

Determination regarding event authorisation No 45815 from Rising Tide for the use of Foreshore Park for the period 25 November to 2 December 2025.

Determination:

Event authorisation No 45815 is provided subject to standard conditions as set by City of Newcastle (CN) officers.

This determination follows consideration of 1,500 submissions received during the formal notification period from 3 September to 1 October 2025. Event bump in is permitted from 7.00am on 25 November 2025, with event bump out to be completed by 8.00pm on 2 December 2025.

Council Resolution 12 August 2025:

At an Extraordinary Council Meeting on 12 August 2025, called by Lord Mayor Dr Ross Kerridge, the Council resolved to:

- Provide event authorisation for Camp Shortland from 28 November to 1 December 2025.
- Provide in-principle support for the use of Foreshore Park from 25 November to 2 December 2025 subject to:
 - Public exhibition of the new application with the revised location of Foreshore Park;
 - Submission by the applicant of a valid Form 1 to NSW Police consistent with the event licence application; and
 - An undertaking from the applicant that all lawfully provided police directions will be followed by organisers and participants.

The resolution (edited for readability) was:

That Council:

Notes CN can issue Event Authorisations for events taking place on Community Land in accordance with s68 of the Local Government Act (1993).

Notes that public notification of the event has generated a diverse range of views with community and environmental groups largely in favour of the events proceeding, while key stakeholders, including NSW Police, Port Authority of NSW, Business Hunter, and the Port of Newcastle, have raised concerns with The People's Blockade of the World's Largest Coal Port.

Notes the Public Briefing held on 15 July, from Rising Tide and the NSW Police regarding The People's Blockade of the World's Largest Coal Port.

Notes that activities proposed on CN land in Rising Tide's Event Application are permissible in accordance with s68 of the Local Government Act (1993) and relevant CN governance documentation.

Notes Council's 28 May 2019 resolution for the urgent need for significant action on climate change due to the global climate emergency, and that while there has been significant progress, there is an increasing urgency for further action globally.

Notes current local action on climate change and existing actions to achieve a just transition by Council - including the commitment to achieving net zero emissions in City of Newcastle's operations by 2030, and a net zero city by 2040, and empowering our community in the transition, as outlined in the City of Newcastle's Climate Action Plan (2021-2025) and Newcastle Environment Strategy 2023.

Notes that the Port of Newcastle is working with key stakeholders within and beyond our region to accelerate diversifying for a sustainable future, including port container diversification, the first shipload of turbine parts that arrived this month for the state's biggest wind farm project, and its establishment of a Clean Energy Precinct by 2030.

Notes and affirms the legal and democratic right of all Australians to protest as a fundamental part of our democracy, provided it is conducted safely, respectfully, and in accordance with the law.

Affirms that Council supports the ability of the community to engage in peaceful assembly and public expression while also ensuring the safety of every person impacted by, working at, or attending the event.

Approves City of Newcastle providing an event authorisation for Camp Shortland only, subject to the receipt of relevant documentation with respect to Application No 44676 and in line with CN internal licensing policies and procedures, for the stated primary purpose of a live music concert.

Notes that this approval does not approve or endorse activities in the harbour, or civil disobedience, and must not be misrepresented as doing so.

Notes that while non-violent direct action is an important part of democracy, civil disobedience is a specific type of non-violent direct action that involves active violation of civic order and potential breaches of law to protest injustice/s. Therefore:

Provides in-principle approval only for an Event Authorisation for Foreshore Park, pending:

- a. Exhibition of a new event application as required under Section 68 of the Local Government Act for the revised proposed location as amended last week.*
- b. The organisers lodge a submission for, and maintain, a valid Notice of Intention to Hold a Public Assembly "Form 1" to the NSW Police covering all intended locations for an authorised public assembly, consistent with the event licence application.*
- c. an undertaking from the applicant that all lawfully provided police directions will be followed by organisers and participants.*

Resolves, following public notification of the amended event application for the revised event, and subject to the receipt of relevant documentation, to delegate the determination of the final decision to provide an event authorisation for the revised event to the CN CEO.

