Councillors,

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

DATE: Tuesday 24 May 2016
TIME: 5.30pm
VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

Glen Cousins
Acting Interim Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

13 May 2016

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**NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER**
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 19 APRIL 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160419 Public Voice Committee Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 19 April 2016 at 5.33pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Crakanthorp, T Doyle, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE
P Chrystal (Acting Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), M Blackburn-Smith (Manager Development and Building Services), F Giordano (Manager Legal and Governance), N Baker (Chief of Staff to the Lord Mayor), K Sullivan (Council Services/Webcasting) and A Leach (Council Services/Minutes).

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

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

APOLOGIES

MOTION
Moved by Cr Posniak, seconded by Cr Osborne

The apologies submitted on behalf of Councillors Dunn and Waterhouse be received and leaves of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PVC - DA 2015-0876 - 29-31 LAMAN ST COOKS HILL - ERECTION OF THREE STOREY SERVICED APARTMENT BUILDING (PLUS BASEMENT PARKING) AND STRATA SUBDIVISION.docx

Council received a development application seeking consent for the construction of a three storey serviced apartment development (plus basement level) and 11 lot strata subdivision.
The original proposal was notified to neighbouring properties for 14 days in accordance with the provisions of Newcastle DCP 2012 and sixty-four (64) public submissions were received objecting to the proposal including three (3) Public Voice requests and one (1) submission for mediation.

The proposal was since amended to the current scheme and was re-notified to surrounding properties. Council received thirty-four (34) submissions in response.

The application will be referred to Council's Development Application Committee (DAC) for determination under its delegation due to a total number of objections received, being thirty-four (34).

Applicants for the Public Voice Mr Glenn Burgess and Professor John Aitken briefed Councillors on their key concerns for the development application which included:

- Visual and acoustic privacy of the surrounding dwellings;
- The balconies of unit 2 would overlook the kitchen, living and outdoor areas of 33 Laman Street;
- The balcony of unit 6 would overlook into the main bedroom of 33 Laman Street;
- The proposed development would overlook dwellings in Glovers Lane and Dawson Street and would obscure the view of St Andrews Church from 33 Laman Street and dwellings in Glovers Lane;
- The proposed development had an inadequate number of garbage bins and car parking spaces;
- Vents from the garbage storage area would sit directly opposite the backyard of 8 Glovers Lane;
- The streescap was inconsistent with surrounding properties in Laman Street and Glovers Lane; and
- The development failed to satisfy objectives of the Newcastle Development Control Plan 2012.

Mr Stuart Clarke, Architect, Oceania Clarke Pty Ltd Architects and Mr Wes Wilson, Planner, Wilson Planning Pty Ltd representing the DA applicant advised Councillors that they had received advice from the Urban Design Consultative Group that the current design had substantially addressed its previous concerns.

Mr Murray Blackburn-Smith, Manager Development and Building Services informed the Councillors that the landscaping plans would be included in the Development Applications Committee meeting agenda.

The meeting concluded at 6.07pm
MINUTES - ORDINARY COUNCIL MEETING 26 APRIL 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160426 Ordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 26 April 2016 at 5.36pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), L Burcham (Cultural Director), J Gaynor (Manager Strategic Planning Services), R Bales (Manager Customer Service), K Hyland (Manager Communications and Engagement), A Glauser (Manager Finance), G Holland (Manager Human Resources), G Sainsbury (Manager Projects and Contracts), I Challis (Contracts Management Specialist), D North (Manager Waste Management), N Baker (Chief of Staff to the Lord Mayor), K Baartz (Communications), B Johnson (Communications), A Knowles (Council Services/Webcasting/) and A Leach (Council Services/Minutes).

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

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Doyle

The apologies submitted on behalf of Councillors Tierney and Waterhouse be received and leaves of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke
Councillor Luke declared a less than significant non-pecuniary interest in Item 35 Executive Monthly Performance Report, 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.

Councillor Clausen
Councillor Clausen declared a less than significant non-pecuniary interest in Item 35 Public exhibition of the draft 2013-2017 Delivery Program and draft 2016/17 Operational Plan and draft 2016/17 Fees and Charges and said a number of projects within the program were co-funded between his employer and Council, however, as he was not involved in any of the decision making process he would remain in the Chamber when the item was discussed.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES OF ORDINARY COUNCIL MEETING 22 MARCH 2016

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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

REPORTS BY COUNCIL OFFICERS

ITEM-33 CCL 26/04/16 - CORRECTION TO COUNCIL MINUTES 8 DECEMBER 2015

Councillor Osborne gave notice to table a 600 signature petition entitled No Business in Abuse.

