

**ORDINARY COUNCIL MEETING  
28 JUNE 2016**

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**NOTICES OF MOTION DISTRIBUTED UNDER SEPARATE COVER**

**NOTICES OF MOTION**

ITEM 7      REPORT ON NOTICE OF MOTION - NOM 28/06/16 - NEWCASTLE TO  
BECOME AN OFFICIAL RV FRIENDLY TOWN OR DESTINATION

ITEM 8      NOM 28/06/16 - INCLUSIVE REPRESENTATION OF SPORTS

ITEM 8      REPORT ON NOTICE OF MOTION - NOM 28/6/16 - INCLUSIVE  
REPRESENTATION OF SPORTS

ITEM 9      NOM 28/06/16 - LEGAL ACTION COUNCIL AMALGAMATION

ITEM 9      REPORT ON NOM 28/06/16 - LEGAL ACTION COUNCIL  
AMALGAMATION

**To be distributed separately**

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FLETCHER

ITEM 11     NOM 28/06/16 - LISTING OF NEWCASTLE RECREATION RESERVE,  
ORDNANCE STREET NEWCASTLE ON THE STATE HERITAGE  
REGISTER UNDER THE HERITAGE ACT 1977

ITEM 11     REPORT ON NOTICE OF MOTION - NOM 28/06/16 - LISTING OF  
NEWCASTLE RECREATION RESERVE, ORDNANCE ST  
NEWCASTLE ON THE STATE HERITAGE REGISTER UNDER THE  
HERITAGE ACT 1977

ITEM 12     NOM 28/06/16 - OPEN AND COLLABORATIVE LEADERSHIP



**SUBJECT: REPORT ON NOTICE OF MOTION - NOM 28/06/16 -  
NEWCASTLE TO BECOME AN OFFICIAL RV FRIENDLY TOWN  
OR DESTINATION**

**REPORT BY: PLANNING AND REGULATORY**

**CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER  
STRATEGIC PLANNING**

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## **DIRECTOR COMMENT**

Council's Economic Development Strategy, adopted in 2015 identifies Council will work with the tourism sector and industry associations to further develop Newcastle as a visitor and event destination.

There are 65 RV friendly towns in NSW, with four in the greater Hunter region: Dungog, Bulahdelah, Merriwa and Murrurundi.

Based on the list of criteria for an RV Friendly Town identified in the notice of motion, Newcastle, as a regional city, provides many of the facilities and services required such as medical, banking and supplies. Some of the criteria will be more difficult to satisfy in a city location including:

- Suitable sites for short and long term parking due to higher land prices.
- Maneuverability, access and egress for RV vehicles.
- Establishing a waste disposal point.

Other issues for Council to consider include management of expectations that key beach and foreshore areas in Newcastle are available for overnight accommodation. This has been a growing concern in and around the city centre for many residents and other visitors to our city beaches.

The Wallsend Town Centre Committee examined their potential to become an RV friendly town in 2014 but difficulty in securing a site for a waste disposal point, which was affordable, and where the use was permitted, proved problematic. The project did not proceed to feasibility stage.

## **RECOMMENDATION**

The information be noted.

**ITEM-8**

**NOM 28/06/16 - INCLUSIVE REPRESENTATION OF SPORTS**

**COUNCILLORS: T DOYLE AND M OSBORNE**

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## **PURPOSE**

*The following Notice of Motion was received on 16 June 2016 from the abovementioned Councillors:*

## **MOTION**

That Newcastle City Council affirms its commitment to:

- Encouraging a healthy lifestyle for all residents;
- Ensuring that, where appropriate, council-commissioned artworks and publications serve the purpose of depicting and celebrating the diverse practices and achievements of local residents who engage in healthy and enjoyable sporting activities; and
- Representing that diverse range of sporting achievement in a manner that is gender, ability and ethnically inclusive.

To ensure that this commitment is consistently put into practice, Council request Council Officers to explore ways that funds may be raised to commission new murals or alternative artworks at an appropriate point or points along Newcastle's Bathers Way. These artworks or murals would depict a greater diversity, especially gender diversity, of sporting achievement than is currently on display along Newcastle's beaches and coastal parks.

## **BACKGROUND**

On Monday 30<sup>th</sup> May the following article by Joanne McCarthy appeared in the *Newcastle Herald*. In the same edition an Opinion Piece by Grant Nickel told, in more personal terms, the story of his daughter's reaction to the murals on Bar Beach. The article provides a cogent argument for another look at how we represent our community in public art forms, particularly through murals that depict everyday life in Newcastle.