Reaffirms that all future decisions for City of Newcastle's provision of Event Authorisations for all matters remain delegated as operational matters to the CEO and relevant staff, in accordance with internal policy and the existing Instruments of Delegation as adopted best practice local governance, and in accordance with adopted policies and strategies of the elected Council.

Council position on climate change:

City of Newcastle (CN) has a long-held commitment to the environment, sustainability, and climate action. This includes formally declaring a climate emergency, committing to the Paris Agreement, and adopting a target of net zero emissions from CN operations by 2030. These commitments enjoy broad support, as consistently demonstrated by community surveys.

However, these broader CN policy commitments have not influenced my decision regarding this event. My determination has been guided solely by the requirements set by the elected Council: namely, the provision of in-principle support for the event at Foreshore Park, subject to the completion of a public notification, the submission of a valid Form 1 to NSW Police, and an undertaking from the event organisers to comply with all lawfully provided police directions.

Updated event application for Foreshore Park and public notification:

On 26 August 2025, Rising Tide (RT) submitted a revised event application form to use Foreshore Park from 25 November to 2 December 2025. The updated application includes the installation of temporary structures, live performances and use of amplified sound. This application replaces the earlier proposal to use Richardson Park in Hamilton North, following concerns raised by NSW Police regarding site constraints during the previous public notice period.

Between 3 September and 1 October 2025, CN conducted a formal public notification process for RT's event application to use Foreshore Park from 25 November to 2 December 2025. A total of exactly 1,500 submissions were received. Submissions received during the earlier notification for the original application to use Camp Shortland and Richardson Park were not considered in this determination, as they relate to a different event footprint and plan.

Grounds for approval/ refusal:

At the 15 August 2025 Extraordinary Council meeting, it was confirmed that approval of a community event at Foreshore Park for more than 3 days (as was proposed) without the statutory public notification would constitute a breach of [clause 117 of the Local Government \(General\) Regulation 2021 \(NSW\)](#).

Therefore, my decision has been guided by CN's compliance with clause 117, achieved through the public notification process which occurred between 3 September and 1 October 2025. While the purpose of public notification is not clarified in the Act, reasonably it is to ensure that an impacted community (i.e. those living within a general proximity to a proposed event or who regularly use a proposed event space) have awareness and can make adjustments to minimise potential impacts.

It is important to distinguish between public notification and community engagement. The latter relates to seeking community input to guide decision making. However, it is clear from the Council debate (as well as from CN published material) that in this instance the public notification process was intended to act as an indicator of community support (or not) for the proposed event at Foreshore Park.

CN issues Event Authorisations under s68 of the Local Government Act 1993, and CN's Community Land Licensing Procedure with the following objectives:

- to ensure a consistent approach to booking requests on land classified as as Community Land across the Local Government Area (LGA);

- promote transparency in the decision-making process for approval of licences;;
- to provide guidelines that will assist staff in managing and administering bookings on Community Land;
- to ensure compliance with relevant legislation, policies and procedures;
- to provide a management tool that protects Community Land as a valuable asset; and
- to facilitate social, cultural, economic, and tourism benefits by providing opportunities for a variety of events and activities across the city.

Given the elected Council's in-principle support for the proposed event at Foreshore Park, I reviewed the permitted grounds for refusal. These include:

- damage to land;
- breach of conditions;
- illegal activities on land;
- unsuitable activities;
- incomplete applications; and
- community consultation results.

Given this proposed event replicates the one held in November 2024 under the written authorisation of Lord Mayor Dr Ross Kerridge, I have reviewed the performance and outcome of the previous event. The 2024 event resulted in 25 breaches of the Event Authorisation including:

- storage and making of flotation devices;
- pegging that damaged irrigation infrastructure;
- damage to vegetation, including mature trees, due to tents being tethered to them.
- faulty waste management amenities resulting in raw sewage spills;
- an unauthorised open fire;
- inadequate traffic management due to the event organiser utilising unqualified volunteers in place of suitably qualified traffic controllers;
- Use of non-qualified volunteers for site security.

