.

RISK ASSESSMENT AND MITIGATION

- 17 The Budget is built on a significant evidence base, however there are a number of assumptions, including some outside of CN's control, that may impact outcomes, including:
 - i) Government grant funding;
 - ii) Investment returns;
 - iii) External contributions (ie local infrastructure contributions);
 - iv) Government cost shifting;
 - v) Monetary and fiscal policy (ie interest rates, taxation);
 - vi) Legislative changes;
 - vii) Natural disasters (storms, pandemics);
 - viii) National and international economic markets are still not stable and continue to respond to the disruption created by COVID-19 that are a risk to delivery of the forecast \$1.2m surplus.
- 18 The Budget will be monitored against financial performance indicators and adjusted through quarterly budget reviews as required to maintain financial responsibility. This may include adjustments to accommodate income variability as a result of ongoing COVID disruption to business activities.

RELATED PREVIOUS DECISIONS

- 19 The 2018/2022 Delivery Program and 2020/21 Operation Plan and the 2020/21 Fees and Charges Register were adopted at the Ordinary Council Meeting on 23 June 2020.
- 20 At the Ordinary Council Meeting on 23 March 2021 Council placed the draft Budget and Register on public exhibition.

CONSULTATION

- 21 A Councillor Workshop was held on 10 November 2020 outlining the approach to the development of the Budget including opportunities for Councillor input.
- 22 Councillors were invited to submit a Community Priority Form to inform Budget priorities.
- 23 A Strategic Councilor Workshop conducted between 29–30 January 2021 with eight Councillors in attendance, explored current and emerging opportunities

and threats, projects and initiatives which have guided the Budget's development.

- 24 A Councillor Workshop was held on 11 May 2021 to discuss the Budget and Register following public exhibition.
- 25 The Budget and Register were placed on public exhibition for 28 days, with 3,600 views on CN's engagement site and forty-six (46) submissions of which 92% were positive or constructive. A report on submissions is at **Attachment C**.

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

- Item 40 Attachment A:** 2021/22 Our Budget (2018-2022 Delivery Program and 2021/22 Operational Plan)
- Item 40 Attachment B:** 2021/22 Fees and Charges Register
- Item 40 Attachment C:** 2021/22 Feedback Report

Item 40 Attachments A – C distributed under separate cover

ITEM-41 CCL 25/05/21 - ADOPTION OF SHORTLAND LOCAL CENTRE PUBLIC DOMAIN AND TRAFFIC PLAN

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

PURPOSE

To adopt the Shortland Local Centre Public Domain and Traffic Plan (PDP) and the Shortland Light Traffic Thoroughfare Plan (LTT).

RECOMMENDATION

That Council:

- 1 Adopts the Shortland Local Centre Public Domain and Traffic Plan as set out at **Attachment A**.
- 2 Adopts the Shortland Light Traffic Thoroughfare Plan as set out at **Attachment B**.

KEY ISSUES

- 3 Shortland Local Centre is dominated by through traffic to the detriment of safe pedestrian and cycle access and public amenity. The traffic volume is high at over 10,000 vehicles per day, of which 3.8% are categorised as heavy vehicles.
- 4 Unit developments on the eastern side of Sandgate Road have minimal on-site parking. This results in high demand for on-street parking by residents, which conflicts with customer parking for businesses.
- 5 The dumping of household waste in the street and in public waste bins is associated with residents of the unit developments, who are typically students with short-term tenancies.
- 6 City of Newcastle (CN) used the results of community consultation and site investigations to develop a draft PDP.
- 7 The draft PDP was placed on public exhibition from 22 February to 21 March 2021. Most exhibition respondents approved of the overall draft PDP with high levels of support (83%) for a LTT.
- 8 The LTT will remove vehicles over 10 tonne from Sandgate Road between Vale Street and the Newcastle Bypass intersection at Wetlands Place. Vehicles over 10 tonne make up 0.5% of total traffic volume and it is not anticipated that their removal will negatively impact local businesses.

- 9 In response to community feedback regarding vehicle queueing at the 7-Eleven Service Station, the PDP was finalised with the proposed pedestrian refuge located outside 281 Sandgate Road instead of outside the 7-Eleven Service Station.
- 10 In response to community feedback regarding parking availability, the proposed landscaped kerb extension outside 309 Sandgate Road was omitted from the final PDP.
- 11 The PDP will provide the following improvements:
 - i) a 40 km/hr High Pedestrian Activity Area (HPAA) between 281 and 325 Sandgate Road, with associated traffic devices to control speed;
 - ii) a pedestrian refuge outside 281 Sandgate Road to facilitate safe crossing by pedestrians;
 - iii) a kerb extension at Hansen Place to facilitate safe crossing by pedestrians;
 - iv) improvements to accessibility by providing a disabled parallel parking space that meets Australian Standards adjacent to the pharmacy; and
 - v) improvements to the aesthetics and amenity of the centre by installing new concrete footpath and street furniture, retaining existing street trees, upgrading landscaping and providing a mural.

FINANCIAL IMPACT

- 12 The PDP and LTT will be delivered in 2020/21 and 2021/22 through CN's capital works budget (subject to Council approval). The preliminary cost estimate for the project is \$850,000.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Integrated and Accessible Transport

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

Inclusive Community

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

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

Liveable Built Environment

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

16 On 18 April 2005 the Newcastle City Traffic Committee (NCTC) approved a proposal for an LTT in Shortland.

17 On 31 May 2005 the elected Council resolved to permit members of the Shortland business community to make representations to Council regarding the LTT proposal. The LTT proposal was not approved.

18 On 15 November 2018 Council resolved to prepare a Public Domain Plan for Shortland Local Centre.

CONSULTATION

19 An online community survey was open from 15 to 29 June 2020. The survey was advertised through 'Have Your Say' postcards delivered to the whole Shortland suburb, posters on site and social media. The results are at **Attachment C**. There were 287 respondents and the top three community concerns were as follows:

- i) aesthetics (the look and feel of the area) (31%);

- ii) pedestrian safety, access and connectivity (23%); and
 - iii) crime and antisocial behaviour (15%).
- 20 On 15 February 2021 the NCTC provided in-principle support for the draft PDP at **Attachment D** and requested that it be publicly exhibited. There was concern that heavy vehicles going over speed cushions as part of the proposed 40km/hr HPAA would impact residents with nuisance noise. For this reason, NCTC asked for a question to be added to the online survey to determine the level of community support for an LTT.
- 21 The draft PDP was placed on public exhibition from 22 February to 21 March 2021. An online community survey was advertised through distribution of Have Your Say flyers to the whole Shortland suburb, posters in Shortland Local Centre and via newspaper advertising and social media. Public exhibition materials are shown at **Attachment E**.
- 22 Feedback was provided by a total of 147 community members associated with Shortland Local Centre during the exhibition period. 134 responses were made via online survey and 13 individual submissions were made via either email, mail or phone.
- 23 The online survey was designed so that the community could provide yes/no responses on the key proposals, in addition to providing general comments. The following table summarises community responses to questions on the key proposals.

Question	Answer			
	Yes	No	Yes (%)	No (%)
Do you agree with the proposed 40km/hr High Pedestrian Activity Area	74	59	55%	45%
Do you agree with the proposed pedestrian refuge outside the 7 eleven?	93	40	70%	30%
Do you agree with the proposed kerb extension outside the chemist?	85	48	64%	36%
Do you agree with the proposed relocation of the disabled parking space from Hansen Place to Sandgate Road?	100	31	76%	24%
Do you agree with the proposed kerb extension outside No. 309 Sandgate Road?	86	46	65%	35%
Do you agree with the proposed speed cushions outside No. 305 Sandgate Road?	72	61	54%	46%
Do you agree with upgrading footpath, landscaping, and street furniture between Mawson Street and Hansen Place?	108	23	82%	18%
Do you agree with the proposed restriction of heavy vehicles via a Light Traffic Thoroughfare?	110	22	83%	17%

- 24 Individual submissions and general comments submitted as part of the survey are summarised at **Attachment F**. The five top themes are as follows:
- i) limited parking (51 related comments);
 - ii) disagree with 40km/hr zone (23 related comments);
 - iii) waste dumping issue (16 related comments);
 - iv) cyclist access and safety (10 related comments); and
 - v) Bardia Road intersection unsafe (10 comments).
- 25 Under the PDP there will be no loss of parking within the local centre zoned commercial area. However, there will be a loss of approximately 8 on-street parking spaces to the south of the local centre zone to accommodate the proposed pedestrian refuge outside 281 Sandgate Road. The proposed pedestrian refuge has a high level of support (70% of respondents) and the affected residential properties at 281, 294 and 296 Sandgate Road all have off-street parking.
- 26 Community suggestions for alleviating the pressure on parking include changing the parking time limits and potentially extending parking time limits to Hansen Place. Parking time limits will be assessed as part of the detail design process.
- 27 Some respondents disagreed with the proposed 40km/hr scheme because they see the safety issues for pedestrians and cyclists as resulting from traffic volume rather than speed. It is not possible for CN to significantly reduce traffic volumes, (the proposed LTT will remove approximately 0.5% of total traffic volume). Two school 40km/hr zones already exist on Sandgate Road and implementing a 40km/hr HPAA scheme is a standard approach for improving pedestrian and cycle safety in local centres. Nuisance noise from heavy vehicles negotiating speed cushions will be minimised by the proposed LTT.
- 28 Other reasons for respondents disagreeing with a 40km/hr zone included the perception that it will cause traffic to back up on Sandgate Road and a perceived risk that traffic will be pushed onto residential back streets. Shortland's residential back streets do not offer an alternative continuous through route, however the Newcastle Inner City Bypass – which has a speed limit of 90km/hr – provides a good alternative for through traffic.
- 29 Resolving the issue of household waste dumping requires CN, real estate agents and the University of Newcastle (UoN) to take a collaborative approach to educating students about their responsibilities and how to book bulk waste collections.
- 30 'On Our Bikes' – A Plan for Safe and Connected Cycling in the Newcastle LGA 2021-2030, proposes a cycle facility through Shortland, linking to UoN. The

alignment and treatment of the future cycle facility have not yet been determined, however the implementation of a 40km/hr HPAA will improve the traffic environment for cyclists visiting or transiting through Shortland Local Centre.

- 31 Respondents raised concerns about the obstruction of sight lines by parked cars at the intersection of Bardia Road and Sandgate Road. The no-parking zone outside 288 Sandgate Road will be extended with line-marking and signage, to improve sight lines for vehicles turning right into Sandgate Road.
- 32 On 19 April 2021 the NCTC provided in principle support for the PDP and LTT and recommended referral to the elected Council for final determination.
- 33 The PDP and LTT were presented to Councillors at a workshop on 11 May 2021.

BACKGROUND

- 34 The PDP is a high priority under the Local Centres Infrastructure Renewal Program.
- 35 The full process for developing the PDP is shown at **Attachment G**.

OPTIONS

Option 1

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

Option 2

- 37 Do not adopt the PDP and LTT. This is not the recommended option.

REFERENCES

Nil

ATTACHMENTS

- Item 41 Attachment A:** Shortland Local Centre Public Domain and Traffic Plan
- Item 41 Attachment B:** Shortland Light Traffic Thoroughfare Plan
- Item 41 Attachment C:** Shortland Local Centre Engagement Report - June 2020
- Item 41 Attachment D:** Draft Shortland Local Centre Public Domain and Traffic Plan
- Item 41 Attachment E:** Public Exhibition Advertising Materials
- Item 41 Attachment F:** Summary of Exhibition Submissions – Shortland PDP
- Item 41 Attachment G:** Shortland PDP - Process Flow Chart

Item 41 Attachments A - G are distributed under separate cover.

ITEM-42 CCL 25/05/21 - ADOPTION OF THE ECONOMIC DEVELOPMENT STRATEGY

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

PURPOSE

To adopt the Economic Development Strategy (2021).