*GRACE Nickel had barely started school when the Bar Beach mural was painted near her house and she asked her father the question: "Where are the girls?"*

*"She's right. Where are they?" said her father Grant Nickel of the mural that features six males in action at the beach and nearby Empire Park skate park, with not a female figure in sight.*

*Four years later he has two questions of his own, for Newcastle and the Hunter.*

*"Is the Bar Beach mural disrespectful to women, and what are we going to do about it?" he said in an opinion piece in the Newcastle Herald.*

*“What makes this wholly male-dominated mural of interest is that it is an art work meant to depict ‘our town’.*

*“It was commissioned, approved and paid for by council. How many sets of hands would this job have gone through and nobody caught on to the heavy gender bias in the graphics?”*

*In an interview Mr Nickel, a hand-cyclist who competes for Australia, said the mural reflected the area’s “very blokey” image.*

*“We’re having so much public discussion at the moment about domestic violence and disrespect for women but in such a public mural as this, females don’t even exist,” he said.*

*“The message to girls when they go out to what is supposed to be a public park is ‘This is a male space’.”*

*Mr Nickel said it was Grace’s questions that challenged his male perspective of the world.*

*“I learned how young girls look at things. I realised just to what degree our society is biased towards maintaining a man’s world.”*

*The Bar Beach mural was “a piece of public art that shouts unconscious gender bias on such a large scale it has become a glaring symbol of the sexism that firmly resides in Newcastle”, Mr Nickel said.*

*“For people to understand, just imagine if we had a public art work supposed to depict ‘our town’, and it had six girls in it. People would notice the absence of males. But that mural has been there for a few years now without comment.”*

*The mural depicted “white male Australia”, Mr Nickel said.*

*“There are no girls, no indigenous Australians, no Australians of different ethnic backgrounds, no people with disabilities.*

*“It’s time we held a mirror up. I can see a time when the mural could be changed to better reflect reality – that girls also skate and surf and are active and that our society is not just made up of white males.”*

*Mr Nickel said he hoped his opinion piece raising questions about the mural and other public art in Newcastle would prompt people to think and look with fresh eyes, and consider how to better represent the community as a whole.*

*Newcastle City Council was asked to comment about the commissioning of the mural, what it wanted depicted in the work and how it was approved.*

Joanne McCarthy, Newcastle Herald 30 May 2016

While our Council's public art is generally inclusive, the case brought to our attention by this article, and by Mr Nickel's experience, suggests that we need to do more to ensure that our entire community, especially girls, feel that they are included in our representations of who we are. This is especially important when it comes to who among us is engaged in health and life-affirming activities such as sport.

## **ATTACHMENTS**

Nil



**SUBJECT:               REPORT ON NOM - NOM 28/06/16 - INCLUSIVE  
REPRESENTATION OF SPORTS**

**REPORT BY:           INFRASTRUCTURE**

**CONTACT:             DIRECTOR INFRASTRUCTURE**

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## **DIRECTOR COMMENT**

Newcastle's Community Strategic Plan supports the encouragement of a healthy lifestyle and the depiction of this through public artwork in the broad strategic directions of Vibrant and Activated Public Places, and Caring and Inclusive Community. Furthermore, the Newcastle Coastal Plan of Management has an objective to integrate sensitively signage, memorials and artworks within the coastal landscape.

Future public domain plans will consider incorporating public artworks for a variety of subjects. Ensuring there is diversity in the representation of those depicted from the sporting realm will be highlighted for any future public murals, plaques, monuments and stories on this particular subject.

## **RECOMMENDATION**

That Council continues to support the diversity and inclusive representation of sporting achievements and lifestyle and these be highlighted through public artworks and other opportunities, particularly along the coastline.

**ITEM 9                      NOM 28/06/16 - LEGAL ACTION COUNCIL AMALGAMATION**

**COUNCILLORS:      T DOYLE AND M OSBORNE**

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**PURPOSE**

*The following Notice of Motion was received on 16 June 2016 from the abovementioned Councillors:*

**MOTION**

That Council:

1. Take all appropriate legal action to protect Council against forced amalgamation, whether by joining an action presently on foot or by commencing fresh proceedings and that any such action be commenced as soon as reasonably practicable;
2. Delegate to the Lord Mayor, Deputy Lord Mayor, Interim Chief Executive Officer Frank Cordingley, to engage the services of an appropriate legal firm within two (2) business days;
3. Receive a confidential briefing from the Interim Chief Executive Officer and/or engaged legal counsel as to any such action as soon as practicable; and
4. Delegate the Lord Mayor the authority to act on behalf of council in relation to any legal action pursued in consequence of this motion.

**BACKGROUND**

A decision is pending in relation to a proposal to amalgamate Newcastle City Council and Port Stephens Council. The decision will remain pending until the examination and reporting process of an alternative proposal, namely a proposal to amalgamate Port Stephens and Dungog Councils, is completed.