Despite these breaches, CN officers concluded that Foreshore Park was left in a largely satisfactory condition, and the majority of the bond was refunded following minor remediation works.

In my opinion, the 2024 condition prohibiting the storage and making of flotation devices was neither reasonable nor enforceable. Ordinarily, CN does not ban the storage or making of flotation devices such as kayaks or canoes on community land. Furthermore, the use of flotation devices is not considered an illegal act by Police, and no arrests were made in relation to such activities during the 2024 event. Therefore, it is unclear on what legal grounds CN could defend this condition. Feedback from CN officers is that the 2024 breaches were minor and promptly addressed by RT once communicated. For example, a fire lit for a smoking ceremony was extinguished upon request by CN officers.

Submission results:

A total of 1,500 submissions were received during the notification period. Of these:

- 76.6% supported the event application;

- 23% were unsupportive; and
- 0.4% unsure.

Just under half (724) of the submissions were made by people residing outside of the LGA. A further 5% (72) of submissions did not state their postcode and so have been omitted from geographic breakdowns of respondents. Of the submissions received from outside the Newcastle LGA, 89% were supportive of RT's event application. This high level of support is consistent with RT's strong membership base beyond the Newcastle area. Its members are likely to be ideologically motivated to lodge a submission supporting the proposed event location at Foreshore Park.

A total of 520 submissions were received from within NSW but outside the Newcastle LGA. Of these submissions, 244 or 47% were from people living in Greater Newcastle/ Central Coast; Port Stephens (22), Maitland (52), Lake Macquarie (153), Cessnock (17) and the Central Coast (34). It is arguable that these people may be occasional users of Foreshore Park, or work within the Newcastle LGA, and so some weight has been given to their feedback. A relatively small percentage of submissions were received from people living interstate / overseas (13% / 200).

Outside LGA NSW regions		Interstate/International	
Port Stephens	22	Australian Capital Territory	20
Maitland	52	Tasmania	12
Lake Macquarie	153	Victoria	58
Central Coast	34	South Australia	44
Cessnock	17	Western Australia	10
Greater Sydney	154	Queensland	53
Mid North Coast	18	Northern Territory	1
Far North Coast	28	International	2
Regional NSW	42		

While all submissions were valid, greater weight was given to submissions from Newcastle LGA residents as they are more likely to be impacted (positively or negatively) by the proposed event. Newcastle residents are also likely to be more aware of the impacts given the significant coverage of local media to the proposed event.

There were 704 responses from people identifying as residents of the Newcastle LGA. Just over three quarters (75.4%) of these submissions came from people residing in Ward 1 (352) and Ward 2 (179), which represent suburbs located closest to Foreshore Park. Ward 3 (118) and Ward 4 (55) accounted for 24.5% of the Newcastle LGA submissions.

Support for the proposed event varied across the Newcastle LGA. In wards 1 and 2 where submissions were highest, support for the event application was also highest (69%, 77%). In wards 3 and 4, where submissions were significantly lower, support for the event application was significantly lower (49%, 31%) than in wards 1 and 2. This report does not provide an explanation for this outcome.

While no weighting was applied by ward, it should be noted that support for the proposed event application was strongest in areas closest to the event site where people were most likely to be impacted by the event. Again, this report does not attempt to provide an explanation for this outcome.

Respondent location	Total	Yes	No	Unsure
Ward 1	352	243	108	1
Ward 2	179	138	40	1
Ward 3	118	58	60	0
Ward 4	55	17	37	1
Outside LGA	724	642	79	3
Unknown	72	51	21	0

Overall, 65% of Newcastle LGA residents supported the proposed event. I consider this level of support to be significant and it has influenced my decision. The submissions resulting from the public notification confirmed previous evidence that the proposed event enjoys majority support within the Newcastle LGA regardless of its actual location. A ratio of 65:35 does however confirm that the event remains polarising in some parts of the LGA.