RECOMMENDATION

That Council:

- 1 Adopts the Economic Development Strategy (2021) at **Attachment A**.

KEY ISSUES

- 2 The draft Economic Development Strategy (2021) (EDS) was approved for public exhibition at the Ordinary Council Meeting on 23 February 2021.
- 3 The EDS is a transformative people-centred and place-led approach to economic development. The approach is predicated on the principle that economic prosperity is built on the skills and ingenuity of people that drive the innovation and creativity that generate new jobs and investment.
- 4 The EDS targets ten-year outcomes for the Newcastle economy achieved through a four-year delivery program and one-year action plans (**Attachment B**). The EDS will be refreshed every four years, with an update to occur in 2025.
- 5 The EDS is based on the New Local theoretical framework, which provides a people-centred and place-led approach to economic development and building resilient and regenerative communities. The delivery program provides a suite of programs to develop the capacity and capability of local residents. The programs will be inclusive and where necessary targeted at minority and/or marginalised population groups.
- 6 Arising from the public exhibition period, the EDS has been improved with two structural additions. Firstly, a new delivery program “City Analytics” has been added to the City-Shaping Priority. City Analytics responds to feedback underlining the importance of evidence based decision making from accessing new data and researching economic outcomes for the Newcastle population. Secondly, a “Business Attraction Charter” has been developed in partnership with Regional NSW and its Business Attraction Committee. The Charter highlights the distinct roles CN plays in both people attraction and business attraction; avoiding duplication of effort.

- 7 Other minor changes have been made in response to community feedback. The summary of changes is outlined in the Engagement Report (**Attachment C**).

FINANCIAL IMPACT

- 8 The EDS will be delivered over multiple financial years commencing in the 2021/22 financial year. Actions requiring funding will be identified in CN's Delivery Program and Operational Plans, allowing CN to undertake actions as funding and resources are approved annually and potentially via quarterly review.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Vibrant, Safe and Active Public Places

- 3.1c Support and deliver cultural and community programs, events and live music
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs
- 3.3a Collaborate with local groups and services to address crime and safety issues
- 3.3b Plan for a night-time economy, characterised by creativity, vibrancy and safety, that contributes to cultural and economic revitalisation.

Inclusive Community

- 4.1a Acknowledge and respect First Nations peoples
- 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
- 4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services.

Liveable Built Environment

- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Smart and Innovative

- 6.1a Recognise and strengthen Newcastle's role as a metropolitan capital and hub for education, health, tourism, creative, port and logistics industries
- 6.1b Attract new business and employment opportunities

- 6.2a Support and advocate for innovation in business, research activities, education and creative industries
- 6.2b Support and advocate for the small business sector
- 6.3a Facilitate events that attract visitors and support the local economy and the vibrancy of Newcastle
- 6.3b Work with the tourism sector to further develop Newcastle as a visitor and event destination
- 6.3c Work with businesses, planners and government at all levels to facilitate key infrastructure to support business growth
- 6.3d Foster a collaborative approach to continue city centre renewal.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting
- 7.2b Provide timely and effective advocacy and leadership on key community issues
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders
- 7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making
- 7.3b Provide clear, consistent, accessible and relevant information to the community.

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 The EDS replaces the Economic Development Strategy (2016-2019).

RISK ASSESSMENT AND MITIGATION

- 11 Newcastle's economy suffered severe impacts due to COVID-19 with unemployment peaking at 11% compared to 4% prior to the pandemic. It has since recovered to 7% (March). Young people were acutely impacted with unemployment climbing to almost 30% during the early stages of the pandemic. All levels of government have a role to play in responding to the economic affect caused by COVID-19.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting on 23 February 2021 Council resolved to exhibit the draft EDS.

CONSULTATION

- 13 Extensive stakeholder and community engagement was undertaken in developing the draft EDS (**Attachment D**).
- 14 Public exhibition was promoted by CN though its social media channels with eight submissions received, as well as a range of informal submissions.

BACKGROUND

- 15 Economic development strategies articulate the economic challenges and opportunities with actions to stimulate economic activity, employment and population growth, and investment, effectively promote the towns and local businesses, and improve livability.
- 16 Traditionally, economic development strategies have been built on an assumption that attracting new business and infrastructure investment were the main drivers of economic growth. There are high transaction and capital costs in this approach. Amplified by the disruption to business due to COVID-19, it is becoming increasingly apparent that jobs are beginning to follow people. This is changing migration patterns and offers an opportunity for Newcastle to strengthen its economy.
- 17 The new EDS has been developed with the above in mind, with a deliberate focus on developing the capacity and capability of the city's people to engage with current and emerging economic opportunities, developing new ideas and businesses, and supporting existing businesses to become more competitive.
- 18 Expert input was provided by consultants Village Well and Michael Shuman, who led workshops on the ten 'New Local' principles. These principles inform a new people-centred and place-led approach to building resilient and regenerative communities in a post COVID-19 and climate change world.

OPTIONS

Option 1

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

Option 2

- 20 Council does not adopt the Economic Development Strategy. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 42 Attachment A:** Economic Development Strategy 2021
- Item 42 Attachment B:** EDS Action Plan 2021-22
- Item 42 Attachment C:** Public Exhibition Engagement Report
- Item 42 Attachment D:** Economic Development Strategy Engagement Report (prior to Public Exhibition period)
- Item 42 Attachment E:** City Plan Economic Development Strategy Engagement Report

Item 42 Attachments A – E distributed under separate cover

ITEM-43 CCL 25/05/21 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 FEBRUARY TO 30 APRIL 2021

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To table the Register of Disclosures of Interest (Register) for the period of 1 February to 30 April 2021 received from designated persons in accordance with the Code of Conduct for Staff.

RECOMMENDATION

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 February to 30 April 2021) by the Chief Executive Officer (CEO).

KEY ISSUES

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

FINANCIAL IMPACT

- 4 There is no budget implication in noting the Register.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 The tabling of the Register 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.

Open and Transparent Governance Strategy

3.5 Open and transparent disclosures.

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 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

- 7 Lodgment and tabling of the Register supports CN's Open and Transparent Governance Strategy and ensures CN complies with legislative requirements.

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting held on 23 February 2021, Council noted the tabling of the Register (for the period 1 November 2020 to 31 January 2021).

CONSULTATION

- 9 No consultation was required as this is a statutory process under the Code of Conduct for Staff.

BACKGROUND

- 10 Nil.

OPTIONS

Option 1

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

Option 2

12 Council does not adopt the recommendation. The Code of Conduct for Staff requires the Returns to be tabled at a Council meeting. Failure to do so would constitute a breach of the Code. This is not the recommended option.

REFERENCES

Code of Conduct for Staff

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

ATTACHMENTS

Item 43 – Attachment A - Register of Disclosures of Interest to be tabled.

ITEM-44 CCL 25/05/21 - PUBLIC EXHIBITION OF DRAFT WICKHAM MASTERPLAN 2021 UPDATE

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

PURPOSE

To publicly exhibit the draft Wickham Masterplan 2021 update.

RECOMMENDATION

- 1 That Council:
 - i) Places the draft Wickham Masterplan 2021 update (WMP 2021) (**Attachment A**) on public exhibition for 28 days.
 - ii) Considers a report on submissions received following the public exhibition.

KEY ISSUES

- 2 The Wickham Masterplan 2017 (WMP 2017) has been reviewed and updated to address on-going delivery of strategies and actions that achieve the following key objectives:
 - i) Improve accessibility and connectivity within Wickham and to adjoining areas;
 - ii) Create safe, attractive and inclusive public places; and
 - iii) Ensure built environment is functional, responsive and resilient.
- 3 Impediments to achieving the envisaged outcomes for Wickham have been identified as part of ongoing monitoring of progress of actions and through feedback and additional information provided by stakeholders.
- 4 The core challenges addressed by the draft WMP 2021 are summarised below.

Mine Subsidence

- 5 The Newcastle Central Business District (CBD) Mine Subsidence Risk Model was prepared by Subsidence Advisory NSW (SA NSW) to identify remediation works required across the Newcastle City Centre to enable redevelopment. This model identified that risk of subsidence from old mine workings in Wickham is much more extensive than previously anticipated. Furthermore, it was found that a bulk grouting solution, to remedy the undermined area of

Wickham, would be required to ensure adequate stability prior to any redevelopment above two storeys being approved in the affected area.

- 6 The Mine Subsidence Risk Model identifies the area of grouting to remediate old mine workings and is estimated to extend up to 100m beyond the edge of any development site, meaning that the extent of remediation work to support redevelopment of land within the centre of the undermined area would essentially result in the grouting of the whole area. Given the extent of bulk grouting required and the depth of the voids to fill, SA NSW has estimated the cost of remediation to be in excess of \$20m and take over two years to complete.
- 7 The anticipated development yields in the WMP 2017 were based on the understanding at the time that remediation of old mine working would be comparable to other parts of the Newcastle City Centre, whereby applicants contribute \$200/m² of site area (plus additional cost for traffic management, approvals, consultants and project management fees) and the remaining costs, where applicable, are funded by the Newcastle Mines Grouting Fund (NMGF), through reimbursement at satisfactory completion of remediation. Despite the NMGF, the requirement to fund the bulk grouting, the burden of taking on risk involved, and the long timeframes before funds can be reimbursed, makes the cost of remediation in Wickham likely to be cost prohibitive for individual proposals.
- 8 City of Newcastle (CN) will continue to engage with SA NSW, Hunter Central Coast Development Corporation (HCCDC) and Department of Planning Industry and Environment (DPIE) to consider approaches for funding and / or managing the operational requirements of the identified remediation work. Given the logistics of proposed drilling and bulk grouting the affected area, as identified by SA NSW, there is unlikely to be a workable option within the foreseeable future.
- 9 Not remediating the land will result in a reduction in potential redevelopment capacity, as the SA NSW development guidelines restrict building in this area to a maximum of two storeys. The resultant reduction in density due to mine subsidence, as reflected within the revised WMP 2021, will result in a reduced yield of approximately 340 dwellings being realised in Wickham over the twenty-year life of the WMP 2021 from what was initially envisaged. While a 28% reduction in potential housing supply across the study area is a significant loss at a local scale, this is unlikely to be of significance to reach current projected demands across the City Centre and adjoining urban renewal corridors.

Access to Wickham Park

- 10 CN is engaging with Sydney Trains to explore a transfer of ownership of part of the former Bullock Island Railway Corridor, given the strategic importance of this land in achieving crucial connections across the area between Wickham Park and the emerging mixed-use urban areas of Wickham. This area was also

identified as enabling an improved cycleway network linking to adjoining areas and beyond.

- 11 This site may also have potential for uses complementary to the adjoining Wickham Park and public car parking.

Cycleways

- 12 Cycleway connections across Wickham were reviewed in the context of the recently adopted Newcastle Cycling Plan 2020 (Cycling Plan). The review identified how to best connect with existing and proposed cycleway connections in adjoining areas while having regard for likely destination nodes of various user groups. The draft WMP 2021 has been updated to identify the key connections through the area and category of cycleway proposed for each link to be consistent with the Cycling Plan.
- 13 The draft WMP 2021 has identified that land fronting the northern side of Church Street between Railway and Foundry Streets has a reduced likelihood of being redeveloped for a change of use, given the restriction imposed by subsidence risk. As a result, an active transport route is no longer shown in this location, which is consistent with the recently adopted Cycling Plan.

Community Infrastructure

- 14 The WMP 2017 introduced the principle of delivering the identified actions that seek to improve the function and amenity of the public domain by providing incentives to development by means of increased density.
- 15 In April 2021, Council endorsed a draft Community Infrastructure Incentives Policy for public infrastructure that outlines the process and mechanisms within the Newcastle Local Environmental Plan 2012 (NLEP 2012), for implementing increased density at the Development Application (DA) stage where identified community infrastructure is provided.
- 16 The draft WMP 2021 identifies those actions that may be delivered as community infrastructure projects, subject to approval of the draft Community Infrastructure Incentives Policy.
- 17 In addition, the draft WMP 2021 provides greater guidance on matters to be considered in determining land suitable to support an uplift in Height of Building (HOB) and / or Floor Space Ratio (FSR) previously identified in the WMP 2017, including:
 - i) Subsidence risk.
 - ii) The minimum site area to achieve the desired outcomes.
 - iii) Consolidation of parcels to avoid redevelopment resulting in undevelopable residual lots.

