



City of
Newcastle



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 27 August 2019

TIME: 5.30pm

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

K Liddell
Acting Chief Executive Officer

**City Administration Centre
282 King Street
NEWCASTLE NSW 2300**

21 August 2019

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**ORDINARY COUNCIL MEETING
27 August 2019**

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

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 16 JULY 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190716 Public Voice Committee meeting minutes

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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 16 July 2019 at 5.34pm.

PRESENT

The Deputy Lord Mayor (Councillor D Clausen), Councillors M Byrne, J Church, C Duncan (*retired 5.58pm*), K Elliott, J Mackenzie, A Robinson, A Rufo 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 Murphy (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

The apologies submitted on behalf of the Lord Mayor, Councillor Nelmes and Councillors Dunn, Luke and White be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

The Deputy Lord Mayor called for declarations of pecuniary and non-pecuniary interests.

Councillor Church

Councillor Church declared a significant pecuniary interest in Item 2 - DA2017/01376 - 495-501 Hunter Street and 364 King Street Newcastle, stating that one of his clients owned a neighbouring property and managed the conflict by leaving the Chamber for discussion on the item.

PUBLIC VOICE SESSIONS

ITEM-1 PV 16/07/19 - DA2018/00609 - 147 BEAUMONT STREET, HAMILTON - DEMOLITION OF DWELLING AND OUTBUILDING, ERECTION OF THREE STOREY, 16 ROOM BOARDING HOUSE AND ASSOCIATED FENCING

Mr Chris Speek, Valley Planning addressed Council on behalf of the objectors and outlined concerns and objections to the development application.

Mr Kevin Doodney, Future Housing Taskforce and Mr Hugh Jones, Le Motte Group on behalf of the DA applicant, addressed Council in support of the development application.

Councillor Clausen declared a less than significant non-pecuniary interest in Item 1-DA2018/00609 - 147 Beaumont Street, Hamilton stating that he was the secretary of an organisation of which Councillor Paul Le Mottee (Port Stephens Council), Managing Director Le Mottee Group was the Chairperson, and the relationship was such that he had no business interest in the item.

Councillor Duncan retired from the Chamber at the conclusion of this item.

ITEM-2 PV 16/07/19 - DA2017/01376 - 495-501 HUNTER STREET & 364 KING STREET NEWCASTLE - DEMOLITION OF BUILDINGS, ERECTION OF 15 STOREY MIXED USE DEVELOPMENT INCL. THREE COMMERCIAL/RETAIL TENANCIES & 87 RESIDENTIAL UNITS, ASSOC. CARPARKING & SITE WORK

Mr Paul McLean, Resolve Planning and Ms Lorraine Mordue addressed Council and outlined concerns and objections to the development application.

Mr David Wolski, Wolksi Choppin Architecture on behalf of the DA applicant, addressed Council in support of the development application.

The meeting concluded at 6.26pm

MINUTES - ORDINARY COUNCIL MEETING 23 JULY 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190723 Ordinary Council Meeting Minutes

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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 23 July 2019 at 5.37pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne (*arrived 5.42pm*), J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo 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 Murphy (Director City Wide Services), E Kolatchew (Manager Legal), A Jones (Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), A Abbott (Manager Corporate and Community Planning), L Duffy (Manager Parks and Recreation), J Rigby (Manager Assets and Projects), K Hyland (Manager Major Events and Corporate Affairs), A Vine (Manager Property and Facilities), K Neveltsen (Interim Governance and Council Executive Support Co-ordinator), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), D Mills (Media Officer), K Sullivan (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Elliott

Councillor Elliott declared a non-pecuniary significant interest in Item 50 - Endorsement of Motions for Submission to the 2019 Local Government NSW Annual Conference - Attachment A - motion to the Local Government NSW regarding the emergency service levy.

Councillor Elliott stated that she had undertaken strategic planning work with the State Emergency Service who had been her client and indicated she would manage the conflict by leaving the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen declared a non-significant pecuniary interest in Notice of Motion Item 26 - Rehabilitation of Throsby Creek stating that he was the secretary of the Throsby Creek Government Agencies Committee and wrote the plan referenced in his work role and would manage the conflict by leaving the Chamber for discussion on the item.

Councillor Church

Councillor Church declared a significant pecuniary interest in Item 53 - Adoption of Amendment to Newcastle DCP 2012 - Section 6.02 Heritage Conservation Areas stating that he lived in The Hill which was one of the conservation areas and would manage the conflict by leaving the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 25 JUNE 2019

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

**Carried
unanimously**

LORD MAYORAL MINUTE

ITEM-13 LMM 23/07/19 - NSW PARLIAMENTARY JOINT SELECT COMMITTEE ON SYDNEY'S NIGHT TIME ECONOMY

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Notes that the NSW Parliament has established a Joint Select Committee on Sydney's night time economy;
- 2 Notes that the Committee held a roundtable forum with City of Newcastle on 18 July 2019;
- 3 Makes a late submission to the Committee before its first formal hearing on 5 August 2019 based on:
 - a. Council's unanimous resolution of 23 January 2018 and submission to the NSW Independent Liquor and Gaming Authority's 2017 Review of the Newcastle CBD Liquor Licence Conditions ('Horton Review');
 - b. City of Newcastle's adopted Night-time Economy Strategy: Newcastle After Dark (adopted 27 November 2018);

- c. City of Newcastle's Live Music Strategy (adopted 16 April 2019).

Councillor Mackenzie declared a non-significant non-pecuniary interest in Lord Mayoral Minute Item 13 - NSW Parliamentary Joint Select Committee on Sydney's Night Time Economy stating that he worked with Cate Faehrmann, NSW Upper House, who was a member of that inquiry and did so in a paid capacity. Councillor Mackenzie left the Chamber for discussion on the item.

The Lord Mayoral minute was put to the meeting.

**Carried
unanimously**

Councillor Mackenzie returned to the Chamber at the conclusion of the item.

ITEM-14 LMM 23/07/19 - NSW LEADER OF THE OPPOSITION

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Congratulates Jodi McKay MP on her election as the NSW Leader of the Opposition, and Yasmin Catley MP, on her election as the NSW Deputy Leader of the Opposition;
- 2 Notes that both Jodi McKay MP and Yasmin Catley MP, have strong connections to Newcastle and the Hunter Region;
- 3 Welcomes the NSW Oppositions renewed focus on manufacturing and regional jobs;
- 4 Commits to working with both the NSW Government and the NSW Opposition to ensure City of Newcastle is at the forefront of the decision making in the State Parliament;
- 5 Consistent with recent correspondence to NSW Premier, the Hon. Gladys Berejiklian MP, and Prime Minister, the Hon. Scott Morrison MP, writes to the Leader of the Opposition requesting a meeting to outline City of Newcastle's funding priorities at the state level.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-50 CCL 23/07/19 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2019 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

Councillor Elliott left the Chamber for discussion on the item.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Endorse the motions for submission to the 2019 LGNSW Annual Conference as set out at **Attachment A**.
- 2 Amend the meeting cycle for October 2019 with meetings to commence at 5:30pm:

Week 1 – Tuesday (1 October 2019)	No scheduled meetings
Week 2 – Tuesday (8 October 2019)	Committee Meetings and Workshops (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee • Councillor Workshops
Week 3 – Tuesday (15 October 2019)	No scheduled meetings (LGNSW Conference)
Week 4 – Tuesday (22 October 2019)	Ordinary Council Meeting
Week 5 – Tuesday (29 October 2019)	No scheduled meetings

For the Motion:

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

Against the Motion:

Councillors Church and Luke.

Carried

Councillor Elliott returned to the Chamber at the conclusion of the item.

ITEM-53 CCL 23/07/19 - ADOPTION OF AMENDMENT TO NEWCASTLE DCP 2012 - SECTION 6.02 HERITAGE CONSERVATION AREAS

Councillor Church left the Chamber for discussion on the item.

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Adopts the draft Section 6.02 Heritage Conservation Areas (**Attachment A**) and associated amendments to Section 9.0 Glossary for inclusion into the NDCP 2012.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

Councillor Church returned to the Chamber at the conclusion of the item.

ITEM-51 CCL 23/07/19 - SUPPLEMENTARY REPORT - PUBLIC EXHIBITION OF THE CODE OF MEETING PRACTICE

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Places the revised Code of Meeting Practice as set out at **Attachment B** on public exhibition for a period of 42 days.

AMENDMENT

Moved by Cr Elliott, seconded by Cr Robinson

The revised Code of Meeting Practice as set out at **Attachment B** be placed on public exhibition with the removal of the words "with the approval of the CEO" from Clause 30.2, *Councillors, CEO and CN staff*.

The Manager Legal stated that the requirement for staff attendance to be approved by the Chief Executive Officer was required under the Office Local Government Model Code of Meeting Practice and as such the clause could not be removed.

Councillor Elliott withdrew the amendment.

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

**Carried
unanimously**

ITEM-52 CCL 23/07/19 - EXHIBITION OF DRAFT COMMUNITY PARTICIPATION PLAN

MOTION

Moved by Cr Elliott, seconded by Cr Mackenzie

That Council:

- 1 Places the Draft Community Participation Plan (**Attachment A**) on exhibition for a period of 28 days.
- 2 Receives a report back to Council following the public exhibition period.

**Carried
unanimously**

ITEM-54 CCL 23/07/19 - SPECIAL BUSINESS RATE EXPENDITURE POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Place the draft Special Business Rate Policy at **Attachment A** on public exhibition from 24 July to 13 August 2019.

Carried

ITEM-55 CCL 23/07/19 - ADOPTION OF THE WEST END STREETScape - STAGE 2 PLAN

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Resolves to adopt the West End Streetscape - Stage 2 Plan as shown at **Attachment A**.

**Carried
unanimously**

ITEM-56 CCL 23/07/19 - AFFIXING COUNCIL SEAL TO DEEDS OF INDEMNITY FOR NEWCASTLE AIRPORT COMPANIES

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Enter into, and affix Council's seal, to the following:

- (i) Deeds of Indemnity between Newcastle City Council and Port Stephens Council indemnifying the officers of Greater Newcastle Aerotropolis Pty Ltd:
 - (a) Jeremy Robert Bath
 - (b) Edward Keith Campbell
 - (c) William Kirby Clark
 - (d) Peter Lawrence Cock
 - (e) Peter Gregory Gesling
 - (f) Andrew Stuart Gill
 - (g) Louise Karen Hicks
 - (h) Cameron Alexander Macphee
 - (i) Judith Rose Munro
 - (j) Nuatali Josephine Nelmes
 - (k) Ryan Philip Palmer
 - (l) Morgan Benn Parker
 - (m) Wayne Anthony Wallis

- (ii) Deeds of Indemnity between Newcastle City Council and Port Stephens Council indemnifying the officers of Newcastle Airport Pty Limited:
 - (a) Andrew Stuart Gill
 - (b) Nuatali Josephine Nelmes
 - (c) Morgan Benn Parker
 - (d) Ryan Philip Palmer

on the grounds that the Deeds of Indemnity relate to the business of Council.

Carried

NOTICES OF MOTION

ITEM-25 NOM 23/07/19 - URBAN HEAT ISLAND RESEARCH PROJECT

In moving the motion, Councillor Clausen stated that he was moving the recommendation of Council Officers outlined in the business papers and an additional Part B.

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

A That Council:

- 1 Notes that the NSW Government recognises air temperatures in cities are expected to increase in the future as a result of climate change and increasing urbanisation.

- 2 Recognises the research conducted by Adapt NSW which indicates that cities create their own microclimates by influencing the surrounding atmosphere and interacting with climate process, and that the most striking characteristic of an urban microclimate is the 1 Urban Heat Island (UHI) effect which sees urban areas become significantly warmer than surrounding areas where there is less green cover and more hard surfaces which absorb, store and radiate heat.

- 3 Notes that City of Newcastle (CN) officers are currently partnering with the University of Newcastle (UoN) on a smart city research program examining the urban heat island effect and possible interventions across Newcastle; and that officers have also participated in a 'living laboratory' partnership with University of Western Sydney's 'Where Should All the Trees Go?' program.
 - 4 Notes that CN officers are continuing to work to achieve positive outcomes for the city by delivering on the objectives of the UFP and background paper to build our capacity towards achieving sustainable canopy which is an important factor in making our city liveable and mitigating effects from UHI effect.
 - 5 Receives a Councillor workshop on the delivery of the UFP and the background paper, and an update on the work that is being undertaken in collaboration with UoN and University of Western Sydney on UHI.
 - 6 Facilitates a public forum on the current research and projects being undertaken by UoN and University of Western Sydney on UHI effect, the impact of UHI on cities across Australia, and outlining possible actions that cities such as Newcastle may be able to take to mitigate urban warming.
- B
- 1 Notes that the NSW Government has committed to deliver one million new trees to metropolitan Sydney as a priority project of the Premier.
 - 2 Writes to the Premier and Minister for Planning and Open Space requesting the Government's financial support to match the City of Newcastle's existing commitment to expanding Newcastle's urban forest.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-26 NOM 23/07/19 - REHABILITATION OF THROSBY CREEK

Councillor Clausen left the Chamber for discussion on the item.

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That the City of Newcastle:

- 1 Notes the release of the Throsby Creek Catchment Agencies Plan 2019-2024, as a culmination of the work of the Throsby Creek Government Agencies Committee.

- 2 Receives a public briefing from a member of the Throsby Creek Government Agencies Committee and from CN staff as appropriate in relation to:
- a) CN commitments to strategic actions listed under the Throsby Creek Catchment Plan; and
 - b) Progress on the implementation of the Newcastle City Wide Flood Risk Management Plan Actions and the Strategic Position for the Low-Lying Suburbs.

**Carried
unanimously**

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

ITEM-27 NOM 23/07/19 - POLLINATOR PLANTING PROGRAM

MOTION

Moved by Cr Mackenzie, seconded by Cr Elliott

That the City of Newcastle:

Receive a report on the options for amending the City of Newcastle Urban Forestry Policy and Street Tree Selection Manual to improve the provision of pollinator forage on Council-managed land in Newcastle, including bees and native pollinators.

