Minutes
Ordinary Council meeting
24 March 2015
PRESENT: Lord Mayor, Councillor Nuatali Nelmes (Chair)
Councillor Declan Clausen
Councillor David Compton
Councillor Tim Crakanthorp
Councillor Therese Doyle
Councillor Jason Dunn
Councillor Brad Luke
Councillor Michael Osborne
Councillor Stephanie Posniak
Councillor Allan Robinson
Councillor Andrea Rufo
Councillor Lisa Tierney
Councillor Sharon Waterhouse

IN ATTENDANCE: General Manager Ken Gouldthorp
Director Corporate Services Glen Cousins
Director Infrastructure Frank Cordingley
Director Planning and Regulatory Peter Chrystal
Manager Council and Legal Services Frank Giordano
Manager Finance Andrew Glauser
Manager Waste Management Darren North
Manager Commercial Property Paul Nelson
Manager Strategic Planning Jill Gaynor
Contracts Management Specialist Iain Challis
Communications Dana Fischetti

MINUTES: Meetings Secretary Kerry Sullivan

WEBCASTING: Meetings Secretary Amy Leach

Cr Nelmes Chair, 28 April 2015
### MINUTES OF THE ORDINARY MEETING OF COUNCIL
**TUESDAY 24 MARCH 2015 AT 5.40PM**

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1 OPENING OF MEETING
1.1 The meeting was opened at 5.40PM.

2 APOLOGIES
2.1 Nil.

3 MESSAGE OF ACKNOWLEDGEMENT
3.1 The Lord Mayor read the message of acknowledgment to the Awabakal and Worimi peoples.

4 PRAYER
4.1 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.

5 PRESENTATIONS TO COUNCIL
5.1 The Lord Mayor officially welcomed Councillor Declan Clausen to Council having been elected at the Ward 3 By-election on 21 February 2015.

6 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
6.1 Councillor Luke declared a less than significant non-pecuniary interest in Item 18 CCL 24/03/15 - Executive Monthly Performance Report - February, as Council may invest with businesses he is associated with. Councillor Luke said the interest was less than significant as the report to Council was to be received and he was not involved in any decision making processes.

7 CONFIRMATION OF PREVIOUS MINUTES
7.1 MOTION:
Moved by Cr Osborne, seconded by Cr Doyle

The draft minutes of the Public Voice and Briefing Committees of 17 February 2015 and Ordinary Council meeting of 24 February 2015 as circulated be taken as read and confirmed.

Carried
8 LORD MAYORAL MINUTE

ITEM-1 LMM 24/03/15 - LORD MAYOR'S WOMEN'S SCHOLARSHIP

PURPOSE

For Council to include the establishment and funding of a Scholarship for an underprivileged female University of Newcastle student for inclusion and consideration in the 2015/2016 Operational Plan and ongoing Delivery Program.

RECOMMENDATION

That a Scholarship Program to the value of $2,500, known as the Lord Mayor's Women’s Scholarship be prepared for inclusion in the Draft Operational Plan and Delivery Program for 2015/16.

BACKGROUND

Each year International Women’s Day (IWD) is celebrated on 8 March. The first International Women’s Day was held in 1911. Thousands of events occur to mark the economic, political and social achievements of women. Organisations, governments, charities, educational institutions, women’s groups, corporations and the media celebrate the day.

The theme for International Women’s Day for 2015 was Make it Happen. In line with this theme and the aims of International Women’s Day, the Lord Mayor believes it would be much more beneficial to the community to commemorate this day in a much more significant way. With this in mind, it is proposed to fund a $2,500 Scholarship aimed at women studying at the University of Newcastle (Callaghan or Newcastle campuses) experiencing financial hardship. The Scholarship would be known as the “Lord Mayor’s Women’s Scholarship”, and would be awarded to one woman per year, studying in any year of an undergraduate/honours degree within any facility.

The student would need to be a resident of the Newcastle local government area, be able to demonstrate academic achievement, and also demonstrate that her ability to study is affected by financial hardship. The scholarship recipient would be chosen by a University Panel.

In accordance with s356 of the Local Government Act (1993), it is necessary to include the proposal to establish the scholarship in the draft Operational Plan that will be placed on Public exhibition prior to final consideration for adoption.
ATTACHMENTS

Attachment A: The University of Newcastle form – Statement of Donor Wishes to create a Scholarship

MOTION
Moved by Lord Mayor Cr Nelmes

That a Scholarship Program to the value of $2,500, known as the Lord Mayor’s Women’s Scholarship be prepared for inclusion in the Draft Operational Plan and Delivery Program for 2015/16.

AMENDMENT
Moved by Cr Luke

That a Scholarship Program to the value of $2,500, known as the Newcastle Women’s Scholarship be prepared for inclusion in the Draft Operational Plan and Delivery Program for 2015/16.

Lapsed for want of a seconder

The motion was put to the meeting and declared carried.

Carried
Statement of Donor Wishes to create a Scholarship

This form is to be completed by the Donor

If you are intending to make a donation to create or support a new scholarship at the University of Newcastle, we invite you to complete this form so we have a better understanding of what you hope to achieve through your donation.

ABOUT THE PROPOSED SCHOLARSHIP

By making this donation, I am intending to create a scholarship to support ....

(TIP: Please describe the scholarship you would like to see created as a result of your donation. Consider the purpose of the scholarship. For example, it may be to support a student enrolled in a particular field of study or year of study. It may be to reward academic excellence or may be to assist a disadvantaged student etc.)

This scholarship is aimed at women studying at the University of Newcastle (Callaghan or Newcastle campuses) experiencing financial hardship. The scholarship will support one (1) women per year studying in any year of an undergraduate/honours degree within any faculty.

The Scholarship is to be called the Lord Mayor's Women's Scholarship.

Are you making this donation in memory of someone or as a dedication to someone? Yes/No

If yes, please tell us about them. You may also wish to provide a photo.

Please turn over ......
Is there anything else you would like to tell us which would help us in ensuring the intention of your donation is honoured?

(Please attach further documents if there is insufficient space above)

Total value of donation and intended duration: $2,500 per year

DONOR DETAILS

Name of Donor: ____________________________________________________________

If the Donor is a company or organisation please also specify:

ABN: __________________________________________________________________

Contact name within the company/ organisation: ________________________________

Position held: ______________________________________________________________

Address: __________________________________________________________________

Telephone: _________________________________________________________________

Mobile: __________________________________________________________________

Email: ___________________________________________________________________

I wish my donation to remain anonymous? Yes / No

I require an invoice to enable payment of my donation? Yes / No

DONOR SIGNATURE: ____________________________ DATE: / /

RETURN TO: The University of Newcastle Foundation
IDC Building, The University of Newcastle
Callaghan NSW 2308 Australia
T +02 4921 7453 F +02 4921 6889 UONFoundation@newcastle.edu.au

THANK YOU!
Your gift will be greatly appreciated.
LORD MAYOR'S WOMEN'S SCHOLARSHIP

1. ESTABLISHMENT

This scholarship was established in 2015 by the City of Newcastle's Lord Mayor in order to support women studying at the University of Newcastle who are experiencing financial hardship.

2. DEFINITIONS

2.1 "Donor" or "Sponsor" means City of Newcastle Lord Mayor;
"Faculty" means the Faculty for which the scholarship is relevant;
"Program" means the program of study in which the scholar is enrolled;
"Scholar" means a recipient of a scholarship;
"Scholarship" means Lord Mayor's Women's Scholarship;
"UON" means the University of Newcastle.

3. ELIGIBILITY

3.1 To be eligible to apply for this scholarship an applicant must be enrolled at the University of Newcastle and meet the following criteria:

3.1.1 Be enrolled in any year of an undergraduate/honours degree at the University of Newcastle Callaghan or Newcastle Campuses;

3.1.2 Be enrolled in course/program within any Faculty;

3.1.3 Be enrolled either full-time or part-time;

3.1.4 Demonstrate academic achievement either by an Australian Tertiary Admission Rank (ATAR) or equivalent, of a pass level or higher for commencing students, or a Grade Point Average (GPA) of 4.0 for continuing students;

3.1.5 Demonstrate that the ability to study is affected, or will be affected, by an area of educational disadvantage such as financial hardship;

3.1.6 Be Female;

3.1.7 Not have previously completed a degree;

3.1.8 Not have previously received this scholarship;

3.1.9 Be a resident of the Hunter LGA;

3.1.10 Not be the recipient of another UON Donor funded or sponsored scholarship concurrently;

3.1.11 Be an Australian Citizen or Permanent Resident.

4. REQUIRED DOCUMENTATION

4.1 The following documentation must be submitted with the scholarship application:

4.1.1 A written statement demonstrating/outlining your experience of financial hardship, how this scholarship would assist you and your career aspirations. Any documentary evidence
supporting this should be included e.g. Centrelink income statement, health care card, registration with disability service, evidence of address in a remote area etc.

A written statement/essay is to be no more than 2 x A4 pages (unless stated otherwise) excluding documentary evidence.

4.2 Any applicant that does not submit the required documentation, including documentary evidence, will not be considered for selection.

5. **SELECTION**

5.1 Selection is a competitive process and will be based on assessment of the scholarship application and any required supporting documents. Applications will be ranked against the criteria outlined in clauses 3.0 and 4.0 and a recommendation schedule sent to the nominated University staff member from clause 5.2 (and any other person(s) nominated) for selection and sign off.

5.2 The selection of the scholar will be made by one or more of the following University of Newcastle staff members:

5.2.1 Deputy Vice-Chancellor (Academic) and/or nominee
5.2.2 A Pro-Vice Chancellor and/or nominee
5.2.3 A Head of School and/or nominee
5.2.4 Director of The Wollotuka Institute and/or nominee
5.2.5 Director UON Student and Academic Services and/or nominee
5.2.6 Assistant Director Student Care and Equity and/or nominee
5.2.7 CEO NuSport and/or nominee.

5.3 Where two or more applicants are equally ranked and/or eligible applicants exceed the number of scholarships available, then a Selection Committee will be formed. This Selection Committee will consist of a minimum of 3 members, with at least 2 members being from clause 5.2. The Selection Committee may choose to interview applicants.

5.4 Selection Committee members may include: Deputy Vice-Chancellor (Academic) or nominee, Pro-Vice Chancellor International and Advancement or nominee, Assistant Director Student Care and Equity or nominee.

5.6 Where there are no eligible applicants after a maximum of two rounds per year then the scholarship will not be offered for that year.

5.7 A Donor or Sponsor and/or representative of UON Development Office (UON Foundation) may be involved in the selection as approved and deemed necessary by the Director, Development Office.

6. **CONDITION OF AWARD (Ongoing Conditions of Award - if applicable)**

6.1 The scholarship is tenable for one (1) year. The scholarship must be taken up in the year for which it was awarded, unless otherwise specified.

6.2 The scholar shall continue to meet all eligibility criteria specified in clause 3.0 of these conditions and any other specified requirements for the duration of the scholarship unless varied in accordance with clause 11.0.

6.3 This scholarship may be reserved or deferred for an approved period as outlined in clause 8.0. Withdrawal from studies after payment of the scholarship in any semester may affect the scholar’s eligibility for scholarship payment in the following semester.
6.4 Where a scholar has withdrawn from studies after payment of the scholarship in any semester (and no period of approved leave has been granted as outlined in clause 8.0), the scholar may be required to return the benefit they received for the semester within which it was paid.

6.6 The scholar shall not be required by the donor or the University to undertake employment as a condition of award of the scholarship.

7. BENEFIT

7.1 The scholarship currently provides a benefit of $2,500 to be paid as a lump sum following Semester 1 census date.

7.2 The scholarship benefit and number of scholarships awarded may vary and will be determined by the funding [raised in each academic/available each] year.

8. PERIODS OF LEAVE

8.1 A scholar may apply in writing to reserve or defer of the scholarship benefit because of illness, injury or other extenuating circumstances. An application must be supported by appropriate documentary evidence. Periods of approved leave or deferral must not exceed two consecutive semesters of study and shall not reduce the tenure of the scholarship. All applications for periods of leave must be submitted to the Scholarships Office within the affected semester of study.

9. TERMINATION

9.1 A scholarship shall terminate before its due date of conclusion when:

9.1.1 the scholar ceases to meet the eligibility criteria in clause 3.0,
9.1.2 the scholar ceases to be a student of the University,
9.1.3 the University determines that the scholar has committed serious misconduct, or
9.1.4 the scholar failed to maintain satisfactory academic progress.

10. APPEALS

10.1 An applicant for a scholarship may appeal in writing to the Director UON Students and Academic Registrar on the grounds that the procedures followed by the Selection Committee were deficient or defective.

11. VARIATION

11.1 The Director, Development Office may vary any of the clauses of these conditions where he/she is satisfied that exceptional circumstances warrant such variation. In circumstances where a variation has occurred and applications have been received, then the scholarship must be re-advertised with the varied clause(s) included.

12. PRIVACY

12.1 By applying for this scholarship the student understands that this is a donor-funded scholarship and as such an external donor (or representative) may view their application and supporting documents evidencing their eligibility.
9 REPORTS BY COUNCIL OFFICERS

ITEM-15 CCL 24/03/15 - ELECTION OF DEPUTY LORD MAYOR

REPORT BY: EXECUTIVE MANAGEMENT
CONTACT: GENERAL MANAGER / MANAGER COUNCIL AND LEGAL SERVICES

PURPOSE

The purpose of this report is to initiate the election, by Councillors, of a replacement Deputy Lord Mayor for a specified term following the expiration of the current Deputy Lord Mayor’s term of office on 23 March 2015.

RECOMMENDATION

1 Council approves the term of the Deputy Lord Mayor to be for a period of 12 months commencing from 24 March 2015 and concluding on 23 March 2016.

2 Council approves the conduct of an election of a Deputy Lord Mayor by ordinary ballot voting in accordance with the election procedures set out in Parts 1 and 2 of Schedule 7 of the Local Government (General) Regulation 2005 (NSW) at an election to be conducted at the Ordinary Council Meeting to be held on 24 March 2015.

KEY ISSUES

3 Section 231 of the Local Government Act (the Act) provides that Councillors may elect a person from among their number to be the deputy mayor. The person may be elected for the mayoral term or a shorter term. The deputy mayor may exercise any function of the mayor, inter alia, if requested by the mayor or if the mayor is prevented by illness, absence or otherwise from exercising a mayor’s function.

4 Councillor Rufo was elected as Deputy Lord Mayor on 25 November 2014 for a term expiring at the commencement of the Ordinary Council Meeting to be held on 24 March 2015. The short term was approved by Council in order to ensure that once the outcome of the Councillor Ward 3 By-election held on 21 February 2015 was determined, the new Councillor for Ward 3 could also participate in the election of a replacement Deputy Lord Mayor at the Ordinary Council Meeting to be held on 24 March 2015.
5 At the Ordinary Council meeting held on 9 December 2014, Council approved the appointment of the New South Wales Electoral Commission to administer the Councillor Ward 3 By-election held on 21 February 2015 following the resignation of Councillor Nelmes as a Ward 3 Councillor on 20 November 2014 consequential upon her declaration on that date as the winner of the Lord Mayor By-election held on 15 November 2014.

6 With the election of the new Ward 3 Councillor, it is appropriate that Council holds an election to fill the vacancy that will exist on 24 March 2015 with the expiration of the term of the current Deputy Lord Mayor, Councillor Rufo.

FINANCIAL IMPACT

7 There is no additional fee payable to the Deputy Lord Mayor whilst the office of Lord Mayor is filled. Therefore, the election of a new Deputy Lord Mayor should have no additional financial impact.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Nil.

IMPLEMENTATION PLAN/IMPLICATIONS

9 The election of a Deputy Lord Mayor is to be conducted in accordance with section 231 (1) – (3) of the Act and schedule 7 of the Local Government (General) Regulation (NSW) (Regulation) as outlined in the background section below.

10 Providing for a new term for the Deputy Lord Mayor commencing from the date of the next Ordinary Council Meeting to be held on 24 March 2015 will ensure that there is continuity in the Deputy Lord Mayor’s office. The purpose in having the term of the current Deputy Lord Mayor expiring at the start of the next Ordinary Council Meeting to be held on 24 March 2015 was to enable the newly elected Ward 3 Councillor to participate in that election. Councillor Clausen was declared elected as the new Ward 3 Councillor on 25 February 2015 (being the day after the last Council Meeting).

RISK ASSESSMENT AND MITIGATION

11 Whilst it is not essential that a new Deputy Lord Mayor be elected by Council on 24 March 2015, it has been Council’s consistent practice during the term of the current Council to have a duly elected Deputy Lord Mayor in order to facilitate the Lord Mayor’s functions being able to be carried out in accordance with section 231 of the Act in the event that, for whatever reason, the Lord Mayor is prevented by illness, absence or otherwise from exercising any of the Lord Mayor’s functions. Having an incumbent Deputy Lord Mayor removes the risk that any of the Lord Mayor’s functions may not be able to be carried out should the Lord Mayor be unable or unavailable to carry out the Lord Mayor’s functions.
RELATED PREVIOUS DECISIONS

12 Councillor Rufo was elected as Deputy Lord Mayor on 25 November 2014 for a term expiring at the commencement of the next scheduled Ordinary Council meeting to be held on 24 March 2015.

CONSULTATION

13 Nil

OPTIONS

Option 1

14 The recommendation as at paragraphs 1 and 2.

Option 2

15 Council not proceed to approve the term of the Deputy Lord Mayor for the period specified in paragraph 1 until a future date and to choose not to elect a Deputy Lord Mayor. This is not the recommended option. Council needs to fill the office of Deputy Lord Mayor so that the functions of the office of the Lord Mayor may be carried out by the Deputy Lord Mayor in the event that the Lord Mayor is unable or unavailable to carry out the functions of the Lord Mayor.

Option 3

16 Council proceed to approve the term of the Deputy Lord Mayor to be for a term of just over 16 months expiring on 9 September 2016 and to choose to proceed with an election for the Deputy Lord Mayor for that term. This is not the recommended option as this will be for a period of time that is greater than the 12 month term of office that has consistently been applied for the election of a Deputy Lord Mayor during the term of this present Council (except for the short terms that where applied to deal with the recent Lord Mayor By-election and Councillor Ward 3 By-election.)

BACKGROUND

17 Section 231 (1)-(3) of the Act provides:

(1) The councillors may elect a person from among their number to be deputy mayor.
(2) The person may be elected for the mayoral term or a shorter term.
(3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
18 Parts 1 and 2 of Schedule 7 of the Regulation provides the following procedure for the election of a deputy mayor.

**Part 1 Preliminary**

1 **Returning officer**

The general manager (or a person appointed by the general manager) is the returning officer.

2 **Nomination**

(1) A councillor may be nominated without notice for election as mayor or deputy mayor.

(2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

(3) The nomination is to be delivered or sent to the returning officer.

(4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 **Election**

(1) If only one councillor is nominated, that councillor is elected.

(2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

(3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this clause:

- **ballot** has its normal meaning of secret ballot.
- **open voting** means voting by a show of hands or similar means.

**Part 2 Ordinary ballot or open voting**

4 **Application of Part**

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 **Marking of ballot-papers**

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.
6 Count-2 candidates

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count-3 or more candidates

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

19 For the purposes of Clause 5 (2) of Schedule 7 of the Regulation, Clause 345(1)(b) and (c) and (6) of the Regulation provide as follows:

345 Informal ballot-papers

A ballot-paper of an elector at an election is informal if:

(b) it has not been initialled on the front by an election official, or

(c) it contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified.

(6) Despite subclause (1), a ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.

REFERENCES

ATTACHMENTS

Nil.
MOTION
Moved by Cr Luke, seconded by Cr Tierney

1 Council approves the term of the Deputy Lord Mayor to be for a period commencing from 24 March 2015 and concluding in November 2015.

2 Council approves the conduct of an election of a Deputy Lord Mayor by ordinary ballot voting in accordance with the election procedures set out in Parts 1 and 2 of Schedule 7 of the Local Government (General) Regulation 2005 (NSW) at an election to be conducted at the Ordinary Council Meeting to be held on 24 March 2015.

Carried

The General Manager (as the returning officer):

1 Announced that nominations had been received for the position of Deputy Lord Mayor for Councillor Rufo (nominated by Councillors Luke and Waterhouse and consented to by Councillor Rufo) and for Councillor Osborne (nominated by Councillor Doyle and the Lord Mayor and consented by Councillor Osborne).

2 Distributed ballot forms and called for a vote in favour of each nominee by secret ballot, which resulted in a vote of:
   Councillor Osborne 7
   Councillor Rufo 6

3 Declared Councillor Osborne elected as Deputy Lord Mayor for a period from 24 March 2015 to November 2015.

The Lord Mayor congratulated Councillor Osborne on his election as Deputy Lord Mayor and paid tribute to Councillor Rufo for his professionalism.
ITEM-16 CCL 24/03/15 - AFFIXATION OF COUNCIL'S COMMON SEAL TO A COUNCIL BUSINESS RELATED DEED OF INDEMNITY

REPORT BY: EXECUTIVE MANAGEMENT
CONTACT: GENERAL MANAGER/MANAGER, COUNCIL AND LEGAL SERVICES

PURPOSE

To approve and authorise the affixation of the Council’s common seal to the Deed of Indemnity between Wayne Wallis, Newcastle City Council and Port Stephens Council in accordance with the requirements of Clause 400(4) of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

1 In accordance with Clause 400(4) of the Local Government (General) Regulation 2005, Council approves and authorises:

   a. the affixation of Council’s common seal to the Deed of Indemnity to be entered into between Mr Wayne Wallis, Newcastle City Council and Port Stephens Council; and

   b. each of the Lord Mayor and any one other Councillor witnessing the affixation of Council’s common seal to the aforesaid Deed of Indemnity,

   on the grounds that the Deed of Indemnity relates to the business of Council.