- iv) Development viability being achieved within the maximum incentive while delivering identified community infrastructure, either directly as works in kind or through a monetary contribution.

Housing Types and the Village Hub

- 18 The Newcastle Local Strategic Planning Statement (LSPS) identified the need to review permissible housing types within the village hub precinct of Wickham and their impact on densities and the envisaged character.
- 19 The draft WMP 2021 update recommends an amendment to the NLEP 2012 to facilitate a broader range of housing types in Wickham than currently permitted within the B4 Mixed-Use zone. This may include dwelling houses, dual occupancy and secondary housing, subject to criteria to ensure such uses do not impede the redevelopment potential of adjacent land.
- 20 Furthermore, an amendment to the Newcastle Development Control Plan 2012 (NDCP 2012) outlining design criteria to be applied to resulting infill housing in Wickham, is identified as necessary to ensure resulting development is in keeping with the envisaged future character, and also does not hinder the redevelopment potential on adjoining land.

FINANCIAL IMPACT

- 21 The proposed actions and delivery of assets necessary to achieve the desired outcomes in the draft WMP 2021 will be funded by:
 - i) CN's four-year delivery program;
 - ii) Schedule of works within a Local Infrastructure Contributions Plan, prepared under Part 7 Infrastructure Contributions and Finance of the *Environmental Planning and Assessment Act 1979* (EP&A Act); and
 - iii) Development, where these are identified on private land and adopted within the NLEP2012 and / or NDCP 2012.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 22 The draft WMP 2021 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.

- 1.3b Ensure community and business needs for adequate and accessible parking are prioritised.

Vibrant, Safe and Active Public Places

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.
- 3.2a Celebrate Newcastle's cultural heritage and diversity.

Inclusive Community

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

Liveable Built Environment

- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.

Smart and Innovative

- 6.1b Attract new business and employment opportunities.
- 6.3d Foster a collaborative approach to continue city centre renewal.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

IMPLEMENTATION PLAN/IMPLICATIONS

- 23 Exhibition of the draft WMP 2021 will be in accordance with the EP&A Act and accompanying Regulation.
- 24 Following consideration of any submissions, Council may approve the WMP 2021 (with or without amendments) or decide not to proceed.

- 25 The implementation of the draft WMP 2021 will ensure that it reflects the current development opportunities and constraints identified for the Wickham area.
- 26 The actions identified within the WMP 2021 will be reviewed periodically.

RISK ASSESSMENT AND MITIGATION

- 27 The draft WMP 2021 has been prepared to address the additional information on Mine Subsidence Risk and the inability to mitigate this risk by the required means, instead opting to introduce reduced redevelopment densities that minimise the level of impact from this risk.
- 28 The draft WMP 2021 seeks to provide greater clarity with respect to the potential implementation of development incentives. The aim is to ensure that such a scheme achieves a balance between obtaining worthwhile outcomes for the community while ensuring development feasibility is not reduced.

RELATED PREVIOUS DECISIONS

- 29 At the Ordinary Council Meeting held on 28 November 2017, Council adopted the WMP 2017.
- 30 At the Ordinary Council Meeting held on 22 May 2018, Council endorsed a Planning Proposal to amend the NLEP 2012 (gazetted February 2021) in relation to land in Wickham that seeks to implement several actions identified in the current WMP, including:
 - i) Increasing the base FSR in parts of Wickham from 1:1 to 1.5:1 to ensure redevelopment is feasible.
 - ii) Increase HOB in parts of Wickham to take into account elevated floor heights to address flooding.
 - iii) Rezoning land from RE1 Public Recreation to B4 Mixed-Use zone, reflecting that the land is privately owned and is used for a purpose that is compatible with the adjoining land's B4 Mixed-Use zoning.
 - iv) Inclusion of new land reservation acquisitions identified for local road (ie. identified intersection works and public domain improvements).
 - v) Listing the former Bullock Island Rail Corridor as an item of local heritage.
 - vi) Introducing high technology industries within the B4 Mixed-Use zone.
- 31 At the Ordinary Council Meeting held on 23 October 2018, Council adopted the current section 6.03 Wickham within the NDCP 2012.
- 32 At the Ordinary Council Meeting held on 27 April 2021, Council resolved to exhibit a draft Community Infrastructure Incentive Policy, that introduces the

approach and mechanisms required to implement the identified potential densities and the resultant community benefits espoused in the WMP. The draft policy is on public exhibition until 28 May 2021.

CONSULTATION

- 33 Since adoption of the WMP 2017, CN has continued to engage with community stakeholders, including local community groups and individual landowners to monitor and consult on progress and implementation of actions.
- 34 Early consultation with the community on the revision of the WMP 2021 was conducted in December 2020. This included holding an online industry forum together with the Property Council, written notification to land owners and discussions with the community group GLOW, along with the creation of a Have Your Say page on CN's website that featured an overview of the Wickham Masterplan 2021 update, a link to a summary presentation, a link to the Masterplan and a simple web form with a free text box for comments and a free text box for questions.
- 35 Feedback from GLOW and other stakeholders was generally supportive of the proposed WMP 2021 update. Key matters raised through feedback included: the need for more footpaths, cycleways and shared paths, concerns over traffic movements and carparking, mines subsidence, along with access and parking around Wickham Park. GLOW and community members expressed support for allowing additional housing choice and expansion of the Village Hub. A number of these issues have been addressed in the draft WMP 2021.
- 36 CN will consult further with community and industry stakeholders as part of the public exhibition of the draft WMP 2021, to seek feedback on the proposed actions and approaches to addressing the identified challenges to implementation.
- 37 CN has initiated consultation with relevant State Agencies with respect to coordination of plans and activities relevant to the locality and in preparation of the draft WMP 2021. Engagement with State agencies will continue to ensure implementation of the draft WMP 2021 with respect to the following:
 - i) SA NSW with respect to mine subsidence risk.
 - ii) HCCDC with respect to the Newcastle Mines Grouting Fund, which has approximately \$15m remaining and is due to expire in June 2022.
 - iii) Sydney Trains in relation to land comprising the former Bullock Island Railway Corridor.
 - iv) DPIE with respect to implementing provisions within the NLEP 2012 to enable development incentives where community infrastructure is provided, as advocated within the WMP.

- 38 At a Councillor Workshop held on 16 April 2021, Council received a presentation from SA NSW on the findings of the Newcastle City Centre Subsidence Risk Model and the implications this has on redevelopment, due to the type of remediation works detailed (bulk grouting) in order to allow redevelopment at higher densities.
- 39 CN discussed the WMP 2021 update with the Liveable Cities Advisory Committee in February 2021. A Councillor Workshop was held on 11 May 2021 to consider the key matters addressed by the draft WMP 2021.

BACKGROUND

- 40 The WMP 2017 provides the strategic guidance for CN's planning decisions and coordinated delivery of urban renewal within Wickham.
- 41 The WMP recognises the strategic location of Wickham due to its proximity to the emerging Newcastle CBD in Newcastle West and the Newcastle Transport Interchange. The WMP also identified various strategies and actions required to address the challenges and opportunities to urban renewal.
- 42 An overview of the status of actions identified in the WMP 2017 is provided in **Attachment B**.

OPTIONS

Option 1

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

Option 2

- 44 Council resolves not to place the draft Wickham Masterplan 2021 update on public exhibition, which results in the impediments of the current WMP not being addressed. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 44 Attachment A: Draft Wickham Masterplan 2021 Update

Item 44 Attachment B: Schedule and status update of actions adopted in the Wickham Masterplan 2017

Item 44 Attachments A and B distributed under separate cover

ITEM-45 CCL 25/05/21 - VARIATIONS TO DEVELOPMENT STANDARDS

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

PURPOSE

To report on development variations approved between 1 January and 31 March 2021 in accordance with the reporting requirements of the Secretary of the Department of Planning, Industry and Environment's concurrence to vary development standards in the Newcastle Local Environmental Plan 2012.

RECOMMENDATION

That Council:

- 1 Receives the report on approved development variations between 1 January and 31 March 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 Environment 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 seven Development Applications (DA) were determined between 1 January and 31 March 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 January and 31 March 2021
10% or less	Under delegation	6
Greater than 10% or a variation to a non-numerical development standard	CN or where appropriate the Regional Planning Panel	1
Total		7

- 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 CN or where appropriate the Regional Planning Panel. All applications effected by this requirement are included in **Attachment A** and identified as being determined by CN 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 delivered to the DPIE and the register of all development variations has been updated on CN’s website.
- 9 A report will be 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 There is a risk to CN’s reputation and public confidence if CN fails to comply with the reporting and record keeping requirements of the Secretary’s concurrence.
- 11 By implementing required reporting measures and record keeping arrangements, CN will comply with the requirements of the Secretary’s concurrence.

RELATED PREVIOUS DECISIONS

- 12 CN 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 August 2020	1 January to 31 June 2020
24 November 2020	1 July to 30 September 2020
23 February 2021	1 October and 31 December 2020

CONSULTATION

- 13 Applications that propose a variation to a development standard are placed on public exhibition prior to the determination of the application.
- 14 Applications that are recommended for approval and propose a variation to a development standard of greater than 10% are reported to either the Development Applications Committee (DAC) or where appropriate, the Regional Planning Panel for determination, enabling greater public scrutiny of the decision.
- 15 Any submissions received as a result of the public notification are taken into consideration prior to the determination of the application.

BACKGROUND

- 16 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.
- 17 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 45 Attachment A:** Report on all approved development variations between 1 January and 31 March 2021.

CITY OF NEWCASTLE

Item 45 Attachment A

Council DA reference number	Lot number	DP number	Apartment/ Unit 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
DA2020/00887	1	197829	0	11	Burwood Street	Merewether	2291	ResidA&A	LEP2012	R2	Building Height	Achieves underlying objectives of height control	4.6%	Council	24/03/2021
DA2020/01234	1	1040007	0	4	Rowan Crescent	Merewether	2291	ResiSingle	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	5.3%	Council	24/03/2021
DA2020/01057	2	876622	0	24	Janet Street	Merewether	2291	ResidA&A	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	9.91%	Council	24/03/2021
DA2020/01496	1	153378	0	6	Bank Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Building Height	Achieves underlying objectives of height control	5.4%	Council	18/03/2021
	1	153378	0	6	Bank Street	Merewether	2291	ResiAltAdd	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	0.1%	Council	18/03/2021

CITY OF NEWCASTLE

Ordinary Council Meeting 25 May 2021

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Council DA reference number	Lot number	DP number	Apartment/ Unit 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
DA2020/00189	100	714041	0	11	Argyle Street	Newcastle	2300	Mixed	LEP2012	B4	Building Height	Achieves desired future character of the area	13.8%	Council	23/02/2021
	100	714041	0	11	Argyle Street	Newcastle	2300	Mixed	LEP2012	B4	Floor Space Ratio	Achieves desired future character of the area	120%	Council	23/02/2021
DA2020/01086	16	115128	0	24	Church Street	Minmi	2287	ResiSingle	LEP2012	R2	Building Height	Achieves underlying objectives of height control	6.3%	Council	17/02/2021
DA2020/00888	15	193105	0	46	Annie Street	Wickham	2293	ResiSingle	LEP2012	R2	Floor Space Ratio	Achieves underlying objectives of FSR control	2.2%	Council	16/02/2021

ITEM-46 CCL 25/05/21 - ADOPTION OF HERITAGE AMENDMENTS TO NEWCASTLE LEP 2012

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

PURPOSE

To adopt amendments to the Newcastle Local Environmental Plan 2012 to address various heritage matters following public exhibition.