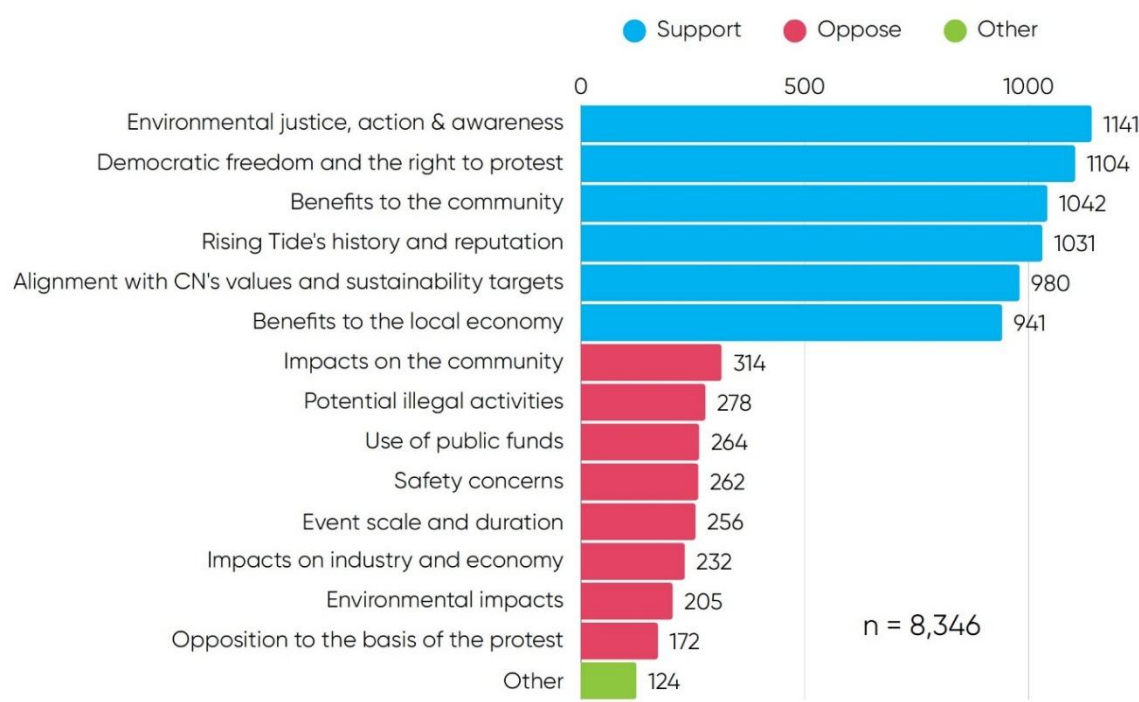
Community reasons for support/ non-support:

As part of the submission process, respondents were prompted to 'tick all the reasons that apply' to their opinion and were provided the option of '*selecting other*' to provide further comment.

A total of 8,346 reasons were nominated by the 1,500 participants. A table listing reasons by popularity is published below. The most frequently cited reason for supporting the event was *environmental justice, action, and awareness* (1,141). Of those opposing the event, the most popular reason was *impacts on the community* (314). While "community" is not explicitly defined, it is assumed to refer to residents living near to Foreshore Park and regular users of the park. It should be noted that the Newcastle East Residents Group (NERG) made a written submission expressing strong support for the staging of the proposed event at Foreshore Park.

References to *impacts on the community* could also reflect concerns about safe access and use of Newcastle Harbour, with its stakeholders including the Port of Newcastle and The Port Authority of NSW. However, the clear adverse impact on these stakeholders is reflected in the *impacts on industry and economy* category which was identified 232 times by those opposed to the proposed event authorisation.