MOTION
Moved by Cr Luke, seconded by Cr Compton

Council correct the minutes from the Ordinary Council Meeting of 8 December 2015 - Item 138 Supplementary Report - Review of Instrument of Delegations by removing the words 'as advised by the Acting Interim Chief Executive Officer' (as was amended at the Ordinary Council Meeting held 23 February 2016) and replace with 'as the Lord Mayor understood it to be' (as recommended in the CEO's memo to Councillors dated 16 March 2016).
AMENDMENT
Moved by Cr Clausen, seconded by Cr Dunn

1 Council correct the minutes from the Ordinary Council Meeting of 8 December 2015 - Item 138 Supplementary Report - Review of Instrument of Delegations by removing the words 'as advised by the Acting Interim Chief Executive Officer' (as was amended at the Ordinary Council Meeting held 23 February 2016) and replace with 'as the Lord Mayor understood it to be' (as recommended in the ICEO's memo to Councillors dated 16 March 2016); and

2 That Council receives an update report on the investigation into the unauthorised dissemination of confidential legal advice, including an update on the advice provided to the Lord Mayor by the Acting Interim Chief Executive Officer regarding the forwarding of confidential advice via email.

Councillor Luke raised a Point of Order that part 2 of the amendment should be brought forward as a separate motion.

The Lord Mayor upheld Councillor Luke’s Point of Order and requested Councillor Clausen bring forward his amended motion as a foreshadowed motion.

Councillor Dunn raised a Point of Order that the item be ruled out of order and said that the motion changed a previous decision of Council and was in effect a rescission motion and should be treated as so.

Following advice from the Manager Legal and Governance that Council was seeking to correct the previously adopted minutes which had been amended by Council and were not accurate, as required by s. 375 of the Local Government Act, rather than seeking to rescind a resolution of Council, the Lord Mayor ruled that the item was not out of order.

Councillor Posniak raised a Point of Order that Council could not amend minutes that had been adopted by Council and the matter should be brought to Council as a Rescission Motion.
PROCEDURAL MOTION  
Moved by Cr Osborne, seconded by Cr Crakanthorp

The item lay on the table and Council seek further legal advice on whether part 1 of the motion should be dealt with as a Rescission Motion.

For the Motion: Lord Mayor, Councillor Nelmes and Councillors Clausen, Crakanthorp, Doyle, Dunn, Osborne, Posniak

Against the Motion: Councillors Compton, Luke, Robinson and Rufo.  

Carried

MOTION  
Moved by Cr Clausen, seconded by Cr Posniak

That Council receives an update report on the investigation into the unauthorised dissemination of confidential legal advice, including an update on the advice provided to the Lord Mayor by the Acting Interim Chief Executive Officer regarding the forwarding of confidential advice via email.

For the Motion: Lord Mayor, Councillor Nelmes and Councillors Clausen, Compton, Crakanthorp, Doyle, Dunn, Luke, Osborne, Posniak, Robinson and Rufo

Against the Motion: Nil.  

Carried

Councillor Luke called a Point of Order that Councillor Clausen should raise the matter as a late item of business.

The Lord Mayor ruled the Point of Order not upheld.
ITEM-34  CCL 26/04/16 - EXHIBITION OF 2013/17 DELIVERY PROGRAM, 2016 OPERATIONAL PLAN AND FEES AND CHARGES

MOTION
Moved by Cr Dunn, seconded by Cr Clausen

1 Council endorses the revised draft 2013-2017 Delivery Program and draft 2016/17 Operational Plan and draft 2016/17 Fees and Charges (excluding pages 124-131) and places these documents on public exhibition for 28 days prior to final consideration by Council; and

2 The 2016/17 Fees and Charges for Beresfield Swimming Pool remain the same as the fees and charges for the previous year (2015/16).

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

Against the Motion: Councillor Luke. Carried

ITEM-35  CCL 26/04/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - MARCH 2016

Councillor Luke left the Chamber at 6.19pm.

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

The report be received with the addition of a compliance report on Council's adopted clauses on ethical and social responsibility set out in Council's Investment Policy to be included under the section "Investment Policy Compliance Report". Carried

Councillor Luke returned to the Chamber at 6.19pm.

ITEM-36  CCL 26/04/16 - TABLING OF PECUNIARY INTEREST RETURNS (COMMENCING EMPLOYEES)

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

Council to note the pecuniary interest returns as tabled by the Interim Chief Executive Officer. Carried
ITEM-37  CCL 26/04/16 - EXHIBITION OF DRAFT COUNCIL STREET COOKS HILL INFRASTRUCTURE REHABILITATION DESIGN

MOTION
Moved by Cr Luke, seconded by Cr Rufo

1 Council endorses Option 1, the preferred design option, for Council Street Cooks Hill being Council Street one way (westbound from Darby Street to Bruce Street).