The proposal to amalgamate Newcastle City Council and Port Stephens Council was one of a number of contemporaneous proposals involving councils across New South Wales. Several affected councils have commenced legal proceedings in the Land and Environment Court, challenging the legality of any decision to proclaim amalgamations pursuant to these proposals. These councils include Woollahra, Ku-ring-gai, Strathfield, Lane Cove, Hunters Hill, Mosman and North Sydney councils, amongst others.

The investigation carried out by the Delegate, Mr Ian Reynolds, appointed to investigate and make recommendations regarding the proposed merger between Newcastle and Port Stephens, was fundamentally inadequate, not least because it failed to conduct a full, open and comprehensive consultation with the residents of each Local Government Area.

Furthermore the Delegate's Report and recommendation is similarly flawed because of its failure to properly address most of the concerns raised by each individual council, OR by residents and community group representatives who made submissions to the delegate. Some of the issues that were inadequately dealt with include:

- The significant diminution in access of residents to democratic representation, especially in Port Stephens
- The lack of communities of interest between Port Stephens and Newcastle
- The significant difference in priorities and organisation between the two councils
- The arbitrary suggestion to change the name of the historic “Newcastle” to “Hunter Coast”; a significant slap in the face to residents of Newcastle who feel a real attachment to their city.
- The proposed ward structure and especially the lack of a popularly-elected mayor lacks historic justification

## **ATTACHMENTS**

Nil.

**ITEM 10                    NOM 28/06/16 - PROTECTING BUSHLAND / ZONING OF LAND AT  
FLETCHER**

**COUNCILLORS:        M OSBORNE AND T DOYLE**

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**PURPOSE**

*The following Notice of Motion was received on 16 June 2016 from the abovementioned Councillors:*

**MOTION**

That Council

- (1) Reaffirm its decision of 8 December 2015 in relation to ITEM-128 CCL 08/12/15 - 505 MINMI ROAD FLETCHER - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 to not proceed with the Planning Proposal for 505 Minmi Rd, Fletcher; and
- (2) Directs the Interim CEO to write to the Minister for Planning and the Secretary to the Department of Planning and Environment to reaffirm Council's decision regarding the zoning of 505 Minmi Rd, Fletcher.

**BACKGROUND**

Nil.

**ATTACHMENTS**

Nil.

**SUBJECT: NOM 28/06/16 - LISTING OF NEWCASTLE RECREATION RESERVE, ORDNANCE STREET NEWCASTLE ON THE STATE HERITAGE REGISTER UNDER THE HERITAGE ACT 1977**

**COUNCILLORS: T DOYLE AND M OSBORNE**

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## **PURPOSE**

*The following Notice of Motion was received on 16 June 2016 from the abovementioned Councillor:*

## **MOTION**

That Council supports the listing of those parts of Newcastle Recreation described below in the NSW State Heritage Register

The listing includes the following sites:

- King Edward Park incorporating Arcadia Park (Crown Reserve 570075, Lots 7003 and 7004, DP 1077043 with Council as Trust Manager for Newcastle Coastal and Estuary Reserve Trust);
- Obelisk Park (Lot 1238, DP 1096744, Community Land vested in Council);
- Shepherds Hill Defence Reserve (Crown Reserve 170100, Lot 3116, DP 755247, with Council as Trust Manager for Newcastle Coastal and Estuary Reserve Trust);
- Portion of South Newcastle Beach Cliffs (portion of Crown Reserve 570019, portion of Lot 7061, DP 1118737, adjoining King Edward Park, vested in Newcastle Coastal and Estuary Reserve Trust with Newcastle City Council as Reserve Manager); and
- King Edward Headland Reserve (Crown Reserve 1011189, Lot 3109, DP 755247, vested in King Edward Park Headland Reserve Trust and administered by NSW Lands Administration Ministerial Corporation).

To ensure that the heritage listing nomination is advanced as quickly as possible, Council Officers will expedite the resolution of all outstanding matters regarding the management of each of these sites.

## **BACKGROUND**

In May 2013 the State Heritage Register Committee considered the nomination of Newcastle Recreation Reserve, Ordnance St Newcastle (King Edward Park) for listing on the State Heritage Register under the *Heritage Act 1977 (NSW)*.

Newcastle City Council received correspondence on 30<sup>th</sup> May 2013 notifying it that the State Heritage Register Committee “considers that King Edward Park, Newcastle is likely to be of State significance”. The correspondence also informed Council that it directed the local branch (of the State Heritage Council) “to progress the nomination as a priority place;” and to “write to Newcastle City Council to address their concerns regarding the inclusion of roads within the listing boundary”.

It is clear that King Edward Park is a site of considerable cultural, historic and heritage significance; not only from a perspective of European settlement, but is also a significant site for the Aboriginal community. Shepherds Hill and the Bogey Hole are already on the Register. The whole reserve needs to be there, so that we may seriously pressure State Government instrumentalities to restore them.