Furthermore, it should be acknowledged that *benefits to the community* while only the third most popular reason among those supporting the event, still received more than double the number of mentions compared to the most cited reason among opponents of the application.



Reasons nominated by the minority opposing the event are not considered sufficient to outweigh the reasons provided by the majority, which was significant in its overall size and advantage.

Illegal activity:

A number of submissions opposing the proposed event at Foreshore Park raised concerns about the potential for illegal activities. CN is unaware of any illegal activities that occurred at Foreshore Park during the 2024 event. However, illegal activity did occur nearby when 170 people were arrested by Police after entering the shipping channel from Camp Shortland and Horseshoe Beach (areas classified as Crown Land and managed by Transport for NSW on behalf of the NSW Government).

According to NSW Police reports, 156 adults and 14 youths were charged in 2024. 138 with disruption of a major facility, and 32 for not complying with a direction by an authorised officer relating to safety. Two people were refused bail to appear at Newcastle Local Court on the following Monday. One police officer sustained a broken ankle during the protest.

Given this precedent, it is anticipated that arrests may again occur as part of the separate event known as the 2025 People's Blockade. However, it is important to distinguish that the 2024 arrests occurred outside the approved event area of Camp Shortland and Foreshore Park, specifically as a result of people illegally entering the shipping lane of the harbour.

The 2025 event (No 44676) at Camp Shortland was approved by the elected Council on 12 August 2025 subject to standard conditions; those being the receipt of relevant documentation in line with CN internal licensing policies and procedures, for the stated primary purpose of a live music concert.

I have therefore limited my decision making to the intended use of Foreshore Park (No 45815) as nominated in its event application as: *camping, training in general safety, grassroots democracy and climate awareness workshops*.

Civil Disobedience:

The Council resolution noted that its approval for Application No 44676 (Camp Shortland) *does not approve or endorse activities in the harbour, or civil disobedience, and must not be misrepresented as doing so*.

While this report relates only to Application No 45815 (Foreshore Park), much of the opposing feedback to the proposed event authorisation related to *potential illegal activities* associated with the broader event.

The Camp Shortland event (Application No 44676) is advertised as a “protestival” and “climate concert”. RT’s website also advertises a “flotilla blockade” on 29 and 30 November 2025 launching from Horseshoe Beach near Camp Shortland.

It is clear that RT’s intent is to block the Port of Newcastle’s operations for a period of time. However, while these activities would be unlawful, they will not be conducted from CN controlled land on the southern section of Camp Shortland which was approved by the Council (Application No 44676) on 15 August 2025.

Any unlawful actions, such as entering the shipping channel, can only be launched from Horseshoe Beach or its carpark, both of which are under the care and control of Transport for NSW on behalf of the NSW Government. As such, CN holds no legal authority or responsibility for actions occurring on Crown Land or within the harbour.

Efforts to prevent or respond to a flotilla blockade fall under the jurisdiction of the NSW Government and related state agencies.

The Right to Public Assembly:

A condition of the elected Council’s in-principle approval of the event at Foreshore Park was that RT submit and maintain a valid Notice of Intention to Hold a Public Assembly, which is known as a Form 1, to the NSW Police.

Under Part 4 of the *Summary Offences Act 1988 (NSW)*, a Form 1 requires protest organisers to provide written notice to the Police Commissioner of their intention to hold a public assembly, to secure authorisation and protection from certain offences.

The effect of a valid Form 1 being served on the Commissioner is that, pursuant to s24 of the Act, any participants will be immune from prosecution for any offence relating to participating in an unlawful public assembly or the obstruction of any person, vehicle or vessel in a public place.

At the Council meeting of 12 August 2025, I communicated to Councillors that this condition may be problematic as it was done without consultation with NSW Police.

On 26 August 2025 RT’s Community Event Organiser Anne Hodgson confirmed RT’s willingness to submit a Form 1. However, on 29 September 2025, Assistant Commissioner David Waddell APM wrote to Lord Mayor Dr Ross Kerridge and I on behalf of the NSW Police Force regarding Council’s condition that a Form 1 be submitted.