**Carried
unanimously**

ITEM-28 NOM 23/07/19 - PUBLIC ACCESS AUDIT OF AUTOMATED EXTERNAL DEFIBRILLATORS

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That the City of Newcastle

Conduct and publish an audit of publicly accessible automated external defibrillators (AEDs) in the LGA in consultation with Newcastle sporting organisations and community groups which regularly use, hire or license City of Newcastle sporting facilities, to determine the extent of current availability, and future needs, for AEDs at City of Newcastle facilities.

Councillor Clausen proposed the following:

- An additional part B

Council notes that sporting clubs and organisations are responsible for providing all first aid as the hirer's or lessees of Council owned facilities whether annual fixtures or for one off events.

- Reference to 'sporting organisations' be amended to 'sporting associations'.

Councillors Mackenzie and Byrne accepted the amendments to the motion.

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

**Carried
unanimously**

ITEM-29 NOM 23/07/19 - GREGSON PARK PLAN OF MANAGEMENT AND ENHANCEMENTS

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That City of Newcastle:

- 1 Notes the historical and cultural significance of Gregson Park, Hamilton, for local Hamilton residents and the broader community;
- 2 Recognises growing community interest in upgrades to Gregson Park, including the playground and open space areas, as well as the former Hamilton Bowling Club site;
- 3 Holds a workshop for Councillors, to outline the Plan of Management process for Gregson Park, including opportunities for the community to provide feedback regarding upgrades and future uses of the park, as well as to advise Councillors of the implications of the *Crown Land Management Act 2018* on Council managed parks and recreation spaces.

**Carried
unanimously**

The meeting concluded at 7.23pm.

LORD MAYORAL MINUTE

**ITEM-15 LMM 27/08/19 - REVOCATION OF FREEMAN OF THE CITY
AND CITIZEN OF THE YEAR AWARDED TO GRAEME
LAWRENCE**

MOTION

That City of Newcastle:

- 1 Notes that both Freeman of the City and Citizen of the Year accolades are presented to well respected community members who display high standards of personal conduct and behaviour at all times and who have provided the uppermost level of service to Newcastle and the community;
- 2 Notes that former Dean of Newcastle Graeme Lawrence has been convicted of the aggravated sexual assault of a 15-year-old boy;
- 3 Formally revokes the 2004 Citizen of the Year accolade and rescinds the 2007 Lord Mayoral Minute to confer the Freeman of the City award on Graeme Lawrence.

BACKGROUND

Following his criminal conviction, the Chief Executive Officer and Lord Mayor resolved to immediately revoke the Freeman of the City and Citizen of the Year (Accolades) previously awarded to former Dean of Newcastle, Graeme Lawrence.

This decision is on the basis that the Accolades are presented to well respected community members who display high standards of personal conduct and behaviour at all times and who have provided an uppermost level of service to Newcastle and the community.

This has been brought into disrepute by the gravity of the criminal conviction of the recipient.

As Council resolved, by way of Lord Mayoral Minute in 2007, to confer the Freeman of the City award on the recipient, this Lord Mayoral Minute is tabled to finalise the decision to formally rescind the resolution of the award of the Freeman of the City and also revoke the Citizen of the Year award (which is understood to have been awarded by the Australia Day Awards Committee in 2004).

ATTACHMENTS

Nil

REPORTS BY COUNCIL OFFICERS

ITEM-57 **CCL 27/08/19 - WARD BOUNDARY PLAN AMENDMENTS ON PUBLIC EXHIBITION**

REPORT BY: **EXECUTIVE OFFICE**
CONTACT: **CHIEF EXECUTIVE OFFICER/EXECUTIVE OFFICER**

PURPOSE

To seek Council endorsement to place ward boundary plan amendments on public exhibition

RECOMMENDATION

That Council:

- 1 Place the Proposed Ward Boundary Plan (Attachment A) together with the Review of Ward Boundaries Community Discussion Paper (Attachment B) on public exhibition for a period of 42 days
- 2 Receives a report back to Council following the public exhibition period

KEY ISSUES

- 3 The current ward boundaries for the City of Newcastle (CN) Local Government Area (LGA) were ratified by Council in 1993/94 following the commencement of the Local Government Act 1993. Since that time there has been significant changes and growth in the population numbers and distribution within the Newcastle LGA. This has changed the number of eligible voters within each ward.
- 4 The Local Government Act 1993 (Act) stipulates that there must be a variation of less than 10% in the number of electors between each ward. The current ward boundaries do not meet the less than 10% variation threshold.
- 5 The next Local Government election will be held in September 2020. The Electoral Commission has requested that Council finalise its Ward Boundaries by December this year.
- 6 Section 211 of the Act requires that CN must review the ward boundaries and if during its term of office becomes aware that the number of electors in one ward differs by more than 10% from the number of electors in any other ward for a 12 month period, it must as soon as practicable alter the ward boundaries to ensure that any discrepancy in the number of electors between each ward is less than 10%.

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- 7 The following table indicates the current number of electors within the existing wards and the proposed number of electors within the proposed ward boundaries. As can be seen from the table, under the current ward boundaries, there is a difference of greater than 10% between the number of electors in Ward 2 (being 11.91%) and Ward 3 (being 14.92%) with Ward 4.

	Current ¹ no of electors in each ward	% difference to Ward 4	Proposed no of electors in each ward	% difference to Ward 3
Ward 1	31,745	2.27%	29,701	6.48%
Ward 2	28,619	11.90%	29,678	6.55%
Ward 3	27,638	14.92%	31,758	
Ward 4	32,484	-	29,349	7.59%
	120,486		120,486	

Note 1: Numbers as at 23 July 2019, sourced from NSW Electoral Commission

- 8 In arriving at the proposed ward boundaries and to ensure the amendments meet the requirement for a less than 10% difference in the number of electors in each ward, the following guidelines were used:
- Natural boundaries – wherever possible natural boundaries such as main roads, rail lines etc were used to amend a ward boundary
 - Statistical Area Boundaries – wherever possible whole Statistical Area Level 1 Boundaries as used by the Australian Statistician were transferred from one ward to another.
 - Future Growth – as the recent growth in Wards 1 and 4 is expected to continue it was necessary to reduce the size of both these wards and increase the size of wards 2 & 3. This will ensure that the new boundaries are able to be used for more than one election cycle
 - Suburb boundaries – wherever possible suburbs were to remain wholly within a ward
- 9 The next Local Government election will be held in September 2020. The Electoral Commission requires Council to finalise its ward boundaries by December 2019.
- 10 The attached Proposed Ward Boundaries Plan (Attachment A) and Review of Ward Boundaries Community Discussion Paper (Attachment B) is required by the Local Government Act 1993 to be placed on exhibition for 28 days. The exhibition period will be extended to coincide with the 42-day period for submissions on the Ward Boundaries. At the close of the submissions, a report will be presented to Council for consideration of submissions and adoption of the new Ward Boundaries for the September 2020 Local Government Elections.

FINANCIAL IMPACT

- 11 Provision have been made in the budget for statutory costs arising from the exhibition period so there is no financial impact from adoption of this report

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 Open and Collaborative Leadership

7.2.1 Conduct CN business in an open, transparent and accountable manner

7.3.1 Provide opportunities for genuine engagement with the community to inform CN's decision-making

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 Once the Ward Boundary Plan public exhibition period has finished, a further report will be presented to Council regarding any submissions received. Council will then consider the submissions and adopt a Ward Boundary Plan which will be forwarded to the Electoral Commissioner and will be applied at the September 2020 Local Government elections

RISK ASSESSMENT AND MITIGATION

- 14 Failure to ensure that the variance between wards is less than 10% will impact Councils reputation as well as breach Section 211 of the Local Government Act 1993. The timeline for lodging the revised Ward boundary plan to be used for the September 2020 Local Government Elections with the Electoral Commissioner is December 2019. The timeline proposed in this report should ensure Council meets this obligation

RELATED PREVIOUS DECISIONS

- 15 The current ward boundaries were ratified in 1993/94 following commencement of the Local Government Act 1993.

CONSULTATION

- 16 Consultation has occurred with the Electoral Commissioner and the Australian Statistician as required under the Act. Once the proposed Ward Boundary Plan is adopted for public consultation it will be placed on public exhibition for a period of 42 days. Notice of the public exhibition will be advertised via the local newspapers, CN's website and social media. Copies of the Ward Boundary Plan, Discussion Paper and Frequently Asked Questions will be available at the City's libraries, customer service centres and available electronically via the City's website: <http://newcastle.nsw.gov.au/Have-Your-Say/Projects/Wards>

BACKGROUND

- 17 CN currently has four (4) wards which elect three (3) Councillors each plus a popularly elected Lord Mayor resulting in 13 Councillors. Section 211 of the Act requires that CN review the ward boundaries. If during its term of office becomes aware that the number of electors in one ward differs by more than 10% from the number of electors in any other ward for a 12 month period it must as soon as practicable alter the ward boundaries to ensure that any discrepancy in the number of electors between each ward is less than 10%.
- 18 In January 2019 the Director Governance advised Council that the current electors in its wards have a variance of more than 10%. As such is required to amend the ward boundaries so that the resultant number of electors in each ward differ by less than 10%. The current ward boundaries were ratified in 1993/94. Section 210A of the Local Government Act 1993 requires a Council to advertise its proposed Ward Boundaries
- 19 To assist the community in considering the impacts of the proposed changes and the reasoning behind the review a Community Discussion Paper and a Frequently Asked Questions Sheet have been developed to accompany the Proposed Ward Boundary Map. These are attached for the information of Councillors
- 20 CN staff became aware of the more than 10% variance between the wards in late 2014. It was proposed to undertake a ward boundary adjustment in 2015, however, the potential amalgamation with another council arose and the matter was put on hold until after the local government elections in 2017.

OPTIONS

Option 1

- 21 The recommendation as at Paragraph 1 – 2. This is the recommended option.

Option 2

- 22 Not amend the ward boundaries resulting in Council not being compliant with the Local Government Act. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 57 Attachment A:** Proposed Ward boundary plan
Item 57 Attachment B: Ward Boundary Community Discussion Paper
Item 57 Attachment C: Ward Boundary Review Frequently Asked Questions

Item 57 Attachments A to C distributed under separate cover

ITEM-58 CCL 27/08/19 - ADOPTION OF REVISED INVESTMENT AND BORROWING POLICY

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

PURPOSE

To adopt the revised Investment and Borrowing Policy.

RECOMMENDATION

That Council:

- 1 Adopts the revised Investment and Borrowing Policy (Policy) as at **Attachment A**.

KEY ISSUES

- 2 Investment Policy Guidelines issued by the Department of Premier and Cabinet, May 2010, recommend that a Council's investment policy be reviewed, and any amendments approved, by Council resolution annually. The current Investment and Borrowing Policy was adopted by Council at the Ordinary Council Meeting on 28 August 2018.
- 3 A number of key amendments have been proposed to the Policy and are shown in track changes from the current Policy at **Attachment B**.
- 4 Key amendments to the Policy are confined to the Investment subsection and focus on amending the risk management framework and performance measurement. These changes will enable CN to maximise its returns whilst retaining due consideration of all legislative requirements. The Policy's stated objective remains unchanged.
- 5 All key amendments have been made in consultation with, and supported by, CN's appointed Independent Investment Advisor.

6 Key amendments include the following:

Policy Clause	Existing	Proposed	Reason for change
6. Risk management framework	Single Risk Management Framework applicable to the entire investment portfolio	Two separate categories within the Risk Management Framework identified and defined. Separation is grouped based upon underlying investment asset class.	The proposed amendment aims to more clearly define risk limits applicable to all permissible CN investments (in accordance with the prevailing Ministerial Investment Order). The existing Policy lacks clear separation, identification, and definition of the different investment categories that CN can invest in, being Income Producing / Defensive assets and Capital Growth assets. The proposed changes aim to remedy this issue. Allocation limits to both investment categories remain unchanged from the existing Policy adopted on 28 August 2018 (ie. CN can still invest up to a maximum of 20% in Capital Growth assets. These are currently limited to TCorpIM Growth Funds as per the prevailing Ministerial Investment Order).
6.4.4.2 Maturity risk framework	Minimum term to maturity <1year 30%	Minimum term to maturity <1 year 25%	The purpose of having a minimum term to maturity limit is to ensure sufficient funds are retained to meet foreseen creditor payments as and when they fall due. The basis for the amendment is to retain CN's ability to retain a maturity profile that enables returns on Income producing / Defensive assets to be maximised whilst mandating sufficient liquidity be maintained at adequate levels to ensure key performance measures relating to liquidity are maintained and that CN can continue to service all payment obligations as and when they arise.

CITY OF NEWCASTLE

Policy Clause	Existing	Proposed	Reason for change
<p>9.1 Performance measurement</p>	<p>Single KPIs for entire investment portfolio</p>	<p>Two separate KPIs aligned to the two separate categories defined within the Risk Management Framework.</p>	<p>A single KPI measuring performance against the AusBond Bank Bill Index plus a margin is no longer an appropriate KPI to use for the entire CN investment portfolio.</p> <p>Accordingly, a more appropriate performance benchmark for the TCorpIM Growth funds is recommended that aligns with the performance benchmarks set for these funds by the product arranger (being TCorp).</p>

FINANCIAL IMPACT

- 7 There are no direct financial costs associated with this recommendation.
- 8 Investment decisions will continue to be made in accordance with legislative requirements and stated Policy objectives, which remain unchanged.
- 9 The overall rate of return generated by the investment portfolio will reflect CN's risk tolerance whilst mirroring the performance of the global economy and associated market conditions. Benchmarking is defined within the Policy to monitor the performance of the portfolio.
- 10 It is anticipated that the proposed amendments to the Policy will have a direct positive impact upon the long run average rate of return CN generates on its portfolio of investments.
- 11 On a year to year basis any funds CN invests into TCorpIM Growth Funds will be subject to a higher level of short-term volatility of returns than historically has been the case for CN's Investment portfolio. This includes the possibility for negative 12 monthly returns.
- 12 TCorp's stated expectation is that its Long-Term Growth IM Fund (which would be CN's preferred Growth Fund) will provide an average rate of return of CPI + 3.50% over 10 years with greater than 50% probability. Accordingly, it is the expectation that the additional volatility over the short term should be compensated with improved returns over the longer term.
- 13 The proposed Policy retains the previously adopted 20% limit for TCorpIM Growth Funds to restrict the impact of volatility and ensure a prudent balance of risk and return is maintained.
- 14 The 2019/20 budget for Interest Income from Investments was built assuming TCorpIM Growth Funds exposure at a proportionally small amount, that will grow throughout the budget period however remain well within the mandated 20% allocation limit.