RECOMMENDATION

- 1 That Council:
 - i) Endorse the Planning Proposal (**Attachment A**), prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012).
 - ii) Prepare a local environmental plan pursuant to Section 3.36(2) of the EP&A Act with or without variation to the exhibited plan as provided at **Attachment A** and forward the local environmental plan to the Department of Planning Industry and Environment (DPIE) for publishing on the NSW Planning Portal website.

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 26 October 2020, Council resolved to endorse the Planning Proposal to amend the NLEP 2012 in order to address various heritage matters that have been identified in the NLEP 2012. The matters are of a minor and administrative nature and will reduce risk by ensuring the heritage schedule is kept up to date.
- 3 In accordance with the Council resolution, the Planning Proposal was forwarded to the Minister for Planning for Gateway Determination pursuant to Section 3.34 of the EP&A Act. On 7 December 2020 a positive Gateway Determination was issued by DPIE.
- 4 The Planning Proposal was exhibited from 4 February until 19 February 2021. Two submissions were received, one supported the proposal and one raised concerns.
- 5 Hunter and Central Coast Development Corporation (HCCDC) and Heritage NSW were also consulted. A submission was received from Heritage NSW.

- 6 A detailed summary of submissions and the response to issues is provided at **Attachment B**.
- 7 The proposal includes amendments to Schedule 5 Environmental Heritage and the Heritage Maps of the NLEP 2012 to address:
- i) Removal of five items from Part 1 of Schedule 5 as the built items have been demolished and the sites no longer merit being listed as heritage items. Further details of each item are listed in paragraph 19 below.
 - ii) Update the level of significance where items have been nominated to be on the State Heritage Register (SHR), have been included on the SHR, or are no longer nominated to be on the SHR.
 - iii) Update various names, addresses / property descriptions and or heritage maps to better reflect the item.
 - iv) Include an item listed on the SHR as a new heritage item in Part 1 of Schedule 5. The new NLEP 2012 item is consistent with the heritage listing on the SHR, and incorporates most of the existing NLEP 2012 heritage item for Newcastle Railway Station, being all parts of the Newcastle Railway Station (buildings, platforms, former rail track and former Newcastle Bus Station) located to the north and west of the station buildings fronting Scott Street and the covered section of the southern platform (with this excluded part of the Newcastle Railway Station fronting Scott Street subject to a separate and existing heritage listing in the NLEP 2012). The new item also includes the Newcastle Signal Box which, although listed as a heritage item in the SHR, is not identified as a heritage item by the NLEP 2012.
- 8 The Planning Proposal is consistent with City of Newcastle's (CN) Heritage Strategy 2020-2030 in relation to assessing potential heritage items and undertaking reviews of the Heritage Schedule to the NLEP 2012.

FINANCIAL IMPACT

- 9 There is no financial impact.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The Planning Proposal is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Vibrant and Activated Public Spaces

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

Liveable and Distinctive Built Environment

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The implementation of the recommendations of this report will ensure that the NLEP 2012 reflects the strategies and actions within the Heritage Strategy.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 26 October 2020, Council adopted the Heritage Strategy 2020-2030.
- 14 At the Ordinary Council Meeting held on 26 October 2020, Council resolved to endorse the Planning Proposal for Heritage Amendments to the NLEP 2012 and forward to the Minister for Planning for Gateway determination.

CONSULTATION

- 15 The Planning Proposal was exhibited for 16 days rather than the 14-day minimum specified by the Gateway determination. The Planning Proposal was exhibited on CN's website.
- 16 Two written submissions were received during the public exhibition period. These represented the views of a local resident and The National Trust. The detailed summary of submissions at **Attachment B** outlines the issues raised and CN's response.
- 17 Public authorities / organisations, namely HCCDC and Heritage NSW, were consulted for the minimum 21-day period specified by the Gateway determination for the Planning Proposal. A submission was received by Heritage NSW supporting the planning proposal and recommending minor changes. This included changes to the item name of the Newcastle Post Office

to remove 'War Memorial Statue' and to add 'Newcastle City Hall and Civic Theatre Group' to the item names of Civic Theatre, City Hall and Christie Place.

- 18 Furthermore, to better reflect the listings on the SHR, changes were suggested to the property description of the Convict Lumber Yard and heritage map, and a slight adjustment to the heritage map and property description of the Newcastle Railway Station heritage items. The detailed summary of the submission and response at **Attachment B** outlines the issues raised and CN's response.

BACKGROUND

- 19 Schedule 5 Environmental Heritage of the NLEP 2012 is regularly reviewed to ensure item descriptions and listings are up to date, consistent with the actions of the Heritage Strategy.
- 20 The five items to be removed from the Schedule are all items that have been demolished and no longer merit being listed as heritage items. The details of each item are listed below:
- i) 10 Parkway Avenue, Bar Beach (residence). DA2017/01083 was approved on 22 November 2017 under delegated authority for a staged development including demolition of the dwelling, erection of two detached two storey dwellings and two lot subdivision. A Heritage Impact Statement was submitted with the application and stated that the 'place is not assessed as being of noteworthy heritage significance'.
 - ii) TPI House, 231 King Street, Newcastle (former Mackie's warehouse). DA2013/1131 was approved on 23 July 2014 under delegated authority for the demolition of the building. CN was the owner and the applicant and purchased the building in the 1960s for the purpose of road widening of King Street, which was later abandoned. The application notes that the building had structural damage from termite infestation.
 - iii) Former Newcastle Co-operative Store, 854 Hunter Street, Newcastle West. DA2018/01107 was approved by the Joint Regional Planning Panel on 31 May 2019 for the erection of a 12 storey commercial building with ground floor retail and basement carpark. The demolition works formed part of the State Government project to provide an integrated bus / light rail / rail transport interchange at Wickham.
 - iv) Wickham Railway Station, Hannell Street, Wickham. The demolition works formed part of the State Government project to implement the Newcastle Light Rail.
 - v) Wickham Signal Box, Hannell Street, Wickham. The demolition works formed part of the State Government project to implement the Newcastle Light Rail.

- 21 At the Ordinary Council Meeting held on 23 March 2021, Council endorsed a Notice of Motion that requires CN to notify the elected Council of any development application which involves demolition, or the destruction of a heritage item prior to determination.
- 22 The status of seven items are to be changed in the Schedule from 'State Nominated' to 'Local' significance. Heritage NSW have confirmed that nominations for these items to be listed on the SHR are either no longer being assessed or have been refused by the Heritage Council of NSW.
- 23 These items will not be listed on the SHR under the *Heritage Act 1977*, however they will be listed in the heritage schedule of the NLEP 2012 as items of local significance, so there is no change to their future heritage protection.
- 24 Two items are to be changed on the Schedule to State significant as the NSW Premier, on the recommendation of the Heritage Council of NSW, directed the listing of Toll Cottage (formerly Rose Cottage) at 51 Bolton Street, Newcastle and Segenhoe Flats at 50 Wolfe Street, Newcastle on the SHR. The items were listed due to their heritage significance to the people of NSW. CN publicly supported Heritage NSW in the nomination assessment process and aided in the assessment.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 46 Attachment A: Planning Proposal - Heritage Amendments

Item 46 Attachment B: Summary of Submissions and Responses

Item 46 Attachments A and B distributed under separate cover

ITEM-47 CCL 25/05/21 - ADOPTION OF THE PLANNING AGREEMENT POLICY 2021

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

PURPOSE

To adopt the Planning Agreement Policy 2021.

RECOMMENDATION

That Council:

- 1 Adopt the Planning Agreement Policy 2021 at **Attachment A**

KEY ISSUES

- 2 The Planning Agreement Policy 2009 (**Attachment B**) has been reviewed and updated to ensure it complies with current legislation and guides City of Newcastle's (CN) approach to planning agreements.
- 3 In February 2021, the NSW Department of Planning, Industry and Environment (DPIE) released an updated Practice Note: *Planning Agreements – February 2021* (**Attachment C**) providing guidance on the preparation of Planning Agreements with recommendations for Council policies and procedures concerning their use.
- 4 The draft Planning Agreement Policy 2021 (Policy) established a fair, transparent and accountable framework governing the use of Planning Agreements by CN, consist with the DPIE Practice Note.
- 5 The Policy has been updated to include a statement of CN's intent for Planning Agreements to align with CN's strategic plans including the Community Strategic Plan (CSP), Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). The Policy clarifies the scope for the application of Planning Agreements and defines roles and responsibilities for all parties involved in the preparation of a Planning Agreement.
- 6 The Policy has been refined to outline the high-level principles that govern, and guide planning agreement decisions and procedural steps have been removed and will be incorporated into a new procedure document. The procedure will be published on CN's website, should the new Policy be adopted by Council.

FINANCIAL IMPACT

- 7 There are no financial impacts from adoption of the Policy.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The Policy aligns with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Liveable Built Environment

- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The Policy will be made available on CN's website, along with a procedural document.
- 10 Any offers received by CN to enter into a Planning Agreement will be assessed in accordance with the Policy.

RISK ASSESSMENT AND MITIGATION

- 11 The Policy is consistent with the *Environmental Planning and Assessment Act 1979* (the Act) and *Environmental Planning and Assessment Regulation 2000* (the Regulation). It is also consistent with DPIE's 2021 Practice Note on Planning Agreements and relevant Ministerial Direction/s which set out the statutory requirements for Planning Agreements.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting held on 15 December 2009, Council adopted the current Policy. Minor administrative amendments were made to the Policy on 27 May 2014.

CONSULTATION

- 13 The Policy is not required to be placed on public exhibition.
- 14 As per the EP&A Regulation 2000 any individual draft Planning Agreements developed in accordance with the Policy will be presented to Council for endorsement and then placed on public exhibition for a period of 28 days. Public submissions received during the exhibition period will be reported to Council when the Planning Agreement is reported for final endorsement.

BACKGROUND

- 15 Planning Agreements were introduced in 2005 through amendments to the Act and the Regulation. Although the Act and the Regulation outline the statutory framework for Planning Agreements, it does not define what constitutes an offer to enter into a Planning Agreement or provide specific information on how a Council should prepare a Planning Agreement.
- 16 At the Ordinary Council Meeting held on 15 December 2009, Council adopted the Voluntary Planning Agreements Policy to ensure offers to enter into Planning Agreements were reviewed and executed in a consistent and transparent manner.

OPTIONS

Option 1

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

Option 2

- 18 Council decides not to adopt the proposed amendments to the Policy. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 47 Attachment A: Planning Agreement Policy 2021

Item 47 Attachment B: Planning Agreement Policy 2009

Item 47 Attachment C: Department of Planning, Industry and Environment Practice Note

Item 47 Attachments A, B and C distributed under separate cover

ITEM-48 CCL 25/05/21 - HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL TEMPORARY MEMBERSHIP

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To appoint two (2) temporary City of Newcastle representatives to the Hunter and Central Coast Regional Planning Panel.

RECOMMENDATION

That Council:

- 1 Appoints the Director Governance and a planning expert as temporary City of Newcastle (CN) representatives to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for one matter only, being consideration of the rezoning review of 505 Minmi Road, Fletcher.

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 8 December 2020, Council resolved to not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher and maintain current zoning for the site (E4) as per the Newcastle Local Environment Plan 2012 (NLEP 2012).
- 3 The proponent has exercised its right to request that the HCCRPP review the proposal in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979*.
- 4 The HCCRPP Secretariat at the Department of Planning, Industry and Environment (DPIE) has advised that as Council made the original decision to not endorse the Planning Proposal, CN's existing Councillor representatives on the HCCRPP are unable to participate on the Panel when the matter is heard, nor are any other Councillors as they were part of the decision on 8 December 2020, and nor are CN officers from the Regulatory, Planning and Assessment team who were involved in the assessment of the Planning Proposal.
- 5 The Secretariat has advised that Council can appoint two (2) alternate representatives to temporarily represent CN on the Panel when it considers this matter.
- 6 It is recommended that Council appoint two (2) alternate representatives to represent CN on the Panel. It is proposed that Council appoints the Director Governance and a suitably qualified planning expert as the temporary CN representatives.