Council has since received a letter dated 22 April 2016 from the Heritage Council of NSW advising Council that the Newcastle Recreation Reserve is likely to be of State Heritage Significance and the Heritage Division is seeking to progress the nomination.

Currently a number of sections of King Edward Park are cordoned off from public access by fences. Fenced off sites include the Headland Reserve, Shepherds Hill and the Bogey Hole. All these sites form part of one of Newcastle's most significant cultural assets. It is not satisfactory that these sites continue to languish and suffer continued dilapidation. They should be repaired and restored to public enjoyment as a matter of priority.

If Council resolves quickly all outstanding matters that currently hinder the listing of Newcastle Recreation Reserve on the State Heritage Register, that listing will happen sooner rather than later.

The inclusion of this iconic Newcastle site on the NSW State Heritage Register should rightly give it the added status to demand action from the relevant State Government agencies to repair and restore each of these sites so that they are once again available to the people of Newcastle to enjoy.

## **ATTACHMENTS**

Nil.

**SUBJECT:               REPORT ON NOTICE OF MOTION - NOM 28/06/16 - LISTING OF  
NEWCASTLE RECREATION RESERVE, ORDNANCE ST  
NEWCASTLE ON THE STATE HERITAGE REGISTER UNDER  
THE HERITAGE ACT 1977**

**REPORT BY:            PLANNING & REGULATORY**

**CONTACT:             DIRECTOR PLANNING & REGULATORY**

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## **DIRECTOR COMMENT**

The site includes different ownerships including public roads vested in Council, community land, and Crown Land where Council is Reserve Trust Manager. Council does not own the King Edward Headland Reserve (former Newcastle Bowling Club) and is not legally able expedite current matters on that site.

Council has been actively managing much of this land for many years and there are a diverse range of activities that take place. There are several adopted plans and strategies including:

- Newcastle Coastal Revitalisation Strategy Master Plan 2010;
- Newcastle Coastal Plan of Management 2015; and
- Bathers Way Public Domain Plan 2012.

Council officers recently met with officers from Office of Environment and Heritage (OEH) in relation to the proposed State Heritage listing of Newcastle Recreation Reserve, Ordnance Street, Newcastle. OEH advise that there will be a formal process undertaken for the proposed heritage listing and Council will be provided with an opportunity to provide formal feedback during the statutory exhibition of the listing.

## **RECOMMENDATION**

To be noted.

**ITEM 12                    NOM 28/06/16 - OPEN AND COLLABORATIVE LEADERSHIP**

**COUNCILLORS:        D CLAUSEN, T CRAKANTHORP, J DUNN, N NELMES AND S  
                                 POSNIAK**

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**PURPOSE**

*The following Notice of Motion was received on 16 June 2016 from the abovementioned Councillors:*

**MOTION**

That Council:

1. Notes the adopted Newcastle 2030 vision to create a smart, livable and sustainable city, within a framework of open and transparent leadership.
2. Notes that there is presently no core strategic document for the Open and Transparent Leadership CSP objective.
3. Draft an Open and Transparent Governance Strategy as a core strategic document. The Strategy is to consider best practice for open councils, including current and planned actions of council to improve transparency.
4. The Strategy is to outline implementation opportunities for:
  - a. Delivering procedures which ensure the highest level of transparency, accountability and probity in Civic governance (including implementable solutions to allow open diaries for the Lord Mayor and Chief Executive Officer, improvements to the model Code of Conduct and Code of Meeting Practice, an independent Internal Ombudsman to investigate and respond to complaints about council's administration)
  - b. Achieving community confidence and improved consultation in Council's practices (including improvements to the accessibility of Public Voice; improved community consultation and notification practices; improved consultation with community including community committees and BIAs)
  - c. Delivering procedural reform to better include the community in decision making (including expanding involvement of Committees of Council in decision making; inclusion of Strategic Advisory Committee meetings in Council's meeting cycle; continue improvements to accessibility of Council's website)
4. A draft Open and Transparent Governance Strategy is to be produced for Council's consideration by September 2016.

## **BACKGROUND**

The Community Strategic Plan, Newcastle 2030, outlines the shared objectives of the City of Newcastle and its community.

One of the core principles is to deliver Open and Collaborative Leadership.

Each Theme within the Community Strategic Plan includes a Core Strategic Document, and associated implementable Management Plans/Master Plans/Action Plans.

Presently no Core Strategic Document exists for the Open and Collaborative Leadership Community Strategic Plan Theme.

Council is committed to Open and Transparent Governance. This has included the adoption of a City Engagement Charter, online development application tracking, website upgrades, suggested modifications to the NSW Government for the Model Code of Meeting Practice, improved and expanded Committee of Council structure, and clear instruments of delegation.

This core strategic document will complement and outline this commitment, with goals and objectives.

## **ATTACHMENTS**

Nil.