KEY ISSUES

2 At the Council Meeting held on 7 August 2012, the Newcastle City Council (NCC) resolved (in conjunction with shareholder council Port Stephens Council (PSC)) to implement the restructure of Newcastle Airport Limited.

3 At the Extraordinary Council Meeting held on 8 October 2013, Council approved and authorised the execution of the relevant legal documents that implemented the corporate restructure of Newcastle Airport Pty Ltd (NAPL). The corporate restructure legal documents were executed on, and became effective on, 9 October 2013.

4 Mr Wayne Wallis, the General Manager of Port Stephens Council, was appointed as a Director of NAPL on 28 November 2014. The present Deed of Indemnity provides that both NCC and PSC shall indemnify him in respect of claims subject to the claim not arising from his failure to comply with the duties and obligations imposed on him by NAPL's corporate governance charter, its constitution or any laws.
5 The provision of such a Deed of Indemnity is a necessary requirement in order to ensure that individuals such as Mr Wallis appropriately act as a director of NAPL and continue to remain as a director of NAPL. This is a common practice in relation to companies that seek to appoint directors onto their boards of directors and is permissible under the Corporations Act, 2001 (Commonwealth).

6 NCC is a 50% shareholder of NAPL, the other 50% shareholder being PSC. NCC is the 100% shareholder of Newcastle Airport Partnership Company 1 Pty Ltd (NAPC 1) and Newcastle Airport Partnership Company 2 Pty Ltd (NAPC 2) which respectively act as the corporate trustees of the Newcastle Airport Partnership Trust 1 and Newcastle Airport Partnership Trust 2. NCC is the sole unitholder in each of the two trusts. The two companies are two of the four partners that constitute the Newcastle Airport Partnership (NAP). The other two partners are Newcastle Airport Partnership Company 3 Pty Ltd (NAPC 3) and Newcastle Airport Partnership Company 4 Pty Ltd (NAPC 4) which similarly act as the corporate trustees of the Newcastle Airport Partnership Trust 3 and Newcastle Airport Partnership Trust 4. These latter two companies are wholly-owned by PSC. The four companies comprise all of the four partners of NAP.

7 NAPC 1 and NAPC 3 each own a 25.5% partnership interest in NAP and NAPC 2 and NAPC 4 each own a 24.5% partnership interest in NAP. This corporate structure was adopted by the two councils in October 2013 in order to facilitate the eventual divestment of NAPC 2 and NAPC 4 to private sector investors as a means of funding additional equity capital for investment into the Newcastle Airport operations and facilities, whilst jointly retaining a 51% interest in NAP. NAPL’s role is to manage, operate and administer the Newcastle Airport as exclusive agent for NAP.

8 NCC is a 50% owner of the Newcastle Airport business enterprise which represents a key investment asset jointly owned by NCC with PSC. For this reason, the Deed of Indemnity relates to NCC’s business and it is therefore appropriate that NCC provide, jointly with PSC, the indemnity to Mr Wallis and that the Deed of Indemnity be executed by NCC under its common seal.

9 The Deed of Indemnity has been already executed by Mr Wallis and PSC as the other parties to the tripartite Deed which has been prepared by Herbert Smith Freehills. It is in NCC’s best interests for the Deed of Indemnity to be executed by it and to approve and authorise its common seal being affixed to the Deed of Indemnity in accordance with the requirements of Clause 400(4) of the Regulation.
FINANCIAL IMPACT

10 There is no financial cost associated with NCC’s execution of the Deed of Indemnity. In the event that a legal claim was ever made against Mr Wallis in respect of any alleged failure by him to comply with the duties and obligations imposed on him in his capacity as a director of NAPL, it is expected that NAPL’s Directors and Officers Indemnity Insurance Policy would fully cover the financial costs of the claim, thereby protecting NCC and PSC from any financial costs associated with any particular claim and this Deed of Indemnity being called upon. The Deed of Indemnity specifically provides that the indemnity provided by it does not apply to the extent:
  (i) the claim arises in connection with a failure by Mr Wallis to comply with the duties and obligations imposed on him by NAPL’s Corporate Governance Charter; NAPL’s constitution, or any laws; or
  (ii) that proceeds are payable to Mr Wallis for the relevant claim “under a policy of insurance”.

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 N/A

IMPLEMENTATION PLAN/IMPLICATIONS

12 No further action is required in order to enable the Deed of Indemnity coming into legal effect.

RISK ASSESSMENT AND MITIGATION

13 Refer to paragraph 10. NAPL has a comprehensive Corporate Governance Charter by which its directors are expected to comply with, in addition to having a formally constituted Board Audit, Risk and Compliance Committee which has oversight of NAPL’s audit, legal compliance and risk management strategies.

RELATED PREVIOUS DECISIONS

14 8 October 2013 – Approval of execution of NAPL corporate restructure legal documents.

15 24 September 2013 - Adoption of Instrument of Delegation to Newcastle Airport Ltd

16 7 August 2012 - Adoption of Newcastle Airport Ownership Restructure

CONSULTATION

17 Council staff have consulted with the Chief Financial Officer and Company Secretary of NAPL.
OPTIONS

Option 1

18 The recommendation as at Paragraph 1.

Option 2

19 Council not adopt the recommendation as at Paragraph 1. This is not the recommended option.

REFERENCES

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 400

Clause 400 Council seal

(1) The seal of a council must be kept by the mayor or the general manager, as the council determines.

(2) The seal of a council may be affixed to a document only in the presence of:
   (a) the mayor and the general manager, or
   (b) at least one councillor (other than the mayor) and the general manager, or
   (c) the mayor and at least one other councillor, or
   (d) at least 2 councillors other than the mayor.

(3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.

(4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

(5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.
MOTION
Moved by Cr Tierney, seconded by Cr Luke

In accordance with Clause 400(4) of the Local Government (General) Regulation 2005, Council approves and authorises:

a. the affixation of Council’s common seal to the Deed of Indemnity to be entered into between Mr Wayne Wallis, Newcastle City Council and Port Stephens Council; and

b. each of the Lord Mayor and any one other Councillor witnessing the affixation of Council’s common seal to the aforesaid Deed of Indemnity,

on the grounds that the Deed of Indemnity relates to the business of Council.

Carried
ITEM-17 CCL 24/03/15 - SUPPLEMENTARY REPORT TO ITEM-105 CCL 09/12/14 - ADOPTION OF REVISED CODE OF MEETING PRACTICE

REPORT BY: EXECUTIVE MANAGEMENT
CONTACT: GENERAL MANAGER/MANAGER, COUNCIL AND LEGAL SERVICES

PURPOSE

This matter was laid on the table since the Ordinary Council Meeting held on 9 December 2014 (Item 105) pending a Councillor Workshop being delivered to Councillors on the proposed amendments to the revised Code of Meeting Practice. The original report is attached as Attachment A.

RECOMMENDATION

1 Council adopts the revised Code of Meeting Practice in the form as attached at Attachment B.

2 Council adopts the guideline for preparation of notices of motion, incorporating a guideline on preparing notices of motion requesting urgent action (such as urgent workshops or briefing committee meetings) in the form as attached in Attachment C

KEY ISSUES

3 A Councillor Workshop to discuss the proposed amendments to the revised Code of Meeting Practice was held on 10 March 2015. The Workshop also considered a draft guideline for the preparation of notices of motion, incorporating a guideline on preparing notices of motion requesting urgent action (such as urgent workshops or briefing committee meetings in the latter in response to the Council resolution made at the last Council meeting)

OPTIONS

Option 1

4 Council adopts the recommendation at paragraph 1 and 2
Option 2

5 Council does not adopt the recommendation at paragraph 1 and 2 This is not the recommended option as the current Code of Meeting Practice will remain in force and will not assist with improving the Council meeting process. The current Code of Meeting Practice has a revision date of 9 October 2014 which has past and accordingly the adoption of the revised Code of Meeting Practice is overdue for adoption and implementation by Council. Similarly, the guideline for preparation of Notices of Motion goes towards addressing a Council resolution approved at the last Council Meeting that requested the preparation of a guideline for the provision of urgent briefings that achieve a reasonable balance between the need for expedition and the practical constraints on Council Staff in providing urgent briefings.

REFERENCES

ATTACHMENTS

ATTACHMENT A: REPORT TO 9 DECEMBER 2014 - ITEM-105 CCL 09/12/14 ADOPTION OF THE CODE OF MEETING PRACTICE

ATTACHMENT B: REVISED CODE OF MEETING PRACTICE

ATTACHMENT C: GUIDELINE FOR PREPARATION OF NOTICES OF MOTION

Attachments A to C distributed under separate cover
MOTION
Moved by Cr Clausen, seconded by Cr Posniak

A Council does not adopt the recommendation.

B That Council conduct open Workshops in order to consider and redraft Council’s current Code of Meeting Practice.

That these workshops focus on:

1 The objectives and general principles of the Code of Meeting Practice with consideration of principles of transparency, openness, accountability and public participation, and a comparison to the Codes of Meeting Practice used by other Councils,

2 The role of Committees, Briefings and Workshops and how the Code of Meeting Practice can best organise these functions to meet the needs of Council.

3 Review of an updated draft Code of Meeting Practice.

That these workshops be completed by September.

For the Motion: The Lord Mayor, Councillor Clausen, Crakanthorp, Doyle, Dunn, Osborne and Posniak.


Carried
ITEM-18 CCL 24/03/15 - EXECUTIVE MONTHLY PERFORMANCE REPORT - FEBRUARY

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER FINANCE

PURPOSE

To report on Council’s Monthly Performance. This includes:

a) Monthly financial position and performance against the 2014/15 Operational Plan as at the month end of February 2015.

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

1 The report be received.

KEY ISSUES

2 At the end of February 2015 the consolidated year to date actual operating position is a surplus of $7.9m which represents a positive variance of $0.5m against budget. This variance is due to a combination of income and expenditure variances which are detailed in the Financial Impact Section of Attachment A. The full year revised budget for 2014/15 is an operating deficit of $6.3m.

3 The February year to date position includes a number of revenue items which are considered to be non-recurrent or are unable to be applied to supporting operating activities. When these items are removed Council’s sustainable operating position at the end of February is a deficit of $3.6m. These items include:

i Non-Recurrent revenue – $3.7m
   The recoupment of the Glenelg collateralised debt obligation (CDO) ($1m) and above budget interest income ($2.7m).

ii Restricted Income – $7.8m
   Consolidation of the Council’s 50% share of the airport operating result ($1.9m), the 2012 Special Rate Variation ($3.2m), the storm water management service charge ($1.4m) and the Local Roads component of the Financial Assistance Grant ($1.3m).
4. At the end of February 2015, Council’s expenditure on the capital works program is $10.5m below the revised budget. Analysis indicates that this also has a flow on effect, reducing operational expenditure by approximately $2m (ie capital spending in-line with budget would have created an additional $2m of operational expenditure).

5. The net funds generated at the end of February 2015 is a surplus of $23.8m (after Capital Revenues, Expenditure and loan principal repayments). This is a positive variance to budget of $13.1m and represents a net reduction in restricted cash reserves of $17m offset by an increase in unrestricted cash reserves of $40.8m. Again capital spending in-line with budget forecasts would have reduced the net funds generated to a balanced position which is roughly in-line with expectations.

6. A listing of significant contract variations totalling ($1.7m) is provided within the Executive Monthly Performance Report (Attachment A). $0.7m of contract variations required additional project budgets which have been reallocated from within existing approved program budgets. The remaining $1m of contract variations were within the original project budgets. All contract variations and budget changes have been appropriately approved and reported in the September and December Quarterly Budget Reviews.

<table>
<thead>
<tr>
<th></th>
<th>Full Year Revised Budget, '000</th>
<th>YTD Revised Budget, '000</th>
<th>YTD Actual Result, '000</th>
<th>Variance to YTD Budget, '000</th>
<th>Variance %</th>
<th>Outstanding Commitments, '000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Operating Revenue</td>
<td>225,486</td>
<td>150,700</td>
<td>150,447</td>
<td>(253)</td>
<td>0%</td>
<td>17,268</td>
</tr>
<tr>
<td>Total Operating Expenses</td>
<td>231,775</td>
<td>143,309</td>
<td>142,515</td>
<td>794</td>
<td>1%</td>
<td>17,268</td>
</tr>
<tr>
<td>Total Operating Revenue Less</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditure</td>
<td>(6,289)</td>
<td>7,391</td>
<td>7,932</td>
<td>541</td>
<td>7%</td>
<td>0</td>
</tr>
<tr>
<td>Total Capital Raising revenue</td>
<td>22,662</td>
<td>14,725</td>
<td>16,835</td>
<td>2,110</td>
<td>14%</td>
<td></td>
</tr>
<tr>
<td>Add Back Non Cash Items</td>
<td>43,684</td>
<td>29,422</td>
<td>29,423</td>
<td>(1)</td>
<td>()</td>
<td></td>
</tr>
<tr>
<td>Funding available for capital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>expenditure</td>
<td>60,057</td>
<td>51,538</td>
<td>54,190</td>
<td>2,652</td>
<td>5%</td>
<td>12,086</td>
</tr>
<tr>
<td>Total capital spend</td>
<td>70,655</td>
<td>39,080</td>
<td>28,623</td>
<td>10,457</td>
<td>27%</td>
<td>0</td>
</tr>
<tr>
<td>Loan Principal Repayment</td>
<td>(2,697)</td>
<td>(1,798)</td>
<td>(1,798)</td>
<td>0%</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Net Funds Generated / (Used)</td>
<td>(13,295)</td>
<td>10,660</td>
<td>23,769</td>
<td>13,109</td>
<td>123%</td>
<td>0</td>
</tr>
<tr>
<td>Net Transfers (from)/to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted Cash Reserves</td>
<td>(34,200)</td>
<td>(24,418)</td>
<td>(17,033)</td>
<td>7,385</td>
<td>-30%</td>
<td></td>
</tr>
<tr>
<td>Net Transfers (from)/to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unrestricted Cash</td>
<td>20,905</td>
<td>35,078</td>
<td>40,802</td>
<td>5,724</td>
<td>16%</td>
<td></td>
</tr>
<tr>
<td>Net change in Council’s</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reserves</td>
<td>(13,395)</td>
<td>10,660</td>
<td>23,769</td>
<td>13,109</td>
<td>123%</td>
<td>0</td>
</tr>
</tbody>
</table>

Note 1 - Budget revised at the December Quarterly Budget Review
Note 2 - Actual and Budget results include an estimate for the Newcastle Airport
FINANCIAL IMPACT

7 The budget to actual year to date financial position at the end of February 2015 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<th></th>
<th>Full Year Revised Budget ('000</th>
<th>YTD Revised Budget ('000</th>
<th>YTD Actual Result ('000</th>
<th>Variance to YTD Budget ('000</th>
<th>Variance %</th>
<th>Outstanding Commitments ('000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates &amp; charges</td>
<td>128,289</td>
<td>86,939</td>
<td>86,939</td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>User charges &amp; fees</td>
<td>60,450</td>
<td>40,765</td>
<td>39,812</td>
<td>(953)</td>
<td>-2%</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>8,852</td>
<td>5,863</td>
<td>6,608</td>
<td>745</td>
<td>13%</td>
<td></td>
</tr>
<tr>
<td>Other operating revenues</td>
<td>10,391</td>
<td>7,275</td>
<td>7,348</td>
<td>73</td>
<td>1%</td>
<td></td>
</tr>
<tr>
<td>Grants &amp; contributions - Operating</td>
<td>17,504</td>
<td>9,858</td>
<td>9,740</td>
<td>(118)</td>
<td>-1%</td>
<td></td>
</tr>
<tr>
<td>Total Operating Revenue</td>
<td>225,486</td>
<td>150,700</td>
<td>150,447</td>
<td>(253)</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>Operating Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee costs</td>
<td>90,880</td>
<td>55,202</td>
<td>55,987</td>
<td>(785)</td>
<td>-1%</td>
<td>0</td>
</tr>
<tr>
<td>Borrowing costs</td>
<td>4,257</td>
<td>2,218</td>
<td>2,218</td>
<td>0%</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Materials &amp; contracts</td>
<td>45,633</td>
<td>25,128</td>
<td>24,626</td>
<td>502</td>
<td>2%</td>
<td>8,412</td>
</tr>
<tr>
<td>Depreciation &amp; amortisation</td>
<td>48,476</td>
<td>32,617</td>
<td>32,618</td>
<td>(1)</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>42,529</td>
<td>28,144</td>
<td>27,066</td>
<td>1,078</td>
<td>4%</td>
<td>8,856</td>
</tr>
<tr>
<td>Total Operating Expenses</td>
<td>231,775</td>
<td>143,309</td>
<td>142,515</td>
<td>794</td>
<td>1%</td>
<td>17,268</td>
</tr>
<tr>
<td>Total Operating Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Operating Expenditure</td>
<td></td>
<td>(6,289)</td>
<td>7,391</td>
<td>7,932</td>
<td>541</td>
<td>7%</td>
</tr>
</tbody>
</table>

Note 1 - Budget revised at the December Quarterly Budget Review
Note 2 - Actual and Budget results include an estimate for the Newcastle Airport

8 Factors favourably impacting Financial Position
   i **Interest – increase of $0.7m**
      Council’s Investment Portfolio continues to return a higher than forecast investment return. Interest earned for the month of February was $0.8m and brought the total Year to Date (YTD) interest earnings to $6.6m.

   ii **Other operating expenses – decrease of $1m**
      Lower than budget State Government Waste Levy ($0.7m) at Summerhill. This is offset by reduced income ($1m)

9 Factors adversely impacting Financial Position
   i **User Fees & Charges – decrease of $1m**
      Commercial tonnages are below forecast at Summerhill Waste Management Centre ($1m). This is offset by a lower state waste levy ($0.7m).
At the end of February commitments raised against operating expenses totalled $17.3m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

i **State waste levy – $8m**
Commitment raised by Summerhill Waste Management Centre to pay the forecast state waste levies to 30 June 2015. The cost is roughly $2m a month and the commitment will be exhausted in June 2015.

ii **Operational project work – $3.2m**
Commitments raised by working crews for materials used in operational project work. Expense is generally $1m a month with regular commitments raised.

iii **Building maintenance – $0.9m**
Commitments raised by working crews for materials used in maintaining Council’s built infrastructure. Expense is generally $0.6m a month with regular commitments raised.

iv **Events and Cultural Programming – $0.8m**
Commitments raised for expenditure across Council’s cultural facilities, libraries and tourism areas.

v **Park maintenance – $0.5m**
Commitments raised by working crews for materials used in maintaining Council’s parks and gardens. Expense is generally $0.4m a month with regular commitments raised.
11 Typically Council’s capital works program accelerates as the year progresses and there will be seasonal factors which will result in both revenue and expense timing variations by month. The month of February reported an operational surplus of $1.1m, which is less than the $3.3m surplus budgeted. Future periods will be closely monitored and the full year forecast reviewed during the March Quarterly Budget Review.

<table>
<thead>
<tr>
<th>Capital Revenues</th>
<th>Full Year Revised Budget $'000</th>
<th>YTD Revised Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance to YTD Budget $'000</th>
<th>Variance %</th>
<th>Outstanding Commitments $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants &amp; contributions - Capital</td>
<td>15,491</td>
<td>9,898</td>
<td>9,778</td>
<td>(120)</td>
<td>-1%</td>
<td></td>
</tr>
<tr>
<td>Proceeds from the sale of Assets</td>
<td>7,171</td>
<td>4,827</td>
<td>7,057</td>
<td>2,230</td>
<td>46%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Capital Raising revenue</strong></td>
<td><strong>22,662</strong></td>
<td><strong>14,725</strong></td>
<td><strong>16,835</strong></td>
<td><strong>2,110</strong></td>
<td><strong>14%</strong></td>
<td><strong>Outstanding Commitments</strong></td>
</tr>
</tbody>
</table>

| Net Surplus/(deficit) after capital revenue        | 16,373                         | 22,116                   | 24,767                  | 2,651                         | 12%        |                                |

| Adjustments for Non Cash Items                     |                                |                          |                         |                               |            |                                |
| Add back Depreciation                              | 48,476                         | 32,617                   | 32,618                  | (1)                           | 0%         |                                |
| Less land & infrastructure donations               | (4,792)                        | (3,195)                  | (3,195)                 |                               | 0%         |                                |
| **Funding available for capital expenditure**      | **60,057**                     | **51,538**               | **54,190**              | **2,652**                     | **5%**     | **Outstanding Commitments**   |

| Capital Expenses                                    |                                |                          |                         |                               |            |                                |
| Asset renewals                                      | 27,483                         | 14,952                   | 12,406                  | 2,546                         | 17%        | 4,484                         |
| New / upgrade                                       | 29,872                         | 15,272                   | 11,234                  | 4,038                         | 26%        | 3,828                         |
| Special Projects                                     | 13,300                         | 8,856                    | 4,983                   | 3,873                         | 44%        | 3,774                         |
| **Total capital spend**                             | **70,655**                     | **39,080**               | **28,623**              | **10,457**                    | **27%**    | **12,086**                    |
| Loan Principal Repayment 1                          | (2,697)                        | (1,798)                  | (1,798)                 |                               | 0%         | 0                             |
| **Net Funds Generated / (Used)**                    | **(13,295)**                   | **10,660**               | **23,769**              | **13,109**                    | **123%**   |                                |

12 At the end of February there is a positive variance to budget of $2m in the proceeds from the sale of assets. This is a timing variance as Council’s asset sale program settled ahead of forecast. It is expected that the full year forecast will be met for 2014/15 financial year.
13 Council’s total capital spend is $10.5m is below the year to date budget of $39.1m. In aggregate Council’s budget assumes that the capital work program of $70m generates $9m of additional operational expenditure. This ratio indicates that a YTD capital spend $10m below budget would have a flow on effect of $2m to Materials & Contracts.