COMMUNITY STRATEGIC PLAN ALIGNMENT

15 Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 16 If adopted, a copy of the finalised Policy document will be made available on CN's website.
- 17 Review of the adopted Policy will be due within twelve months from the date of this report.

- 18 Information on CN's investments will continue to be reported to Council on a monthly basis.

RISK ASSESSMENT AND MITIGATION

- 19 The Policy complies with Section 625 of the Local Government Act 1993 (NSW), the Local Government (General) Regulation 2005, the Order 2011 and the Office of Local Government's Investment Policy Guidelines (May 2010).
- 20 The Policy ensures officers delegated authority to manage CN's investments exercise care, diligence and skill that a prudent person would exercise in investing.
- 21 A risk management framework is inbuilt within the revised Policy that recognises risks associated with CN's investments providing tolerance and permitted exposure levels to these risks. In comparison to the existing Policy the changes proposed provide greater clarity and strengthen this risk management framework.

RELATED PREVIOUS DECISIONS

- 22 At the Ordinary Council Meeting held on 28 August 2018, Council resolved to adopt the existing Policy.

CONSULTATION

- 23 Consultation has occurred with CN's Independent Investment Advisor along with key CN officers:

BACKGROUND

- 24 Section 625 of the Local Government Act 1993 (NSW) requires City of Newcastle (CN) to invest money that is not, for the time being, required by CN for any other purpose, only in the form of an investment notified by order of the Minister published in the Gazette.
- 25 The prevailing Local Government Act 1993 (NSW), Investment Order dated 12 January 2011 (Order) stipulates that all Councils should by resolution adopt an investment policy that is consistent with the Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet.
- 26 The Local Government Act 1993 (NSW), Investment Order dated 12 January 2011 (Order) stipulates that all Councils should by resolution adopt an investment policy that is consistent with the Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet.

OPTIONS

Option 1

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

Option 2

28 Council does not resolve to adopt the draft Policy. As per the Investment Policy Guidelines issued by the Department of Premier and Cabinet, May 2010, it is recommended that Council's review and adopt an investment Policy each year. This is not the recommended option.

REFERENCES

Local Government Act 1993 (NSW) - Section 625
Local Government (General) Regulation 2005
Revised Ministerial Investment Order (12 January 2011)
Investment Policy Guidelines, Office of Local Government (May 2010)

ATTACHMENTS

Item 58 Attachment A: Investment and Borrowing Policy

Item 58 Attachment B: Investment and Borrowing Policy (tracked changes)

Item 58 Attachments A and B distributed under separate cover

ITEM-59 CCL 27/08/19 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019 TO BE REFERRED TO COUNCIL'S AUDITORS

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

PURPOSE

To ensure City of Newcastle's (CN) Financial Statements for the year ended 30 June 2019 are audited and authorised in accordance with section 413 of the Local Government Act 1993 (Act).

RECOMMENDATION

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2019 are underway and upon completion they will be referred to CN's auditors, NSW Audit Office, for audit in accordance with the requirements of s.413(1) of the Act.
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the relevant statements in accordance with s.413(2) of the Act at the conclusion of the external audit (**Attachments A and B**).

KEY ISSUES

- 3 CN is required under s.413(1) of the Act to prepare Financial Statements each year and refer them for audit. Section 413(2) of the Act requires that the Financial Statements must include:
 - i) A General Purpose Financial Statement;
 - ii) Any other matter prescribed by the regulations; and
 - iii) A statement in the approved form by the CN as to its opinion on the General Purpose Financial Statements and Special Purpose Financial Statements.
- 4 The Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer are required to sign the statements in accordance with s.413(2)(c) of the Act, to confirm that the Financial Statements have been prepared in accordance with the applicable legislation, regulations, accounting standards and reporting codes.

- 5 The audit will commence on 9 September 2019. When the audit is finalised a full report will be made to Councillors, as soon as practicable, detailing all the relevant findings together with the auditors' opinion on the financial statements.
- 6 In accordance with s.419 of the Act, CN will present signed Financial Statements for the year ended 30 June 2019 at the Ordinary Council Meeting to be held on 22 October 2018.
- 7 From 23 October 2019 to 29 October 2019, under s.420 of the Act, members of the public can make submissions to CN with respect to CN's audited Financial Statements or CN's auditors report.
- 8 In accordance with s.416(1) of the Act, the audit of the Financial Statements must be completed and a copy of those Financial Statements, together with the signed statements in accordance with the recommendation at Paragraph 2 must be provided to the Office of Local Government by no later than 31 October 2019. The Office of Local Government has written to CN emphasising the necessity to meet this timeframe.

FINANCIAL IMPACT

- 9 The CN's Operational Plan includes a budget amount of \$126,500 for the cost of the external audit of the 2018/19 Financial Statements. The current cost estimate provided by the auditors is \$126,500.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' in particular 7.1b *Ensure long-term financial sustainability through short, medium and long-term financial planning.*

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The legislative deadlines and the proposed timeline for the completion of the audit of the Financial Statements are as follows:
 - i) 27 August 2019 – Council authorises the relevant statements to be signed in accordance with the recommendation at Paragraph 2 above.
 - ii) 9 September 2019 – External Audit commences.
 - iii) 10 October 2019 - Draft Financial Statements provided to Audit Committee for review.
 - iv) 15 October 2019 – Closed Councillor Workshop on draft Financial Statements for the year ended 30 June 2019 undertaken by CN officers with the external audit partner in attendance.

- v) 22 October 2019 – Completed signed Financial Statements and audit report for the year ended 30 June 2019 presented at the Ordinary Council Meeting.
- vi) 31 October 2019 – Final date for Financial Statements for the year ended 30 June 2019 to be submitted to the Office of Local Government and the Australian Bureau of Statistics in accordance with s.417(5) of the Act.

RISK ASSESSMENT AND MITIGATION

- 12 To ensure CN's Financial Statements are prepared in accordance with the relevant legislation, the Financial Statements are referred to the CN's external auditors, the NSW Audit Office, for audit in accordance with s.413 of the Act.

RELATED PREVIOUS DECISIONS

- 13 At the Ordinary Council Meeting held on 28 August 2018 Council resolved to authorise the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the relevant statements in accordance with s.413(2) of the Act at the conclusion of the external audit.

CONSULTATION

- 14 Not applicable.

BACKGROUND

- 15 This report and its associated approval by way of Council resolution will ensure that the Statement by Councillors and Management made pursuant to the s.413(2)(c) of the Act is approved and signed by the relevant parties in order to complete the process for lodgment of the audited Financial Statements with the Office of Local Government by 31 October 2019.

OPTIONS

Option 1

- 16 The recommendation as at Paragraphs 1 and 2 in order to ensure compliance with s.413 of the Act. This is the recommended option.

Option 2

- 17 The recommendations as at Paragraphs 1 and 2 are not endorsed. This will result in a breach of s.413 of the Act. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 59 Attachment A: Statement by Councillors and Management made pursuant to the s.413(2) of the Act – General Purpose Financial Statements for the year ended 30 June 2019.

Item 59 Attachment B: Statement by Councillors and Management made pursuant to the s.413(2) of the Act - Special Purpose Financial Statements for the year ended 30 June 2019.

Item 59 Attachment A

Newcastle City Council

Financial Statements 2019

General Purpose Financial Statements
for the year ended 30 June 2019

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and professional pronouncements, and
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 August 2019.

Nuatali Nelmes
Lord Mayor

Councillor

Jeremy Bath
Chief Executive Officer

Alissa Jones
Responsible Accounting Officer

Item 59 Attachment B

Newcastle City Council

Special Purpose Financial Statements 2019

Special Purpose Financial Statements
for the year ended 30 June 2019

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement '*Application of National Competition Policy to Local Government*';
- the Division of Local Government Guidelines '*Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*';
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 August 2019.

Nuatali Nelmes
Lord Mayor

Councillor

Jeremy Bath
Chief Executive Officer

Alissa Jones
Responsible Accounting Officer

ITEM-60 CCL 27/08/19 - ADOPTION OF PUBLIC VOICE AND PUBLIC BRIEFING POLICY

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To adopt a revised Public Voice and Public Briefing Policy.

RECOMMENDATION

That Council:

- 1 Adopts the revised Public Voice and Public Briefing Policy.

KEY ISSUES

- 2 Public Voice and Public Briefing sessions have been operating at City of Newcastle (CN) since 1999. The sessions provide members of the public with the opportunity to directly address Councillors on matters falling within the jurisdiction of CN that are of a significant nature or development application (DA) matters.
- 3 Council adopted an updated Public Voice and Public Briefing Policy (Policy) at the Ordinary Council Meeting held on 28 August 2018. The revisions to the Policy (**Attachment A**) are proposed to streamline the existing Public Voice and Public Briefing process in relation to DA matters.
- 4 The significant matters and DA components of the Policy have been separated to provide greater clarity around the differences between the two types of Public Voice sessions. The Public Voice process as it relates to DAs has been clarified, in particular, the application and invitation process to ensure Councillors hear from both the applicant to the DA and from those interested parties who have lodged a submission.
- 5 The revised Policy:
 - i) Removes the need for an application for a Public Voice session to be submitted during the DA public notification period providing for greater flexibility. Any person who makes a submission during the public notification period will be invited to submit a Public Voice application if the matter is to proceed to a Public Voice session.
 - ii) Clarifies that the Public Voice invitation process will commence when a DA matter is to be determined by the Development Applications Committee (DAC) and:

- a) 25 or more individual written objections to the DA are received during the formal notification period, emanating from individual households, that CN has been unable to resolve in discussions with the objectors or that CN has been unable to address by appropriate conditions to the DA; or
 - b) Two or more Councillors submit a request in writing that the DA be called in to the Public Voice Committee.
 - iii) Provides that both the applicant to the DA and a person who made a submission must accept the invitation to attend Public Voice in order for the session to proceed.
- 6 Commentary and track changes from the current Policy is provided at **Attachment B**.

FINANCIAL IMPACT

- 7 CN's adopted Our Budget 2019/20 provides for arrangements for Council meetings. This budget is sufficient to cover the anticipated expenses under the Policy.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Open and Collaborative Leadership

- 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.

Open and Transparent Governance Strategy

- 3.3 Clear line of communications between members of the public and Councillors.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The final Policy will be made available on CN's website.

RISK ASSESSMENT AND MITIGATION

- 10 The revised Policy addresses issues identified since the introduction of the existing Policy, particularly in relation to ensuring equity and access to DA matters which proceed to Public Voice.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 28 August 2018, Council adopted the current Public Voice and Public Briefing Policy.

CONSULTATION

12 Revisions to this Policy follow internal review and informal feedback from Councillors and applicants received since the Policy was adopted.

BACKGROUND

13 There is no automatic right under the *Local Government Act 1993* or the *Local Government (General) Regulation 2005* for the public to participate in a Council meeting, either by written submission or oral presentation.

14 CN's long standing practice of public participation through the Public Voice process extends beyond these mandatory provisions and also allows representation to Council in relation to development applications. The Public Voice process provides a clear line of communication between members of the public and Councillors.

OPTIONS

Option 1

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

Option 2

16 Council resolves to not adopt the Policy. This is not the recommended option as existing inequities will not be addressed.

REFERENCES

17 Current Public Voice and Public Briefing Policy - <http://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Strategies/Policies/Public-Voice-and-Public-Briefing-Policy.pdf>

ATTACHMENTS

Item 60 Attachment A: Revised Public Voice and Public Briefing Policy

Item 60 Attachment B: Revised Public Voice and Public Briefing Policy (Tracked Changes)

Item 60 Attachments A and B distributed under separate cover

ITEM-61 CCL 27/08/19 - SECTION 7.12 NEWCASTLE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2019

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

PURPOSE

To adopt the Section 7.12 Local Infrastructure Contributions Plan 2019 (Section 7.12 Plan) following public exhibition.

RECOMMENDATION

That Council:

- 1 Adopt the Section 7.12 Local Infrastructure Contributions Plan 2019 (**Attachment A**).

KEY ISSUES

- 2 At the Ordinary Council Meeting on 14 April 2019 Council resolved to place the draft Section 7.12 Plan on public exhibition for a minimum of 28 days, and that while on exhibition a workshop be held with the Hunter and Central Coast Development Corporation (HCCDC) on their proposed Honeysuckle Public Domain Plan.
- 3 The draft Section 7.12 Plan was placed on public exhibition from 6 May 2019 to 11 June 2019. Seven submissions were received.
- 4 A number of submissions raised concerns about the imposition of levies, including the rates, thresholds, timing and exemptions. No changes are proposed in relation to these issues. A detailed summary of submissions and the responses to issues raised is provided at **Attachment B**.
- 5 Amendments have been made to the schedules for both Part A Newcastle Local Government Area (excluding the Newcastle City Centre) and Part B Newcastle City Centre. Preparation of a Social Infrastructure Strategy to support Lord Mayoral Minute (LMM 25/06/19) – Social Infrastructure and also an item to support the fit out of the former Civic Station have been added to the schedules.

FINANCIAL IMPACT

- 6 The adoption of the Section 7.12 Plan will allow City of Newcastle (CN) to levy development to assist in the delivery of the identified local infrastructure. The plan will be reviewed regularly to take into account Our Budget (CN's four-year Delivery Program and Operational Plan), planning and community strategies.

- 7 Work will be undertaken by CN within current allocated work programs and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The Section 7.12 Plan aligns with the following strategic directions:

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.