The letter questioned the purpose of a Form 1 for the proposed event at Foreshore Park. The letter clarified that as the proposed event involves camping and workshops

on land controlled by CN, participants would be unlikely to be obstructing any person or vehicle at Foreshore Park, such that they would be at risk of prosecution for that offence or require the legal protection afforded by a valid Form 1. Therefore, the NSW Police advised that requiring RT to submit a Form 1 as a condition of the event licence to conduct the described activities at Camp Shortland and Foreshore Park would serve no practical purpose.

Assistant Commissioner Wardell also stated in his letter that, “the NSWPF does not wish to be misrepresented as endorsing any activity on the harbour that may place participants’ and officers’ safety at risk”.

NSW Police subsequently confirmed in a conversation on 9 October 2025 that any illegal activity is expected to occur within the shipping lane of Newcastle Harbour, not on CN-controlled land. As such, a Form 1 that does not extend to the harbour is not required or of assistance to any party. Therefore, to proceed with the requirement for a valid Form 1 would in my opinion, be an ineffective and unnecessary use of finite Police resources.

On 12 October 2025, I wrote to Anne Hodgson seeking confirmation that RT did not object to the removal of the Form 1 requirement. Further, I sought confirmation that the proposed event did not propose to include a public assembly, consistent with the view expressed in Assistant Commissioner Wardell’s letter.

On 13 October 2025, Ms Hodgson replied on behalf of RT stating that Rising Tide does not object to the removal of the condition that a Form 1 be submitted to the NSW Police.

Furthermore, Ms Hodgson confirmed that RT’s intention was to use Foreshore Park for the purpose of camping. This confirms the Police’s written expectation of the intended use of the land. i.e. not for the purpose of a public assembly.

Ms Hodgson also provided an undertaking that all lawfully provided police directions will be followed by organisers and participants on Council land. Given this mutual understanding, and the absence of any planned public assembly at Foreshore Park, there is no public interest in requiring a Form 1 as a condition of the event authorisation.

Legal advice obtained during preparation of this report confirms that the letter from the NSW Police constitutes 'relevant documentation' under the Council resolution, as that a Form 1 is not required for the activities at Foreshore Park (which are the activities that are the subject of the event application).

The advice finds that the letter from NSW Police makes clear that it is not activities at Foreshore Park which are of concern, but rather, anticipated activities in the harbour. The elected Council's in principle approval also refers to lodgement of a Form 1 'consistent with the event application', which indicates the Form 1 must be for activities at Foreshore Park only. The letter from NSW Police confirming the futility of lodging a Form 1 is clearly 'relevant', given it addresses (and resolves) the 'Form 1' aspect of the elected Council's in principle approval.

The advice concluded that the conditions necessary to exercise my delegated authority have been met, and I am therefore authorised to determine the application. For the above reasons my approval of the event authorisation does not condition the receipt of a valid Form 1.

Conclusion:

The activities proposed under Event No 45815 are permissible in accordance with s68 of the Local Government Act (1993) and align with CN's governance framework.

The 28-day public notification period indicates that a significant majority of both the local and broader community support RT's proposed event at Foreshore Park. Based on correspondence from NSW Police, the event itself is unlikely to pose risks related to illegal activity or public assembly.

The risk of illegal activity is further mitigated by RT's written undertaking to comply with all lawful police directions consistent with the cooperative approach observed during the Foreshore Park event in 2024.

This event authorisation does not approve or endorse any activities in the harbour, or acts of civil disobedience, and must not be misrepresented as doing so. Any protest activity in the shipping lane is a matter for the NSW Government to prevent or accept, noting access to the harbour has previously occurred via Crown Land owned and managed on behalf of the NSW Government.

Jeremy Bath

A handwritten signature in black ink, appearing to read 'JB' with a stylized flourish.

**Chief Executive Officer
City of Newcastle**

14 October 2025