14 At the end of February commitments raised against capital work totalled $12m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

i **Coastal Revitalisation – $3.3m**
  Commitment raised to pay the contractors (Daracon) constructing the Nobbys to Newcastle section of Bathers Way ($2.7m). This commitment will be realised by April 2015.

ii **Major Asset Preservation Program – $4.4m**
  Commitments include $2m for the contractors rebuilding the City Hall Clock Tower. This commitment covers the entire contract and will be partially expensed each month until December 2015.

  Various commitments have been raised as Council undertakes road resurfacing ($1m), city wide drainage ($0.7m) and the rehabilitation of headwalls ($0.3m).

iii **Fleet Replacement – $2m**
  Commitments raised cover fleet vehicles ordered and expected to be received up to May 2015.

iv **Other works**
  Other major works currently underway include Islington Park ($0.4m), Dixon Park ($0.4m), Blackbutt ($0.2m), and the Customer Contact Centre ($0.2m).

15 Council’s temporary surplus funds are invested consistent with Council’s Investment Policy, Investment Strategy and the Act and Regulations. Detail of all Council funds invested under s625 of the Act is provided in the Investment Policy and Strategy Compliance Report (section 4 of Attachment A).

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

16 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**

17 The recommendation for the report to be received is consistent with:
a) Council’s resolution to receive monthly financial position and performance result on a monthly basis,

b) Council’s Investment Policy and Strategy, and

c) the Regulation and clause s625 of the Act.

RISK ASSESSMENT AND MITIGATION

18 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

19 Council resolved to receive a report containing Council’s financial performance on a monthly basis.

CONSULTATION

20 A monthly workshop is conducted with the Councillors to provide detailed information and a forum to ask questions. In circumstances where a workshop cannot be scheduled the information is distributed under separate cover.

OPTIONS

Option 1

21 The recommendation as at Paragraph 1.

Option 2

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

BACKGROUND

23 Previous resolutions of Council and the Internal Audit Committee identified the need for careful monitoring of Council’s financial strategy and operational budget result. The presentation of a monthly Executive Performance Report to Council and a workshop addresses this need and exceeds the requirements of the Act.

24 The Executive Monthly Performance Report now incorporates a Customer Service section. This will be refined as Council develops a more detailed and comprehensive customer service solution with integrated tracking of customer requests through to completion.

25 In response to the internal audit on project management an additional report has been added to the Executive Monthly Performance Report (Attachment A) report outlining significant contract variations.
REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report for February 2015
Distributed under separate cover

MOTION
Moved by Cr Crakanthorp, seconded by Cr Doyle

The report be received. Carried
ITEM-19 CCL 24/02/15 - ASSET ADVISORY COMMITTEE CHARTER

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER COMMERCIAL PROPERTY

PURPOSE

The purpose of this report is to recommend the adoption of a charter for Council’s Asset Advisory Committee (AAC). The charter will replace the previous constitution which has passed the required revision date. The report further recommends election of a new Councillor member to fill an existing vacancy.

RECOMMENDATION

1 a) Adopt the Asset Advisory Committee Charter as drafted.

b) [Insert name of one or more Councillor/s] is elected as Councillor member to fill an existing Asset Advisory Committee vacancy.

c) The Lord Mayor, currently acting as Chairperson of the Asset Advisory Committee, is formally appointed to the role.

KEY ISSUES

2 A review of the Asset Advisory Committee Constitution (Constitution) has been undertaken and it is proposed that the draft AAC Charter (Attachment A) is a more appropriate document to govern the AAC than the existing constitution.

3 The original revision date for the current constitution was September 2012. The review was delayed due to significant changes in executive leadership, the Council election and subsequent By-election and organisational structure.

4 To ensure the guiding document for Council’s peak property asset advisory body is brought into line with Office of Local Government Audit Committee and contemporary private sector standards, it is necessary to convert the document format and have the revised AAC Charter adopted by the elected Council.

5 In accordance with membership clauses of the current Constitution and new Charter, new Councillor AAC members are elected by a resolution of Council and committee membership of a Councillor is immediately terminated if that member is no longer a Councillor. Membership clauses further stipulate the need for three Councillor Members of the AAC and a vacancy currently exists.
6 In accordance with clauses of the current Constitution and new Charter, the Chairperson is appointed by the elected Council. As elected Deputy Chairperson, the Lord Mayor of Newcastle City Council Cr Nuatali Nelmes has been acting in the role since the position became vacant and this report recommends formal appointment to the role for the remaining term of the current Council.

FINANCIAL IMPACT
7 There is no financial impact associated with adoption of the report recommendations.

COMMUNITY STRATEGIC PLAN ALIGNMENT
8 A key responsibility of the AAC is the provision of strategic property advice to Newcastle City Council in relation to development and implementation of asset policy and strategy.

IMPLEMENTATION PLAN/IMPLICATIONS
9 Key responsibilities also include monitoring and reviewing progress with property asset strategies and providing guidance in relation to property asset acquisition, disposal, utilisation and management. The continued effectiveness of the AAC in performing these functions is critical in terms of the links to Council's Long Term Financial Plan and sustainability objectives.

RISK ASSESSMENT AND MITIGATION
10 There are no statutory or political impacts, personal or reputational risks associated with adopting the report recommendations as stated.

RELATED PREVIOUS DECISIONS
11 As part of the Strategic Advisory Committees (SAC) structure, the current AAC Constitution was first adopted on 17 September 2009.

12 Since the Asset Board (as it was formerly known) was first formed in 1998, Councillor Committee members have been nominated and elected by Newcastle City Council as soon as practicable following the commencement of each new Council term.

CONSULTATION
13 The Executive Management Team considered an Issues Report on the 4 March 2015 and recommended the draft AAC Charter be submitted to Council for approval.

OPTIONS
Option 1
14 The recommendation as at Paragraph 1 a) – c).

Option 2

15 Council resolves not to adopt the AAC Charter, resulting in continued use of an outdated Constitution as the guiding document for Council’s peak asset advisory body. Should Council resolve not to elect a new Committee member, the Committee would continue to operate meetings without the benefit of a third elected Councillor’s advice and expertise. This is not the recommended option.

BACKGROUND

16 The current AAC Constitution was adopted by the previous elected Council in December 2011. The Constitution was due for review in September 2012. Although the review date was set by former staff members, it is thought this date was chosen so the document could be reviewed and re-adopted on election of the new Council. Like many other documents due for review at the end of 2012, the review was delayed due to changes to executive leadership and structural changes throughout the organisation. In 2014, the need to review the Constitution was made a priority.

17 When the Council and Legal Services unit reviewed the Constitution, it was noted to be a very lengthy and somewhat complicated document incorporating some of Council’s Code of Meeting Practice. Incorporation of the Code of Meeting Practice is not practical or appropriate as the AAC does not operate on a formal basis like a full Council meeting.

18 In recent years, the focus of the AAC has been on dealing with matters relating to Council property assets. With the creation of the Project Steering Group to oversee infrastructure-related projects, it is considered prudent to formally delineate responsibilities for oversight of infrastructure and property asset projects. As such, the Charter now defines ‘asset’ in the AAC terms of reference as ‘a property asset ie land or land and buildings’.

19 On 2 August 2014, a vacancy opened for a new Councillor Member of the AAC due to the resignation of the former Lord Mayor.

REFERENCES

ATTACHMENTS

Attachment A: Draft Asset Advisory Committee Charter
Attachment A

The City of Newcastle
Charter

Draft Asset Advisory Committee

PO Box 489 (282 King Street)
NEWCASTLE NSW 2300
Ph. 02 4974 2000
Fax. 02 4974 2222
Email: mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au
### Asset Advisory Committee Charter

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<td>Code of Conduct Media Policy Deed of Confidentiality</td>
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1 Objective

1.1 The objective of the Committee is outlined in the Terms of Reference at clause 5.1.

2 Interpretation

2.1 Act means the Local Government Act 1993 (NSW).
2.2 Asset means a property asset ie a land or land and buildings.
2.3 Chairperson means the person appointed in accordance with clause 9.
2.4 Council means Newcastle City Council and where appropriate includes its administration and elected Council (a specific reference to the elected Council means a decision of Councillors at a Council meeting).
2.5 Committee means the Council’s Asset Advisory Committee constituted in accordance with clause 6.
2.6 Member means those described in clause 6.1.
2.7 Facilitator means a Council officer appointed to fulfil the tasks set out in clause 10.
2.8 General Manager means the General Manager of Council and includes his/her nominee.
2.9 Guest means any person invited by the General Manager or at the request of the Committee to attend a meeting only for a specific purpose. Guests have no voting rights.
2.10 Secretary means the Council Officer appointed by the General Manager to fulfil the role of secretary.

Unless stated otherwise, a reference to a clause is a reference to a clause of this Charter.

3 Establishment and dissolution

3.1 The elected Council resolved to establish the Committee on 17 November 2002.
3.2 The Committee may be dissolved by resolution of the elected Council.

4 Authority

4.1 The Committee is an advisory committee only. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager, as provided in the Act.
4.2 The Committee’s resolutions, which record its decisions, should be treated only as recommendations of the Committee. The Committee has no executive powers and cannot make decisions on behalf of Council.
4.3 Neither the Committee nor any of its Members may direct any Council officer in his or her duties.
4.4 The Chairperson of the Committee may, if considered reasonably necessary and in consultation with the General Manager, request external professional advice to allow the Committee to meet its responsibilities.
4.5 The General Manager may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.

5 Responsibilities of Committee

5.1 The responsibilities of the Committee are set out in the Terms of Reference as follows:

5.1.1 To provide strategic advice on and guide the development and implementation of asset policy and strategy for the City of Newcastle.

5.1.2 To monitor and review progress of Council’s asset strategies, policies and determinations.

5.1.3 To guide and provide recommendations on Council’s asset acquisition, disposal, utilisation and management.

5.1.4 To align the utilisation, function and nature of Council assets with Council’s strategic priorities.

5.1.5 To determine and provide recommendations on Council’s asset funding priorities.

5.2 This Committee was constituted to investigate, consider, and provide advice on strategic issues within the Terms of Reference set out in this clause.

5.3 This Committee will, where considered beneficial, work collaboratively with Council’s other Committees to consider issues that are within the terms of reference of more than one Committee.

5.4 This Committee will, where deemed necessary by the Committee, form working parties to investigate, consider, and provide expert advice on defined tasks and issues.

5.5 The Committee will consider issues within its Terms of Reference which are referred to it by Council.

6 Membership

6.1 The Committee will be constituted by the following membership:

6.1.1 Three Councillors appointed by the elected Council; and

6.1.2 Council’s Executive Management Team (EMT).

7 Selection of Councillor Members

7.1 Council will call for nominations for Councillor Members at the commencement of each Council term.

7.2 The elected Council will elect three Councillor Members by resolution.

7.3 Councillor Members remain Members of the Committee until:

7.3.1 the Committee is dissolved pursuant to clause 3.2 of this Charter;

7.3.2 they resign; or

7.3.3 their membership is otherwise terminated.

7.4 Councillor membership terminates immediately upon a Councillor Member no longer being a Councillor.

7.5 If a Councillor Member does not remain on the Committee for the entire Council term, appointment of a replacement Councillor Member must be by
resolution of the elected Council as soon as practicable after the Councillor Member ceases to be a Member of the Committee.

7.6 If re-elected to Council, retiring Councillor Members are entitled to nominate for re-appointment.

8 Responsibility of Members

8.1 Members are expected to:

8.1.1 understand the relevant legislative and regulatory requirements applicable to Council;

8.1.2 be able to contribute the time needed to understand the Committee’s business papers and to attend Committee meetings; and

8.1.3 In accordance with the Terms of Reference, provide advice and feedback on matters brought before the Committee.

9 Appointment and responsibility of Chairperson

9.1 The Chairperson will be appointed by the elected Council.

9.2 The Chairperson will be responsible for keeping order at the meeting.

9.3 If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the General Manager to chair the meeting.

10 Responsibility and requirements of Facilitator

10.1 The Facilitator will be a suitably qualified Council officer. The position may be shared amongst a number of suitably qualified Council officers.

10.2 The role of the Facilitator is to:

10.2.1 Liaise with Members, including Councillor Members, where the Members have a day to day enquiry of an administrative nature (including clarification of a Committee report or information about a meeting or process);

10.2.2 Facilitate discussion at Committee meetings, provide input at Committee meetings and participate at Committee meetings as an attendee;

10.2.3 Where appropriate, liaise closely with the facilitators of Council’s other Committees to assist collaboration between Committees, the sharing of information and the efficient use of Council and Member resources, where approved by the Committee; and

10.2.4 Work closely with the Chairperson and other Committee Members to administer the Committee and its meetings.

11 Termination of Membership

11.1 Membership of any Member of the Committee may be terminated by either Council resolution of the elected Council or a decision of the General Manager due to:

11.2.1 the Member’s non-attendance at three consecutive Committee meetings without prior notification of their non-attendance or the granting of leave by resolution of the Committee.

11.2.2 the Member’s conduct being inconsistent with clause 20 or a breach of confidentiality as provided at clause 22.
12 Attendance at meetings
12.1 Attendance at any meeting of the Committee is limited to the following:
   12.2.1 Members;
   12.2.2 Facilitator and Secretary;
   12.2.3 Councillors (as observer/s). Councillors must give 14 days written notice to the Facilitator of their intention to attend and do not have the right to ask questions, participate in discussion or vote on matters before the Committee.
   12.2.4 Other Council officers or guests, by invitation of the General Manager or as approved by a resolution of the Committee.

13 Meeting administration
13.1 The General Manager is responsible for ensuring that the Committee has adequate secretarial support and access to administrative resources by appointing a Secretary.

14 Quorum
14.1 A quorum is constituted by attendance of at least four Members, including at least one Councillor and one Member of the EMT.

15 Meeting schedule
15.1 The Committee will meet at least four times per year or as resolved by the Committee.
15.2 A forward meeting plan will be agreed by the Committee prior to the end of each calendar year.

16 Meeting agendas
16.1 The Secretary is responsible for preparation and distribution of meeting agendas and Committee business papers.
16.2 The Secretary will provide notice of meetings, including the agenda and business papers, to Members at least seven business days prior to the day of the meeting. These may be transmitted electronically.

17 Resolutions of the Committee
17.1 Resolutions of the Committee must be consistent with this Charter which limits decisions (resolutions) of the Committee to be treated as recommendations only as set out in clause 4.
17.2 The Committee will make decisions (resolutions) by majority vote and record its decisions (resolutions) in the minutes of the Committee meeting.
17.3 The relevant EMT Member responsible for implementing a recommendation made by the Committee may action resolutions as they deem appropriate in accordance with their individual delegations and authorisations.

18 Reports by EMT
18.1 The relevant EMT Member responsible for implementing a recommendation made by the Committee must report to the Committee on a monthly basis as to the status of actions taken. The Facilitator will coordinate such reports.
19 Minutes

19.1 All Committee business will be appropriately minuted and recorded by the Secretary.

19.2 Draft minutes will be distributed to the Committee at least 5 business days prior to the next meeting.

19.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting. The Committee must then authorise Committee Chairperson to sign the confirmed minutes.

20 Conduct by members and attendees

20.1 All Members and attendees are expected to conduct themselves in accordance with Council’s Code of Conduct.

20.2 Conflicts of Interests must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.

21 Public Comment

21.1 The Lord Mayor or General Manager are the official spokespeople for the Committee, in accordance with Council’s Media Policy, and no other Members should speak to the media or members of the public in regard to Committee business.

22 Confidentiality

22.1 Due to the potential commercial implications, items of Committee business remain confidential unless confirmed otherwise by the Committee.

22.2 Prior to attending a meeting, any Guests invited in accordance with clause 12.2.4 (who are not Councillors or Council officers) must sign a deed of confidentiality and agree to abide by the terms of Council’s Code of Conduct relating to confidentiality.

22.3 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.

23 Induction

23.1 New Committee Members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

24 Review of Committee performance

24.1 The Chairperson will initiate a review of the Committee’s performance at least once every two years.

25 Review of Charter

25.1 This Charter will be reviewed every two years and may only be amended by resolution of the elected Council.
MOTION
Moved by Lord Mayor Cr Nelmes, seconded by Cr Crakanthorp

a) Adopt the Asset Advisory Committee Charter as drafted.

b) Councillor Clausen is elected as Councillor member to fill an existing Asset Advisory Committee vacancy.

c) The Lord Mayor, currently acting as Chairperson of the Asset Advisory Committee, is formally appointed to the role.

Carried
ITEM-20  CCL 24/03/15 - WASTE MANAGEMENT FEES AND CHARGES 2015/2016
REPORT BY:  INFRASTRUCTURE – WASTE MANAGEMENT
CONTACT:  DIRECTOR INFRASTRUCTURE / MANAGER WASTE MANAGEMENT

PURPOSE

The purpose of this report is to seek Council approval to place on public exhibition proposed changes to the Waste Management Fees and Charges for 2015/16. The proposed changes cover the following matters:

- Waste Management Collections, Disposals and associated services Fees and Charges for the 2015/2016 financial year;
- pricing incentives to encourage participation in the separation of materials for recycling;
- sale prices for recovered materials;
- establish criteria for the waiver or reduction of fees and charges for Waste Management services and disposal; and
- a delegation to the General Manager to determine appropriate waivers or reductions of fees according to certain criteria.

RECOMMENDATION

1 Council endorses the draft amended 2015/2016 fees and charges for Waste Management collection, disposal and associated services at Attachment A being placed on public exhibition for 28 days, with a further report to be provided for Council to approve the amended fees and charges following exhibition.

KEY ISSUES

2 The fees and charges once adopted will need to be implemented by 1 July 2015. Adopting the fees and charges before 1 June 2015 will allow council time to provide sufficient notification to commercial and internal customers and provide educational materials to residents within the domestic ‘waste calendar’. Previously fees and charges for Waste Management services and disposals were combined within Council’s Delivery and Operational Plan and overall Fees and Charges. The ‘last minute’ adoption of the waste management fees created uncertainty in customers’ budgets and caused conflict at the Summerhill Weighbridge.

3 External influences and legislative changes continue to have a direct financial impact on waste management activities. These drivers continue to significantly increase the cost of waste management, the landfill Waste Levy alone is expected to rise from the current $120.90 per tonne to just under $135.00 per tonne from July 2015.
4 The adoption of a wider range of products and recycling incentives in last year's fees and charges has proved popular and has encouraged source separation of recyclable materials. This range of options has continued in the 2015/16 fees and charges.

5 The purpose of combining all Waste Management fees and charges into one report is to avoid the confusion and errors in the public exhibition of the fees and charges that occurred in 2014/15 fees and charges.

6 Council sometimes considers it appropriate to waive, reduce or negotiate these fees in cases of hardship or to support charitable organisations or to attract commercial waste. This is permissible under section 610E of the Local Government Act 1993 (NSW):

(1) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

(2) However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F (2) or (3).

7 The proposal includes the ability to waive or reduce fees in categories for (i) bulk waste (ii) hardship and (iii) not for profit charitable organisations. The proposal includes a delegation to the General Manager to determine appropriate waiver, reductions or negotiation in fees after a set of criteria have been applied for each category.

8 It is appropriate that Council is able to consider waiving or reducing fees and charges in circumstances where Council is satisfied that the payment of the fee would cause a person genuine financial hardship, having regard to the principles of social justice, equity and fairness.

9 For the commercial waste and collections category, the objective for the proposal is to provide a range of turnover or volume based prices that will maintain or grow market share and achieve financial objectives.

10 Council through its community assistance plan can provide support for charitable organisations, who typically undertake resource recovery and recycling activity yet still need to dispose their residual waste to landfill.

FINANCIAL IMPACT

11 It is expected that the changes in the structure and methodology behind the incentives for recycling will improve the overall financial performance of the Summerhill Waste Management Centre by way of sales revenue, reduction in levy payments and the increase in available void space.
The total amount of any fees waived or reduced because of hardship is anticipated to be small and have minimal impact on overall revenues.