Open and Collaborative Leadership

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The new Part C – Honeysuckle Foreshore Public Domain Area will apply to all new development that has an estimated cost of more than \$100,000 on land in the Honeysuckle Foreshore Public domain area. Part C of the draft Plan requires CN to transfer 80% of contributions collected from development within the Honeysuckle Development area to HCCDC with CN to retain 20%. HCCDC will complete public domain works listed within Schedule 3 of the Plan and outlined within the Honeysuckle Foreshore Public Domain Plan. CN and HCCDC are finalizing an agreement to guide the process for design and approval of public domain works within Honeysuckle, as well as the dedication of Honeysuckle land to CN. This will enable CN to review the detailed design of public domain works and ensure they are designed and constructed to CN standards.
- 10 The adoption and implementation of the Section 7.12 Plan is in accordance with the Environmental Planning and Assessment 1979 (EP&A Act) and the accompanying Regulation. The Act and Regulation identify the process and responsibilities for preparing, exhibiting and adopting a Local Infrastructure Contributions Plan.

RISK ASSESSMENT AND MITIGATION

- 11 The Section 7.12 Plan has been prepared in accordance with relevant legislation and Department of Planning, Industry and Environment (DPIE) Practice Notes. Adherence to the legislative framework reduces the risk to CN by ensuring local infrastructure funds are levied, collected, spent and accounted for in the correct manner.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting held on 16 April 2019, Council resolved to place the draft Section 7.12 Plan on public exhibition for a minimum of 28 days.

CONSULTATION

- 13 The draft Section 7.12 Plan was placed on public exhibition for 30 days from Monday 6 May 2019 to Tuesday 11 June 2019. Seven submissions were received in response. Key issues raised in submissions include:
- i) Imposing a 3% levy on all development in the city centre with a cost over \$250,000 (the current Plan has a 2% levy on non-residential development and 3% levy on residential development)
 - ii) Imposing a 0.5% levy on development with a cost between \$100,001 and \$200,000 that currently does not attract a levy
 - iii) Imposing a 1% levy on development with a cost between \$200,001 and \$250,000 that currently does not attract a levy.
 - iv) Concern that Stockton library has been removed from the work schedule.
 - v) Universities should be exempt from paying contributions.
 - vi) Payment of contributions should be delayed to occupation stage.
 - vii) A Wickham Chapter should be prepared and included in the S7.12 Plan.
- 14 A workshop was held with Councillors and HCCDC on 11 June 2019 to discuss the Honeysuckle Public Domain Plan.

BACKGROUND

- 15 Recent changes to the EP&A Act 1979, required a review of CN's Local Infrastructure Plan (previously known as Section 94A Development Contributions).

OPTIONS

Option 1

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

Option 2

17 Council resolves not to adopt the Section 7.12 Plan. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 61 Attachment A: Section 7.12 Local Infrastructure Contributions Plan 2019

Item 61 Attachment B: Summary of submissions

Item 61 Attachments A and B distributed under separate cover

**ITEM-62 CCL 27/08/19 - GORDON AVENUE, HAMILTON SOUTH -
INSTALLATION OF PEDESTRIAN REFUGE AND KERB
BUILDOUT NEAR ALEXANDER STREET**

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

PURPOSE

To approve the installation of a pedestrian refuge and kerb extensions in Gordon Avenue, Hamilton South near Alexander Street.

RECOMMENDATION

That Council:

- 1 Approve the installation of a pedestrian refuge and kerb extensions in Gordon Avenue, Hamilton South near Alexander Street.

KEY ISSUES

- 2 Gordon Avenue is 18.6 metres wide. The pedestrian crossing time associated with the large crossing distance and high volumes of traffic on Gordon Avenue create an unsafe road environment for pedestrians. The location is a key crossing point on the direct route between Hamilton South Public School, the Stewart Avenue pedestrian traffic lights, and Learmonth Park, playground, playing fields and tennis courts.
- 3 The provision of pedestrian crossing facilities at this location has been the subject of many requests from residents and Hamilton South Public School in recent years. The site does not meet RMS requirements for the installation of a pedestrian zebra crossing at this location, however, the installation of a pedestrian refuge and kerb extensions is proposed to improve pedestrian accessibility.
- 4 The proposed scope of works is as follows:
 - i) Install two kerb extensions on the south-eastern and south-western sides of the intersection of Gordon Avenue and Alexander Street.
 - ii) Install a concrete pedestrian refuge in Gordon Avenue between the kerb extensions.
 - iii) Extend the existing drainage infrastructure within the intersection.
 - iv) Construct new concrete footpaths to connect to existing footpaths.

- 5 The proposed works are shown in **Attachment A** and the location of the project is shown in **Attachment B**.
- 6 The pedestrian refuge design will not impact access to residents' driveways and parking but will decrease the road crossing distance and assist in slowing down traffic in both directions. The Newcastle City Traffic Committee (NCTC) provided in-principle support for the proposed pedestrian facilities on 20 May 2019.

FINANCIAL IMPACT

- 7 The proposed works will be funded from City of Newcastle's (CN) 2019/2020 Pedestrian Access and Mobility Plan (PAMP) program. The construction cost estimate is \$220,000.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Integrated and Accessible Transport

- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks;
and
- 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 policy positions outlined in the Newcastle Transport Strategy to prioritise the needs of pedestrians and cyclists and reduce traffic speeds.
- 10 Approval of the pedestrian refuge and kerb extensions is not delegated to CN officers or the NCTC and must be referred to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 11 The proposed works will reduce the crossing width at the intersection and allow a two-stage crossing. This will improve safety for pedestrians and cyclists crossing the intersection. The work will be undertaken in accordance with the relevant Austroads and Transport for NSW (Roads and Maritime Services) guidelines.

RELATED PREVIOUS DECISIONS

12 Nil.

CONSULTATION

- 13 Consultation was previously conducted with the Hamilton South Public School principal and P&C. Multiple requests for crossing facilities have been made in the subsequent period.
- 14 The principal of Hamilton South Public School was contacted on 23 July 2019. The school still uses Learmonth Park during student sports days and school events. The principal supported the proposed pedestrian refuge in Gordon Avenue near Alexander Street.
- 15 The proposed works are not expected to have any negative impact on residential amenity. The residents of Gordon Avenue will be informed prior to construction of the pedestrian refuge and kerb extensions.
- 16 The NCTC provided in-principle support for the proposed pedestrian facilities at the meeting held on 20 May 2019 (Item No. 66).
- 17 The proposal has not been considered by the Infrastructure Advisory Committee. The project is considered routine and is similar to many undertaken previously by CN.

BACKGROUND

- 18 The project is the subject of multiple customer requests to CN and rates highly in CN's PAMP database. The project was scheduled for design in 2018/19 in the PAMP program and for construction in 2019/20.
- 19 In the design process, provision for a refuge on the northern side of the intersection was also considered. The design of the additional refuge has not been finalised, nor a cost estimate obtained. It is intended to undertake this stage in the future.

OPTIONS

Option 1

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

Option 2

21 The proposed pedestrian refuge and kerb extensions is not approved. This is not the recommended option.

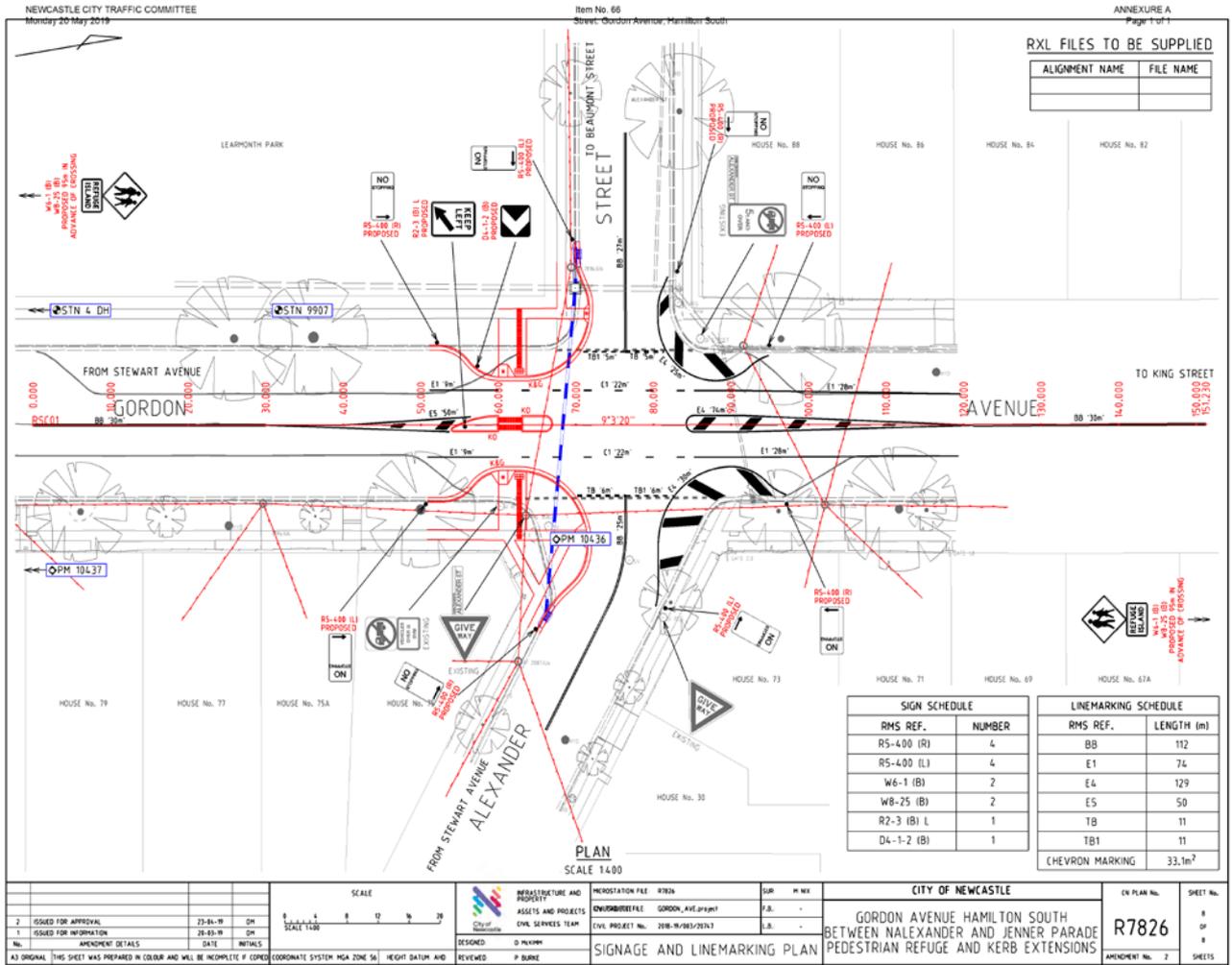
REFERENCES

ATTACHMENTS

Item 62 Attachment A: Signposting and Line Marking Plan

Item 62 Attachment B: Location map

Item 62 Attachment A



Item 62 Attachment B

**Proposed pedestrian refuge in Gordon Avenue, Hamilton South
Location Map**



ITEM-63 CCL 27/08/19 - NEWCASTLE WRITERS FESTIVAL SPONSORSHIP

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER CORPORATE AND COMMUNITY PLANNING

PURPOSE

To approve a multi-year sponsorship agreement for the Newcastle Writers Festival.

RECOMMENDATION

That Council:

- 1 Approves a three-year sponsorship agreement with Newcastle Writers Festival for \$40,000 per annum (\$30,000 value-in-kind and \$10,000 cash), conditional on annual acquittals.

KEY ISSUES

- 2 The Newcastle Writers Festival (NWF) has to date provided between two thirds to half its program free of charge for the three-day event that is open to the public. The proposed sponsorship is contingent on the event retaining a minimum 40% level of free events for the community. If this percentage is between 35-39% in any year of the agreement, the cash sponsorship will drop to \$5,000. If the free component drops below 35% in any year of the agreement, cash sponsorship will not be granted.
- 3 In 2019, City of Newcastle (CN) was the second largest sponsor of the NWF and awarded the event \$45,168 (cash and value-in-kind) through the 'Council Support for Arts and Cultural Organisations in Newcastle' funding and ancillary civic services venue support.
- 4 This proposed sponsorship agreement will result in almost all the NWF events being held in CN's cultural assets.
- 5 CN is to be recognised as a major sponsor, or second largest in terms of recognition and/or logo placement, throughout the period of agreement and acknowledged as a Founding Sponsor.
6. Elements of NWF meet objectives of a range of CN sponsorship and grant programs including Arts and Culture, Event Sponsorship and Economic Development Sponsorship however NWF does not fully satisfy the requirements of any of these three programs. It is most closely aligned with the Event Sponsorship Program. CN's Event Sponsorship Policy requires all multi-year sponsorship agreements to be approved by Council.

- 7 The provision of CN cultural venues (and related staffing costs) on a value-in-kind basis to support the NWF retains the festival being held at CN's cultural facilities and Newcastle Region Library, giving attendees a central and well served city location. Venue provision provides a tangible and significant level of support by CN.
- 8 The \$30,000 value-in-kind will be managed by Civic Services directly with NWF. The cash component will be provided conditional on the terms outlined in this report. CN's contribution will be governed by a Sponsorship Agreement requiring acknowledgement of CN's support as "Foundation Sponsor".
- 9 The agreement is contingent on NWF meeting its reporting requirements for the 2019 event.
- 10 The Cultural Strategy 2016-2019 highlights CN's history of seeding and supporting artists and practitioners that influence creative practice; benefit the community; contribute to innovation and new ideas; and benefits creative business activity. By the end of the proposed agreement, NWF will have had 10 years continuous support.

FINANCIAL IMPACT

- 11 Funding is available from operational budgets to support this recommendation.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 12 This report aligns to the following Community Strategic Plan actions:

Vibrant, Safe and Active Public Places

- 3.1c Support and deliver cultural and community programs, events and live music
- 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.