FINANCIAL IMPACT

- 7 There will be a minor cost to appoint a suitably qualified planning expert, which will be met from within existing budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Open and Collaborative Leadership

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

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

Open and Transparent Governance Strategy

4.5 Promote an organisation that eliminates or minimises risk.

4.6 Ensure accountability for public money and high levels of service, governance, quality, professional conduct and compliance with professional standards and other legislative requirements.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 CN will write to the HCCRPP advising of CN's temporary representatives.

RISK ASSESSMENT AND MITIGATION

- 10 CN intends to appoint a suitably qualified planning expert as one of its two representatives. The second representative will be CN's Director Governance.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 8 December 2020, Council resolved:
- i) Does not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher and maintain current zoning for the site (E4) as part per the Newcastle Local Environment Plan 2012 (NLEP 2012).
 - ii) Prior to being presented with any further planning proposals for this site, requires all required environmental studies and analysis be undertaken to: *“address the inherent constraints and hazards of the land and the interdependent analysis of these constraints ... [as these studies] may result in significant amendments to the Planning Proposal”* (Officers report, paragraphs 16-18).

- iii) Notes correspondence from the NSW Minister for the Environment, The Hon Matt Kean MP, seeking Council's advice on land that may have strategic potential to be acquired by the State for inclusion as part of the NSW National Parks Estate.
- iv) Writes to Minister Kean and DPIE recommending that the NSW Government considers the inclusion of 505 Minmi Road into the National Parks estate, noting the property's strategic importance to the Green Corridor, and its proximity to the existing Blue Gum Hills Regional Park and Hexham Wetlands National Park.
- v) Amends the adopted Local Strategic Planning Statement (LSPS) to remove references to 505 Minmi Road as a 'Housing Release Area', by reverting all references relating to 505 Minmi Road to those contained within the draft Plan (originally endorsed by Council in December 2019 – see Attachment 3).

CONSULTATION

12 Nil.

BACKGROUND

- 13 505 Minmi Road, Fletcher has a long history and has been subject to previous unsuccessful Planning Proposals seeking to rezone the site for residential development.
- 14 In 2020, a Planning Proposal was lodged which proposed to:
 - i) Rezone the site from E4 Environmental Living to part R2 Low Density Residential (15.4 hectares) and part E2 Environmental Conservation (10.8 hectares);
 - ii) Reduce the minimum lot size from 40Ha to 300m² and 1,000m² for the R2 zoned portion of land to provide 150 residential lots;
 - iii) Introduce an 8.5 metre height of building standard; and
 - iv) Designate the site as an urban release area.
- 15 In accordance with Council's resolution on 8 December 2020, the Local Strategic Planning Statement (LSPS) has been amended to remove references to 505 Minmi Road as a 'Housing Release Area'.

OPTIONS

Option 1

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

Option 2

17 Council does not endorse the recommendation as at Paragraph 1. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

ITEM-49 CCL 25/05/21 - HOBART ROAD AND WALLARAH ROAD, NEW LAMBTON - PROPOSED PEDESTRIAN REFUGES AND KERB EXTENSIONS

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

PURPOSE

To approve pedestrian refuges, median and kerb extensions at the intersection of Hobart Road and Wallarah Road, New Lambton.

RECOMMENDATION

That Council:

- 1 Approve a pedestrian refuge on Hobart Road east of Wallarah Road; a painted median on Hobart Road west of Wallarah Road; pedestrian refuges on Wallarah Road north and south of Hobart Road; and kerb extensions on the southern side of the intersection, as generally shown at **Attachment A**.

KEY ISSUES

- 2 The intersection of Wallarah Road and Hobart Road is on pedestrian desire lines for access between Lambton High School, the New Lambton commercial centre and Wests New Lambton. The traffic volumes and speeds create issues for pedestrians crossing at this location. Though there are stop controls on movements along Wallarah Road, there is a history of drivers failing to stop.
- 3 A concept plan for refuges, median and kerb extensions has been developed and exhibited for a period of four weeks, with submissions closing on 5 April 2021.
- 4 The exhibited scope of work included:
 - i) Construction of a pedestrian refuge on Hobart Road east of Wallarah Road.
 - ii) A painted median on Hobart Road west of Wallarah Road.
 - iii) Construction of a pedestrian refuge on Wallarah Road north of Hobart Road.
 - iv) Construction of a pedestrian refuge on Wallarah Road south of Hobart Road.

- v) Construction of kerb extensions on the southwest and southeast corners of the intersection.
- 5 Ten submissions were received during the public exhibition period as summarised at **Attachment B**. Submissions were generally supportive of the proposal. Many noted speeding in the vicinity of the intersection and failure of vehicles to stop. Key matters raised are as follows:

- i) Traffic issues in the wider area – several submissions noted speeding at other intersections, delays and issues on Lambton Road (particularly at the intersections with Wallarah Road and Greta Road) and observation of multiple near misses (again, notable at the intersection of Wallarah Road and Lambton Road).

Response: City of Newcastle (CN) is currently liaising with Transport for NSW to determine suitable measures for Lambton Road and Alma Road from Regent Street, New Lambton, through to Blackall Street, Broadmeadow. Modelling will be undertaken to assess a proposal for traffic signals at the intersection of Lambton Road and Wallarah Road. Traffic signals at this intersection were proposed in several submissions.

- ii) Four-way stop signs – several submissions requested consideration of installation of four-way stop signs.

Response: As this treatment is not endorsed by Transport for NSW, it has not been considered for this location.

- iii) Stop controls on Greta Road – multiple submissions noted the issue of speeding on Hobart Road. As it has been observed that some of these are vehicles which have turned left into Hobart Road from Greta Road, it was suggested that stop controls at Greta Road would assist in reducing incidences of speeding.

Response: The intersection at Greta Road does not currently have signposted controls. Vehicles on Greta Road are required to give way to those on Hobart Road. It is recommended that Give Way controls be instated. These will be indicated in the final signage and linemarking plan to be submitted to the Newcastle City Traffic Committee (NCTC) for approval. In relation to speeding, CN will liaise with NSW Police regarding enforcement, and will monitor conditions post implementation of the refuges, should they be approved.

- 6 The NCTC endorsed the proposal for referral to Council at its meeting of 19 April 2021.

FINANCIAL IMPACT

- 7 Design of the pedestrian facilities is part of the 2020/21 Pedestrian Access and Mobility Plan (PAMP) Program. The project is partly grant funded, to a funding

limit of \$30,000 in 2020/21 and \$210,000 in 2021/22, under the NSW Safer Roads Program. Project costs will be accommodated within the approved portfolio budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The proposal for pedestrian refuges and kerb extensions 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

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

RISK ASSESSMENT AND MITIGATION

- 11 The proposal has been developed to mitigate reported incidents and crash history.
- 12 Detailed design will address relevant Austroads and Transport for NSW guides and standards and will include a safety in design assessment.

RELATED PREVIOUS DECISIONS

- 13 Nil.

CONSULTATION

- 14 At its meeting of 15 July 2019, NCTC gave in principle support for a proposal for a vehicle activated sign and pedestrian refuge on Hobart Road, and raised median island and kerb extensions on the southern side of Wallarah Road.
- 15 A concept design for refuges, painted median and kerb extensions was exhibited for four weeks, with submissions closing on 5 April 2021. Details of

the proposal and an online submission form were published on CN's website. Copies of the flyer at **Attachment C** were distributed to residents in the area and mailed to non-resident owners.

- 16 NCTC considered a report on outcomes of the exhibition at its meeting of 19 April 2021 and recommended referral of the proposal to Council for determination.
- 17 The proposal is routine and therefore has not been considered by the Infrastructure Advisory Committee.

BACKGROUND

- 18 In response to requests made to CN, and having regard to reported incidents, a proposal for a refuge, median island, kerb extensions and vehicle activated sign was presented to NCTC in 2019 for consideration. CN advised that an application would be submitted for grant funding.
- 19 CN was successful in securing grant funding for the proposal, without the vehicle activated sign, for design in 2020/21 and implementation in 2021/22, under the NSW Safer Roads Program. Pedestrian refuges will improve connectivity and the kerb extensions will decrease pedestrian crossing distance and enable the stop line to be moved forward, improving sight lines to oncoming traffic.

OPTIONS

Option 1

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

Option 2

- 21 Council does not approve the proposed refuges, median and kerb extensions. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 49 Attachment A: Plan – Intersection Improvements – Hobart Road at Wallarah Road, New Lambton

Item 49 Attachment B: Summary of Submissions – Proposed Intersection Upgrade – Hobart Road at Wallarah Road, New Lambton

Item 49 Attachment C: Consultation Flyer – Proposed Intersection Upgrade – Hobart Road at Wallarah Road, New Lambton

Item 49 Attachments A to C distributed under separate cover

ITEM-50 CCL 25/05/21 - MAWSON STREET, SHORTLAND - PROPOSED TRAFFIC CALMING DEVICES

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

PURPOSE

To approve traffic calming devices on Mawson Street, Shortland.

RECOMMENDATION

That Council:

- 1 Approve road humps and road cushions on Mawson Street, Shortland, as shown at **Attachment A**.

KEY ISSUES

- 2 Mawson Street, Shortland is a two-way two-lane road which serves as a bus route and which provide access to Hunter Valley Private Hospital and local centre shops. Traffic surveys undertaken in the period between 5 February and 13 February 2019 indicated that the average speed and 85th percentile speed was 47km/h and 56km/h respectively. Speeding was identified as a contributing factor in two injury crashes reported in the period 2013 to 2017.
- 3 A concept plan for a combination of road humps and road cushions has been developed and exhibited for a period of four weeks, with submissions closing on 5 April 2021. Details were published on City of Newcastle's (CN) website and copies of the flyer at **Attachment B** distributed to residents and mailed to non-resident owners.
- 4 The exhibited scope of work includes:
 - i) Construction of a flat top road hump near Alister Street, with garden beds both sides.
 - ii) Construction of a flat top road hump near Sandgate Road, with garden beds both sides.
 - iii) Construction of three sets of road cushions between the road humps, with tree planting.
 - iv) Upgrade of street lighting (as required, subject to further assessment).
 - v) Signage and linemarking.

5 25 submissions were received during the public exhibition period as summarised at **Attachment C**. 18 submissions indicated support, half of which noted support with changes. Four submissions noted opposition and a further three did not state a position.

6 Key matters raised are as follows.

- i) Pedestrian facilities – several submissions noted lack of footpaths in the area and requested provision of footpaths and / or crossing facilities on several streets.

Response: CN is undertaking a pedestrian network project which will update the methodology for prioritisation of pedestrian facilities (including footpaths and crossings) throughout the city. Consultation will be undertaken later in 2021.

- ii) Changes to parking arrangements – several submissions suggested that parking be removed from one side of the street for its full length, or that it not be permitted at bends. Changes to time restrictions were also suggested, to prevent long stay parking.

Response: A proposal for changes to parking was exhibited in early 2020 however due to the low response rate, few changes were implemented. Parking arrangements will be monitored, subject to resourcing, following implementation of the Shortland local centre upgrade and the Mawson Street project.

- iii) Changes to traffic management – suggestions were made for changes to traffic management in Mawson Street and the wider area, including one-way traffic in Mawson Street, signalisation of the intersection of Marton Street and Sandgate Road, and traffic calming devices on other streets. Concern was also noted about implementation of devices on one street (Mawson Street) and their potential impacts on traffic volumes on other streets. An area wide traffic study was suggested.