For the commercial waste category, the proposal will provide a range of turnover or volume based prices that will maintain or grow market share and achieve financial objectives.

The Community Assistance Plan (CAP) will fund (up to approximately $100 K) for eligible not for profit charities. The category is required to set a minimum price for waste to internally recharge the CAP based minimum disposal costs. This will drive the CAP funding further than the currently adopted fees and charges.

COMMUNITY STRATEGIC PLAN ALIGNMENT

The recommendation aligns with following Community Strategic Plan directions:

“2.1a - Improve waste minimisation and recycling practices in homes, work places, development sites and public places”

“4.1a - Provide support to community organisations to improve their ability to plan and deliver appropriate and accessible services to the community”

“7.4b – Ensure long term financial sustainability through short, medium and long term financial planning”.

IMPLEMENTATION PLAN/IMPLICATIONS

The fees and charges are required to be adopted by Council by 30 June 2015 following a 28 day public exhibition period. A delay in endorsement of this report will impact on the time available to collate and incorporate community feedback to ensure adoption of the final report by the deadline and the subsequent publication and promotion of the Waste Management fees and charges prior to the deadline.

Council will write to all commercial customers notifying the amended fees, a notice will be displayed at Summerhill detailing the fees and implementation date and the adopted fees will be incorporated into the residents ‘waste calendar’ along with other educational items regarding recycling and waste management.

The recommendation, if adopted, will enable Council to enter into competitive negotiations to secure market share for commercial waste. It will also allow Council to pursue other commercial opportunities in order to achieve Operational Plan financial objectives.

Eligibility for Hardship and Not for Profit Charitable Categories will be determined through an application and assessment process.
RISK ASSESSMENT AND MITIGATION

20 Adopting the Waste Management fees and charges a month before implementation will reduce the risk of adverse reaction at the weighbridge and improve customer relationship management.

RELATED PREVIOUS DECISIONS

21 On 20 December 2011 Council received a report on Summerhill Waste Management Centre Fees and Charges.


23 On 21 August 2012 Council adopted changes to Summerhill fees and charges to allow General Manager, or delegate, to vary the price paid per tonne of waste received at Summerhill Waste Management Centre.

24 On 27 May 2014 Council adopted the 2014/15 Summerhill fees and delegations.

25 On 27 May 2014 Council adopted that the waste collection fees be advertised as an addendum to correct an error in the public exhibition of the collection fees and charges.

26 On 24 June 2014 Council adopted the waste collection fees within the overall fees and charges.

CONSULTATION

27 Both commercial and residential users of Summerhill have expressed the need for better publication and promotion of waste fees prior to implementation.

28 Consultation has been and continues to be, undertaken with Summerhill Waste Management Centre’s major clients. A number of models were proposed and feedback from clients was consistent; they request stable pricing which encourages exceeding a level of tonnes per month. This is considered the most easily understood and predictable approach to structuring turnover or volume based pricing for waste inputs and material sales.

29 Commercial waste producers and purchasers of recovered materials require the ability to approach each waste or product stream with pricing that reflects the type of material and quantity required. Pricing also needs to consider items such as vehicle types, timescales for delivery, quantity per day, site resources required, void space consumed, density of materials, site operational requirements, material composition, environmental risks and additional plant or equipment. Each of these aspects will have an impact on the cost of disposal and therefore the price charged
OPTIONS

Option 1

30 The recommendations as at Paragraph 1.

This is the preferred option. The proposed changes will allow Council to provide adequate notice of increased fees and provide the ability to waaver or reduce fees in cases of hardship, for supporting charitable organisations and to negotiate to provide the capacity to retain and compete for market share for commercial bulk waste.

Option 2

31 Council alters or changes the recommendations outlined in 1 above.

This is not the preferred option because it results in Council being unable to provide adequate notice, education or the ability to waaver or reduce fees in cases of hardship or bulk waste. The changing of the fees and charges will also impact the budget assumptions and deliverables within Waste Management.

BACKGROUND

32 The ongoing effect of the NSW government’s annually increasing levy imposed under Section 88 of the Protection of the Environment Operations Act 1997 and will contribute to market volatility for waste disposal in NSW. Capacity is required to negotiate reductions in fees for commercial bulk waste in order to achieve Council’s long term financial objectives.

33 The Local Government Act 1993 (NSW) requires Council to have in place approved price categories and processes to manage and support the waiver or reduction of fees on the grounds of hardship and other categories.

REFERENCES

ATTACHMENTS

Attachment A: Draft Amended fees and charges for Summerhill 2015/16
## Waste Management

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### Landfill and Resource Recovery

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<tr>
<td>T29 per tonne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimum charge</td>
<td>M 10% 53.00</td>
<td>M 10% 55.00</td>
</tr>
<tr>
<td>Mixed Road Base Wastes (Sand, Gravel, Stones, Concrete, minimal Asphalt)</td>
<td>M 10% 143.00</td>
<td>M 10% 140.00 20.00</td>
</tr>
<tr>
<td>T29 per tonne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimum charge</td>
<td>M 10% 22.00</td>
<td></td>
</tr>
<tr>
<td>Clean Asphalt (no coal tar)</td>
<td>M 10% 82.50</td>
<td>M 10% 85.00</td>
</tr>
<tr>
<td>T29 per tonne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimum charge</td>
<td>M 10% 13.00</td>
<td>M 10% 15.00</td>
</tr>
<tr>
<td>Clean Concrete (No rebar - non structural, minimal reo. Max 500mm)</td>
<td>M 10% 44.00</td>
<td>M 10% 50.00 10.00</td>
</tr>
<tr>
<td>T29 per tonne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimum charge</td>
<td>M 10% 7.00</td>
<td>M 10% 10.00</td>
</tr>
<tr>
<td>Clean Concrete - Structural (With rebar or significant reo. Max 500mm)</td>
<td>M 10% 52.00</td>
<td>M 10% 60.00 10.00</td>
</tr>
<tr>
<td>T29 per tonne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimum charge</td>
<td>M 10% 8.00</td>
<td></td>
</tr>
<tr>
<td>Wood - Clean, untreated</td>
<td>M 10% 165.00</td>
<td>M 10% 180.00</td>
</tr>
<tr>
<td>T29 per tonne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimum charge</td>
<td>M 10% 25.00</td>
<td>M 10% 30.00</td>
</tr>
<tr>
<td>Recyclables - Separated (Domestic Dry Clean Card, Paper, Bottles, Cans)</td>
<td>M 10% 38.50</td>
<td>M 10% 40.00</td>
</tr>
<tr>
<td>T29 per tonne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimum charge</td>
<td>M 10% 6.00</td>
<td>M 10% 6.50</td>
</tr>
<tr>
<td>Recyclables - Mixed (Domestic Dry Clean Card, Paper, Bottles, Cans)</td>
<td>M 10% 93.50</td>
<td>M 10% 100.00</td>
</tr>
<tr>
<td>T29 per tonne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimum charge</td>
<td>M 10% 15.00</td>
<td>M 10% 18.00</td>
</tr>
<tr>
<td>Scrap Metal (Whitegoods - exc fridges, car parts, bikes, steel, Aluminium)</td>
<td>M N/A Free</td>
<td>M N/A Free</td>
</tr>
<tr>
<td>Household only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical Waste (TV’s, Computers, Printers/Scanners, Fans, Phones, VCR’s, DVD Players, Radios/Stereos, Power Tools)</td>
<td>M N/A Free</td>
<td>M N/A Free</td>
</tr>
<tr>
<td>Household only</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Minutes of the Ordinary Meeting of the City of Newcastle

Tuesday 24 March 2015 at 5.40pm

<table>
<thead>
<tr>
<th>Kitchen Appliances, Vacuum Cleaners, Heaters etc.)</th>
<th>Commercial Customers</th>
</tr>
</thead>
</table>

#### Product List - Materials for Sale (All grades & sizes are nominal)

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE</th>
<th>FEE OR CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Inclusive</td>
<td>Inclusive</td>
</tr>
</tbody>
</table>

The following charges will be in addition to tonnage charge if included in mixed load

**Tires:**

- Small - Off Rim: T29 each, M 10% 7.00, 8.00
- Small - On Rim: T29 each, M 10% 16.00, 17.00
- Medium - Off Rim: T29 each, M 10% 12.00, 13.00
- Medium - On Rim: T29 each, M 10% 21.50, 24.00
- Large - Off Rim: T29 each, M 10% 22.00, 25.00
- Large - On Rim: T29 each, M 10% 27.00, 30.00

**Mattresses:**

- Single/Double: T30 each, F GST Free 27.50, 30.00
- Queen/King: T30 each, F GST Free 33.00, 35.00

**Batteries - Lead Acid (dry cell batteries - Free):**

- T30 each, F GST Free 5.00, 5.00

**Gas Bottles:**

- T30 each, F GST Free 20.00, 20.00

**Fridges:**

- Gassed: T30 each, F GST Free 27.50, 30.00
- Degassed: T30 each, F GST Free 10.00, 11.00

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I 24

Crushed Recycled Road Base 0-25mm: T29 per tonne, M 10% 27.25, 28.00

Crushed Sandstone 0-25mm: T29 per tonne, M 10% 27.25, 28.00

Crushed Recycled Aggregate 7-15mm: T29 per tonne, M 10% 30.00, 31.00

Crushed Recycled Aggregate 15-25mm: T29 per tonne, M 10% 30.00, 31.00

Crushed Recycled Aggregate 25-50mm: T29 per tonne, M 10% 30.00, 31.00

Crushed Recycled Aggregate 50-100mm: T29 per tonne, M 10% 25.00, 26.00

Crushed Recycling Fines/Sand 0-7mm: T29 per tonne, M 10% 35.00, 36.00

Sandstone Rocks - Various Sizes: T29 per tonne, M 10% 22.50, 25.00

Turf Underlay/Recovered Fines: T29 per tonne, M 10% 35.00, 35.00

Ungraded General Fill - VENM: T29 per tonne, M 10% 5.00, 9.00

---

Note: The fees and charges are subject to change and may vary depending on the specific load and condition of the material. Always consult with the City's Waste Management Department for the most current information.
### Other Items

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE GST Inclusive</th>
<th>FEE OR CHARGE GST Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hire of Frank Rigby Room</td>
<td>T29</td>
<td>LGA 1993, S608</td>
<td>per day</td>
<td>M 10%</td>
<td>365.00</td>
<td>365.00</td>
</tr>
<tr>
<td></td>
<td>- Full Day</td>
<td></td>
<td></td>
<td>per half day</td>
<td>M 10%</td>
<td>165.00</td>
<td>165.00</td>
</tr>
<tr>
<td></td>
<td>- Half Day</td>
<td></td>
<td></td>
<td>per hour</td>
<td>M 10%</td>
<td>55.00</td>
<td>55.00</td>
</tr>
<tr>
<td></td>
<td>- Casual (short term internal hire attracts nil fee)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Customer account reprints and enquiries (Account Customers)</td>
<td>T29</td>
<td>first enquiry</td>
<td>M N/A</td>
<td>Free</td>
<td>Free</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>additional enquiries</td>
<td>M 10%</td>
<td>3.50</td>
<td>3.50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Customer reprints and enquiries (Other Customers)</td>
<td>T29</td>
<td>all enquiries</td>
<td>M 10%</td>
<td>5.00</td>
<td>5.00</td>
<td></td>
</tr>
</tbody>
</table>

### Notes

1. Payments made by Credit Card will attract a 0.75% (GST incl) surcharge
2. Some or all of the items listed may not be available or acceptable due to operating requirements or product availability
3. Site Management reserves the right to refuse to receive and/or load vehicles at any time and/or for any reason

### WASTE AND COMMERCIAL COLLECTIONS

#### I 25 Garbage Fees

<table>
<thead>
<tr>
<th>REF.</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE GST Inclusive</th>
<th>FEE OR CHARGE GST Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wheeled Container Service - 140 litre residual waste - KERBSIDE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>140 litre }</td>
<td>Mon-Fri - 1 to 4 weekly services</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td>140 litre }</td>
<td>Mon-Fri - 5 to 8 weekly services</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td>New service</td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td>140 litre }</td>
<td>Mon-Fri - 9 and over</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td>New service</td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td>140 litre }</td>
<td>Saturday &amp; Sunday</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td>New service</td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td>Wheeled Container Service - 240 litre residual waste - KERBSIDE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>240 litre }</td>
<td>Mon-Fri - 1 to 4 weekly services</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td>240 litre }</td>
<td>Mon-Fri - 5 to 8 weekly services</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td>240 litre }</td>
<td>Mon-Fri - 9 and over</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td>240 litre }</td>
<td>Saturday &amp; Sunday</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td>Wheeled Container Service - 660 litre residual waste - KERBSIDE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>660 litre service }</td>
<td>Mon-Fri</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td>660 litre service }</td>
<td>Saturday &amp; Sunday</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
</tr>
</tbody>
</table>
### Wheeled Container Service - 1100 litre residual waste - KERBSIDE

<table>
<thead>
<tr>
<th>Description</th>
<th>Receipt Code</th>
<th>Pricing Policy</th>
<th>GST</th>
<th>Fee or Charge</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100 litre service</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
<td>53.25</td>
</tr>
<tr>
<td>1100 litre service</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>2,768.50</td>
</tr>
<tr>
<td>1100 litre service</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
<td>65.96</td>
</tr>
</tbody>
</table>

### Wheeled Container Service - 240 litre residual waste - KERBSIDE - UPGRADE

<table>
<thead>
<tr>
<th>Description</th>
<th>Receipt Code</th>
<th>Pricing Policy</th>
<th>GST</th>
<th>Fee or Charge</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service cost for increased domestic waste bin to 240L (Upgrade from standard 140 litre bin)</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
<td>225.00</td>
</tr>
</tbody>
</table>

### Wheeled Container Service - 240 litre greenwaste - KERBSIDE additional service

<table>
<thead>
<tr>
<th>Description</th>
<th>Receipt Code</th>
<th>Pricing Policy</th>
<th>GST</th>
<th>Fee or Charge</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excess greenwaste bin (240 litre additional green waste bin, standard service day only)</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
<td>267.70</td>
</tr>
</tbody>
</table>

### Miscellaneous

<table>
<thead>
<tr>
<th>Description</th>
<th>Receipt Code</th>
<th>Pricing Policy</th>
<th>GST</th>
<th>Fee or Charge</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cancellation fee to cover administration costs</td>
<td>T30</td>
<td>per cancellation</td>
<td>M</td>
<td>GST 10%</td>
<td>46.30</td>
</tr>
</tbody>
</table>

### User Pays Recycling Service - additional services

<table>
<thead>
<tr>
<th>Description</th>
<th>Receipt Code</th>
<th>Pricing Policy</th>
<th>GST</th>
<th>Fee or Charge</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>240 litre Recycling bin, standard service day</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>146.95</td>
</tr>
<tr>
<td>360 litre Recycling bin, standard service day</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>120.00</td>
</tr>
<tr>
<td>Upgrade Standard 240 litre Recycling bin to 360 litre Recycling bin (DWMSC properties only) - admin costs</td>
<td>T30</td>
<td>one off fee</td>
<td>F</td>
<td>GST Free</td>
<td>25.00</td>
</tr>
<tr>
<td>Cancellation fee to cover admin costs (no refund for removal of service due to contamination)</td>
<td>T30</td>
<td>per cancellation</td>
<td>M</td>
<td>GST Free</td>
<td>46.30</td>
</tr>
</tbody>
</table>

### Bulkwaste Services Kerbside (Additional to Rated Services)

<table>
<thead>
<tr>
<th>Description</th>
<th>Receipt Code</th>
<th>Pricing Policy</th>
<th>GST</th>
<th>Fee or Charge</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pickup &amp; disposal (up to 2 cubic metres of eligible material, collected as per the regular schedule)</td>
<td>T30</td>
<td>up to 2 cubic metres</td>
<td>F</td>
<td>GST Free</td>
<td>158.00</td>
</tr>
<tr>
<td>Pickup &amp; disposal (up to 2 cubic metres of eligible material, collected as per the regular schedule)</td>
<td>T30</td>
<td>per additional cubic metre</td>
<td>F</td>
<td>GST Free</td>
<td>85.00</td>
</tr>
</tbody>
</table>

### Special Event Bin Hire - RESIDUAL WASTE

<table>
<thead>
<tr>
<th>Description</th>
<th>Receipt Code</th>
<th>Pricing Policy</th>
<th>GST</th>
<th>Fee or Charge</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivery and removal of Bins (240 litre bins) - bins delivered to central / single location</td>
<td>T30</td>
<td>Per load up to 12 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>79.00</td>
</tr>
<tr>
<td>Delivery and removal of Bins (660 litre &amp; 1100 litre bins) - bins delivered to central/single location</td>
<td>T30</td>
<td>Per load up to 2 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>250.00</td>
</tr>
<tr>
<td>Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>19.45</td>
</tr>
<tr>
<td>Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>58.08</td>
</tr>
<tr>
<td>Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>92.24</td>
</tr>
</tbody>
</table>
### Special Event Bin Hire - RECYCLING

<table>
<thead>
<tr>
<th>Service Description</th>
<th>T30</th>
<th>Per Load up to</th>
<th>M</th>
<th>GST 10%</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivery and removal of Bins (240 litre bins) - bins delivered to central / single location</td>
<td></td>
<td>12 bins</td>
<td></td>
<td></td>
<td>79.00</td>
</tr>
<tr>
<td>Delivery and removal of Bins (360 litre bins) - bins delivered to central / single location</td>
<td></td>
<td>8 bins</td>
<td></td>
<td></td>
<td>NEW 250.00</td>
</tr>
<tr>
<td>Delivery and removal of Bins (660 litre &amp; 1100 litre bins) - bins delivered to central / single location</td>
<td></td>
<td>2 bins</td>
<td></td>
<td></td>
<td>NEW 250.00</td>
</tr>
<tr>
<td>Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td></td>
<td>GST 10%</td>
<td>NEW 15.00</td>
</tr>
<tr>
<td>Service Charges of Event bins - 360 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td></td>
<td>GST 10%</td>
<td>NEW 23.00</td>
</tr>
<tr>
<td>Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td></td>
<td>GST 10%</td>
<td>NEW 42.00</td>
</tr>
<tr>
<td>Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td></td>
<td>GST 10%</td>
<td>NEW 68.00</td>
</tr>
</tbody>
</table>

---

### Wheeled Container Service – misc. Sizes & Types
Different sizes, types and delivery methods other than those listed in this schedule

The General Manager, or delegate, may, at their discretion, negotiate an appropriate rate for waste collected, deposited or material sales that fall within the following categories:

#### Category One – Commercial waste clients

<table>
<thead>
<tr>
<th>Service and/or Waste Type</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste Collections</td>
<td>Any customer who requires additional services over and above the basic domestic waste collection services having regard to:</td>
</tr>
<tr>
<td></td>
<td>- the number of additional services required</td>
</tr>
<tr>
<td></td>
<td>- the scope and frequency of additional services required</td>
</tr>
<tr>
<td></td>
<td>- the suitability of the premises, access and/or waste types presented</td>
</tr>
<tr>
<td></td>
<td>- the best interests of Council</td>
</tr>
<tr>
<td>Waste inputs</td>
<td>Account holders who present waste valued in excess of $150,000 and having regard to:</td>
</tr>
<tr>
<td></td>
<td>- volumes presented and waste composition</td>
</tr>
<tr>
<td></td>
<td>- any other relevant commercial or operational considerations</td>
</tr>
<tr>
<td></td>
<td>- the best interests of Council</td>
</tr>
<tr>
<td>Material outputs</td>
<td>Account holders who purchase materials valued in excess of $10,000 and having regard to:</td>
</tr>
<tr>
<td></td>
<td>- volumes purchased</td>
</tr>
<tr>
<td></td>
<td>- any other relevant commercial or operational considerations</td>
</tr>
<tr>
<td></td>
<td>- the best interests of Council</td>
</tr>
</tbody>
</table>
Category two – financial hardship

If a written application is made for the reduction or waiver of a fee, the General Manager, or delegate, may reduce or waive that fee if the General Manager, or delegate, is satisfied that:

- the payment of the fee would cause the person genuine financial hardship;
- the waste was generated within the Newcastle local government area; and
- having regard to the principles of social justice, equity and fairness the fee should be reduced or waived.

NOTE: Council will only consider reducing or waiving fees in this category in extreme circumstances.

Category three – Not for Profit Charitable Organisations

If a written application or an internal recommendation is made for the reduction or waiver of a fee, the General Manager, or delegate, may reduce or waive that fee if the General Manager, or delegate, is satisfied that:

- the organisation making the application is a Not for Profit Charitable Organisation that is registered or has an office or operational facility within the Newcastle local government area;
- the organisation received an authorisation from New South Wales Environmental Protection Agency to waive the application of the Landfill Levy;
- the waste was generated within the Newcastle local government area;
- the reduction or waiving of the fee is within Council’s allocated budget; and
- having regard to the principles of social justice, equity and fairness the fee should be reduced or waived.

MOTION

Moved by Cr Tierney, seconded by Cr Waterhouse

Council endorses the draft amended 2015/2016 fees and charges for Waste Management collection, disposal and associated services at Attachment A being placed on public exhibition for 28 days, with a further report to be provided for Council to approve the amended fees and charges following exhibition.