Inclusive Community

- 4.1b Support initiatives and facilities that encourage social inclusion and community connections
- 4.1c Improve, promote and facilitate equitable access to services and facilities
- 4.2a Ensure people of all abilities can enjoy our public places and spaces
- 4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services.

Smart and Innovative

- 6.3a Facilitate events that attract visitors and support the local economy and the vibrancy of Newcastle

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 This report aligns to the following Cultural Strategy 2016 - 2019 actions:
- 2 Increase connection between Council's cultural institutions for the benefit of moving and building audiences;
 - 3 Diversify public programs to support the development of new audiences and new programming experiences;
 - 10 Partner with Newcastle's small to medium not-for-profit arts and cultural organisations in growing arts and culture in the city; and
 - 13 Build cultural tourism by presenting events that celebrate the city and contribute to its identity.
- 14 The strategy notes cultural impacts that we seek to achieve. In relation to NWF, two of these are aligned:
- i) Newcastle audiences seeing great works that are relevant, distinctive, stimulate the imagination and reflect our stories and the diversity and complexity of contemporary life; and
 - ii) Newcastle being a vibrant society that embraces dynamic social and cultural conversation and values diversity and new ideas.
- 15 This report aligns to the following Social Strategy 2016 - 2019 action:
- 4.2 Promote inclusive community programs and projects across our cultural facilities.

RISK ASSESSMENT AND MITIGATION

- 16 CN will utilise its standard sponsorship agreement to specify all obligations associated with the sponsorship, including annual acquittal requirements, are met.

RELATED PREVIOUS DECISIONS

- 17 Nil.

CONSULTATION

- 18 A meeting was held between key CN staff to determine the level of support required.

BACKGROUND

- 19 CN provides grants and sponsorships for a number of events and activities with a focus on free attendance for the community.
- 20 NWF commenced in 2013 under the auspices of the Hunter Writers Centre, and in 2014 was held in its own right by Newcastle Writers Festival Inc. Held annually, the three-day event comprises hosted sessions, book launches, panel discussions, workshops and schools' program.
- 21 The schools program associated with the NWF commenced in 2014 in partnership with Newcastle Region Library, which managed a three-day program. The Library managed the school's program also in 2015 (five days) and in 2016 (four days) in association with the festival. From 2018, NWF secured Port of Newcastle support and led the schools' program, offering one day in Newcastle and one day in Cessnock in partnership with the respective libraries.
- 22 NWF has successfully built an audience base for the three-day event and has reduced the free component from over 60% in earlier years to 46% in 2019 and has projected less events to be offered free of charge over the coming years. This broad income base from ticket sales enables NWF to be financially self-sustaining, and with a mix of other established cash and in-kind investors, reduces the need for CN to provide cash sponsorship for the festival to be viable.
- 23 The NWF is held in Newcastle's city centre, utilising CN cultural facilities and other nearby locations.

OPTIONS

Option 1

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

Option 2

- 25 Council resolves to not provide sponsorship for this event. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

ITEM-64 CCL 27/08/19 - ADOPTION OF SPECIAL BUSINESS RATE EXPENDITURE POLICY

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER CORPORATE AND COMMUNITY PLANNING

PURPOSE

To adopt the Special Business Rate Expenditure Policy following public exhibition.

RECOMMENDATION

That Council:

- 1 Adopts the Special Business Rate Expenditure Policy as at **Attachment A**.

KEY ISSUES

- 2 The Special Business Rate Expenditure Policy (Policy) provides a framework for City of Newcastle (CN) to utilise Special Business Rate (SBR) monies for promotion, beautification and development of the SBR precincts of City Centre, Hamilton, Mayfield, Wallsend and New Lambton.
- 3 At the Ordinary Meeting on 28 May 2019, Council resolved that SBR levies not released to a business improvement association(s) will be allocated to works, services, facilities or activities in the relevant business district via a contestable funding program.
- 4 During the exhibition period, CN received eight written submissions. There were a total of 314 visits to the dedicated Community Engagement public exhibition web page. A feedback report is at **Attachment B** which summarises the key issues identified in relation to the Policy and CN's response.
- 5 One change was made to the Policy following the public exhibition period to specify that the SBR monies must be spent within the SBR Precinct for which they were collected. This is provided as tracked changes in **Attachment A**.
- 6 CN will publish annual guidelines including assessment criteria as at **Attachment C** to support implementation of an Expression of Interest process for distribution of the SBR funds.

FINANCIAL IMPACT

- 7 Nil.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Open and Collaborative Leadership

- 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

- 9 The Policy ensures open and transparent processes are utilised in the allocation of SBR funding.

RISK ASSESSMENT AND MITIGATION

- 10 The Policy provides a framework to mitigate risk and ensure CN meets all requirements of the Local Government Act 1993.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 23 July 2019 Council resolved:

*Council places the draft Special Business Rate Expenditure Policy as at **Attachment A** on public exhibition for the period Wednesday 24 July to Tuesday 13 August 2019.*

CONSULTATION

- 12 The public exhibition period from 24 July to 13 August 2019 provided an opportunity for feedback and submissions regarding the Policy to be made electronically and by post.
- 13 The Policy consultation was promoted in CN's social media channels, website and in paid statutory advertising.

BACKGROUND

- 14 CN's role is to collect the SBR funds, manage the operational framework for the local Business Improvement Association network, and ensure it is expended in accordance with the requirements of the Local Government Act 1993. The SBR on select commercial property owners exists in perpetuity and is levied on an annual basis.

OPTIONS

Option 1

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

Option 2

16 Council resolves not to adopt the Policy. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 64 Attachment A: Special Business Rate Expenditure Policy

Item 64 Attachment B: Special Business Rate Expenditure Policy Public
Exhibition Feedback Report

Item 64 Attachment C: Special Business Rate Expression of Interest Guidelines

Item 64 Attachments A to C distributed under separate cover

ITEM-65 CCL 27/08/19 - ELECTRICITY TENDER

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER CORPORATE AND COMMUNITY PLANNING

PURPOSE

To provide delegation for the CEO to enter into electricity contracts due to short pricing validity of tenders and to approve moving City of Newcastle's (CN) operations to 100% renewable electricity subject to confirmation of cost effectiveness through CN procurement processes.

RECOMMENDATION

That Council:

- 1 Approves delegation under section 377 of the Local Government Act (1993) for the CEO to enter into new electricity contracts for CN and accept the tender recommendation from a public tender process for these contracts.
- 2 Provides approval for CN to move to 100% renewable electricity supply for CN operations from 2020, subject to confirmation of cost effectiveness through CN procurement processes.

KEY ISSUES

- 3 As part of City of Newcastle's (CN) operational activities, contracts for supply of electricity for large sites (C&I), street lighting and small sites expire on 31 December 2019. To ensure continuation of agreements and not be subject to contract penalties or default rates, CN is going out to open tender in September 2019.
- 4 Due to the dynamic nature of the electricity market, short periods of pricing validity are common. This poses an issue for council in ensuring an efficient turnaround of the tender processes within these timeframes, given requirements for Council approval for contracts exceeding the delegation of the CEO. CN is therefore requesting that Council provide delegation to the CEO to enter contracts as these will exceed the current delegation.
- 5 The tendering of these new contracts provides an opportunity for Council to look at new models for contracting. Due to structural changes in the electricity market, and the amount of new renewable generation being added to the National Electricity Market (NEM), there are a number of new electricity options that can now be accessed by smaller contract customers such as CN.

- 6 Given market volatility and structural changes in the NEM, traditional electricity procurement approaches of continually contracting in the 1-3-year range are no longer a low risk approach. Contracting options frequently utilised by large corporate customers are now available that cater to the smaller electricity purchasing requirements of organisations such as CN. Renewable Power Purchase Agreements (PPAs), which have been popular overseas, are now widely available in Australia. By locking in longer-term contracts, PPAs can provide significant advantages in reducing exposure to electricity price risk.
- 7 Other potential benefits in accessing new contract options have also been identified in demand response and Virtual Power Plant (VPP) opportunities. CN has also been approached about front of meter battery opportunities that could provide additional electricity savings against Business As Usual (BAU). Considering new contracting models for energy supply enables these future benefits and opportunities.
- 8 In April 2019, Council requested CN to undertake investigation of 100 percent of the City's operational electricity being produced from renewable energy sources. This business case has been completed and detailed modelling shows significant savings can be achieved against BAU by moving to a contracting strategy incorporating 100% renewable electricity supply. Based on these outcomes, CN will assess contracts of between 5-10 years tenure.
- 9 CN currently has over half a megawatt (563kW) of behind the meter Solar PV across ten CN sites and over 5MW of offsite renewable energy generation through the Summerhill Waste Management Centre solar farm. This provides capacity for CN to produce renewable electricity supply equivalent to between 55-60% of CN's operational electricity requirements. With additional energy efficiency initiatives such as upgrading street lighting to LED, this overall percentage will increase as CN's electricity use declines.
- 10 CN is committed to a target of 30% reduction in emissions by 2020 and a future target of Net Zero Emissions. In order to claim emission reductions for carbon accounting purposes, the surrender of equivalent Large-scale Generation Certificates (LGCs) (either self-generated or purchased), or other means of carbon offsetting, is required. This is a separate issue to the contracting of electricity supply from renewable generators. Business case modelling completed as part of the assessment of electricity contract options suggests emission reduction targets can be achieved while still offering a saving against BAU. It will also help CN meet its commitment to the principles of the Paris Climate Agreement.

FINANCIAL IMPACT

- 11 Approved budget for supply of electricity for CN operational facilities is contained within the 2019/20 adopted operational budget. The business case modelling undertaken by external consultants shows a saving against BAU by entering into longer term electricity contracts. This has been confirmed through market testing.

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 Protected Environment

- 2.1b Investigate and implement renewable energy technologies;
- 2.1c Encourage energy and resource efficiency initiatives; and
- 2.3a Ensure decisions and policy response to climate change remains current and reflects community needs.

Smart and Innovative

- 6.2a Support and advocate for innovation in business.

Open and Collaborative Leadership

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting;
- 7.1b Ensure long-term financial sustainability through short, medium and long-term financial planning;
- 7.2b Provide timely and effective advocacy and leadership on key community issues; and
- 7.4b Provide services that deliver on sustainable community service expectations.

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 Implementation of the recommendations support actions and goals in CN's Asset Management Strategy, Long Term Financial Plan, Contracts Management Procedure, Smart City Strategy 2017-2021 and 2020 Carbon and Water Management Action Plan.

RISK ASSESSMENT AND MITIGATION

- 14 Detailed business case modelling has been undertaken by external consultants to understand the financial impacts, opportunities and risks associated with entering into renewable power purchase agreements and extending contract tenure beyond traditional lengths. The energy strategies being considered create a hedge against market volatility and reduce the financial risks that can arise in undertaking traditional contracting methods.
- 15 While increased proportion of renewable generation in the NEM is expected to further reduce wholesale electricity prices over time, renewable PPA pricing through longer term contract periods is more reflective of the current low cost of capital funding for construction. A decision to delay while waiting for future reductions in wholesale pricing represents a financial penalty by paying higher pricing in current years.
- 16 Separate to electricity supply, issues related to associated emission reductions present a potential reputational risk if correct carbon accounting and carbon reduction mechanisms are not implemented.

RELATED PREVIOUS DECISIONS

- 17 At the Ordinary Council Meeting held on 28 February 2017 Council resolved to receive a report on how CN could fast track achieving 100% renewables and zero net emissions.
- 18 At the Ordinary Council Meeting held on 13 June 2017 Council resolved to become a partner with the Climate Council's City Power Partnership and committed to an action to power Council operations by renewables.
- 19 At the Ordinary Council Meeting held on 22 August 2017 Council adopted the Smart City Strategy which includes actions to develop virtual net metering capabilities to aggregate the city's solar capacity and offset energy usage across key assets targeting 100% renewables.
- 20 At the Ordinary Council Meeting held on 11 December 2018, Council committed formally to the principles and targets of the Paris Climate Agreement including developing a pathway to achieve the greenhouse gas (GHG) emissions reductions required.
- 21 At the Ordinary Council Meeting held on 16 April 2019 Council resolved to assess the feasibility costs, social impacts and benefits associated with 100 percent of the City's operational electricity being produced from renewable energy sources.

CONSULTATION

- 22 As part of the Council resolution on 16 April 2019 'Shifting the City of Newcastle to 100% Renewable Energy', consultation has been undertaken with community groups, business and industry and trade unions regarding the impact of 100 percent of the City's operational electricity being produced from renewable energy sources.
- 23 The 2019 Winter Community Survey included a survey question about support for CN moving to 100% renewables. A total of 891 people took part and approximately 7 in 10 participants either agreed or strongly agreed that CN operations should move to 100% renewables. Additionally, survey outcomes identified increasing the use of renewable energy as one of the two highest ranked measures for CN to reduce impacts on the environment.

BACKGROUND

- 24 CN contracts for electricity supply are due for renewal and new contract models that incorporate renewable electricity supply present options for CN to make significant savings against BAU electricity expenditure.
- 25 Council has made a number of commitments in support of moving to 100% renewables, reducing CN's operational emissions and targeting future Net Zero Emissions.

- 26 Detailed analysis and modelling of CN's future electricity requirements has been completed including market research to assess the impact of moving to 100% renewable electricity supply as well as community consultation to gauge support for this measure.
- 27 Some examples of Australian organisations that have moved to 100% renewable electricity supply include the University of Newcastle, University of NSW, CBA, Westpac, Monash University, Melbourne University, and City of Sydney which is currently out to market. Examples of councils and groups that have utilised renewable PPAs include City of Melbourne, Yarra and Moreland Council, 18 NSW councils through Southern Sydney Region of Councils (SSROC) and a further 39 Victorian councils currently assessing as part of the Eastern Alliance for Greenhouse Action (EAGA). The Business Renewables Centre Australia (BRC-A), of which CN is a member, has been set up to facilitate, inform and accelerate the uptake of corporate purchasing of renewable electricity.

OPTIONS

Option 1

- 28 The recommendations as at Paragraph 1 and Paragraph 2. This is the recommended option.