Response: The proposal for Mawson Street has been developed due to multiple reports of speeding and near misses. These claims were supported by traffic surveys undertaken in early 2019 and a search of crash history. Traffic management is usually undertaken on an area-wide basis. CN is proposing to undertake a program of traffic management studies – new, and review of old, with timelier implementation of recommendations. The incidents on Mawson Street warrant response in the shorter term.

7 The Newcastle City Traffic Committee (NCTC) endorsed the proposal for referral to Council for determination at its meeting of 19 April 2021.

FINANCIAL IMPACT

- 8 Design of the traffic calming devices is part of the 2020/21 Local Area Traffic Management (LATM) Program, with an adopted budget of \$30,000. The draft 2021/22 budget includes funding for construction. Funding for design and construction was secured under the NSW Safer Roads Program.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 9 The proposal for traffic calming devices is consistent with the following strategic directions of the Newcastle 2030 Community Strategic Plan:

Integrated and Accessible Transport

- 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

- 10 The proposal is consistent with positions outlined in the Newcastle Transport Strategy and Cycling Plan to improve road safety for all road users and reduce traffic speeds.
- 11 Approval of the traffic calming devices is not delegated to CN and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 12 The proposal has been developed to mitigate reported incidents and crash history.
- 13 Detailed design will address relevant Austroads and Transport for NSW guides and standards and will include a safety in design assessment.

RELATED PREVIOUS DECISIONS

- 14 Nil.

CONSULTATION

- 15 The NCTC gave in principle support for a proposal for a series of road humps on Mawson Street, Shortland and recommended their inclusion on the LATM listing, at its meeting of 20 May 2019.

- 16 A concept design for the traffic calming devices was exhibited for four weeks, with submissions closing on 5 April 2021. Details of the proposal and an online submission form were published on CN's website. Copies of the flyer at **Attachment B** were distributed to residents in the area and mailed to non-resident owners.
- 17 NCTC endorsed the proposal for referral to Council for determination at its meeting of 19 April 2021.
- 18 The proposal is routine and therefore has not been considered by the Infrastructure Advisory Committee.
- 19 The exhibition period for the traffic calming devices partly coincided with that of the Shortland Local Centre Public Domain and Traffic Plan. Separate web pages and flyers were prepared for both exhibitions. Some responses to the exhibition of the proposed traffic calming devices raised issues in the wider area, including the local centre, as noted in previous sections.

BACKGROUND

- 20 In response to complaints about speeding, a proposal for a series of five road humps was presented to the NCTC for consideration. CN advised that funding would be sought under the NSW Safer Roads Program.
- 21 CN was successful in securing grant funding for a proposal for a refuge at Marton Street and road humps on Mawson Street, for design in 2020/21 and implementation in 2021/22, under the NSW Safer Roads Program. Further investigation indicated that the proposed refuge cannot be accommodated.

OPTIONS

Option 1

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

Option 2

- 23 Council does not approve the proposed traffic calming devices. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 50 Attachment A: Plan – Traffic Calming Devices – Mawson Street, Shortland

Item 50 Attachment B: Consultation Flyer – Proposed Traffic Calming Devices – Mawson Street, Shortland

Item 50 Attachment C: Summary of Submissions – Proposed Traffic Calming Devices – Mawson Street, Shortland

Item 50 Attachments A to C distributed under separate cover

ITEM-51 CCL 25/05/21 - MARCH QUARTERLY PERFORMANCE REPORT ON THE 2018 - 2022 DELIVERY PROGRAM

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

PURPOSE

To report progress against the 2018-2022 Delivery Program for the March Quarter, in accordance with the NSW Local Government Act 1993.

RECOMMENDATION

That Council:

- 1 Receives the 2018-2022 Delivery Program - March Quarterly Performance 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 March Quarterly Performance Report outlines CN's achievements under the 2018-2022 Delivery Program (2020-21 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 March Quarterly Performance Report outlines performance against the CSP.

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 The 2018-2022 Delivery Program - March Quarterly Performance Report will be published on CN's website.

RISK ASSESSMENT AND MITIGATION

- 7 The 2018-2022 Delivery Program - March Quarterly Performance Report fulfills CN's CSP statutory reporting activities.

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting on 23 June 2020 Council resolved to adopt the 2018-2022 Delivery Program and 2020-21 Operational Plan (2020-21 Our Budget).
- 9 At the Ordinary Council Meeting on 24 November 2020 Council received the 2018-2022 Delivery Program - September Quarterly Performance.
- 10 At the Ordinary Council Meeting on 23 February 2021 Council received the 2018-2022 Delivery Program - Six-Monthly Performance Report.

CONSULTATION

- 11 There is no requirement for consultation on Quarterly Performance Reports.

BACKGROUND

- 12 CN's 2018-2022 Delivery Program (2020-21 Our Budget) aligns with the CSP's seven strategic directions endorsed by Council on 26 June 2018.
- 13 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

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

Option 2

- 15 Council resolves not to receive the March Quarterly Performance Report. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 51 Attachment A: March Quarterly Performance Report on the 2018-2022
Delivery Program (2020/21 Our Budget)

Item 51 Attachment A distributed under separate cover

ITEM-52 CCL 25/05/21 - MARCH QUARTERLY BUDGET REVIEW

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER FINANCE

PURPOSE

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

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 The March Quarterly Budget Review Statement includes adjustments to the adopted budget to reflect trends identified in the actual operating performance to date for the 2020/21 financial year. The operational budget variations have increased City of Newcastle's (CN) budgeted operating deficit by \$2.4m and forecast an annual budget deficit of \$24.7m for the year ended 30 June 2021.
- 3 Significant to the March Quarterly Budget Review is the final payment of \$3m towards a 16-unit social and affordable housing complex in Wickham in partnership with the NSW Government and Compass Housing, agreed to in July 2018. CN had previously forecast that the payment would be made in 2021/22 but due to the timely construction of the building this payment can now occur in 2020/21.
- 4 The March Quarterly Budget Review Statement recommends \$3.3m less funds than previously predicted. CN is now forecasting to use \$24.0m in cash reserves for the full financial year 2020/21 and to hold \$23.0m in unrestricted cash reserves at 30 June 2021.
- 5 The 2020/21 works program was reviewed as part of the March Quarterly Budget Review Statement with projects rescheduled against community priorities. Overall, the rescheduling reduces the works program by \$3.5m. The works program for the full financial year is forecast at \$112.8m.
- 6 The March Quarterly Budget Review Statement reflects economic factors from the on-going COVID-19 pandemic. CN is experiencing lower than anticipated revenues and additional expenditure as part of phase II of the Council approved Community and Economic Resilience Package and a boosted works program estimated to create up to 700 local jobs.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 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

- 9 The adoption of the recommendation will enable ongoing implementation of CN's adopted 2018 - 2022 Delivery Program and 2020/21 Operational Plan in a cost effective and efficient manner.

RISK ASSESSMENT AND MITIGATION

- 10 Adoption by Council at the Ordinary Council Meeting to be held on 25 May 2021 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

- 11 At the Ordinary Council meeting held on 23 June 2020, Council adopted the 'Our Budget' (2018 - 2022 Delivery Program and 2019/20 Operational Plan).

CONSULTATION

- 12 A workshop was conducted with Councillors on 18 May 2021 to provide detailed information and a forum to ask questions.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 52 Attachment A: March Quarterly Budget Review Statement

Item 52 Attachment A distributed under separate cover

ITEM-53 CCL 25/05/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / 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 2020/21 Operational Plan as at the end of April 2021.
- b) Investment of temporary surplus funds under section 625 of the *Local Government Act 1993* (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

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

KEY ISSUES

- 2 At the end of April 2021 the consolidated YTD actual operating position is a deficit of \$3.0m which represents a positive variance of \$14.4m against the budgeted YTD deficit of \$17.4m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year budget for 2020/21 is a deficit of \$22.3m.
- 3 The net funds generated as at the end of April 2021 is a surplus of \$12.6m (after capital revenues, expenditure and loan principal repayments). This is a positive variance of \$27.1m to the YTD budgeted deficit position of \$14.5m. This is primarily due to a timing variance in the delivery of CN's works program with a delay in the spend of project expenditure (both capital and operational expenditures).
- 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 April 2021 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.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

BACKGROUND

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

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Item 53 Attachment A: Executive Monthly Performance Report – April 2021

Item 53 Attachment A distributed under separate cover

ITEM-54 CCL 25/05/21 - TENDER REPORT - BIENNIAL HIRE OF PLANT AND EQUIPMENT 2021/567T

**REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY /
 MANAGER CIVIL CONSTRUCTION AND MAINTENANCE**

PURPOSE

To accept tenders for the casual hire of plant (with and without operators), trucks (with and without drivers) and small plant and equipment during a two year period.

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for the biennial hire of plant, trucks and equipment for Contract No.: 2021/567T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the

basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

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

RECOMMENDATION

- 1 At **Attachment A**.
- 2 The confidential attachment relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

KEY ISSUES

Tender

- 3 For the casual hire of plant, trucks and equipment during the contract term.

Contract Term

- 4 The contract period is for two years, from 1 July 2021 to 30 June 2023.

Advertising of Tenders

- 5 The tender was advertised in the Newcastle Herald on Saturday 13 March 2021 and Sydney Morning Herald on Tuesday 16 March 2021. In addition, the tender was publicly advertised on the national Tenderlink website on Saturday 13 March 2021.

Tenders Received

- 6 Tenders closed at 2pm on 6 April 2021. Tender submissions were received from 61 tenderers. The names of all tenderers are as stated in **Attachment B** (confidential).

Evaluation Process

- 7 Due to the nature of the tender and the intention to accept a large number of conforming tenders a value for money assessment was not completed.
- 8 Instead, tenders were assessed on conformity to City of Newcastle's (CN) specification and contract conditions. CN also considered the tendered rates (hourly rates, fees & charges) to ensure that the tendered unit rates were competitive in the current market. All recommended tenderers were deemed to have submitted market competitive prices.

- 9 At the point of determining the allocation of work for each specific requirement, financial assessment will be considered first, however where marginal price difference is evident, the non-financial rating is applied to give preference to the superior compliant suppliers. Noting also that the availability of equipment at the time a requirement arises is an overriding consideration in the allocation of work.
- 10 The tenders were assessed by a Tender Assessment Panel consisting of the following CN staff – Management Systems and Depot Coordinator, and two Plant Board Administration Assistants.

Recommended Tenders

- 11 Most tenderers are local, within the lower Hunter area and most of the recommended tenderers have had previous experience of plant hire with CN – **Attachment C** lists tenderers recommended for acceptance (confidential).
- 12 The recommendation includes some new contractors and suppliers to CN. Further assessment of the suitability of new suppliers will be done at the time they are engaged.

FINANCIAL IMPACT

- 13 The hire of plant and equipment is under a standing offer contract. Under such contract, CN has no financial commitment to any contractor and a cost is only incurred when CN requests hire during the contract period. All expenditure under the proposed contracts will be funded from works approved under the adopted Operational Plan.
- 14 The current expenditure for hired plant & equipment is approximately \$4,700,000 (GST exclusive) per annum.

IMPLICATIONS

Ecological Sustainability

- 15 Some, but not all, of the recommended tenderers have a specific ESD policy in place. However, none of the recommended tenderers have been prosecuted for environmental offences to CN's knowledge, nor are they involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting.

IMPLEMENTATION

- 16 In accepting the recommended tenders CN will not be obligated to any fixed supply or cost but the contracts will facilitate the expedient supply of hired plant and equipment to complete works approved in the adopted budget/s. Plant is engaged as and when required and is subject to a value for money assessment prior to each engagement.

CONSULTATION/COMMUNICATION

- 17 The preparation of tender documents and technical specifications involved discussion and input from the relevant management areas of CN. In addition, CN's Contracts Management Unit provided advice and assistance in preparing the tender documents.