Carried
ITEM-21 CCL 24/03/15 - ADOPTION OF BULK WASTE SERVICE

REPORT BY: INFRASTRUCTURE – WASTE MANAGEMENT
CONTACT: DIRECTOR INFRASTRUCTURE / MANAGER WASTE MANAGEMENT

PURPOSE

To seek Council approval for the adoption and continuation of the current on-demand Bulk Waste Service, comprising kerbside collection bookings and self-haul (tipping) vouchers. Formal adoption of the service is being sought as the current model has been delivered on a trial basis for the past three years.

RECOMMENDATION

1. Council approve the provision of the Bulk Waste Service in its current form, comprising a kerbside collection booking system and the issuing of self-haul (tipping) vouchers, provided to ratepayers up to twice per year on an on-demand basis, over a rolling 12 month period.

2. Council approve additional promotion and education campaigns, as required, to raise public and community awareness and increase participation of the Bulk Waste Service.

3. Council approve that, from time to time, the Bulk Waste Service may be amended for reasons such as operational, legislative, service improvements and/or financial reasons and authorises the General Manager or delegate to approve any changes necessary providing that they remain broadly in line with the approved service.

KEY ISSUES

4. In 2012 Council changed its Bulk Waste Service from a twice-yearly kerbside pickup across entire suburbs to an on-demand service. The current service provides ratepayers with the choice to book up to two kerbside collections or request two self-haul vouchers for tipping at Summerhill Waste Management Centre, or to arrange for one of each option.

5. The previous model was performed under contract with Council being charged for all households in the local government area regardless of whether they utilised the service or not. The majority of bulk waste presented was sent to landfill by the contractor. In addition, the amenity of areas presenting bulk waste was adversely impacted during the presentation period. Scavenging was prevalent and Council regularly received complaints regarding safety and amenity.
6 The in-house trial has delivered annual savings in excess of $130,000 compared to the former arrangement. Council is also now able to recycle a number of materials such as white goods, mattresses and green waste in line with its resource recovery aspirations. In addition to the associated environmental and social benefits, this has allowed the service to be delivered to ratepayers at a lower cost, with Council collecting approximately $40,000 each year from scrap metal recovery.

7 A total of 31,669 bookings from 20,141 individual properties were placed in 2014. There does not appear to be a need to increase the current level of service (two collections/vouchers), with only 16% of participating households, excluding Housing NSW properties, making use of both of their service entitlements in 2014 (Waste Services schedules two annual services with Housing NSW every 12 months in advance).

8 The trial service has not been heavily promoted since its inception. An increase in self-haul requests was noted following inclusion of the service details in the inaugural Waste Calendar mailed to all households in July 2014.

9 A need has been identified for further promotion and education to improve compliance with the service rules (such as not putting waste on the kerb prior to booking a collection) and to help reduce incidences of illegal dumping across the city.

10 The use of vouchers by landlords only, does not assist tenants in disposing of their waste. The current system relies on landlords passing the voucher on to tenants and controlling who is allowed a collection. It is proposed that the bulk waste scheme going forward will be provided to householders irrespective of their occupancy status and will be allocated to the property and not the owner. The investment into software and electronic management of the voucher system will improve delivery of the service directly to the householder whilst reducing instances of rorting the service.

11 It is likely that as a result of this recommendation, demand for the service may increase which may result in the increase of staff and plant resources over the longer term.

12 Adoption of this recommendation will continue to provide a means of disposal for waste materials not able to be placed in the kerbside bin and will assist in the ongoing reduction in instances of illegal dumping.

FINANCIAL IMPACT

13 The financial impact from adopting the recommendations at paragraphs 1, 2 and 3 is approximately $958,000 per annum based on current service utilisation. An increase of $342,000 up to $1.3 million has been allocated in the 2015/16 budget in anticipation of any moderate increase in participation. Council provides the current service with one collection truck and three staff members. The increase of $342,000 allocated within the 2015/16 budget provides for additional waste disposal, fuel and contract/overtime labour costs associated with a moderate increase in household participation.
14 Should Council resolve to accept the recommendation of this report, it is proposed to continue to manage the funding for the service through the current Domestic Waste Management Service Charge (DWMSC).

15 These potential increases in costs over the longer term will have an effect on the DWMS charge of about $5.60 per property, although, there is no immediate increase in the DWMSC planned as savings elsewhere will enable the current DWMSC to remain as is. Further promotion and encouragement in the use of the self-haul vouchers will also reduce the impact on the DWMSC, as Council will not incur the costs associated with the actual collection. The self-haul option will naturally become increasingly popular as booking times for collections may become longer with increased participation.

16 If Council were to discontinue the service as outlined in Option 2, there would be a direct saving of approximately $730,000 per annum, although these savings may be offset by increases in the cost associated with increased instances of illegal dumping. There would only be small savings in plant costs (besides some fuel savings) as the large rear loader employed for the current service will still be required to perform other operations such as the collection of illegally dumped waste, and continue as a back-up support vehicle for other services.

17 If demand for the kerbside collection service were to increase substantially beyond the current level, an additional large rear loader would be required, with an associated capital cost of approximately $340,000 with annual operating costs of about $155,000 (including fuel, maintenance, registration, insurance and depreciation). Three additional operational staff would also be required at a collective annual cost of approximately $200,000. This could have the effect of increasing the DWMSC by an additional circa $5.80 per property, although as noted above, this cost potential will be minimised by operational efficiencies and the increase in self-haul options.

COMMUNITY STRATEGIC PLAN ALIGNMENT

18 The recommendation aligns with the following Newcastle 2030 “A protected and enhanced environment" objectives:

- **2.1 Greater efficiency in the use of resources** - 2.1a Improve waste minimisation and recycling practices in homes, work places, development sites and public places.

- **2.2 Our unique natural environment is maintained, enhanced and connected** – 2.2a Encourage and support active community participation in local environmental projects.

19 It also supports the following actions in the Newcastle 2020 Carbon and Water Management Action Plan:

- **RES-39 Waste Education** – Continue to deliver Council’s waste education program, promoting Council’s waste services to residents and increasing knowledge of waste minimisation and correct recycling practices.

- **RES-42 Resource Recovery** – Explore opportunities to increase resource recovery when renewing kerbside bulk waste collection contracts.
IMPLEMENTATION PLAN/IMPLICATIONS

20 The service has been functioning satisfactorily in its current form since early 2012, with 31,669 collections and vouchers arranged last calendar year.

21 Service efficiency will be improved by investigating the procurement of software that will allow for electronic dissemination of the self-haul vouchers, such as by email or SMS barcode. Further improvements and savings could be found in improvements in vehicle management and improved utilisation.

RISK ASSESSMENT AND MITIGATION

22 Risks were assessed prior to implementation of the current service, together with risks from a Workplace Health and Safety perspective.

23 The self-haul voucher provision minimises WHS risk by reducing the amount of waste to be collected by Council staff, by reducing the amount of waste presented on streets, and by helping to discourage the placement of problem wastes (such as car batteries, gas cylinders and asbestos) in kerbside waste bins. The on-demand kerbside collection service has reduced the prevalence of scavenging behaviour and the associated safety and amenity issues arising from the presentation and scattering of waste on nature strips along streets.

24 If Council were to discontinue the service, it would most likely be met with strong negative public opinion due to the widely held perception that Council should provide a bulk waste service. Additional resources would also be required to address any anticipated increase in illegal dumping across the city.

RELATED PREVIOUS DECISIONS

25 Provision for the improvement of the Bulk Waste Service was endorsed within the Waste Review of 2009. The continuation of this service is directly related to financial and environmental improvements from that process.

CONSULTATION

26 Prior to the introduction of the current service delivery model, consultation took place with ratepayers via a Newcastle Voice survey in 2009 together with Community Forum sessions in 2010.

27 More recently, internal consultation has taken place with senior management, Waste Services, Summerhill Waste Management Centre and Compliance Services. Through this process, a need has been identified for more education and publicity about the service and the investigation into software that could improve service efficiency.
OPTIONS

Option 1

28 The recommendation as at Paragraphs 1, 2 and 3:

Option 2

29 Council reject the recommendation and the service is discontinued. This is not the recommended option and would leave ratepayers without a bulk waste service.

Option 3

30 Council amends the recommended option or amends the proposal as it sees fit.

BACKGROUND

31 For the past three years, Council has successfully trialled an on-demand bulk waste service, allowing ratepayers to book a kerbside collection at their own convenience or to request a self-haul voucher to transport their allotted bulk waste to Summerhill Waste Management Centre. Two service provisions are available to each rateable property each calendar year.

32 The service was amended from the previous area-wide kerbside collection model due to identified financial savings, plus additional benefits such as improved amenity, lower WHS risks, and the ability for ratepayers to book a service at a time convenient to them, such as when moving house.

33 The self-haul component accounts for about one-third of all booking requests, delivering collection cost savings to Council. The popularity of this option is likely due to the wider variety of materials permitted for disposal than via the kerbside collection, including fridges, freezers, asbestos, problem materials and green waste, and the shorter time lag between booking and disposal opportunity.

34 The change in the service delivery model is consistent with that of other councils. Out of 42 Sydney and Central Coast councils surveyed, 26 provide an on-demand service, 12 provide a scheduled area-wide collection, and four provide a combination of on-demand and scheduled services. The majority of Hunter councils still provide a scheduled kerbside collection service, however, Port Stephens plans to introduce an on-demand service in the near future and Cessnock, Maitland and Singleton councils are currently tendering for an on demand service.
35 The service is delivered at an annual cost of approximately $958,000 based on current participation rates, including plant, staff and disposal costs. This includes three operational staff to undertake the collections and a dedicated administrative resource to process approximately 120 daily requests for kerbside collections and self-haul vouchers via phone, email and online requests.

36 The total weight of bulk waste received via the service in 2014 was 19% higher than that in 2010-11. Because it is not known how many households previously participated in the area-wide service, it is difficult to tell if more households are now making use of the service, or if this number has remained relatively stable but the participating households are generating more bulk waste.

37 The trial service has not been heavily promoted, aside from on Council’s website and inclusion in the inaugural 2014 Waste Services Calendar issued to all households. The need to undertake more promotion and education has been identified to target illegal dumping, to address incorrect use of the kerbside collection service, and to encourage use of the self-haul option.

38 It is likely that further promotion of the service will increase participation rates. To meet this demand, Council would need to invest in more plant and staff with the potential for service costs to increase in the long term.

ATTACHMENTS

Nil.

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

1 Council approve the provision of the Bulk Waste Service in its current form, comprising a kerbside collection booking system and the issuing of self-haul (tipping) vouchers, provided to each property in the Local Government area up to twice per year on an on-demand basis, over a rolling 12 month period.

2 Council approve additional promotion and education campaigns, as required, to raise public and community awareness and increase participation of the Bulk Waste Service.

3 Council approve that, from time to time, the Bulk Waste Service may be amended for reasons such as operational, legislative, service improvements and/or financial reasons and authorises the General Manager or delegate to approve any changes necessary providing that they remain broadly in line with the approved service.

Carried
ITEM-22 CCL 24/03/15 - RAILWAY STREET, MEREWETHER-
PROPOSED FULL ROAD CLOSURE AT LINGARD STREET

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR INFRASTRUCTURE / MANAGER
INFRASTRUCTURE PLANNING

PURPOSE

To gain approval for a full road closure of Railway Street Merewether at Lingard Street, effective immediately.

RECOMMENDATION

1 Approve the vehicular full road closure of Railway Street, Merewether at Lingard Street.

KEY ISSUES

2 As part of the 2013 Hamilton South Local Area Traffic Management (LATM) Study, a traffic control signal was approved at the intersection of Glebe Road and Lingard Street. The existing pedestrian traffic signal at Glebe Road east of Lingard Street will be removed and incorporated with the new traffic signals at the intersection. Funding has been allocated to install the traffic control signal for the 2015/16 financial year.

3 During the detailed design stage, it was noted that the intersecting roads at Railway Street and Lingard Street is in close proximity to the proposed traffic control signal. This is not desirable for safety reasons with the traffic coming out of Railway Street merging onto Lingard Street. There is a tendency for cars to turn left into Lingard Street and then right to Glebe Road, occupying the two lanes of traffic.

4 Council’s Traffic Engineer recommended either a half or full closure of Railway Street at the Lingard Street intersection. The matter was tabled to the Newcastle City Traffic Committee (NCTC) at its meeting on 18 August 2014 for discussion. The Committee supported the full closure proposal and for community consultation to be conducted with the residents. A conceptual sketch of the proposed road closure is shown in Attachment A.

5 Leaflets were distributed to the residents of Railway Street and the surrounding area. There were 19 responses received, 14 supporting and 5 opposing the full road closure. A summary of the residents’ comments is shown in Attachment B.
6 One objector preferred the half closure of Railway Street at the Lingard Street intersection. Another objector is a coach business that runs coaches in Lingard Street and their access route going south is via Railway Street. The others do not agree to the road closure due to heavy traffic in Glebe Road and National Park Street and prefer to use the Lingard Street end access. The residents that support the full road closure note that this will prevent the illegal and dangerous practice of motorists turning right from Railway Street into Lingard Street. This will also increase residential amenity to Railway Street.

FINANCIAL IMPACT

7 The proposed full road closure will be funded through Roads to Recovery Funding. The project will cost approximately $85,000.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The proposed full closure is aligned with the Strategic direction of “Connected City” whereby “transport network and services will be well connected and convenient. Walking and cycling will be viable options for the majority of our trips”. The proposal will increase safety for pedestrians heading to the traffic signal lights in Glebe Road.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Approval of the full road closure is not delegated to council officers and must be referred to Council for final determination. Approval of the full closure does not have any implications on existing or future planning policies. The proposal will support Council’s mission to enhance the quality of life by improving the safety of road users.

RISK ASSESSMENT AND MITIGATION

10 The proposed full road closure is intended to reduce risk at Lingard Street in proximity to the new traffic control signals. Railway Street is approximately 8 metres south of the intersection, and there is a probability that cars turning left from Railway Street to Lingard Street may collide with the northbound traffic. This is a mitigation risk measure to increase safety near the traffic control signal. The Roads and Maritime Services (RMS) are strongly opposed to retaining the eastbound access of Railway Street at Lingard Street.

RELATED PREVIOUS DECISIONS

11 The NCTC at its meeting on 17 November 2014 endorsed the full road closure proposal to Council for final consideration.
CONSULTATION

12 Consultation has been conducted with residents in the vicinity of Railway and Lingard Streets. The proposed plan was on public exhibition from 18 September to 24 October 2014. Leaflets were distributed to the residents and other stakeholders that may be affected by the proposed change. Only a small number of responses were received as there are only a small number of residents along Railway Street. Fourteen responses from 19 submissions, shown in Attachment B, supported the full closure of Railway Street.

OPTIONS

Option 1

13 Approve the recommendation shown in paragraph 1.

Option 2

14 Approve only the half road closure of Railway Street. Allow only westbound traffic from Lingard Street into Railway Street. This is not the preferred option.

Option 3

15 No action be taken at this time. Railway Street remains open to vehicular traffic. This is not the preferred option due to the safety issue associated with the traffic control signal installation.

BACKGROUND

16 Background information is shown in the Key Issues Section of this report.

REFERENCES

ATTACHMENTS

Attachment A: Conceptual plan of the full road closure.
Attachment B: Summary of resident comments.
Attachment A
### SUMMARY OF RECEIVED COMMENTS

**Railway Street, Merewether - Proposed Closure at Lingard Street Intersection**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Address</th>
<th>Do you agree with the permanent road closure of Railway St at the Lingard St intersection?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>4964895</td>
<td>Morgan St</td>
<td>YES</td>
<td>This closure will prevent the illegal and dangerous practice of motorists turning right from Railway St into Lingard St on the incorrect side of the road to the Morgan St intersection roundabout.</td>
</tr>
<tr>
<td>4965499</td>
<td>Frederick St</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>4966381</td>
<td>Railway St</td>
<td>YES</td>
<td>Having lived in Railway St for over 13 years, 50 metres from the intersection, I have been witness to countless near missed and hearing many collisions over this time. I implore you to go ahead with this proposal for the safety of all concerned especially the school kids crossing, sometimes with cars driving through the red light.</td>
</tr>
<tr>
<td>4969481</td>
<td>Railway St</td>
<td>YES</td>
<td>Please insure that the turnaround area is large enough to cope with garbage trucks and vehicles with boats/trailers. I have a boat and need to be able to turnaround in the street to be able to reverse into the garage. Resident parking only would be a good idea as it becomes impossible to park during peak pub times.</td>
</tr>
<tr>
<td>4970052</td>
<td>Morgan St</td>
<td>YES</td>
<td>Finally some common sense. Pity about the expense of dismantling the existing (pointless) arrangement.</td>
</tr>
<tr>
<td>4974101</td>
<td>Morgan St</td>
<td>YES</td>
<td>Public consultation process much appreciated! Strongly agree with decision on Railway Street and the great news about the much needed upgrading of the Glebe Rd/Smith St intersection. However, what is also needed urgently is an upgrading of the pedestrian safety at the intersection of Morgan Street and Lingard Street. The pub corner is now very unsafe to cross, especially for the many school kids. It is a blind corner. With the upgrading of the park (great!) and the extensions to the hospital, much more pedestrian, cycle and vehicle traffic. Zebra crossings and Stop signs needed.</td>
</tr>
<tr>
<td>4978909</td>
<td>Ausgrid</td>
<td>YES</td>
<td>Proposed works are above and in the vicinity of Ausgrid underground cables in the road reserve.</td>
</tr>
<tr>
<td>4967954</td>
<td>RMS</td>
<td>YES</td>
<td>No objection.</td>
</tr>
<tr>
<td>4984263</td>
<td>Stanley St</td>
<td>YES</td>
<td>I agree with the permanent closure of Railway St at the Lingard St intersection. I agree with the installation of traffic lights at this intersection. There is a need include a no right turn southbound from Smith into Glebe Rd to discourage traffic volumes. Is there a right turn westbound along Glebe into Smith St?</td>
</tr>
</tbody>
</table>
Parking is already a major concern - with the proposed 'turnaround' area I am assuming the amount of parks will further diminish. How about encroaching on the 'nature strip' between Railway St/Glebe Rd and replacing the parallel parks with angle parks?

I agree that it is necessary to have a full closure of Railway St at the Lingard Street intersection. I believe that if Railway St remained open there would be an increase in traffic volume speeding along Railway St heading west towards Llewellyn St trying to avoid the new traffic signals.

Objects as there is a pre-existing gas main located in this area. If the road is closed or developed, Jemena needs to maintain legal rights for the use and maintenance of the pipelines. In order to lift the objection, Jemena requires creation of a registered easement over the affected main. Alternatively, Jemena can consider relocation of the gas main to an area outside of the road closure. We would be happy to assist with this where possible. Further advice received - no objection.

Have infrastructure located in the area. Should the changes to the road structure mean that Hunter Water's infrastructure will be located in land other than dedicated road reserve the creation of easements over the infrastructure will need to be registered. All costs associated with doing so will be the responsibility of TCoN.

I do not agree that Railway St Merewether should be closed off.

We request that a partial closure of Railway St be made by blocking any traffic from Railway St into Lingard St to allow only traffic to enter Railway St from Lingard St. As residents, it would be extremely beneficial and at times potentially safer for us if we are left with options regarding the ways in which we can return home. This will give all residents the ability to apply their judgement and local knowledge as to when to use the western end intersection to return home and when best to avoid it i.e. at peak times.

We operate 5 coaches each day, a great number to the south, these vehicles are 12.5 metres long, and to turn left into a single lane we must use two lanes to turn from. This will place more vehicles in Glebe Rd.

The short distance from Glebe Rd back up Lingard past Railway St, Morgan St to the roundabout is so small. The traffic waiting for the lights to turn will back up into the roundabout, stopping the flow of Morgan St. As 12.5 metre vehicles taking up two lanes to make a left hand turn into Glebe Rd will cause more waiting time for other vehicles.