2 Council place the preferred design option on public exhibition for a period of four weeks.

AMENDMENT
Moved by Cr Osborne, seconded by Cr Doyle

Council place all design options on public exhibition for a period of four weeks and not endorse any option on public exhibition.

Carried

The amendment was put to the meeting and declared carried and became the motion before the Chair.

MOTION
Moved by Cr Luke, seconded by Cr Rufo

Council place all design options on public exhibition for a period of four weeks and not endorse any option on public exhibition.

Carried

ITEM-38  CCL 26/04/16 - STATION STREET WICKHAM, ROAD RECONFIGURATION AND ONE-WAY TRAFFIC FLOW

MOTION
Moved by Cr Crakanthorp, seconded by Cr Posniak

1 Council approves the road configuration changes and one-way traffic flow east to west of Station Street from Charles Street to Union Street as part of the Wickham Transport Interchange Project.

2 Council approves projects identified in Paragraphs 4 and 8 of this report on the basis that these projects are fully funded by Transport for NSW through the Wickham Transport Interchange Project.

3 That the Traffic Committee investigate the banning of right turn movement of westbound traffic from Station Street to Union Street.

Carried
Councillor Crakanthorp thanked the Traffic Committee and particularly the Acting Director Infrastructure for securing an additional $1.5 million funding from Transport for NSW towards the projects.

Councillor Clausen gave notice of a late item of business called Submission to IPART on Review of Local Government rating structure.


MOTION
Moved by Cr Posniak, seconded by Cr Doyle

That Council approves the establishment of the Hamilton Train Station Park as a 24 hour Alcohol Prohibited Area (Attachment A).

Carried

ITEM-40  CCL 26/04/16 - ADOPTION OF NEWCASTLE YOUTH COUNCIL COMMITTEE CHARTER

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

Council adopts the revised Newcastle Youth Council Committee Charter (Attachment A) with references to General Manager amended to Chief Executive Officer throughout the document.

Carried

ITEM-41  CCL 26/04/16 - ADOPTION OF AMENDMENT TO SECTION 3.02 SINGLE DWELLINGS - NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

Council adopts the amended Section 3.02 Single Dwellings and Ancillary Development of the Newcastle DCP 2012 in the form as set out in (Attachment A).

For the Motion:  Lord Mayor, Councillor Nelmes and Councillors Clausen, Compton, Crakanthorp, Luke Osborne, Posniak, Robinson and Rufo

Against the Motion:  Nil.

Carried
ITEM-42 CCL 26/04/16 - DUAL NAMING RECOMMENDATION TO THE GEOGRAPHIC NAMES BOARD

MOTION
Moved by Cr Osborne, seconded by Cr Rufo

Council re-endorse the eight Aboriginal dual names for landforms as proposed by Council's Guraki Aboriginal Advisory Committee.

Carried

ITEM-43 CCL 26/04/16 - EXHIBITION OF THE SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2009

MOTION
Moved by Cr Luke, seconded by Cr Posniak

Council resolves to place the Draft Section 94A Development Contributions Plan 2009 on public exhibition for 28 days.

AMENDMENT
Moved by Cr Clausen, seconded by Cr Dunn

1 Council resolves to place the Draft Section 94A Development Contributions Plan 2009 on public exhibition for 28 days.

2 Council receives a report on the impact of the reduction of section 94A levy by the previous Council. The report is to consider:

   a) Economic analysis of success of the reduced levy in incentivising development on Newcastle compared with other measures available to Council to boost confidence and incentivise development.

   b) The impact of the current levy rate on the delivery of community projects.

   c) Comparison of the Section 94A levy rates currently applicable in other NSW growth centres including but not limited to, Sydney, Parramatta and Wollongong.

3 Council receives a memo on the cost of the economic analysis report.

Councillor Osborne gave notice of a foreshadowed motion that Council resolve to place the draft Section 94A Development Contributions Plan 2009 on public exhibition for 28 days including an option that the City Centre levy be set at 3%.
The mover and seconder accepted the amendment which became the motion before the Chair.

**MOTION**  
Moved by Cr Luke, seconded by Cr Posniak

1. Council resolves to place the Draft Section 94A Development Contributions Plan 2009 on public exhibition for 28 days.

2. Council receives a report on the impact of the reduction of section 94A levy by the previous Council. The report is to consider:

   a) Economic analysis of success of the reduced levy in incentivising development on Newcastle compared with other measures available to Council to boost confidence and incentivise development.

   b) The impact of the current levy rate on the delivery of community projects

   c) Comparison of the Section 94A levy rates currently applicable in other NSW growth centres including but not limited to, Sydney, Parramatta and Wollongong.