BACKGROUND

- 18 CN performs a range of civil engineering works predominately to construct and maintain roads, footpaths and stormwater drainage. Civil engineering works are also performed on other assets and facilities such as sporting ovals, parks and reserves.
- 19 The hire of plant and equipment may be to supplement CN's own plant and equipment or to provide short term hire of specialist plant and equipment not owned by CN.
- 20 In addition to civil engineering works, CN requires hired plant and equipment for other operational units such as building trades services and parks services.
- 21 This tender called for the casual hire of various mobile plant (with and without operators), the hire of trucks (with and without drivers), and the casual hire of various items of small plant and equipment.
- 22 Tenderers were invited to make a standing offer for the casual hire of plant and equipment during the contract period (a standing offer contract). A condition of the standing offer contract is that all prices tendered remain fixed during the contract period.
- 23 By inviting tenders every two years, CN is able to establish continuity in its supplier base and fix the prices for the hired plant and equipment during the two-year contract period. This provides certainty in estimating the cost of CN's works.
- 24 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

Item 54 Attachment A: Recommendation (Confidential)

Item 54 Attachment B: List of Tenderers (Confidential)

Item 54 Attachment C: List of Tenderers recommended for acceptance (Confidential)

Refer Confidential Agenda 25 May 2021 for Attachments A - C

ITEM-55 CCL 25/05/21 - TENDER REPORT - SUPPLY OF WASTE COMPACTOR 2021/715T

**REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY /
MANAGER DEPOT OPERATIONS**

PURPOSE

To accept a tender for the supply of a waste compactor for Summerhill Waste Management Centre (SWMC).

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

REASON FOR CONFIDENTIALITY

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for Supply of 1 x Waste Compactor for Contract No.: 2021/715T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the

basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

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

RECOMMENDATION

- 1 At **Attachment A**.
- 2 The confidential attachment relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

KEY ISSUES

Tender

- 3 This tender is for the purchase, delivery, commissioning and fixed maintenance of a fit for purpose waste compactor to complete compaction operations and regulatory obligations for SWMC.

Contract Term

- 4 The contract term is five years from the delivery of the Waste Compactor.

Advertising of Tenders

- 5 The tender was advertised in the Newcastle Herald on 10 April 2021, the Sydney Morning Herald on 13 April 2021, and nationally on the Tenderlink website.

Tenders Received

- 6 Tenders closed at 2pm on 3 May 2021. Tender submissions were received from:
 - i) Westrac Pty Ltd,
 - ii) Tutt Bryant,
 - iii) Select Civil,
 - iv) JDM Aust, and
 - v) GCM Enviro Pty Ltd.

Evaluation Process

7 The tenders were assessed against the following criteria:

- i) Tender Price 10%
- ii) Supplier Diversity 5%
- iii) WHS (safety compliance) 10%
- iv) Whole of Life Cost (WLC) 20%
- v) Operational Review 25%
- vi) Mechanical Review 20%
- vii) Parts & Supplier Support 10%

8 The tenders were assessed by a tender assessment panel consisting of the following Council officers – SWMC Site Operations Manager, Manager Depot Operations and Fleet Officer. The panel was selected based on experience and knowledge of specific operational requirements for the waste compactor.

Recommended Tender

9 The recommended tender has been assessed as satisfying the requirements of City of Newcastle. Their equipment has demonstrated the capability to undertake the high standard of operational work required to meet regulatory obligations of SWMC and has been selected as providing the best value for money.

FINANCIAL IMPACT

10 The total cost of this project including the proposed contract amount, allowances for project management, contingency and other associated project costs is \$1,378,623.87. This estimated cost is within the amount included in the 2020/21 adopted budget for this project.

IMPLICATIONS

Policy Implications

11 This project will enable the implementation of Council's strategic objective in relation to:

- i) Newcastle Waste Avoidance and Resource Recovery Policy.

Environmental Implications

12 This tender recommendation will assist SWMC in maintaining CN's EPA licence and ability to comply with waste regulations.

- i) Licence number 5897 – Activity, Waste Disposal, Recovery of General Waste and Waste Storage.

Ecological Sustainability

- 13 The recommended tenderer does not have a specific ESD policy in place. Despite this, the recommended tenderer has not been prosecuted for environmental offences, nor is it involved in any of the prescribed activities such as uranium mining, wood chipping, nuclear energy or timber harvesting. The recommended tenderer also complies with current Australian Vehicle Emission Standards.

IMPLEMENTATION

- 14 The recommendation to tender is to replace the current expiring Waste Compactor, it has no implementational impact on staff or budget that are not already in place and budgeted.

CONSULTATION/COMMUNICATION

- 15 The Waste and Fleet Management sections within CN were consulted as key stakeholders in reviewing the tender submissions. Outcomes were determined factoring in the needs of key users, maintenance planning, compliance and operational suitability.

BACKGROUND

- 16 The waste compactor is required to ensure the effective operation of SWMC. The current compactor has a serious engine issue that could result in catastrophic engine failure. A hire unit costs \$35,000.00 (excluding GST) per month plus resulting operational costs. The recommended supplier has a unit available for CN, it is ready now and if the tender is delayed the unit could be sold.
- 17 The calling of tenders was in accordance with the requirements of section 55 of the Act. The process followed was in accordance with Part 7 of the Regulation. Council is required to accept tenders in accordance with clause 178 of the Regulation (see Options).

OPTIONS

Option 1

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

Option 2

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

Option 3

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

Option 4

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

Option 5

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

ATTACHMENTS

Item 55 Attachment A: Recommendation (Confidential)

Item 55 Attachment B: Tender Evaluation Matrix - Summary (Confidential)

Refer Confidential Agenda 25 May 2021 for Attachments A - B

NOTICES OF MOTION

ITEM-12 NOM 25/05/21 - LAMBTON PUBLIC SCHOOL TRAFFIC

COUNCILLORS: D CLAUSEN, N NELMES AND P WINNEY-BAARTZ

PURPOSE

The following Notice of Motion was received on Sunday 16 May 2021 from the abovenamed Councillors.

MOTION

That Council:

- 1 Formally receives the petition from the Lambton Public School Parents and Citizens' Association with more than 1,000 signatures expressing concern at a range of local and state traffic issues near Lambton Public School;
- 2 Notes that an onsite meeting between representatives from the Council (Transport and Compliance team), School Principal, President of the P&C, Department of Education – School Infrastructure, Police, and Transport for NSW is to be held on Tuesday 25 May 2021; and
- 3 Refers issues raised in the petition and accompanying correspondence, and actions arising from the onsite meeting to the Newcastle Traffic Committee and Transport for NSW for further investigation and implementation.

BACKGROUND

Nil

ATTACHMENTS

Item 12 Attachment A: Letter and Petition from Kirsty Stewart, President of Lambton Public School P&C Association enclosing P&C Road Safety Album, and more than 1000 petition signatures

Item 12 Attachment B: Letter from School Infrastructure NSW regarding Traffic/Pedestrian related issues with NSW Department of Education Primary and High Schools (20 February 2019)

Item 12 Attachment C: Letter from Newcastle City Police District – Traffic Services with recommendations (October 2020)

Item 12 Attachment D: SECA Solution – Review of access arrangements Lambton Public School – commissioned for Department of Education

Item 12 - Attachments A - D distributed under separate cover

ITEM-13 NOM 25/05/21 - YOUTH MOCK COUNCIL MOTIONS

COUNCILLORS: P WINNEY-BAARTZ AND D CLAUSEN

PURPOSE

The following Notice of Motion was received on Sunday 16 May 2021 from the abovenamed Councillors.

MOTION

That Council:

- 1 Congratulates the City of Newcastle Youth Council and staff for hosting the Youth Mock Council on 29 and 30 April 2021;
- 2 Congratulates the 22 students from across Newcastle's high schools who participated in the two-day Mock Council to learn more about civic governance in the City of Newcastle;
- 3 Notes that the Youth Mock Council developed and unanimously carried three Notices of Motion on issues relevant to young people in Newcastle (motions attached); and
- 4 Receives the Youth Mock Council's motions, and refers onto the relevant Directorates for investigation alongside existing Council programs.

BACKGROUND

The Youth Mock Council is an annual event run by the Newcastle Youth Council.

The Newcastle Youth Council is the official youth advisory committee to the City of Newcastle led by Committee Chair (Youth Mayor) Alex Milles and Vice-Chair (Youth Deputy Mayor) Lauren Proctor. As an advisory Committee the Youth Council works to provide important advice to council and other organisations on issues that affect young people.

2021 was the third year that Youth Mock Council has been delivered. The program first ran in 2018, and has run every year since then except for 2020 due to Covid-19.

City of Newcastle values the voices of young people and Youth Mock Council is one of the key ways that the City of Newcastle works to engage young people in local government. The Youth Mock Council brought together young people from across the city, future leaders who all have a strong desire to make a difference in our community.



ATTACHMENTS

Item 13 Attachment A: Community pantries in libraries for families and people in need (developed by Youth Councillors M Gray, M Heffernan, C Steiner, H Finley, A Masens, G Edwards and S Bahrami)

Item 13 Attachment B: Mayfield West to CBD Bike Lane (developed by Youth Councillors E Clark, M Bowman, L Burns, G Thiveos, K Stephen, C Mason, T Muggleton-Ryan and D Perera)

Item 13 Attachment C: Newcastle safety app (developed by Youth Councillors Bright, DeVries, King, Lambert, Newton, Tickle and Yeomans-Hansen)

Attachment A

SUBJECT: NOM 30/4/21 - COMMUNITY PANTRIES IN LIBRARIES FOR FAMILIES AND PEOPLE IN NEED

COUNCILLORS: M GRAY, M HEFFERNAN, C STEINER, H FINLEY, A MASENS, A CASEY, G EDWARDS AND S BAHRAMI

PURPOSE

The following Notice of Motion was received on 30/4/2021 from the abovementioned Councillors.

The purpose is to improve standard of living for people without homes or struggling to make ends meet.

MOTION

That the Newcastle Youth Mock Council:

1. Develops an initiative to provide community pantries in local libraries to support people struggling and in need.
2. Acknowledges the outlying issue of the current housing crisis, resulting in homelessness and lack of necessities.
3. Will approach libraries and the community to get donations and community awareness out that this is an issue that needs to be addressed.

BACKGROUND

32% of Australia's homeless population live in New South Wales. 800 people in Newcastle were living in homelessness in 2016. The current housing crisis has fluctuated this number.

Working through Libraries increases community involvement and reduces barriers of shame and stigmatization. Libraries are seen as safe spaces. Libraries are a service to the community that is free of charge. There are ten branches across the city.

With the loss of JobKeeper and JobSeeker homelessness is expected to rise by 38% by June 2021.

One homelessness hostel had received 119 referrals for homeless people in distress in the past month alone.

In the past 12 months the homelessness rate in the Hunter has increased by 40%.

TO RESOLVE

The Newcastle City Council would like to start an initiative to get more resources from the community to the homeless and struggling in the community.

1. Develops community pantries in the libraries of Newcastle. \$5000 to \$15,000 is required to establish the plan.
2. The motion focuses solely towards the support of homelessness and struggling. Encouraging the awareness created throughout the community, on the Council website, social media, the libraries and further advertising mediums.
3. Will encourage the community to donate non-perishable food, hygiene products, toiletries, health products, bottled water, sleeping needs, and other things necessary for an improved quality of life.

OTHER RESOURCES

For more information

<https://www.missionaustralia.com.au/publications/youth-survey/1645-youth-survey-homelessness-infographic/file>

Bibliography

<https://www.abc.net.au/news/2021-03-29/nsw-homelessness-rent-squeeze-humanitarian-crisis-fears/100035832>

<https://homelessnessnsw.org.au/homelessness-nsw-attends-newcastles-call-to-action-on-homelessness/>

<https://www.kuc.org.au/library/youth-homelessness-facts-statistics>

<https://www.missionaustralia.com.au/news-blog/news-media/young-people-in-australia-have-experienced-homelessness>

Attachment B

SUBJECT: NOM 30/4/21 - MAYFIELD WEST TO CBD BIKE LANE

COUNCILLORS: E CLARK, M BOWMAN, L BURNS, G THIVEOS, K STEPHEN, C MASON, T MUGGLETON-RYAN AND D PERERA

PURPOSE

The following Notice of Motion was received on 30/04/2021 from the above mentioned Councillors.