Option 2

- 29 The recommendation as at Paragraph 1 but not at Paragraph 2. This allows electricity contracts to be in place for the next contract period but does not consider emission reduction or energy innovation opportunities. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

ITEM-66 CCL 27/08/19 - ANZAC DAY SPONSORSHIP

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER
MAJOR EVENTS AND CORPORATE AFFAIRS

PURPOSE

To approve a multi-year sponsorship agreement for City of Newcastle Returned Services League (RSL) Sub-branch to deliver the region's major ANZAC Day commemorative events.

RECOMMENDATION

That Council:

- 1 Approves a three-year sponsorship agreement for \$75,000 (excluding GST) per annum with RSL to deliver three key ANZAC events, conditional on requirements including annual acquittals.

KEY ISSUES

- 2 ANZAC Day is an important day for Australians as it provides an opportunity to remember those who have served, past and present, and is the major commemorative event in the year.
- 3 The ANZAC Day Dawn Service at Camp Shortland Nobbys Beach is one of the largest dawn services in Australia.
- 4 A multi-year sponsorship agreement with the RSL will provide certainty for their delivery of the 2020, 2021 and 2022 ANZAC Day commemorative events program. The proposed three-year sponsorship is based on the same agreement as the 2019 event, providing ownership and responsibility for event delivery to the RSL. This approach is preferred by all parties for future ANZAC Day events.
- 5 City of Newcastle (CN) Event Sponsorship Policy requires all multi-year sponsorship agreements to be approved by Council.
- 6 While the RSL may choose to stage further ceremonies, events or activities associated with ANZAC Day commemorations, CN's sponsorship funding will be for the explicit purpose of supporting:
 - (i) Dawn Service at Camp Shortland, Newcastle East;
 - (ii) ANZAC Day March, Newcastle; and
 - (iii) United Service of Remembrance at Civic Park, Newcastle.

- 7 The provision of any CN services to support these ANZAC Day events will be costed in accordance with CN's adopted Fees and Charges.
- 8 The Sponsorship Agreement acknowledges CN as Presenting Partner of these ANZAC Day events.

FINANCIAL IMPACT

- 9 The proposed sponsorship agreement will be met from approved operational budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 This report aligns to the following Community Strategic Plan actions:

Vibrant, Safe and Active Public Places

- 3.1c Support and deliver cultural and community programs, events and live music;
- 3.2a Celebrate Newcastle's cultural heritage and diversity; and
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

Smart and Innovative

- 6.3a Facilitate events that attract visitors and support the local economy and the vibrancy of Newcastle.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 This report aligns to the Event Sponsorship Policy as per sections 1.1 - 1.2.

RISK ASSESSMENT AND MITIGATION

- 12 CN will utilise its standard sponsorship agreement to specify all obligations associated with the sponsorship, including annual acquittal requirements, are met.

RELATED PREVIOUS DECISIONS

- 13 Nil.

CONSULTATION

- 14 A meeting was held between representatives of the RSL and CN's Major Events and Corporate Affairs Unit to discuss support for delivery of these events.

BACKGROUND

- 15 CN provides sponsorships for a number of major events, with a focus on events and activities that are free to attend.
- 16 In 2015, 2016, 2017, the ANZAC Day event was delivered by both the RSL as event licensee and CN. CN expended an average of \$66,000 per annum in cash support, as well as staff resources towards event management and delivery.
- 17 In 2018 for the Centenary of ANZAC, CN and RSL delivered the event under a partnership agreement, with CN contributing \$70,000 (excluding GST) and a further \$28,000 value-in-kind including staff resources.
- 18 In 2019, CN and RSL entered a new arrangement whereby the RSL became formally recognised as the event organiser. The RSL undertook the staging of the ANZAC events with financial support from CN by way of a \$75,000 (excluding GST) sponsorship.

OPTIONS

Option 1

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

Option 2

- 20 Council resolves to not provide multi-year sponsorship for this event. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

ITEM-67 CCL 27/08/19 - ADOPTION OF REVISED CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY

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

PURPOSE

To adopt the revised CEO Performance Review Policy.

RECOMMENDATION

That Council:

- 1 Adopts the revised CEO Performance Review Policy as at **Attachment A**.

KEY ISSUES

- 2 The CEO Performance Review Policy was last updated in 2012 and has been reviewed to align to current practice, roles and responsibilities.
- 3 The updated Policy addresses a number of changes that have occurred by resolution of Council including: the Performance Review Panel composition; position titles; interim performance reviews; updated assessment scale in line with City of Newcastle's performance development framework and Senior Staff assessment scale; and policy formatting.

FINANCIAL IMPACT

- 4 No financial impacts relate to the adoption of this Policy.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 5 This report aligns to the following Newcastle 2030 Community Strategic Plan directions:

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.

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 6 The CEO Annual and Interim Performance Review will be undertaken in accordance with this revised Policy.

RISK ASSESSMENT AND MITIGATION

- 7 The revised Policy complies with S23A of the Local Government Act 1993 and Director General Guidelines for the Appointment and Oversight of General Managers under the NSW Division of Local Government Department of Premier and Cabinet (2011).

RELATED PREVIOUS DECISIONS

- 8 At the Ordinary Council Meeting of 4 December 2012, Council resolved to adopt the General Manager Performance Review Policy (**Attachment B**).

CONSULTATION

- 9 Consultation occurred with the CEO and Performance Review Panel.

BACKGROUND

- 10 Following the CEO's annual performance review in December 2018, it was a recommendation within the Facilitators report by Blackadder Associates endorsed by Council on 11 December 2018, that the CEO Performance Review Policy required updating to align to the new term of Council and current practices maintaining compliance as prescribed within the Local Government Act 1993.

OPTIONS

Option 1

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

Option 2

- 12 Council does not resolve to adopt the revised Policy. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 67 Attachment A: Revised CEO Performance Review Policy

Item 67 Attachment B: Current General Manager Performance Review Policy 2012

Item 67 Attachments A and B distributed under separate cover

ITEM-68 CCL 27/08/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

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 2019/20 Operational Plan as at the end of July 2019.
- 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 July 2019.

KEY ISSUES

- 2 At the end of July 2019 the consolidated YTD actual operating position is a surplus of \$5.5m which represents a positive variance of \$2.3m against the budgeted YTD surplus of \$3.2m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2019/20 is a surplus of \$12m.
- 3 The net funds generated as at the end of July 2019 is a surplus of \$8.5m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted surplus of \$5m. This is primarily due to a timing variance in the delivery of CN's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under s.625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of July 2019 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 The distribution of the report and the information contained therein is consistent with:
- i) CN's adopted annual financial reporting framework,
 - ii) CN's Investment Policy and Strategy, and
 - iii) Clause 212 of the Regulation and s.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 68 Attachment A: Executive Monthly Performance Report - July 2019

Item 68 Attachment A distributed under separate cover

NOTICES OF MOTION

ITEM-30 NOM 27/08/19 - OUTDOOR DINING POLICY

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

PURPOSE

The following Notice of Motion was received on Tuesday 13 August 2019 from the abovenamed Councillors.

MOTION

That Council

- 1 Notes the release of the 'NSW Outdoor Dining Policy' by the NSW Small Business Commissioner to support existing restaurants, cafes and other food-based business to expand trading onto public footpaths; and
- 2 Receives a report from Council officers on the Policy, noting opportunities to implement this outdoor trading reform in the Newcastle LGA.

BACKGROUND

Robyn Hobbs OAM, the NSW Small Business Commissioner, has released the 'NSW Outdoor Dining Policy'. The aim of the Policy is to streamline and simplify outdoor dining approvals, cut red tape for small business and local Councils, provide for user friendly online approvals, and lower costs and compliance burdens on small businesses.

City of Newcastle has a long history of supporting outdoor dining. This NOM requests a report to understand the current regulatory framework, and the opportunities to adopt reform in the City of Newcastle.

ATTACHMENTS

Nil

REPORT ON NOTICE OF MOTION - NOM 27/08/19 - OUTDOOR DINING POLICY

REPORT BY: GOVERNANCE

CONTACT: DIRECTOR GOVERNANCE

DIRECTOR COMMENT

In July 2019, the NSW Small Business Commissioner (“SBC”) released the ‘NSW Outdoor Dining Policy’ to support existing restaurants, cafes and other food-based business to expand trading onto public footpaths. The Small Business Commissioner is inviting NSW Council’s to adopt and implement the Policy.

The SBC’s Policy advocates the waiving of Council or State Government fees associated with businesses obtaining a permit to operate Outdoor Trading.

City of Newcastle’s (CN) current Outdoor Trading Policy was endorsed by Council at the Ordinary Council Meeting held on 25 September 2018.

CN issued 129 approvals for Outdoor Trading in 2018/2019 which derived \$129,421 in revenue. To date, 40 applications have been received in 2019/2020. There are two distinct areas within the LGA relating to Outdoor Trading, identified as inner and outer city, and each area attracts a different fee structure.

CN supports in principle the waiving of application fees for Outdoor Trading consistent with the SBC Policy to support restaurants, cafes and other food-based business to expand trading onto public footpaths.

A one-off cost of \$170 will still apply to new applicants for the installation of permanent footpath markers to identify the boundaries of approved Outdoor Trading areas.

A report will be submitted to Council by December 2019 recommending the adoption of a revised CN Outdoor Dining Policy (based on SBC’s) to commence from 1 January 2020.

Should the revised policy be adopted by Council, the budget impacts of waiving application fees will be addressed through the quarterly budget review process.

Although the policy framework in the ‘NSW Outdoor Dining Policy’ is largely consistent with CN’s current Outdoor Trading Policy, minor amendments are required to take into consideration Outdoor Trading site locations as identified in CN’s Local Environment Plan 2012.

RECOMMENDATION

That Council notes that a report will be submitted to Council for consideration by December 2019 recommending the adoption of a revised CN Outdoor Dining Policy, incorporating relevant elements of the SBC Policy, including a proposal to waive application fees for Outdoor Trading Permits from 1 January 2020, whilst retaining the existing fee for the installation of permanent footpath markers.

ITEM-31 NOM 27/08/19 - YOUTH MOCK COUNCIL

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

PURPOSE

The following Notice of Motion was received on Thursday 15 August 2018 from the abovenamed Councillors.

MOTION

That Council:

- 1 Notes and congratulates the Newcastle Youth Council on the Youth Mock Council held in May 2019;
- 2 Notes that the Youth Mock Council developed and adopted the following motions:
 - a. Funding for a Youth LGBTIQ Mental Health Program – Attachment A
 - b. Environment – Netting on Drains – Attachment B
 - c. Improved Public Spaces for People with Disabilities – Attachment C;
- 3 Shares these motions with the relevant Strategic Advisory Committees and Government Agencies

BACKGROUND

The Youth Council is a Standing Committee of Council for people aged 15 to 25 years which aims to provide strategic advice on issues relevant to young people to the Council.

The Youth Council hosts an impressive program of events and meetings across the year, including activities during Youth Week.

In 2019, the Youth Council organised and hosted a Youth Mock Council. The Youth Mock Council met to develop and consider public policy proposals, and convened in the Council Chamber to debate their proposals.

The respective motions are attached.

ATTACHMENTS

NOM Item 31 Attachment A: Youth Mock Council motions

NOM Item 31 Attachment A



YOUTH MOCK COUNCIL 2019
Notice of Motion

Page 1

SUBJECT: COUNCIL FUNDING OF LGBTQI YOUTH MENTAL HEALTH PROGRAM 08/05/19

COUNCILLORS: CR WILLIAMS, CR TANNER, CR ANDREW, CR GIBSON, CR BARKER, CR GEDDES, CR BOTTOM

PURPOSE

The following Notice of Motion was received on 8/5/2019 from the abovementioned Councillors.

The purpose is to seek support from the City of Newcastle to delivery and advocate for a mental health awareness program that supports the LGBTQI+ youth community in schools in the Newcastle local government area.

MOTION

That the Council support a mental health program aimed to benefit the LGBTQI+ youth community in the Newcastle local government area through funding and public advocacy from Council and councillors.

1. That the Council acknowledges that youth mental health is a serious issue within society, especially within the LGBTQI+ youth community.
2. That the Council understands that the LGBTQI+ youth community is twice as likely to be diagnosed with a mental health disorder and are fourteen times more likely to commit suicide than the wider community (National LGBTQI+ Health Alliance, 2012-2019).
3. That the City of Newcastle Council publicly advocates for awareness for youth mental health, especially in the LGBTQI+ youth community through participation and partnership in a number of programs such as the Pride and Diversity division of ACON.
4. That the Council provide \$50 000 in funding for a mental health program aimed to benefit the LGBTQI+ youth community in the Newcastle local government area under the Inclusive Community Section of the 2019/20 City of Newcastle Budget.
5. Funding could support already established programs working within LGBTQI+ community and enable the expansion into schools within the Newcastle LGA.

BACKGROUND

This motion supports the delivery of:

1. *Strategy 4.2.1 Support initiatives and facilities that encourage social inclusion and community connections.*
 2. *Strategy 4.2.2 Improve access to formal and informal lifelong learning opportunities, facilities, and services:*
 - a. *Increases focus on young people (16-30 years).*
 3. *Strategy 4.2.3 Promote recreation, health, and wellbeing programs.*
-

THE CITY OF NEWCASTLE

SUBJECT: NOM 08/05/19 Environment - netting on drains

COUNCILLORS: Ella Hall, Grace Turbit, Amelia Samson, Lilly Dougherty, Thusanda Dewamitta, Bailey Stone, Ella Belk, Cooper Ivory

PURPOSE:

The following Notice of Motion was received on 08/05/19 from the abovementioned Councillors.

The purpose of this motion is to provide a solution to the pollution entering our drainage systems then continuing to the ocean.