<table>
<thead>
<tr>
<th>ID</th>
<th>Area</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>4995388</td>
<td>Railway St</td>
<td>Parking is already a major concern - with the proposed 'turnaround' area I am assuming the amount of parks will further diminish. How about encroaching on the 'nature strip' between Railway St/Glebe Rd and replacing the parallel parks with angle parks?</td>
</tr>
<tr>
<td>4986026</td>
<td>Railway St</td>
<td>I agree that it is necessary to have a full closure of Railway St at the Lingard Street intersection. I believe that if Railway St remained open there would be an increase in traffic volume speeding along Railway St heading west towards Llewellyn St trying to avoid the new traffic signals.</td>
</tr>
<tr>
<td>4997637</td>
<td>Morgan St</td>
<td></td>
</tr>
<tr>
<td>5007880</td>
<td>Frederick St</td>
<td></td>
</tr>
<tr>
<td>4965805</td>
<td>Jemena Asset Management (Gas Network)</td>
<td>Objects as there is a pre-existing gas main located in this area. If the road is closed or developed, Jemena needs to maintain legal rights for the use and maintenance of the pipelines. In order to lift the objection, Jemena requires creation of a registered easement over the affected main. Alternatively, Jemena can consider relocation of the gas main to an area outside of the road closure. We would be happy to assist with this where possible. Further advice received - no objection.</td>
</tr>
<tr>
<td>4966383</td>
<td>Hunter Water</td>
<td>Have infrastructure located in the area. Should the changes to the road structure mean that Hunter Water's infrastructure will be located in land other than dedicated road reserve the creation of easements over the infrastructure will need to be registered. All costs associated with doing so will be the responsibility of TCoN.</td>
</tr>
<tr>
<td>4975562</td>
<td>Railway St</td>
<td>I do not agree that Railway St Merewether should be closed off.</td>
</tr>
<tr>
<td>4998091</td>
<td>Railway St</td>
<td>We request that a partial closure of Railway St be made by blocking any traffic from Railway St into Lingard St to allow only traffic to enter Railway St from Lingard St. As residents, it would be extremely beneficial and at times potentially safer for us if we are left with options regarding the ways in which we can return home. This will give all residents the ability to apply their judgement and local knowledge as to when to use the western end intersection to return home and when best to avoid it i.e. at peak times.</td>
</tr>
<tr>
<td>5004707</td>
<td>Glebe Rd</td>
<td>I disagree with the permanent road closure of Railway St at the Lingard St intersection. The amount of traffic on Glebe Rd prevents us turning into our property from westbound lane. Because National Park St closed, we have to use Lingard roundabout and Railway St to get to lights to rejoin Glebe Rd (at Mary Ellen Hotel) to enter our property from Glebe Rd.</td>
</tr>
<tr>
<td>5013103</td>
<td>Lingard St</td>
<td>We operate 5 coaches each day, a great number to the south, these vehicles are 12.5 metres long, and to turn left into a single lane we must use two lanes to turn from. This will place more vehicles in Glebe Rd. The short distance from Glebe Rd back up Lingard past Railway St, Morgan St to the roundabout is so small. The traffic waiting for the lights to turn will back up into the roundabout, stopping the flow of Morgan St. As 12.5 metre vehicles taking up two lanes to make a left hand turn into Glebe Rd will cause more waiting time for other vehicles.</td>
</tr>
</tbody>
</table>

**TOTAL**   | 14  | 5 |
MOTION
Moved by Cr Luke, seconded by Cr Waterhouse

Approve the vehicular full road closure of Railway Street, Merewether at Lingard Street.

Carried
ITEM-23 CCL 24/03/15 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE KEIGHTLEY LANE NEWCASTLE

REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

To seek Council's approval to temporarily suspend the Alcohol Free Zone (AFZ) in Keightley Lane, Newcastle on Saturday 25 April 2015 from 6am to 6pm for the purpose of allowing ANZAC Day activities.

RECOMMENDATION

1 Subject to the event organiser, Newcastle Diggers Club meeting all requirements of the NSW Police Force's Newcastle Local Area Command, Council approves the temporary suspension of the Alcohol Free Zone for Keightley Lane, Newcastle on Saturday 25 April 2015 from 6am to 6pm for the purpose of allowing ANZAC Day activities.

2 The General Manager be authorised to act on the above resolution once he is satisfied that the event organiser, Newcastle Diggers Club, meets all the requirements of the NSW Police Force's Newcastle Local Area Command.

KEY ISSUES

3 The Council policy adopted on 27 November 2012 re-established AFZs in locations across the city and required Council approval be sought for the lifting of AFZs when an approved festival or function is to be held.

4 Any lifting of an AFZ must be under the direction of the relevant Police Local Area Command (LAC). In this instance, the proposal for the 2015 ANZAC Day activities has been considered by Newcastle LAC and Council officers. The LAC supports the lifting of the AFZ subject to the organiser meeting the conditions placed on the event by Council and Police.

5 Section 645 of the Local Government Act 193 (Act) provides for Council, by resolution, to allow the temporary suspension of AFZs. The Act and Ministerial Guidelines on Alcohol-Free Zones (February 2009) provide a specific procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council's endorsement. Following adoption of this suspension Council must publish a notice in a local newspaper informing the community of the suspension of the Alcohol Free Zone that will be in place from 6am to 6pm on 25 April 2015.
6 Street signs must be covered immediately on commencement of the time frame and the covers removed immediately following the expiration of the suspended time. This is the responsibility of the organiser of the event but will be overseen by Council staff. Liaison with local police both before and after the council resolution is an essential requirement. This consultation with the police has been undertaken by Council officers and will continue to be undertaken in the lead up to the event.

7 The Newcastle LAC is satisfied with the management strategies that have been put in place by the event organiser and supports the suspension of the AFZ on this occasion. Police have indicated that this event poses little or no concerns for police or the community.

FINANCIAL IMPACT

8 There are minor costs associated with the advertising of the suspension of AFZs. These costs can be covered within the allocated Anzac Day Event budget. The costs of road closures, covering of signage and any requirements placed on the event organiser by police will be incurred by, and are the responsibility of the event organiser.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 Lifting of the AFZ for an approved event is in line with the strategic direction Vibrant and Activated Public Places and, more specifically, the objective of Safe and activated places that are used by people day and night.

IMPLEMENTATION PLAN/IMPLICATIONS

10 The responsibility of implementing the suspension of the AFZ lies with the event organiser. Assistance will be provided by Council officers including notification of the suspension in a local newspaper and overseeing covering and uncovering of AFZ signs before and after the event.

RISK ASSESSMENT AND MITIGATION

11 Council officers and officers of the Newcastle LAC are working closely with the event organiser to ensure adequate strategies are in place to manage the consumption of alcohol at the ANZAC Day activities. The licence that is issued by Council to the event organiser for the use of Keightley Lane, Newcastle for the event will include any conditions as specified by Police with regard to the management of alcohol consumption.

RELATED PREVIOUS DECISIONS

12 Council has previously suspended the AFZ in Keightley Lane for the purpose of ANZAC Day activities.
CONSULTATION

13 No negative feedback was received as a result of temporarily lifting the AFZ in Keightley Lane during ANZAC Day in 2014, therefore no consultation was deemed necessary.

OPTIONS

Option 1

14 The recommendation as at paragraph 1.

Option 2

15 Council resolves not to support the suspension of the AFZ on this occasion. The disadvantage of this option is that the event would not be able to proceed in its proposed format. This is not the recommended option.

BACKGROUND

16 The request for temporary suspension of the AFZ has been received from Newcastle Diggers Club. Newcastle Diggers Club (formerly RSL Club) has successfully managed similar events in previous years where Council has approved the temporary suspension of the AFZ.

17 There is no difference between previous applications and this one.

ATTACHMENTS

Nil

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

1 Subject to the event organiser, Newcastle Diggers Club meeting all requirements of the NSW Police Force's Newcastle Local Area Command, Council approves the temporary suspension of the Alcohol Free Zone for Keightley Lane, Newcastle on Saturday 25 April 2015 from 6am to 6pm for the purpose of allowing ANZAC Day activities.

2 The General Manager be authorised to act on the above resolution once he is satisfied that the event organiser, Newcastle Diggers Club, meets all the requirements of the NSW Police Force's Newcastle Local Area Command.

Carried
ITEM-24  CCL 24/03/2015 - EXHIBITION OF THE FORESHORE DRAFT PLAN OF MANAGEMENT

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR INFRASTRUCTURE / MANAGER FACILITIES AND RECREATION

PURPOSE

The Foreshore Draft Plan of Management (draft Foreshore PoM) has been prepared in accordance with the Local Government Act 1993 and the Crown Lands Act 1989.

This report seeks Council's approval to place the draft Foreshore PoM on public exhibition.

RECOMMENDATION

1  a  The draft Foreshore Plan of Management (Attachment A) be placed on public exhibition in accordance with the Local Government Act 1993 for 28 days.

   b  A public hearing be held during the exhibition period as per the Local Government Act 1993.

   c  Council receive a report on the outcome of the exhibition when considering the adoption of the draft Foreshore PoM.

KEY ISSUES

2  The key issues for the draft Foreshore PoM have been identified through site analysis, community consultation, stakeholder engagement and literature review. As detailed in Section 5.4 of the draft Foreshore PoM the key issues and action are grouped into 6 broad categories:

   •  Recreation;
   •  Connectivity;
   •  Landscape;
   •  Community use and special events;
   •  Heritage; and
   •  Park management.

3  There are two significant actions that are highlighted in the Foreshore PoM. These are the provision of a shared pathway from the Honeysuckle Precinct to Bathers Way at Nobbys Beach and the provision of a Landscape Masterplan for the entire site including the provision of a city level playground. Both of these items are detailed in Section 5.1 of the draft Foreshore PoM.
FINANCIAL IMPACT

4 The review of the Foreshore PoM has been undertaken within existing operational budgets. If adopted, actions within the Management Action Table of the draft PoM will require further detailed investigation to enable cost estimates to be prepared and funding streams sought.

5 The updated Foreshore PoM will place Council in a strong position to access relevant State and Federal grant funding opportunities when they become available.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The draft Foreshore PoM is in alignment with the Newcastle 2030 Community Strategic Plan (CSP). The draft Foreshore PoM specifically addresses seven objectives under five of the seven strategic directions.

IMPLEMENTATION PLAN/IMPLICATIONS

7 *The Local Government Act* 1993 is the primary legislation governing the management of Community Land. Community Land is defined by the Act as land set aside for community benefit. The Act requires all Community Land to be included in a plan of management. Sections 35-47 of the Act provide guidance on the use and management of Community Land and the preparation of a Plan of Management. The Act along with the guidelines in the *Local Government (General) Regulation* 2005 sets out what is to be included in a plan of management.

8 In general, a plan of management must identify:

- the category of the land;
- the objectives and performance targets of the plan with respect to land;
- the means by which these strategies will be achieved; and
- the methods which will be used to assess whether the strategies are being achieved.

9 A plan of management that applies to just one area of Community Land, as this one does, must also include a description of:

- the condition of the land, and any buildings or other improvements on the land, as at the date of the adoption of the plan of management;
- the use of the land and any such buildings and improvement as at that date;
- specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used;
- specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise; and
- describe the scale and intensity of any such use or development.
10 This Plan of Management will address all of the above requirements for the Foreshore. Plans of Management are public documents and can be reviewed and amended, however they usually remain valid for a minimum of five years from the date of adoption.

RISK ASSESSMENT AND MITIGATION

11 The draft Foreshore PoM has been prepared in accordance with the relevant legislative requirements and is now ready for public exhibition. There is community expectation that this draft Foreshore PoM will go on public exhibition in the near future. A report detailing the outcomes of the public exhibition process will be provided when the draft Foreshore PoM is considered by Council.

RELATED PREVIOUS DECISIONS

12 There are no related previous Council decisions.

CONSULTATION

13 The **Local Government Act** 1993 requires plans of management to be prepared in consultation with the community. A community consultation plan was developed at the inception of this project to ensure all members of the community had an opportunity to provide input into the new plan of management. The community and stakeholder consultation identified values for the Foreshore, along with the issues and opportunities for the park and a range of future visions. All of these have been used to guide the development of actions and directions for the future management of the Foreshore.

14 If Council endorses the public exhibition of the draft Foreshore PoM, the following consultation process is proposed:

- Draft Foreshore PoM is placed on public exhibition for a period of 28 days, with submissions received for 42 days.
- As the draft Foreshore PoM is proposing to alter existing categories of community land, a Public Hearing in accordance with Clause 40A of the **Local Government Act** 1993 is required. This will be undertaken during the exhibition period.
- Advertising of the draft Foreshore PoM in local newspapers, plus on Council’s website.
- Copies of the draft foreshore PoM available at local libraries and Council’s Administration Centre.

15 Council receive a report on the outcome of the exhibition period when considering the adoption of the draft Foreshore PoM.

OPTIONS

Option 1

16 The recommendation as at Paragraph 1.
Option 2

17 The draft Foreshore PoM not be placed on public exhibition. The existing Foreshore PoM is now fourteen years old and not representative of the current trends, use and values held by the community. Through the extensive consultation process completed to develop the draft Foreshore PoM, there is community expectation that this PoM will be exhibited for comment in the near future. This is not the recommended option.

BACKGROUND

18 The Foreshore is a high quality eleven hectare city park situated in the Newcastle City Centre. It borders the Newcastle Harbour, ocean beaches and the culturally significant sites of Fort Scratchley, the Convict Lumberyard and Customs House. The park is situated largely on reclaimed land and has a rich cultural heritage from both Aboriginal and European occupation. Since European occupation it has evolved through many land uses including coal mining, shipping, power supply, bond storage and rail infrastructure to the community open space we see today.

19 The Foreshore is made up of the three distinct sectors including the Joy Cummings Promenade, Foreshore Park and Camp Shortland. The park is used regularly by both the local East Newcastle community as well as the wider community for walking, cycling, special events and passive recreation.

20 A site specific plan of management for the Foreshore was prepared in 2000. With the changing needs of the community over the past 14 years, a new PoM is now needed for the Foreshore. The draft Foreshore PoM sets out a clear direction for the Park’s future and how this area is to be developed, managed and used over the next 5 to 10 years. It reconfirms the values the community holds for the Park, and ensures protection of those values in future management decisions. It also addresses emerging uses or issues that have arisen since the adoption of the last plan.

ATTACHMENTS

Attachment A: The Foreshore Draft Plan of Management - Distributed under separate cover
MOTION
Moved by Cr Compton, seconded by Cr Rufo

a The draft Foreshore Plan of Management (Attachment A) be placed on public exhibition in accordance with the Local Government Act 1993 for 28 days.

b A public hearing be held during the exhibition period as per the Local Government Act 1993.

c Council receive a report on the outcome of the exhibition when considering the adoption of the draft Foreshore PoM.

Carried
ITEM-25  CCL 24/03/15 - NEWCASTLE EYE HOSPITAL - ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012

REPORT BY:  PLANNING AND REGULATORY
CONTACT:  DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING SERVICES

PURPOSE

This report seeks Council’s endorsement to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan (LEP) 2012 for the Newcastle Eye Hospital site.

RECOMMENDATION

1 Council resolves to:

a) Endorse the attached planning proposal to amend Newcastle LEP 2012, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979 for land at Lot 2, 3 & 4 DP 21366, Lot 7 DP 660745, Lot 8 DP 660746, Lots 1 & 2 DP 1114442 and Lots 100 & 101 DP 569322 with a street address of 174-182 Christo Road, Waratah and 114-116 Griffiths Road, Lambton as follows:
   i) include ‘health services facility’ as an additional Schedule 1 permitted use.
   ii) amend the Height of Buildings Map to include a maximum permissible height of 10 metres over part of the land.

b) Forward the planning proposal to the Minister for Planning and Environment for gateway determination pursuant to Section 56 of the EP&A Act 1979.

c) Advise the Director-General of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act 1979.

d) Receive a report back on any planning proposal to which a written objection is received during consultation with the community otherwise forward the planning proposal to the Department of Planning and Environment requesting it to make the proposed amendments to Newcastle LEP 2012.
KEY ISSUES

2 The Planning proposal at Attachment A was prepared in accordance with the Department of Planning and Environment’s guidelines and Council’s Local Environmental Plan – Request for Amendment Policy.

3 If endorsed by Council, the planning proposal will be forwarded to the Minister for Planning and Environment for gateway determination. Gateway determination will confirm the Department’s initial support for the draft planning proposal and identify what (if any) further technical studies and community consultation are required prior to the proposed amendments being made.

4 Strategic Planning staff recommend that Council do not seek delegations under Section 59(1) of the EP&A Act 1979 given the added impost on Council resources without any additional influence on the outcomes. These delegations obligate Council to prepare the final reporting, drafting and mapping in order for the Minister for Planning and Environment to ‘make’ the proposed amendments to Newcastle LEP 2012. Where Council does not exercise these delegations, the Department of Planning and Environment undertakes these requirements.

5 Attachment A outlines the issues identified and considered by staff in evaluating the proposed amendment to Newcastle LEP 2012.

FINANCIAL IMPACT

6 Council is able to recoup costs associated with the preparation of a draft planning proposal, undertaking consultation, and preparation of technical studies, pursuant to Clause 11 of the Environmental Planning and Assessment (EP&A) Regulation 2000.

7 Fees (as outlined within Council’s Fees and Charges Register) will be applied in accordance with Council’s LEP Request for Amendment Policy (2012). That is, prescribed fees apply to all formal requests, except where required for the provision of public infrastructure or as a result of correcting a minor anomaly.

8 Where costs are unable to be recouped partly or in full, work will be undertaken by Council’s Strategic Planning Services staff within their current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 The preparation and processing of the attached draft planning proposal aligns to the strategic direction ‘Open and Collaborative Leadership’ identified within the Newcastle Community Strategic Plan 2030.

10 Compliance with the LEP amendment process, in particular section 57 of the EP&A Act 1979, will assist in achieving the strategic objective; “Consider decision-making based on collaborative, transparent and accountable leadership” and the identified strategy 7.2b, which states: “Provide opportunities for genuine and representative community engagement in local decision making”.

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MINUTES OF THE ORDINARY MEETING OF THE CITY OF NEWCASTLE
TUESDAY 24 MARCH 2015 AT 5.40PM
IMPLEMENTATION PLAN/IMPLICATIONS

11 The preparation of the attached planning proposal was undertaken in accordance with Council’s Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies Council’s processes and responsibilities in applying the requirements of Part 3 of the EP&A Act 1979 for amending an LEP.

RISK ASSESSMENT AND MITIGATION

12 The process of amending an LEP is prescribed by Part 3 of the EP&A Act 1979. Adherence to the legislative framework reduces the risk to both applicant and Council by ensuring that a planning proposal is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.

13 Justification has been provided by the applicant for the formal LEP amendment request.

14 Further consultation with stakeholders (including the broader community) will occur in accordance with the Minister’s requirements following gateway determination. This will ensure all relevant parties are able to consider and comment on the draft planning proposal prior to it being reported back to Council for final adoption of the proposed amendment.

RELATED PREVIOUS DECISIONS

15 Newcastle LEP 2012 was adopted by Council on 21 June 2011.

16 On 12 March 2013 Council resolved to seek a gateway determination to enable the extension of Newcastle Eye Hospital for the previous application for hospitals in the R2 zone.

CONSULTATION

17 The Gateway Determination will determine the length of consultation required in accordance with the Department of Planning’s Guide to Preparing Local Environmental Plans. The planning proposal is a low impact proposal and it is expected it will be exhibited for 14 days. Low Impact proposals include proposals that are consistent with the pattern of surrounding land use zones and/or land uses; are consistent with the strategic planning framework; present no issues with regard to infrastructure servicing; are not for a principal LEP and do not reclassify public land.

18 The gateway determination will confirm the consultation requirements, however, it is envisaged that this will include a public notice in the Newcastle Herald, letter to adjoining property owners, publication on the City of Newcastle web page, and written referral to relevant government agencies, which may include but are not limited to:
- Roads and Maritime Services (RMS); and
- NSW Mine Subsidence Board.
OPTIONS

Option 1

19 The recommendation as at Paragraph 1.

Option 2

20 Council resolves not to proceed with the planning proposal. This option is not recommended as it would not provide the Newcastle Eye Hospital with the opportunity to expand and the community with the opportunity to provide feedback. This is not the recommended option.

BACKGROUND

21 On 31 October 2012 Council received a formal request from the consultants representing the Newcastle Eye Hospital (NEH) to amend the Newcastle LEP 2012. This request proposed to include health services facilities as permissible with consent within the existing R2 Low Density Residential zone.

22 The applicant was advised that Council would not support having the group term health services facility as a permissible use in the R2 Low Density Residential zone. Council staff were concerned that this would introduce a land use for all land zoned R2 Low Density Residential that would be contrary to the zone objectives. Council officers explored various options for enabling the NEH to expand their facility with the Newcastle Eye Hospital (NEH) consultants.

23 A Planning Proposal (PP_2013_NEWCA_010_00) was finally agreed and prepared to allow only hospitals in the R2 zone without allowing other health services facilities such as medical centres, health consulting rooms and the like.

24 Council received a pre DA application on 4 December 2013 including plans for the expansion of the eye hospital. Council staff advised the NEH consultants that the plans did not appear to show ‘hospital’ as defined by the LEP but rather represented a medical facility as there was no overnight accommodation. Determining whether the proposal was a ‘hospital’ or ‘medical facility’ is a legal question and ultimately determined by the courts. Consent was issued for the building by Council in 1986. However, this consent does not allow the expansion of the hospital.

25 During this time, amendment 5 to Newcastle LEP 2012 to permit ‘hospitals’ with consent in the R2 Low Density Residential Zone proceeded and was gazetted 28 March 2014.
26 Council officers met with a new project team for the NEH on 26 June and 21 November 2014 to discuss further options to enable expansion of the facility. The NEH consultants indicated that they would prefer to eliminate any uncertainty regarding whether the facility could be considered under the definition of a hospital by enabling health services facility on the site with consent by using Schedule 1 Additional Permitted Uses of Newcastle LEP 2012. The applicant also requested to increase the height from 8.5m to 10m to the site’s Griffiths Road frontage, generally away from the adjoining residential area. This was acceptable to Council staff as it would not introduce the term generally in the R2 zone but rather restrict it to the hospital site.