The purpose is to reduce carbon emissions and road congestion by constructing and improving bike paths to motivate people to transit sustainably.

MOTION

That Newcastle City Council:

- 1 Extend the current reach of sustainable cycleways that connect Mayfield West (Stevenson Park) along Maitland Road to Mayfield (intersection of Maitland road and Nile street).
- 2 Invest in more hireable electric bikes along the track.
- 3 Measure the reduction of carbon emissions as well as congestion within the proximity of the project.

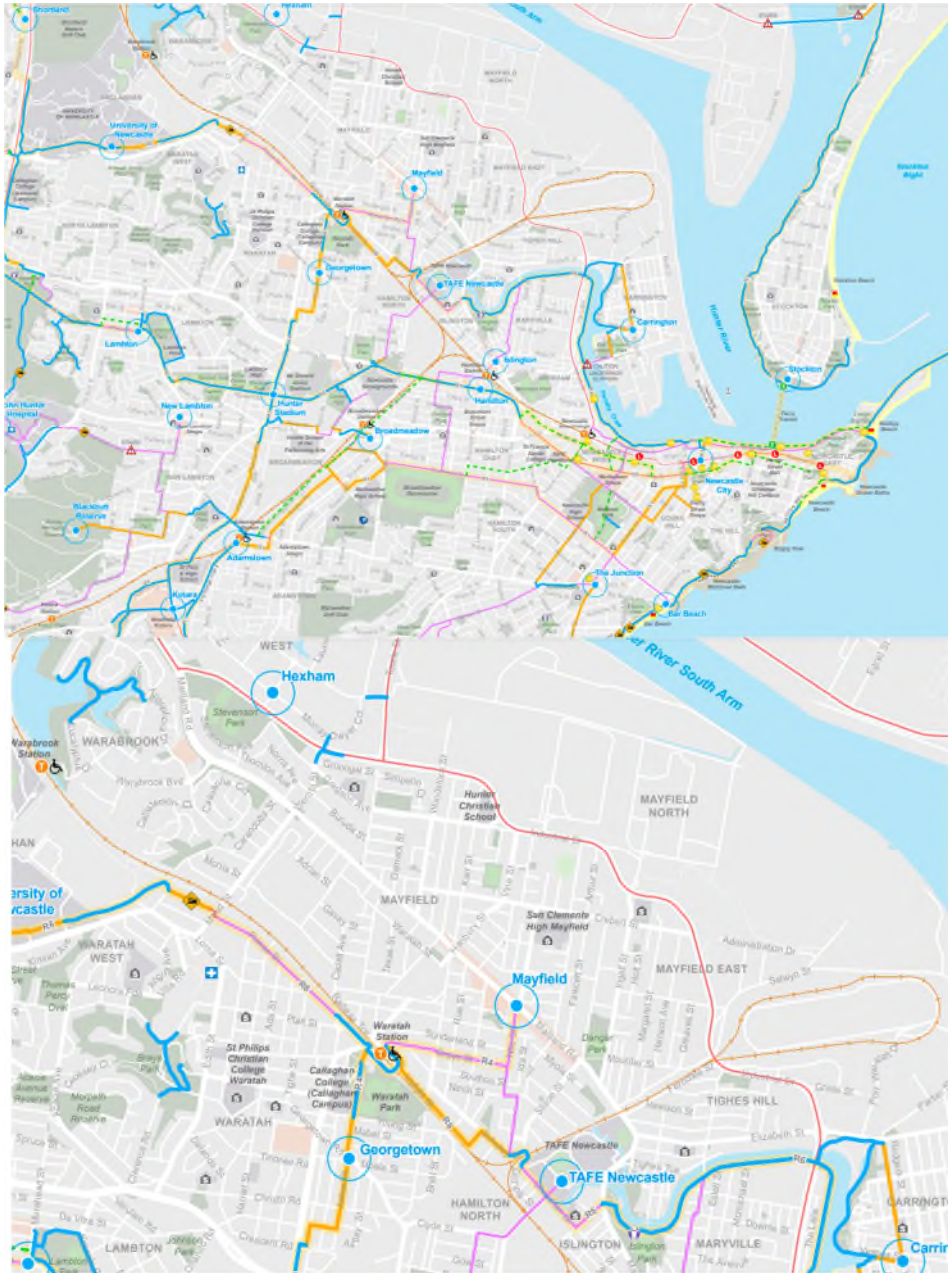
BACKGROUND

Since 1990, transport emissions have increased by 60% within Australia. Therefore, demonstrating the severity of the issue as currently, cars contribute to 17% of total emissions within Australia (102 million tonnes per year).

The proposition of bike tracks would enable a sustainable alternative to dominant modes of transportation. Studies show that by riding a bike to work 10km each way, you would save 1,500kg of carbon dioxide emissions each year, significantly decreasing total carbon emissions through the development of infrastructure.

Currently within the Newcastle region, safe bike lanes are severely lacking in connection to the CBD. Despite Fernleigh Track, accessible bike paths are limited to sparse main road bike lanes. Thus, diminishing the current possibility for citizens to be able to travel by bike to main work locations. Through the development of bike lanes in direct correlation to the CBD, it would encourage more people to use these facilities, with the incentives of environmental, health and financial benefits. With 25% of bikers saying the development of new lanes made them choose cycling as a form of transportation over other modes. Overall, reducing carbon emissions through the increase of people using bikes as an alternate mode of transportation, as enabled through the development of the proposed track.

Appendix A Current map of the City of Newcastle's Cycleways



Appendix B Proposed expansion of the cycleway



(Yellow indicates proposed route)

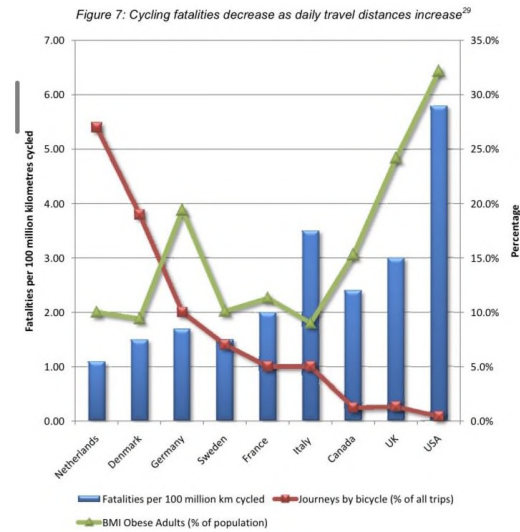
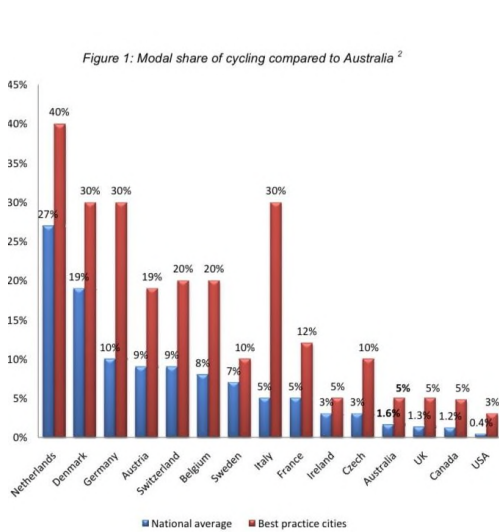


Figure 3: Environmental impact of different transport modes (base = 100 car)¹⁵

	Car	Car plus catalytic converter	Bus	Bicycle	Air	Train
Space consumption	100	100	10	8	1	6
Primary energy consumption	100	100	30	0	405	34
CO ₂	100	100	29	0	420	30
Nitrogen oxides	100	15	9	0	290	4
Hydrocarbons	100	15	8	0	140	2
CO	100	15	2	0	93	1
Total atmospheric pollution	100	15	9	0	250	3
Risk of accidents	100	100	9	2	12	3

Note: Comparison with a private car based on identical journey with the same number of people/km.
Source: UPI Report, Heidelberg, 1989, quoted by the German Ministry of Transport.

Attachment C

SUBJECT: NOM 30/4/21 - NEWCASTLE SAFETY APP

COUNCILLORS: BRIGHT, DE VRIES, KING, LAMBERT, NEWTON, TICKLE, YEOMANS-HANSEN

PURPOSE

The following Notice of Motion was received on 30/4/2021 from the abovementioned Councillors.

To promote public safety within the City of Newcastle through the development of innovative app-based facilities and creating a network of shared insight into the ramifications of assault.

MOTION

That the Newcastle Youth Mock Council:

1. Will develop an app to ensure the safety of the citizens of Newcastle in regards to assault within the LGA.
2. Will utilise pre-existing facilities to accommodate at-risk participants highlighted through the use of the app.
3. Must note that it has a duty of care to those that reside within its area and will use the highest technology available to ensure this safety.
4. Must note that the small investment expected into this app will reap the reward of an upturn in the nightlife of Newcastle, thus improving the local economy and tourism sectors.
5. Will realise the potential that an increase in safety will result in a boom in the safety of all areas within the LGA, and consequently the local economy will be greatly improved by an increase in both population and tourists.

BACKGROUND

The issue of safety, especially in regards to the violence against women demonstrations that are currently pivotal within the current scene of Australian Society, is vital in not only the economic outlook of the future of Newcastle City, but one of poignant social importance. It is imperative that an innovative and forward-motioned solution is recognised.

Concerns in regard to the safety of the stakeholders of Newcastle, along with an increase in the number of assaults occurring, has meant that the reputation of the

city is viewed as a dangerous environment to reside within and it is of utmost importance that this is altered within the shortest timespan possible.

Newcastle, according to the NSW Police Statistics Bureau, currently accounts for 2 of the 14 most violent venues within the state. Their report later states that the crime rate of the LGA is rising by around 5% per year, and a total of 37% of those surveyed did not feel safe within the area of Newcastle.

In the year January 2020 to January 2021, 1,067 assaults were recorded within the LGA, and 308 further assaults were listed as sexual. Taking into account that during this time, many venues were shut due to COVID-19 restrictions. 13% of people, less than one in eight people, felt safe walking alone at night

The app, an innovative amalgamation of the power of technology within the bounds of local governance, will have a variety of safety features for the utilisation of the stakeholders of the Newcastle LGA.

Revolving around the development of a map feature that employs hotspots to mark user-designated “unsafe places”, account creation is required to flag & review places within the LGA. This is a key feature in the maintenance of cyber-safety.

The SOS feature, which does not require registration, utilises a combination of device-tracking technology and communication within the app to inform local police of your whereabouts and send assistance at a rapid pace. Also present on the map is the fastest route to “safe places”, in the form of police stations of crowded areas.

Through this, council can easily gain insight into the feelings of the stakeholders within the electorate and, in the long-run, enact conscious, people-driving solutions to issues highlighted in the community.

Ballarat City Council has, in their Right to the Night Program, already tested the durability of an app-based reporting service for their LGA, and through this proven the resourcefulness and overall success of such an idea. The University of Newcastle also has this plan implemented.

Overall, a recognition of the rising rate of crime within the LGA of Newcastle, coupled with an overwhelmingly clear lack of feelings of safety within the area, has resulted in a need for development of an innovative solution to this issue. Through this, not only a rejuvenation of the areas recognised at hot-spots is available for council consumption, but an increase in the quality of life that reflects the developed nature of the Newcastle region.

Before and after



Question on notice 5569:

<https://www.parliament.nsw.gov.au/la/papers/pages/qanda-tracking-details.aspx?pk=56447>

ATTACHMENTS

Nil.