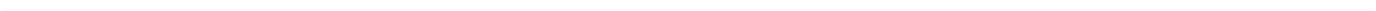
MOTION:

1. This motion's intention is that a solution be proposed to Newcastle's pollution issue. Rubbish is entering the natural marine environment contributing to climate change. Responding to pollution of water in the drainage system, can be solved with catchment nets, to collect litter before it enters the ocean.
 2. Acknowledging that a similar program has previously been implemented in Throsby, we intend to further this approach into other major drain 'hot spots'.
 3. Proposes that the City of Newcastle endorse recommended 5 nets:
 - a. This will be implemented over a course of 12 months
 - b. At a cost of approximately \$10 000 per unit
 - c. With the goal of reducing the amount of plastic and other contaminants to 50% or less than the current amount flowing through drainage systems.
 - d. Modeling this program off a similar program carried out in Melbourne and Kwinana councils.
 - e. We endeavour to install nets in the ironbark, cottage, estuary, coast and purgatory catchment areas.
 - f. For the reason of reducing presence of litter, especially plastic in the ocean and other marine habitats.
-

Our solution to this major issue, is easily achievable. We believe this is an effective starting position. We plan to install high density polyethylene nets which can be installed on drains located in areas identified above.

BACKGROUND

To better manage the waste accumulating in major stormwater drainage systems, across Newcastle we will model attempts on similar programs executed by Melbourne and Kwinana councils. Having a similar system integrated into Newcastle would largely reduce the city's impact on oceanic pollution and will preserve flora and fauna in the numerous wildlife reserves surrounding the Newcastle area.





YOUTH MOCK COUNCIL 2019
Notice of Motion

Page 1

SUBJECT: COUNCIL ENDORSEMENT OF IMPROVED PUBLIC SPACES FOR PEOPLE WITH DISABILITIES **NOM 08/05/19 - SUBJECT**

COUNCILLORS: YOUTH CR ADAMS, YOUTH CR AMOSA, YOUTH CR DUQUE, YOUTH CR PARK, YOUTH CR VAUGHAN

PURPOSE

The following Notice of Motion was received on 09/05/2019 from the above mentioned Councillors.

The purpose is to improve the accessibility and inclusivity of public spaces, including parks, playgrounds and public toilets, for people with disabilities in the City of Newcastle.

MOTION

1. Acknowledges that in the 2016 Census, 5.9% (9, 197) of residents living in the City of Newcastle reported that they required assistance in their day to day life due to having a disability. Furthermore, 12.5% (1, 151) of Newcastle's with a disability were under the age of 19.
2. Recognises that Councillors of the City of Newcastle are currently implementing the 'Disability Inclusion Action Plan', with a strong core focus on sustaining liveable communities, as well as establishing a 'Disability Inclusion Advisory Committee.' We acknowledge their enactment of the Safe City Plan and the Smart City Plan to improve the effective functionality of Newcastle for people with disabilities.
3. Proposes that Newcastle Council undertake improvements of local parks regarding public pathways and playground equipment through delegation of further funding to these areas.
 - a. That popular parks, such as King Edward, Lambton and Gregson, are the first to receive these advancements in innovative, sensory playground equipment that can be experienced and enjoyed by children with disabilities.
 - b. It furthers this funding to the continued support and installation of formal sensory tents at Council-run public events.
 - c. That funding be delegated to developing wheelchair ramps and flat footpath to road transitions in commonly used public areas.
4. That Newcastle Council improve parking spaces in public areas to be more inclusive for people with mobility disabilities and difficulties.
 - a. Includes allocating more parking spaces in and near public venues, with easy access to footpaths and ramps.
 - b. Enhancing digital inclusivity, such as adding Council's 'Accessible Parking Map' as part of the 'Find My Nearest' website and the introduction of beacons, which are simple Bluetooth devices that can be installed in parks to help visitors navigate the area and track their parking.
5. Proposes that funding be allocated to upgrading public toilets regarding accessibility, functionality and general cleanliness.
 - a. Utilise the funding for Newcastle contributed by the NSW Government for 'Lift and Change Facilities', which are large, fully equipped bathrooms with hoists, full-sized changing tables and railings.

ITEM-32 NOM 27/08/19 - SEXISM AND HOMOPHOBIA

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

PURPOSE

The following Notice of Motion was received on Thursday 15 August 2019 from the abovenamed Councillors.

MOTION

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism;
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions;
- 5 Joins City of Newcastle employees in condemning in the strongest possible terms language and behaviour that is sexist and homophobic, including recent comments attributed to Councillor Allan Robinson.

BACKGROUND

Nil.

ATTACHMENTS

NOM Item 32 Attachment A: Letter to Lord Mayor from United Services Union

NOM Item 32 Attachment A



United Services Union

Level 7, 321 Pitt St, Sydney NSW 2000

p (02) 9265 8211

e united@usu.org.au

f (02) 9261 2265

Support Team 1300 136 604

Our ref 150819lh.rr

15 August 2019

Lord Mayor Nuatali Nelmes
City of Newcastle
PO Box 489
NEWCASTLE NSW 2300

By email lordmayor@ncc.nsw.gov.au
jbath@ncc.nsw.gov.au
mail@ncc.nsw.gov.au

Dear Lord Mayor Nelmes

RE COUNCILLOR ROBINSON'S ALLEGED HOMOPHOBIC AND SEXIST COMMENTS

The United Services Union (the USU) represents many hundreds of City of Newcastle employees. The Union movement has a long history of being at the forefront of ensuring a safe workplace free from all forms of discrimination and to promote inclusiveness of all workers.

There has been significant discussion by our members regarding the recent conduct and comments of Councillor Allan Robinson. Councillor Robinson's alleged homophobic and sexist comments have been covered by national media and most likely damage the City of Newcastle's reputation and standing within an increasingly diverse community. The USU is proud to represent a diverse City of Newcastle workforce, and has historically been supportive of the actions taken by Council to demonstrate its commitment to equality.

This is also incongruent with principles and endeavours the USU has strived to engage in a positive and successful industrial relationship with the City of Newcastle and the wider community.

An example of our previous endeavours has been the successful resolution of the City of Newcastle Enterprise Agreement in late 2018. This occurred without any industrial action or disputes engaged throughout the negotiation process.

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Services Union

Regional Offices: Newcastle, Wollongong

Satellite Offices: Armidale, Bathurst, Canberra, Dubbo, Grafton, Hay, Port Macquarie, Wagga Wagga

ABN: 95 571 805 442

Key outcomes and commitments resolved in the Enterprise Agreement process included items 2-6 as direct extracts from **Clause 4 – What is our Commitment? – City of Newcastle Enterprise Agreement 2019:-**

1. Acknowledgement of Country (a Local Government and Industry first)
2. *Value and respect inclusion and the diversity of our workforce*
3. *Prevent and eliminate all forms of unlawful discrimination (such as discrimination on the basis of age, disability, family responsibilities, gender, race and sexual preference)*
4. *Support and focus on gender equity. This means in particular - providing equal pay for equal work, committing to a merit based organisational structure and working hard to increase the number of women in senior leadership roles.*
5. *We are proud of the fact that Joy Cummings was Australia's first female Lord Mayor from 1974-1984;*
6. *Take our obligations under work health and safety legislation very seriously. Ensuring the health, safety and wellbeing of our people and providing a safe, secure and injury free workplace as our priority*

These alleged comments and actions of Cr Robinson are obviously not consistent with Council, the Union, workers and the broader community views or expectations.

The Union is also very concerned the exposure of these alleged behaviours and comments are made at Council meetings or functions where our members (Council employees) are exposed within their workplace.

The Union is currently representing our state-wide membership (over 30,000) in discussions over changes and amendments to the current NSW Local Government Code of Conduct. These reported behaviours and comments are clearly offensive where any other employee of a Local Government entity would be investigated or potentially sanctioned against this code and the relevant Award, NSW Local Government (State) Award 2017. This could range from disciplinary action and up to termination of employment.

The Union now formally requests the Lord Mayor and Council to instigate a process in accordance with the NSW Local Government Code of Conduct to address this alleged appalling behaviour. We also request the CEO take sufficient action to ensure our members are not exposed to any incidents in connection with their duties at any future Council meeting, function or reception.

The Union also clearly condemns these developments and/or allegations and request the following to occur:

- 1) Condemns in the strongest terms the various derogatory, homophobic, and sexist comments allegedly made by, and attributed to, Councillor Allan Robinson, including in the Council Chamber and the media (**Attachments A, B, C and D**).
-

3

- 2) Notes that employees of Council would be subject to severe workplace sanctions, including termination, if they were to conduct themselves in a similar manner.
- 3) Notes that the alleged comments damage the reputation of the City of Newcastle and our members employed at Council.
- 4) Notes that more 700 residents have signed a petition calling on Councillor Robinson to be removed from Civic Office.
- 5) Notes that the Lord Mayor, Labor and Greens Councillors have publicly condemned Cr Robinson's language. The Union also notes that the Newcastle Independent and Liberal Councillors have repeatedly failed to denounce Cr Robinson's homophobic and sexist language.
- 6) Notes Councillor Robinson's alleged repeat history of poor behaviour, including fines from Maitland City Council for illegally burning demolition waste, which potentially put our Maitland City Council USU members and the community at risk (**Attachment E**).
- 7) Writes to the City of Newcastle Councillors requesting that an investigation commence in accordance with the NSW Local Government Code of Conduct and if proven to be factual a censure motion denouncing the behaviour should occur.
- 8) We call upon the CEO Mr Jeremy Bath to take all necessary actions to ensure no future workers of City of Newcastle are exposed to these comments and behaviours at any future Council meeting, function or reception.

Your support and action is requested to resolve this matter.

Therefore, it would be appreciated, if you are agreeable to the above request, a written response is provided to the Union with the next appropriate Council meeting or when this request to the CEO will be progressed. Any subsequent updates provided by the CEO and/or Council be forwarded to the Union in writing so we can inform our membership.

Yours sincerely



Steve Donley
Acting General Secretary

Cc Elected Councillors, the City of Newcastle
Mr Jeremy Bath, Chief Executive Officer, the City of Newcastle

Enclosures – Attachments A to E

Attachment A
Newcastle Herald, Thursday 25 July 2019, page 3

Sexism angers councillors

BY MICHAEL PARRIS

ALLAN Robinson was accused of bullying and misogyny after comparing a female councillor with 'Jessie the Elephant' during another unsavoury debate over Newcastle Airport directors' fees.

Cr Robinson, an independent, repeated his strong criticism of lord mayor Nuttall Nelmes in March after she used her casting vote when the council appointed her to a \$50,000-a-year position on the airport's boards.

At one point during Tuesday's debate, Cr Nelmes upheld a point of order from fellow Labor councillor Carol Duncan that Cr Robinson's attacks were bringing the council into disrepute.

Cr Robinson interjected: "It's a very widely used word, isn't it, into disrepute. What is into disrepute? How shallow is that? And, you know, some people have got more hide than Jessie the Elephant and look like that."

Cr Duncan: "I object to that comment on the part of

Cr Robinson, his insinuation of the appearance of the lord mayor."

Cr Robinson: "It wasn't the lord mayor I was talking about."

The comments revived memories of the retired jockey and *Footy Show* regular referring to former councillor Stephanie Posniak as "beefcake" in 2015.

He retracted that comment under pressure from Cr Nelmes, who was also lord mayor in 2015, but he also came under fire for "offen-

sive" comments in a radio interview at the same time.

The council's legal department reviewed his behaviour but did not take action.

On Tuesday, Cr Robinson referred to the Newcastle-based domestic violence charity Got Your Back Sistas "Back Your Sister, or whatever it is" during the debate.

He responded to *Newcastle Herald* questions on Wednesday about his comments with an expletive-laden rant about Cr Nelmes and Cr Duncan.

Cr Nelmes said Cr Robinson's behaviour in the debate was misogynistic and "workplace bullying".

"I try to ignore it, but ultimately it does affect you personally and professionally," she said.

Cr Duncan said Cr Robinson's words were "utterly unacceptable" and a "disservice to anyone thinking of making a contribution to public life, especially women".

The matter before the council on Tuesday was about entering into deeds of

indemnity for directors and officers of the airport, which is owned jointly by Newcastle and Port Stephens councils.

Cr Robinson asked Cr Nelmes whether Port Stephens mayor Ryan Palmer was also receiving \$50,000 for sitting on the airport's two boards and called on her to donate her fee to charity.

Cr Palmer told the *Newcastle Herald* that his \$50,000 would be redirected into mayoral funds for him to distribute to community groups and charities.

Attachment B
Newcastle Herald, Friday 26 July 2019, page 3

Deputy slams Robbo taunt

BY MICHAEL PARRIS

DEPUTY lord mayor Declan Clausen, the target of "homophobic" taunts by Newcastle councillor Allan Robinson, has called on the former *Footy Show* star to resign.

Cr Clausen added his voice to Labor condemnation of Cr Robinson after the retired jockey compared a female councillor with "Jessie the elephant" during a debate on Tuesday night.

Cr Robinson has repeatedly used a provocative

moniker for Cr Clausen in the chamber and added an overtly sexual connotation to the term in a phone interview with the *Newcastle Herald* on Wednesday.

The term he uses is not a common pejorative for homosexuals, but Cr Clausen said he was being targeted because of his sexuality.

"I'm proud to be the openly gay deputy lord mayor of a community that had the highest yes vote of any non-capital city in Australia," Cr Clausen said, referring to



Cr Allan Robinson

the same-sex marriage referendum in 2017.

"The Newcastle I know is a welcoming and increasingly

diverse community.

"The fact Cr Robinson's fellow independent councillors don't call him out on his relentless sexism and homophobia is appalling."

Cr Clausen, who is part of the council's Labor majority, said Cr Robinson was "unfit to serve on council and should resign" or be cut from the independents' ticket at next year's council election.

When asked on Thursday if he had a problem with homosexuals, Cr Robinson said via email: "I have no prob-

lem with women hencing [sic] the sexist story ... I have problems with ... people who plonk themselves on boards then pay themselves.

"I have no problems with p--fs. I have one work friend and I'm very good friends with three p--fs who I'm proud to say they are my friends. I have serious problems with people who want to spend \$40k or \$60k of ratepayers' money on painting rainbow coloured crossings on concrete."

Cr Robinson earlier at-

tracted criticism from lord mayor Nuatall Nelmes and fellow Labor councillor Carol Duncan after he said during a debate on Tuesday that "some people have got more hide than Jessie the elephant and look like that".