27 The request to enable expansion of the Newcastle Eye Hospital was considered by Council’s internal LEP Advisory Panel, as per Council’s ‘Local Environmental Plan – Request for Amendment Policy’. The panel consists of a range of experts in various fields who advise on potential issues to be addressed and identify studies required supporting the proposal. DA officers have confirmed that the proposal for expansion of the facility fits within the definition of health services facility.

28 Future expansion of the site will remain restricted by height, FSR, car parking requirements, environmental assessment provisions and the standard public notification process. Any change of use of the premises would need a Development Application.

29 The planning proposal (Attachment A) provides the necessary justification to satisfy Council that the proposed amendment to Newcastle LEP 2012 can be endorsed and forwarded to the Department of Planning and Environment to seek gateway determination.

ATTACHMENTS

Attachment A: Planning Proposal – Newcastle Eye Hospital

Attachment distributed under separate cover.
MOTION
Moved by Cr Luke, seconded by Cr Tierney

Council resolves to:

a) Endorse the attached planning proposal to amend Newcastle LEP 2012, pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979* for land at Lot 2, 3 & 4 DP 21366, Lot 7 DP 660745, Lot 8 DP 660746, Lots 1 & 2 DP 1114442 and Lots 100 & 101 DP 569322 with a street address of 174-182 Christo Road, Waratah and 114-116 Griffiths Road, Lambton as follows:
   i) include ‘health services facility’ as an additional Schedule 1 permitted use.
   ii) amend the Height of Buildings Map to include a maximum permissible height of 10 metres over part of the land.

b) Forward the planning proposal to the Minister for Planning and Environment for gateway determination pursuant to Section 56 of the *EP&A Act 1979*.

c) Advise the Director-General of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking section 59(1) of the *EP&A Act 1979*.

d) Receive a report back on any planning proposal to which a written objection is received during consultation with the community otherwise forward the planning proposal to the Department of Planning and Environment requesting it to make the proposed amendments to Newcastle LEP 2012.

For the Motion: The Lord Mayor, Councillors Clausen, Compton, Crakanthorp, Doyle, Dunn, Luke, Osborne, Posniak, Robinson, Rufo, Tierney and Waterhouse.

Against the Motion: Nil.

Carried
10 COUNCILLOR REPORTS

Nil.
11 NOTICES OF MOTION

ITEM-10 NOM 24/03/15 - MULTICULTURALISM

COUNCILLORS: POSNIAK, DUNN, NELMES, CRAKANTHORP, CLAUSEN AN D DOYLE

PURPOSE

The following Notice of Motion was received on 12 March 2015 from the abovementioned Councillors:

MOTION

Council

1 Reaffirm its support for multiculturalism and harmonious integration as set out in the principals and objectives of Council's "Ethnic Affairs Statement 2008 to 2011".

2 Reaffirm Newcastle City Council's (NCC) commitment to Newcastle as a Welcome City for Refugees.

3 In keeping with our status as a Welcome City for Refugees NCC will sign the Refugee Welcome Zone Declaration and forward same for Registration with the Refugee Council of Australia.

4 Undertake to review Councils Ethnic Affairs Policy Statement to take into account demographic changes in Newcastle's multicultural population.

BACKGROUND

Section 8 of the Local Government Act 1993 requires all Councils to actively promote the principals of multiculturalism.

The Council's Ethnic Affairs policy as currently drafted, Contains admirable principals and strategies .

However it is obvious that NCC multicultural population has increased in number and diversified since the policy was drafted

The most recent Census Data Available is from 2011. However we only have to look at Council's Australia Day Citizenship ceremony as an example of NCC s growing cultural diversity. At that ceremony on 26 January 2015, 119 applicants from 38 countries became Australian citizens These new citizens are residents of Newcastle.

A number of those Applicants were from areas where religious, ethnic, or political persecution was rife.
It is incumbent upon us elected representatives to adopt a definitive and proactive approach to supporting diversity

Our Current Ethnic Affairs Policy confirms support for Newcastle as a welcome city for refugees.

We can and should go further. NCC should reaffirm our status as a Refugee Welcome Zone and register our signed declaration with the Refugee Council of Australia.

ATTACHMENTS

Nil

MOTION
Moved by Cr Posniak, seconded by Cr Doyle

Council

1 Reaffirm its support for multiculturalism and harmonious integration as set out in the principles and objectives of Council's "Ethnic Affairs Statement 2008 to 2011".

2 Reaffirm Newcastle City Council's (NCC) commitment to Newcastle as a Welcome City for Refugees.

3 In keeping with our status as a Welcome City for Refugees NCC will sign the Refugee Welcome Zone Declaration and forward same for Registration with the Refugee Council of Australia.

4 Council notes that the Council’s Ethnic Affairs Policy Statement is under review and will take into account demographic changes in Newcastle’s multicultural population.

Carried
ITEM-11 NOM 24/03/15 - STATEMENT IN FAVOUR OF A CULTURALLY AND RELIGIOUSLY DIVERSE NEWCASTLE

COUNCILLORS: DOYLE, POSNIAK AND OSBORNE

PURPOSE

The following Notice of Motion was received on 12 March 2015 from the abovementioned Councillors:

MOTION

Council:

• endorse the attached Statement in favour of a culturally and religiously diverse Newcastle
• promote the statement in conjunction with Newcastle's major multicultural organisations to prominent citizens and organisations in order to gain broad public support for the sentiments and principles expressed in the statement
• authorise the publication of this statement as representative of the views of Newcastle City Council.

BACKGROUND

The statement that follows is a summary of the major ideas expressed in Council's existing Ethnic Affairs Policy 2008 to 2011. The statement has the support of the Northern Settlement Services based in Hamilton. It is expected that the NSS will co-sponsor this statement. Other multicultural service agencies also support the general principles of this statement and will assist in promoting it to the broader community.

Whilst this statement does not respond directly to those who would disrupt our city's harmonious culture with actions and statements that rebuke cultural and religious freedoms, it does reinforce our firm belief in the rights of all citizens to peacefully pursue their faiths and their cultural traditions.

The intention of the authors of this statement is to gain endorsement for this statement from prominent Newcastle citizens and their organisations. These organisations will include business, sporting, civic and religious clubs and societies.

ATTACHMENTS

Attachment A: Statement in favour of a culturally and religiously diverse Newcastle
Attachment A

Statement in favour of a culturally and religiously diverse Newcastle

We as prominent citizens and representatives of organisations in Newcastle affirm our commitment to:

• maintaining our city as a culturally diverse, inclusive community, united by a commitment to democratic principles and fairness

• the right of all our residents to enjoy equal rights and be treated with equal respect.

Multicultural Newcastle

We are committed to maintaining Newcastle as a multicultural city. Newcastle’s ethnic, religious and cultural diversity is an integral part of our city’s identity and is intrinsic to our city’s vitality.

Multiculturalism is in the interest of all Novocastrians and expresses our sense of fairness and inclusion. It enhances respect and support for cultural, religious and linguistic expression.

Migrants to Newcastle, including our most recent arrivals, have brought much needed skills, labour and ideas to our city. They have given us much of the energy, ingenuity and enterprise that make Newcastle what it is today.

Those who choose to call Newcastle home have the right to practise and share their religious and cultural traditions free from discrimination. Citizens from all backgrounds should be given every opportunity to participate in and contribute to Newcastle and its social, economic and cultural life.

We are committed to a just, inclusive and socially cohesive city where everyone can participate in the opportunities that Newcastle offers and where services are responsive to the needs of residents from all backgrounds.

We will act to promote understanding and acceptance of people of all backgrounds and faiths. We reject all expressions of religious or racial intolerance and discrimination.
REPORT ON NOTICE OF MOTION 24/03/15 - STATEMENT IN FAVOUR OF A CULTURALLY AND RELIGIOUSLY DIVERSE NEWCASTLE

REPORT BY: PLANNING AND REGULATORY

CONTACT: DIRECTOR PLANNING AND REGULATORY

DIRECTOR COMMENT

The proposed statement in favour of a culturally and religiously diverse Newcastle is consistent with Newcastle 2030 Community Strategic Plan (CSP), adopted by Council in 2013.

The CSP is based on the principles of sustainability, social justice and active citizenship, to complement our requirements under the Local Government Act. The process of developing the CSP also resulted in the definition of the values that reflect how we want to live as a community in Newcastle. These values include diversity, social inclusion, community connectedness, respect and active citizenship (CSP, 2013 pp 24-25).

One of the seven key themes in the CSP, is that in 2030, we will be a caring and inclusive community – a thriving community where diversity is embraced, everyone is valued and has the opportunity to contribute and belong (CSP, 2013, pp 56-57).

The proposed statement is consistent with the intent of the CSP.

Council’s Ethnic Affairs Policy Statement 2008- 2011 (EAPS) identifies in more detail specific objectives in relation to equitable access to Council services and facilities and to ensure Newcastle is a welcome city to new and existing migrants. The EAPS 2008-2011 will be reviewed, updated and reported to Council before the end of 2015. It is preferable that Council does not have duplicate policies/statements on predominately the same matter. Consequently it is preferable that the adopted EAPs be reviewed rather than endorsing a separate statement.
ORIGINAL MOTION

Council:
- endorse the attached Statement in favour of a culturally and religiously diverse Newcastle
- promote the statement in conjunction with Newcastle’s major multicultural organisations to prominent citizens and organisations in order to gain broad public support for the sentiments and principles expressed in the statement
- authorise the publication of this statement as representative of the views of Newcastle City Council.

Councillors Doyle and Posniak withdrew their original notice of motion and instead tabled a revised motion and moved:

MOTION
Moved by Cr Doyle, seconded by Cr Posniak

That Council:
- support the statement (attachment A) endorsed by Northern Settlement Services noting its consistency with the principles outlined in Council’s adopted Ethnic Affairs Policy
- promote the statement in conjunction with Newcastle’s major multicultural organisations to prominent citizens and organisations in order to gain broad public support for the sentiments and principles expressed in the statement
- authorise the publication of this statement as representative of the views of Newcastle City Council.

and

The statement be considered for inclusion in Council’s Ethnic Affairs Policy as part of the Council review of the Ethnic Affairs Policy document.

Carried
ITEM-12 NOM 24/03/15 - LAMBTON POOL YEAR ROUND UPGRADE FEASIBILITY

COUNCILLORS: CLAUSEN, DUNN, POSNIAK, CRAKANTHORP AND NELMES

PURPOSE

The following Notice of Motion was received on 12 March 2015 from the abovementioned Councillors:

MOTION

1 Council receive a report on the feasibility to upgrade Lambton Pool to open all year-round.

2 This report consider:
   • the necessary upgrades required to open the facility year round
   • the installation of a gym, café, and learn-to-swim facilities on the site
   • the potential energy and maintenance savings by upgrading the facility
   • the likely patronage at an upgraded facility
   • the likely cost of the upgrade, including consideration of any current upgrade works, and
   • the potential opportunities to offset costs through grants and/or private industry partnership.

BACKGROUND

Lambton Pool is Council’s oldest facility (originally opened in 1963) and is also the pool with the highest patronage (with more than 160,000 visitors each year).

The pool is presently only open during the warmer months, and is closed over winter.

The current Pool Service Delivery Model, adopted by Council in December 2007, outlines Council’s vision for Lambton Pool, describing the future facility as the Hunter’s regional aquatic centre with both enclosed and outdoor pools, learn to swim opportunities and gymnasium.

The current facility features aged infrastructure which is costly to maintain, and use, and the facility has been identified as been energy inefficient particularly in terms of maintaining water temperature, and heating the pool after the winter closure.

A recent poll published in the Newcastle Herald on 17 February, showed 82% support for the upgrade of Lambton Pool to a year round facility. The Pool Service Delivery Model also states that the community has been “seeking an indoor facility for 30 years”.
Undertaking a feasibility study is the next logical step in honouring Council’s commitments under the adopted Pool Service Delivery Model, and will enable thorough discussion of the opportunity. The report would also allow Council to make informed decisions and consider applying for State or Federal grants which could assist in financing the project.

ATTACHMENTS

Nil
MINUTES OF THE ORDINARY MEETING OF THE CITY OF NEWCASTLE
TUESDAY 24 MARCH 2015 AT 5.40PM

REPORT ON NOTICE OF MOTION - LAMBTON POOL YEAR ROUND UPGRADE FEASIBILITY - 24 MARCH 2015

REPORT BY: INFRASTRUCTURE

CONTACT: DIRECTOR INFRASTRUCTURE

DIRECTOR COMMENT

Over the past 10 years, Council’s swimming centres have been considered for improvements, redevelopment and management changes at various times. The following information provides background and a status report on aquatic facility development throughout the LGA, including the proposed improvements to Lambton Pool.

- The Newcastle Pool Services Delivery Model (PSDM) was adopted by Council in 2007. The PSDM was developed to provide a long term planned approach for council to undertake maintenance improvements works at the community facilities as well as provide strategic direction for funding priority works. The PSDM identified the redevelopment of Lambton Pool into a Regional Indoor Aquatic Facility as the priority project in order to address existing gaps and ongoing community demand.

- Throughout 2011-12 an application for a Special Rate Variation (SRV) was prepared by Council to IPART for the development of key strategic projects throughout Newcastle. These included:
  - Revitalising Hunter Street
  - Revitalising our Coast
  - Upgrading Blackbutt Reserve
  - Providing new cycle ways
  - Improving our swimming pools
  - Modernising our Libraries
  - Expanding our Art Gallery

  This application was subsequently approved by IPART in June 2012 with nominally $8.6M in SRV funds identified for the improvement of swimming pool infrastructure. However the majority of the program was unfunded and work has only progressed on the four higher priority projects.

- In 2012 a multi-departmental project team was established to commence planning of the redevelopment of Lambton Pool. Some key documentation was developed including concept plans and feasibility plans. A Council briefing on the status of the project was provided in March 2013 at which time consideration on the co-location of a Library with the pool was considered.
In December 2013 Council resolved to prioritise the delivery of the SRV projects, in accordance with community ranking from Micromex Research 2011. To ensure reporting and timing of project delivery matched to cash flow, only the top 4 projects would form part of the 2014 – 2017 4 delivery plan. ‘Improving our swimming pools’ was ranked at No. 5 and work subsequently ceased on this project.

In June 2013, Council resolved “that Council continue to explore options in the Pool Services Delivery Model (SDM). Looking in particular the operational model for all pools including Stockton Pool and not negating the option of outsourcing the operations to a third party i.e. Port Stephen’s Model who use YMCA”. Following this resolution, staff called open tenders for the management of the 5 inland swimming pools, with tenders awarded for the external management of 4 inland pools in July 2014.

In December 2014, the Facilities and Recreation Services Unit commenced a strategic review of aquatic facilities. This project, identified as a high priority action within the Council adopted Parkland and Recreation Strategy, aims to guide the ongoing provision of a sustainable network of aquatic facilities with higher service levels at a reduced cost to Council. The project incorporates the following key tasks:

- a review of literature which discusses standards / recommended guidelines for aquatic infrastructure provision within Australia;
- benchmarking of aquatic infrastructure provision within the Newcastle LGA against industry benchmarks (if any exist) and other Councils;
- an examination of aquatic infrastructure development plans of NCC and neighbouring Council’s to ascertain potential impacts on aquatic facility provision within Newcastle;
- identification and examination of factors that are likely to impact on and influence demand and provision of aquatic infrastructure over the next 20 years, including; population growth & demographic change, gaps in current program & facility provision; asset condition, remaining lifespan of existing facilities; financial sustainability and the increasing costs of provision;
- A desktop review of the Newcastle Pool Services Delivery Model to identify any areas that require re-examination as a result of the information obtained throughout this project.

This project is scheduled for completion in September 2015. A Councillor workshop to outline the key findings of the report and discuss the strategic direction for aquatic facility development, and in particular the Lambton pool redevelopment, will be organised after that time.
A strategic review be conducted of Council’s inland pools, and then a Councillor workshop be organised to discuss the key findings, the strategic direction for aquatic facility development and possible Lambton pool redevelopment options.

**ORIGINAL MOTION**

1 Council receive a report on the feasibility to upgrade Lambton Pool to open all year-round.

2 This report consider:
   - the necessary upgrades required to open the facility year round
   - the installation of a gym, café, and learn-to-swim facilities on the site
   - the potential energy and maintenance savings by upgrading the facility
   - the likely patronage at an upgraded facility
   - the likely cost of the upgrade, including consideration of any current upgrade works, and
   - the potential opportunities to offset costs through grants and/or private industry partnership.

**MOTION**

Moved by Cr Clausen, seconded by Cr Luke

That:

1 A workshop be provided to Councillors providing an overview of previously completed reports on Swimming Pool Strategy and the potential expansion of Lambton Pool;

2 That the current Officer’s review of the Swimming Pool Strategy additionally incorporate consideration of:
   - the works necessary to upgrade Lambton Pool to a year round facility including options of providing cafe, gym, and learn-to-swim facilities onsite, and consideration of the revenue that could be raised from these separate streams
   - the potential energy and maintenance savings from upgrading pool facilities
   - likely costs of upgrades

3 A further workshop be provided following the current Officer review of the Swimming Pool Strategy scheduled for completion in September.

Carried
ITEM-13 NOM 24/03/15 - OPEN AND TRANSPARENT LOCAL GOVERNMENT

COUNCILLORS: OSBORNE AND DOYLE

PURPOSE

The following Notice of Motion was received on 12 March 2015 from the abovementioned Councillor:

MOTION

Noting that

a) Newcastle City Council has adopted "Open and Collaborative Leadership" as one of the key strategic directions for Newcastle in the 2030 Newcastle Community Strategic Plan, including considered decision-making based on collaborative, transparent and accountable leadership and our open and collaborative leadership provides the foundation for excellent governance,

b) The NSW Local Government Act 1993 states that Council must ensure that, in the exercise of its regulatory functions, that it acts consistently and without bias, particularly where an activity of the council is affected (Section 8 The council’s charter),

c) Every councillor, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under this or any other Act (Section 439 of the Act), and

d) The Independent Commission Against Corruption has highlighted that Councils need to be continually "reducing opportunities for corruption" in Council processes

Newcastle Council establishes procedures that ensure the highest level of transparency, accountability and probity in our City’s governance by requiring that anyone who has dealings with Council through a Corporate entity (including through tenders, consultancies, development applications, planning agreements etc) provide sufficient company details so that the names and addresses of all major or significant beneficiary shareholders are identified.

BACKGROUND

NA

ATTACHMENTS

Nil
MINUTES OF THE ORDINARY MEETING OF THE CITY OF NEWCASTLE
TUESDAY 24 MARCH 2015 AT 5.40PM

REPORT ON NOTICE OF MOTION 24/03/15 - OPEN AND TRANSPARENT LOCAL GOVERNMENT

REPORT BY: GENERAL MANAGER

CONTACT: MANAGER COUNCIL & LEGAL SERVICES

GENERAL MANAGER’S COMMENT

Reference is made to the Notice of Motion received on 12 March 2015 from Councillors Osborne and Doyle on the above named subject.

Council is committed to ensuring that it acts honestly and ethically and that its decisions are made in an ethical, open, transparent and impartial manner. In order to achieve such outcomes, its governance arrangements, such as its policies and procedures, are consistent with such objectives.

Accordingly, Council takes its legal and governance compliance responsibilities under the Local Government Act 1993, the Local Government (General) Regulation 2005, and Council’s Code of Conduct seriously. This legislation together with declarations of interests and the related requirement for Councillors and Council officers not to participate in decision-making when a significant conflict of interest exists, collectively establish a framework for sound governance.

When Council is proposing to enter into third party contractual arrangements, Council can undertake to obtain company searches as part of Council’s due diligence/legal risk management arrangements when proposing to enter into significant commercial dealings, such as procurement contracts and leasing transactions, with private sector corporate participants.

However, in the context of development applications (DAs) and planning agreements there is no legal requirement for such information to be provided or disclosed by proponents nor the legal ability for Council to compel such information being supplied by persons who lodge DAs etc. Council does not have the legal capacity to impose such information gathering requirements. The provision of such information is purely voluntary on the part of the proponent of a DA.

There is no such legal requirement under the provisions of s. 78A of the Environmental Planning and Assessment Act, 1979 (EPA Act). Clause 49 of the Environmental Planning and Assessment Regulation 2000 provides that a DA may be made by the owner of the land to which the DA or by any other person, with the consent in writing of the owner of that land. There is no legal requirement, for instance, for the owner, in the circumstances of a company, to disclose the names and addresses of its shareholders.

Section 147 of the EPA Act establishes a regime for the management of the disclosure of reportable political donations and gifts. The stated object of the section is to “require the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence.
Specifically, s. 147(4) imposes the obligation on a person who makes a relevant planning application to a council to disclose reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

(a) all reportable political donations made to any local councillor of that council;
(b) all gifts made to any councillor or employee of that council.

“Reportable political donation” means a reportable political donation as defined in Part 6 of the Election Funding and Disclosures Act 1981 (Act) that is required to be disclosed under that Part. Such donations include those of or above $1,000. Similarly, “gift” means a gift within the Part 6 of the Act.

S. 147(8) of the EPA Act defines, for the purposes of section 147, the circumstances when persons are associated with each other in the context of a person having a financial interest in a relevant planning application. It relevantly includes, inter alia, persons that are “related bodies corporate” (as defined in s. 50 of the Corporations Act, 2001 or one is a director of a company and the other is any such related body corporate or a director of any such related body corporate. The EPA Act does not require the disclosure of the names and addresses of shareholders of companies that are owners/proponents.