Cr Robinson had criticised Cr Nelmes for accepting \$50,000 to sit on the Newcastle Airport board.

In 2015, he was the subject of an internal investigation after referring to then councillor Stephanie Posniak as "beefcake" in a meeting.

Attachment C

The Guardian, Friday 26 July 2019

<https://www.theguardian.com/australia-news/2019/jul/26/newcastle-councillor-faces-calls-to-quit-over-allegations-of-homophobic-bullying>

Newcastle councillor faces calls to quit over allegations of homophobic bullying
Former jockey Alan Robinson repeatedly used a common homophobic slur when contacted by Guardian Australia

[Michael McGowan](#)

[@mmcgowan](#)

Fri 26 Jul 2019 07.44 BST Last modified on Fri 26 Jul 2019 08.49 BST



City of Newcastle councillor Alan Robinson has been accused of 'relentless sexism and homophobic bullying'. Photograph: Mick Tsikas/AAP

A local councillor in [New South Wales](#) is facing calls to resign over allegations of "relentless sexism and homophobic bullying" after he sent an email to a journalist in which he referred to a fellow councillor as a "poof".

Allan Robinson, a councillor in the city of Newcastle, repeatedly used the homophobic slur in an email to a Newcastle Herald journalist while denying an allegation he had made homophobic remarks about the city's deputy mayor, Declan Clausen.

"I have no problems with poofs," he wrote in the email.

"I have one work for me and I'm very good friends with three poofs who I'm proud to say they are my friends."

Robinson, a former jockey and one-time presenter on the NRL Footy Show, has been a councillor in Newcastle since 2012 when he was a close ally of the former lord mayor, the developer and Independent Commission Against Corruption target Jeff McCloy.

It's not the first time he has made offensive remarks about fellow councillors. In 2015, he was the subject of an internal investigation after he [referred to a fellow councillor as a "beefcake" during a council debate](#).

And earlier this week, during a council debate, he is reported to have compared a female councillor to an elephant, saying: "some people have got more hide than Jessie the elephant and look like that", [the Newcastle Herald reports](#).

Clausen accused Robinson of "relentless sexism and homophobic bullying", and called on him to resign.

"I'm proud to be the openly gay deputy lord mayor of a community that had the highest 'yes' vote of any non-capital city in Australia," Clausen said in a statement.

"The Newcastle I know is a welcoming and increasingly diverse community.

"Such behaviour would simply not be tolerated in any other workplace.

"If he cannot change his behaviour, Robinson should resign."

He was responding to questions about Robinson's comments in his email to the Herald journalist. Guardian Australia has not seen a copy of the email, but in a phone interview Robinson read out its contents in full, then repeated the term a number of times.

He then made several other homophobic remarks, while denying they were offensive.

"Why should it be offensive?" he said.

"If you're a fucking poof, you're a poof."

When asked about allegations of sexism, Robinson said he had "no problem with women".

Attachment D

Newcastle Herald, 30 October 2015

NEWCASTLE
HERALD
VOICE OF THE HUNTER

OCTOBER 30 2015 - 10:10PM

Cr Robinson slammed for "offensive, sexist" comments

□ JASON GORDON



Cr Allan Robinson, left, is in hot water after referring to Cr Stephanie Posniak, right as "beefcake".

A BAD week for Newcastle council has continued with councillor Allan Robinson coming under fire for a tirade of "offensive and sexist" abuse directed at some of his colleagues.

The former jockey's comments have been referred to the council's legal department for review, while several councillors are considering formal complaints.

Cr Robinson, well known for his colourful language and outspoken ways, referred to Cr Stephanie Posniak as "beefcake" during heated debate on Tuesday that preceded the council's controversial sacking of general manager Ken Gouldthorp.

He was asked to retract the comment by lord mayor Nuatali Nelmes.

"I'll retract the comment that I seem to have annoyed you with," was his response. But it was his on-air comments to KOFM's David Collins that have landed him in deeper hot water.

Speaking about Cr Nelmes, he encouraged Collins' listeners to "see the damage that this vicious, vindictive woman with power has done".

The lord mayor was "just a puppet for a party" who "hangs around old cronies that used to be on the council and achieved nothing".

"She's disgraceful," Cr Robinson said, took credit for things she didn't do and would recruit a new general manager "who will have to be the most uneducated freak because he'll be one of her crew".

"Deputy mayor Michael Osborne "goes on about being open and transparent" but was "as open and transparent as wet cardboard", he added.

Cr Nelmes, who is in Geneva to sign an agreement with the United Nations training organisation, said "there's no place for those types of comments in the debate".

"Obviously, Tuesday night was very difficult for all councillors," she said.

"It's very disappointing that some have made this personal. I have not engaged in that and I won't."

Cr Osborne said the council's code of conduct specified that councillors should not be disrespectful or "get into public slanging matches".

Cr Posniak said she had "a pretty tough skin" but was more angry about the inappropriateness of his comments, and that two radio hosts "appeared to be encouraging him".

"We have some pretty heated discussions within the Labor Party and there's not too much I haven't heard, but when Cr Robinson goes on radio describing some of the women on council as 'some of the most ordinarist [sic] women you'd ever meet', then that's a problem.

"He says a lot that is very offensive. It's not like he's in a pub with his mates, he's in a council chamber where he's supposed to be doing a job that people elected him to do."

Cr Robinson was unmoved by the complaints against him or the potential legal action.

"They've just sacked a very good general manager for no reason and that'll cost the ratepayers a fortune but they're more worried about what I said on radio," he said.

"They don't scare me with their code of conduct stuff. I've had 111 suspensions [as a jockey]. If they want to fight I won't be backing away."

Attachment E

The Maitland Mercury, 3 October 2016



OCTOBER 3 2016 - 7:00AM

Maitland council fines Newcastle councillor and celebrity jockey Allan Robinson for illegally burning waste

□ DONNA SHARPE



DUMPED: Newcastle councillor and celebrity jockey Allan Robinson. Maitland City Council has fined Newcastle councillor and celebrity jockey Allan Robinson for illegally burning building demolition waste on a property at Louth Park.

Fire and Rescue NSW and Maitland council's development and environment manager David Simm have confirmed that Mr Robinson has been issued with fines, including one for \$1000, for burning the waste.

Mr Simm said agencies had been called to "Parkview" at 57 Ross Lane, Louth Park. The property is owned by Robbor Pty Ltd, which has a Warabrook address.

Fairfax Media was unable to contact Mr Robinson for comment.

Both agencies confirmed air-conditioning units, building panelling and treated pine logs had been set alight on the property.

A spokesman for Fire and Rescue NSW said the major concern had been the burning of treated pine logs, which contain arsenic and give off toxic gasses when set alight.

He said firefighters had to wear breathing apparatus to avoid toxic fumes at the site.

The spokesman said FRNSW had attended the Louth Park property six times since April.

On one occasion police were called to order the removal of a truck parked across a gate, which prevented access to the site.

The FRNSW spokesman said calls to the site had tied up resources and, at times, more than one brigade was involved.

“Mr Robinson has come on site when we have been there and has been told by officers what he can and can’t burn,” the spokesman said.

Mr Simm said the council had issued Mr Robinson with fines, including one totalling about \$1000.

“The fines relate to the burning of certain building waste, which should be disposed of at our Mount Vincent waste disposal facility,” Mr Simm said.

“The burning of treated pine logs is a definite no-no. We have had to deal with a number of issues with Mr Robinson in this regard and if the offences keep occurring then there will be an order to go to court.”

Maitland councillor Henry Meskauskas, who flagged the problem with Mr Simm, said that as a civic leader, Mr Robinson should know better.

“As a councillor you would think he would understand the rules and regulations,” Cr Meskauskas said.

“If he wants to burn stuff he should abide by the proper procedures, and get out of Maitland and do it in Newcastle where he belongs.”

**ITEM-33 NOM 27/08/19 - INNER-CITY AND NEWCASTLE EAST
CYCLEWAY**

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

PURPOSE

The following Notice of Motion was received on Thursday 15 August 2019 from the abovenamed Councillors.

MOTION

That Council

- 1 Notes the current lack of safe, separated cycleways from Union Street in Newcastle West to the University of Newcastle NeW Space, Hunter Street Mall and through to Newcastle East.
- 2 Notes that the Newcastle Cycling Strategy and Action Plan, and the Newcastle City Centre Cycleway Network Strategy both propose an east-west separated cycleway spine on Hunter Street as part of an inner-city cycleway network.
- 3 Notes the high level of community support for cycleways component of the West End Stage 2 Streetscape Plan as agreed by CoN at the July Ordinary meeting of Council. These concept plans included reduced traffic lanes to accommodate a separated cycleway, but noted that a future separated cycleway connection to CBD and Newcastle East was beyond the scope of the plan.
- 4 Undertake a detailed investigation, planning and design process to identify an appropriate route from the Hunter/Union Streets intersection to Newcastle East for the construction of a separated cycleway (Inner City Bike Lanes Investigation). This city-wide assessment to determine the potential of route sections will prioritise physically separated facilities and continuity.

BACKGROUND

In 2010 the Council endorsed the Hunter Street Masterplan Strategic Framework which proposed significant changes to Hunter Street. In September 2013 City of Newcastle exhibited concept plans to upgrade Hunter Street consistent with the Masterplan framework. Proposed changes to the street included: reduced traffic from four bi-directional lanes to two bi-directional lanes to accommodate improved street amenity, a separated cycleway, activity zones and parklets. This plan received a 77% approval rating for the proposed changes.

Significant changes have occurred to the area since the exhibition of that framework. There are few remaining opportunities in Newcastle's city centre for a cycleway network that could link key inner-city locations including Newcastle Interchange, University of Newcastle NeW Space, the Civic precinct, Market-town and the East End. The options are reduced further if we are to ensure connectivity with the city's existing dedicated cycleways.

The inner-city cycleway network envisaged in the Newcastle 2030 Community Strategic Plan, the Newcastle Cycling Strategy and Action Plan, and the Newcastle City Centre Cycleway Network Strategy all include a major separated cycleway on the east-west route from Hunter Street in Newcastle West to at least Union Street, with north-south links to key locations.

At the July Ordinary meeting, Council endorsed the West End Streetscape Stage 2, which included plans for safe continuous bi-directional cycleways along Maitland Road, Hunter Street, and Steel Street which connects to other shared pathways. However, the scope of the plan only extended easterly to Union Street, and does not specify the cycleway route from Union Street to the Newspace, the Hunter Street Mall and Newcastle East. The purpose of this motion is to fast track the investigations, planning and design work required to complete the inner-city cycleway.

It should be noted that proposals to change travel lane widths will require further approvals, including of the Newcastle City Traffic Committee. Also, any changes to parking arrangements would not be implemented without consultation with affected residents.

ATTACHMENTS

Nil.

ITEM-34 NOM 27/08/19 - FLORENCE AUSTRAL - OUR FORGOTTEN DIVA

COUNCILLORS: K ELLIOTT AND J CHURCH

PURPOSE

The following Notice of Motion was received on Thursday 15 August 2019 from the abovenamed Councillors.

MOTION

That Council:

- Adopt Florence Austral as one of Newcastle's own. Florence was one of the world's greatest Wagnerian opera singers during the 1920s. She lived in Newcastle from 1952 until her death in 1968.
- Recommend Florence Austral to a working party for consideration for inclusion in a Newcastle legends Wall, or similar.
- With the financial and active support from the University of Newcastle, install a monument in Civic Park where the Music Department was created with the inscription of the first teachers, which would include Florence Austral.
- Support and assist in kind, the Florence Austral Society Inc. in presenting a concert in the name of Florence Austral, with all proceeds to be donated to multiple sclerosis research.
- Work with the University of Newcastle to have the portrait of Florence Austral hung in the Conservatorium of Music.TG

BACKGROUND

Members of the local Newcastle arts community and in particular, the Florence Austral Society Inc have recently contacted Councillors to support recognition of Newcastle opera singer, Florence Austral, who they believe deserves recognition and should be acknowledged. They are seeking Newcastle City of Newcastle and Council and the University of Newcastle support to embrace her as a great artist who lived and died here.

Florence Austral made her debut at the Royal Opera House Covent Garden, in May 1922. With little or no rehearsal and in the best of show business tradition, she arrived at Covent Garden that night unheralded and unknown and awoke the next morning a celebrity. The critics universally acclaimed her as one of the world's greatest Wagnerian sopranos. That evening she received 11 standing ovations, a rarity.

She became a superstar singing all over England and North America. She travelled around Australia for the ABC with her husband flautist John Amadio and pianist Raymond Lambert.

She sang 24 times at the Royal Albert Hall, (once in front of King George V and Queen Mary and was introduced to them after the concert). She sang at Crystal Palace with 5000 musicians; Carnegie Hall (New York); Berlin State Opera just to name a few.

Florence was contracted with EMI and made 102 recordings. Many have been redigited and they demonstrate the gloriousness of her voice.

Florence sang with conductors such as Eugene Goossens, John Barbirolli, Arturo Toscanini and Bruno Walter – the top conductors of the time.

Sadly, at the top of her career, she was ill with Multiple Sclerosis. The disease was diagnosed in 1932. She kept her illness a secret and continued singing. After the war, she returned to Melbourne and worked at the University. Later, her friend Eugene Goossens suggested that she become one of the founding members of the Music Department in Newcastle. She moved to Newcastle and worked from 1952 – 1959 until she was too ill to continue.

From this time, Florence Austral disappeared from the public eye. She became a private citizen. She was Florence Amadio and not much was known of her. With little money, she lived in a modest house in Merewether and although there was a benefit concert for her, not much money was raised.

She died alone and penniless in a Nursing Home in Mayfield in 1968 and there is only a simple plaque in Beresfield with just her name, age and date of death.

There is a portrait of Florence in the National Portrait Gallery (Canberra) and there is another rarely seen in the University of Newcastle. This portrait was commissioned and donated to the University by William Bowman. With the help of the Council, this portrait could be rehung in the Conservatorium of Music with an associated civic ceremony.

ATTACHMENTS

Nil.