Failure to disclose relevant information or the making of a false disclosure statement is an offence under the EPA Act. The maximum penalty is $22,000.

Councillors attention is directed to Part 4 of Council’s DA Form (refer to Attachment A) which requires owner details, political donations and related probity matters. The applicant’s response to the political donations question is included on all reports to the Development Applications Committee.

ATTACHMENTS

Attachment A Development Application Form
## Part 1: Applicant and site details

### 1. Your name, address etc

- **Title:** □ Mr □ Mrs □ Miss □ Ms □ Other .........
- **Family name (or company):** ........................................
- **Given names (or ACN):** ...........................................
- **Postal address:** .........................................................
- **Postcode:** ..............................................................
- **Phone:** .................................................................
- **Alternative phone:** ...................................................
- **Fax ( ... )** ..............................................................
- **E-mail** .................................................................
- **Contact person** ........................................................
- **Reference no.** .........................................................

### 2. Location and title description of the property

- **Unit No:** .... **House No:** .... **Street:** .........
- **Locality:** ............................................................
- **Lot(s):** ...............................................................
- **Deposited Plan(s):** ..............................................
- **Strata plan** ...........................................................
- **Other** .................................................................

### 3. Who owns the land?

- **Name 1:** ..............................................................
- **Address** .............................................................
- **Postcode** ............................................................
- **Phone** ...............................................................
- **Name 2:** ..............................................................
- **Address** .............................................................
- **Postcode** ............................................................
- **Phone** ...............................................................
### Part 2: The Application and Development Details

#### 4. Have you completed the required checklist?
- [ ] Yes – Continue with the application. Note if electronic copies of the application is not provided in the required format additional fees will be charged.
- [ ] No – A completed checklist must accompany the application. You can obtain the checklists from Council’s City Administration Centre or visit the DA forms and checklists page on Council’s website to download them.

#### 5. Describe the proposed development

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<th>Question</th>
<th>Answer</th>
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<td>a) Give a detailed outline of what you propose in this application.</td>
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<td>b) In case of a development involving the use of a building as an</td>
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<td>entertainment venue, function centre, pub, registered club or</td>
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<td>restaurant, please specify the maximum number of persons</td>
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<td>proposed to occupy, at anyone time, that part of the building</td>
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<td>being used for the specified use.</td>
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<td>c) Does the application have a component to serve, sell or supply</td>
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<td>alcohol?</td>
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<td>[ ] Yes, if yes please provide detailed information in the Statement</td>
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<td>of Environmental Effects.</td>
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<td>d) Is this application the subject of enforcement action by Council’s</td>
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<td>Compliance Services Unit?</td>
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<td>[ ] Yes</td>
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<td>e) What is the height of all proposed buildings?</td>
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<td>f) What is the proposed and existing floor area of all buildings?</td>
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<td>Proposed: ( m^2 )</td>
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<td>a) What is the site area?</td>
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#### 6. Type of development?
- [ ] Building works
- [ ] Demolition
- [ ] Earthworks
- [ ] Other work (not building, subdividing or demolition)
- [ ] Subdivision (incl. strata)
- [ ] Change of use
- [ ] Advertisement or sign
7. Use of the site

a) What is the previous (if known) and existing use on the site?

b) What is proposed use on the site?

8. Estimated cost of development (including GST and excluding the value of the land)

Cost of development $..........................
Capital Investment Value $..........................

The cost of the development is the genuine estimate of: (a) the cost associated with the construction of the building, and (b) the cost associated with the preparation of the building for the purpose for which it is to be used (such as the cost of installing plant, fittings, fixtures and equipment). Owner builders will need to include a full cost of labour.

The Capital Investment Value (CIV) of a project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding land costs and GST). This is not required to be completed if the CIV is less than $5,000,000.

9. Details of previous Council interaction

a) Have you spoken about this application with a Council Officer?
   □ Yes, whom did you speak to? ...........................................
   □ No

b) Have you been given Pre-DA advice relevant to this application?
   □ Yes, Application Number DA/Pre-DA ...........................
   □ No

10. Integrated Development

Under s91a of the Environmental Planning and Assessment Act 1979 the following approvals may form part of this application (if applicable).

Please select the appropriate box(es) if you are seeking approval from the agencies as part of this application.

Fisheries Management Act 1994 □ s144 □ s201 □ s205 □ s219
Heritage Act 1977 □ s58
Mine Subsidence Compensation Act 1976 □ s15
National Parks and Wildlife Act 1974 □ s90
Petroleum (Onshore) Act 1991 □ s9
Protection of the Environment Operations Act 1997 □ s43(a), 47 □ s43(b), 48 & 55 55 & 122
Roads Act 1993 □ s138
Rural Fires Act 1997 □ s100(b)
Water Management Act 2000 □ s89, 90, 91
Part 3: Other Approvals - You can apply now or make a separate application at a later date.

11. Application under Section 68 of the Local Government Act

Are you applying for approval for any other approval under Section 68 of the Local Government Act, 1993?

☐ Yes, please nominate required approvals and provide details
☐ No

☐ Install a manufactured home or moveable dwelling
☐ Management of waste
☐ Conduct activities on community land
☐ Operate a car park or caravan park
☐ Install or operate amusement devices
☐ Other

12. Application under Part 8, Division 2 of the Roads Act

It is encouraged to have the application under the Roads Act assessed simultaneously with the any Development Application to avoid delays later in the process.

Are you applying for approval to "regulate traffic" under Part 8, Division 2 of the Roads Act?

☐ Yes, please nominate what form of regulation of traffic is proposed? e.g. signals, roundabouts and preventing vehicle turns into a road or roads. Full details are to be supplied in separate documentation.
☐ No

Part 4: Owner’s consent and applicant’s declaration

13. Owner’s consent

Who signs the form?
- All owners
- If a company - a director, secretary or authorised delegate.
- If the property is strata titled - the authorised delegate of the Owners Corporation
- If Crown Land - an authorised officer of the relevant government authority must sign the application

As owner/s of the land to which this application relates, I/we consent to this application. I/we also give consent for authorised Council officers to enter the land to carry out inspections.

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<th>Signature/s</th>
<th>Name/s</th>
<th>Capacity</th>
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*If signing on the owner’s behalf as the owner’s legal representative, you must state the nature of your legal authority and attach any available evidence (eg, power of attorney, executor, trustee, company director).
14. Political Donations and Gifts

Section 147 of the Environmental Planning and Assessment Act 1979 requires a person to disclose "reportable political donations and gifts made by any person with a financial interest" in the application within the period commencing two years before the application is made and ending when the application is determined.

The following information is to be included on the statement:

(a) all reportable political donations made to any local Councillor of Council and
(b) all gifts made to any local councillor or employee of that council.

Have you, or are you aware of any person having a financial interest in the application, made a 'reportable donation' or 'gift' to a Councillor or Council employee within a two year period before the date of this application?

☐ Yes. If yes, the statement must be attached. All disclosure statements of reportable donations and gifts will be made publicly available on Council's website.

☐ No, but in signing this application I undertake to disclose to Council in writing, within seven days, any reportable political donation or gift made after the lodgement of the application and prior to its determination).

Council has prepared a Political Donations and Gifts Disclosure Statement, incorporating explanatory information, which is available on Council's website www.newcastle.nsw.gov.au or at the Customer Enquiry Counter.

Note: Failure to disclose relevant information, or make a false disclosure statement is an offence under the Act. The maximum penalty for the offence is currently $22,000.

15. Probity

Parties include owners, applicants, developers and companies.

Are parties with pecuniary or non-pecuniary interest:

a) a staff member, councillor, contractor or related to someone who is a staff member, councillor, contractor of The City of Newcastle? or,

b) a State or Federal Member of Parliament?

☐ Yes. If yes, state the relationship and person..............................

.......................................................... ..........................................................

☐ No

- I apply for consent to carry out the development described in this application.
- I declare that all the information given is true and correct.
- I declare that any electronic data provided is a true copy of all plans and associated documents submitted with this application.
- I understand that if incomplete, the application may be delayed, rejected or returned.
- I understand that the information supplied on this form and any related document may be made available to the public *.
- I indemnify all persons using the development application and documents in accordance with the Environmental Planning and Assessment Act, 1979 against any claim or action in respect of breach of copyright.

Applicant's name (please print)..........................................................

Signature..................................................Date..........................

* Under the Government Information (Public Access) Act 2009 (NSW) (GIPA Act), objections to the future disclosure of floorplans, after the application has been determined, may be lodged on the basis that there is an overriding public interest against disclosure.
Protecting your privacy
The City of Newcastle is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council’s Privacy Management Plan.

Purpose of collection: To enable Council as the consent authority to assess your proposal.
Intended recipients: Council staff and other government agencies that may be required to assess the proposal.
Supply: The information is a statutory requirement related to the assessment of the application.
Consequence of non-provision: Your application may not be accepted or processed due to a lack of information.
Storage and Security: The City of Newcastle, 282 King Street Newcastle 2300 will store details of the application. Individuals can access the details of the application under the Government Information (Public Access) Act 2009.
Access: Your information can be checked for accuracy by calling (02) 4974 2000.

How to lodge your application
Applications can be lodged either:

1. In person at the Customer Enquiry Centre, located on the ground floor of 282 King Street, Newcastle. We are open for business from 8.30am to 5.00pm, Mondays to Fridays. Payments are only accepted between 8.30am and 4.00pm. A duty officer is available to provide basic information in relation to development applications, until 4pm daily by phoning (02) 4974 2036 or visiting Council’s Offices. Pre-DA appointments should be made for more complex enquiries.

2. By mail – Postal address 'The General Manager, The City of Newcastle, PO Box 489 Newcastle 2300'.

Fees
Fees are calculated on a scale based on the contract value of the work or number of lots. Fee quotes can be obtained by contacting Council on (02) 4974 2000.

Payment Methods
You can pay by cash, cheque or the following debit cards using EFTPOS: American Express, Visa or Mastercard. Make cheques payable to “The City of Newcastle”. Do not send cash in the mail. Fees are payable at the time of lodgement.

A credit card processing fee applies to credit card transactions, reflecting bank fees charged to the 'The City of Newcastle' for card payments.

Acknowledgement
We will acknowledge that we have received your application. You will receive a letter and receipt specifying the amount of fees paid, and the registered number of the application.

Coming in to see us?
Our Customer Enquiry Centre is located on the ground floor of The City of Newcastle, Administration Centre, 282 King Street, Newcastle, opposite Civic Park.

Rail: Civic Station. Ph 13 1500 for details.
Bus: Alight at Civic. Ph (02) 4961 8933 for details.
Parking: Gibson Street Parking Station 300metres, or on-street parking nearby. Parking that is accessible for people with disabilities is available in Burwood Street, Newcastle.

How to contact us:
Phone: (02) 4974 2000
Fax: (02) 4974 2222
E-mail: mail@ncc.nsw.gov.au
Web: www.newcastle.nsw.gov.au
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Accepted/Checked by ........................................ Date........................................

Registered by .................................................. Date........................................
MOTION
Moved by Cr Osborne, seconded by Cr Doyle

Noting that

a) Newcastle City Council has adopted "Open and Collaborative Leadership" as one of the key strategic directions for Newcastle in the 2030 Newcastle Community Strategic Plan, including considered decision-making based on collaborative, transparent and accountable leadership and our open and collaborative leadership provides the foundation for excellent governance,

b) The NSW Local Government Act 1993 states that Council must ensure that, in the exercise of its regulatory functions, that it acts consistently and without bias, particularly where an activity of the council is affected (Section 8 The council’s charter),

c) Every councillor, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under this or any other Act (Section 439 of the Act), and

d) The Independent Commission Against Corruption has highlighted that Councils need to be continually "reducing opportunities for corruption" in Council processes.

Council receives a report on how Newcastle Council can establish procedures that ensure the highest level of transparency, accountability and probity in our City’s governance by requiring that anyone who has dealings with Council through a Corporate entity (including through tenders, consultancies, development applications, planning agreements etc) provide sufficient company details so that the names and addresses of all major or significant beneficiary shareholders are identified.

For the Motion: The Lord Mayor, Councillors Clausen, Compton, Crakanthorp, Doyle, Dunn, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Councillors Luke, Tierney and Waterhouse.

Carried
12 CONFIDENTIAL REPORTS

MOTION
 Moved by Cr Posniak, seconded by Cr Tierney

Council proceed into confidential session for the following items for the reasons outlined in the business papers:

Item 2 - Confidential Property Matter Lot 212 DP 6600080
Item 3 - Tenders for the Provision of Cash in Transit Services for Contract No 2015/094T
Item 4 - Update on EOI Merewether Ocean Baths and Newcastle Ocean Baths Pavilions
Item 5 - Small Vehicle Receival Centre Expansion & Upgrade - Engineering Consultancy - Summerhill Waste Management Centre - Contract No. 2015/119T
Item 6 - Tender for the Supply & Installation of Road Safety Barrier Systems for Contract No. 2015/225T
Item 7 - Ironbark Creek Stage 3 Construction - Contract No. 2015/100T

Carried

Council moved into confidential session at 7.10pm. Councillor Luke left the meeting prior to the commencement of Item 2 and returned during Item 5.

Council reconvened into open Council at 7.15pm and Councillor Tierney retired from the meeting. The General Manager announced the details of the resolutions approved by Council in confidential session.
ITEM-2  CON 24/03/15 - CONFIDENTIAL PROPERTY MATTER LOT 212 DP 660080

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES/ MANAGER COMMERCIAL PROPERTY

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 as follows:

Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:

a  - only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

and

b  - the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to the sale of the former School of Arts Building at 182-188 Hunter Street and 1-7 Wolfe Street Newcastle.

Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

C It is contrary to the public interest to discuss the matter in an open meeting because the information provided to Council is sensitive commercial information which would provide a commercial advantage to any person making an offer to purchase the land in the event the proposed transaction does not proceed with the recommended purchaser. This could lead to a reduction in the final negotiated sale price and the resulting reduction in revenue to Council.

MOTION

1 (a) Council grant authority to the General Manager or his delegate to execute all relevant documentation to effect the sale transaction of the property situated at 182-188 Hunter Street and 1-7 Wolfe Street, Newcastle, to the Life Property Group; and

(b) the net proceeds of the sale to be credited to the Land and Property Reserve.

2 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried
ITEM-3  CON 24/03/15 - TENDERS FOR THE PROVISION OF CASH IN TRANSIT SERVICES FOR CONTRACT NO 2015/094T

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER FINANCE

PURPOSE

Tenders were invited for the provision of Cash in Transit Services to Council sites with the additional option of Parking Meter cash collections.

As the value of the works exceeds $150,000, the Local Government (General) Regulation 2005 requires Council's acceptance of the tender.

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 (Act) as follows:

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for Cash in Transit & Parking Meter Cash Collection Services for Contract No. 2015/094T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision.

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

MOTION

1 Council accepts the tender of Knightguard Protection Services Pty Ltd for Cash in Transit (CIT) & Parking Meter Cash Collection Services for Contract No.2015/094T in the amounts (including GST) as set out below:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk Monthly Rate for various Council sites</td>
<td>$3,811.72</td>
</tr>
<tr>
<td>Daily Scheduled Services for Parking Meter Cash Collections</td>
<td>$625.68</td>
</tr>
<tr>
<td>Service Variation Unit Rate for onsite parking meter cash box</td>
<td>$8.69</td>
</tr>
<tr>
<td>Unscheduled Collection Service per meter cash box (Mon – Fri</td>
<td>$13.75</td>
</tr>
<tr>
<td>excluding public holidays) and during normal business hours</td>
<td></td>
</tr>
<tr>
<td>Unscheduled Collection Service per meter cash box (Mon – Fri</td>
<td>$15.95</td>
</tr>
<tr>
<td>excluding public holidays) and after normal business hours</td>
<td></td>
</tr>
<tr>
<td>Unscheduled Collection Service per meter cash box (Saturday,</td>
<td>$20.35</td>
</tr>
<tr>
<td>Sunday and Public Holidays)</td>
<td></td>
</tr>
</tbody>
</table>

2 This confidential report relating to the matters specified in s10A(2)(d) of the Act be treated as confidential and remain confidential until Council determines otherwise.

Carried
ITEM-4  CON 24/03/15 - UPDATE ON EOI MEREWETHER OCEAN BATHS AND NEWCASTLE OCEAN BATHS PAVILIONS

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER COMMERCIAL PROPERTY

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the Local Government Act (Act) 1993 as follows:

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:

a - only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

and

b - the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

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

A  The matter relates to the Expression of Interest (EOI) processes for Merewether and Newcastle Ocean Bath Pavilion sites.

    Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

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

C  It is contrary to the public interest to discuss the matter in an open meeting because the information provided to Council is sensitive commercial information which would provide a commercial advantage to any person involved in the tender process.

MOTION

1  Following the completion of the EOI process, Council authorises the Request for Tender (RFT) to be sought from the two preferred EOI proponents for the lease and redevelopment of the Merewether Ocean Baths Pavilion site and the Newcastle Ocean Baths Pavilion site. The RFT will require the tenderers to address a number of specific items including those outlined in Attachment A.

2  This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried
ITEM-5  CON 24/03/2015 - SMALL VEHICLE RECEIVAL CENTRE EXPANSION & UPGRADE - ENGINEERING CONSULTANCY - SUMMERHILL WASTE MANAGEMENT CENTRE - CONTRACT NO. 2015/119T

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR OF INFRASTRUCTURE / MANAGER WASTE MANAGEMENT

PURPOSE
The City of Newcastle has recently secured an EPA grant of $1.0 million under the Waste Less Recycle More Initiative towards a proposed $2.6 million (Stage-1 of 2) enhancement and expansion project of the Small Vehicle Receival Centre (SVRC) recycling facility at Summerhill Waste Management Centre (SWMC).

This tender was called for the provision of engineering consultancy services to undertake the detail design for the expansion and enhancement of the SVRC.

As the value of the works exceeds $150,000, the Local Government (General) Regulation 2005 requires Council's acceptance of the tender.

REASON FOR CONFIDENTIALITY
This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 (Act) as follows:

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

A The matter relates to tenders for the Detail Design for the expansion and enhancement of the Small Vehicle Receival Centre located at Summerhill Waste Management Centre under Contract No. 2015/119T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision.

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

MOTION

Moved by Cr Osborne, seconded by Cr Tierney

1 Council accept the tender of Hyder Consulting Pty Ltd. in the amount of $287,155.00 (excluding GST) for Detail Design for the expansion and upgrade of the Small Vehicle Receival Centre for Contract No. 2015/119T.

2 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried
ITEM-6 CON - 24/03/15 - TENDER FOR THE SUPPLY & INSTALLATION OF ROAD SAFETY BARRIER SYSTEMS FOR CONTRACT NO. 2015/225T

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR INFRASTRUCTURE / MANAGER CIVIL WORKS

PURPOSE
To approve Newcastle City Council (NCC) participation in a number of Regional Procurement contracts for the supply & installation of road safety barrier systems (commonly known as guardrail).

As the value of the services may exceed $150,000, the Local Government (General) Regulation 2005 requires Council's acceptance of the recommended tenders.

REASON FOR CONFIDENTIALITY
This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 (Act) as follows:

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

A The matter relates to tenders for the supply & installation of road safety barrier systems (NCC reference Contract No. 2015/225T).

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision.

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

MOTION

1 Council approves NCC participation in the Hunter Councils Regional Procurement contracts with the three contractors listed hereunder commencing 1 April 2015 for the supply & installation of road safety barrier systems under the terms and conditions of the Regional Procurement contracts;

   1. Destraz Pty Ltd trading as D & P Fencing Contractors, and
   2. Guardrail Systems Pty Ltd, and
   3. Irwin Fencing Pty Ltd.

2 Council resolves not to participate in the Regional Procurement contracts for supply only of road safety barrier systems on the basis that council has no use for this service.

3 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried
ITEM-7 CON 24/03/15 - IRONBARK CREEK STAGE 3 CONSTRUCTION - CONTRACT NO. 2015/100T

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR INFRASTRUCTURE / MANAGER PROJECTS & CONTRACTS

PURPOSE

Public Tenders were invited for Construction works for the rehabilitation of natural creek line of approx. 300 lm of open drainage channel in Ironbark Creek – from existing Stage 1 to Cardiff Rd to ensure integrity of the channel and improve the aesthetic and performance of this important waterway.

As the value of the works exceeds $150,000, the Local Government (General) Regulation 2005 requires Council's acceptance of the tender.

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 (Act) as follows:

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for Creekline Rehabilitation – Ironbark Creek, Elermore Vale Stage 3 for Contract No. 2015/100T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision.

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

<table>
<thead>
<tr>
<th>MOTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Council accept the tender of NSW Soil Conservation Service (SCS) in the amount of $333,752.34 (excluding GST) for Creekline Rehabilitation - Ironbark Creek, Elermore Vale Stage 3 for Contract No. 2015/100T.</td>
</tr>
<tr>
<td>2. This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.</td>
</tr>
</tbody>
</table>

Carried

The meeting concluded at 7.17pm.