3. Council receives a memo on the cost of the economic analysis report.

**For the Motion:** Lord Mayor, Councillor Nelmes and Councillors Clausen, Compton, Crakanthorp, Dunn, Luke, Posniak, Robinson and Rufo

**Against the Motion:** Councillors Doyle and Osborne.

Carried

**ITEM-44 CCL 26 04 2016 - PUBLIC ART MANAGEMENT MODELS**

**MOTION**  
Moved by Cr Luke, seconded by Cr Osborne

1. Council resolves to:

   i) Adopt the included Public Art Management Framework in the form as provided in Attachment A; and

   ii) Appoint the following four Councillors to the Public Art Reference Group; Councillors Doyle, Dunn, Posniak and Rufo.

Carried
ITEM-45  CCL 26/04/16 - HERITAGE AMENDMENTS - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Clausen, seconded by Cr Posniak

1 Council resolves to:

   i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 in order to address various heritage matters.

   ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the EP&A Act 1979.

   iii) Advise the Secretary of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act 1979.

   iv) Receive a report back if a written objection is received during consultation with the community, otherwise forward the Planning Proposal to the Secretary, Planning and Environment requesting the proposed amendment to Newcastle LEP 2012 be made.

For the Motion:  Lord Mayor, Councillor Nelmes and Councillors Clausen, Compton, Crakanthorp, Doyle, Dunn, Luke, Osborne, Posniak, Robinson and Rufo

Against the Motion:  Nil.

Carried
NOTICES OF MOTION

ITEM-2 NOM 26/04/16 - URBANGROWTH / COUNCIL CONSULTATION

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

That Council invite community representatives, Dr Patricia Gillard and Fred Dumbrell to present their comments about UrbanGrowth’s *Engagement Outcomes* Report December 2015, related user research and how they could be used in transport planning for the city and region, at the next Public Voice session of Tuesday 17 May 2016.

Carried

ITEM-3 NOM 26/04/16 - NO BUSINESS IN ABUSE

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

That Council expresses its respect for the fundamental human rights of asylum seekers.

Therefore Newcastle City Council.

1. Agrees, in principle, to only support and/or contract companies, institutions and organisations that do not support or profit from practices which abuse the fundamental human rights of asylum seekers. A company that is not abusive is one which¹:

   a) Has zero tolerance for child abuse, in policy and practice;
   b) Respects people’s fundamental rights to freedom from arbitrary and indefinite detention;
   c) Does not treat people in a cruel, inhumane or degrading manner;
   d) Commits to transparency and independent monitoring to ensure these principles are upheld.

2. Commission a report mapping Newcastle City Council’s exposure to Broadspectrum and its associated entities. The report shall include:

   a) A list of all current contracts and investments with Broadspectrum and Wilson Security;
   b) The possibility of future contracts and investments with Broadspectrum and Wilson Security;
   c) The possibility and legality of Newcastle City Council excluding Broadspectrum and Wilson Security from any future contracts, tenders or other business dealings.

¹The full text of the No Business in Abuse pledge is included below.
d) Recommendations to Newcastle Council for appropriate action in relation to the above.

3 Newcastle City Council review its procurement policy to incorporate the four principles of the *No Business in Abuse* (NBIA) pledge, thereby excluding from future contracts, tenders or business dealings any companies involved in Australia’s offshore and onshore immigration processing system that fail to meet the NBIA pledge requirements.

Councillor Posniak raised a Point of Order that the motion would breach the Office of Local Government Guidelines on Council decision making during the Merger Proposal period and tabled a procedural motion.

**PROCEDURAL MOTION**
Moved by Cr Posniak, seconded by Cr Rufo

Council lays the item on the table until the proposed merger process is known on the basis of legal advice from officers which stated the Notice of Motion may breach the Office of Local Government Guidelines 'Council decision making during the Merger Proposal periods' dated 18 December 2015. Council notes the officers report which states that Council does not currently have any contracts with either Broadspectrum Limited or Wilson Security Pty Ltd and that the City of Newcastle is formally registered as a Refugee Welcome Zone.

**For the Motion:** Lord Mayor, Councillor Nelmes and Councillors Clausen, Compton, Crakanthorp, Dunn, Posniak, Robinson and Rufo

**Against the Motion:** Councillors Doyle, Luke and Osborne.

*Carried*
MOTION
Moved by Cr Doyle, seconded by Cr Osborne

1 That Council express its concern to the State Government regarding the following aspects of the light rail system and route proposed in its Review of Environmental Factors:

- deferral of consideration of streetscapes and cycleways until a later date, rather than integrating planning for all aspects of the revitalization process;
- failure to consider options that include using the length of the rail corridor for transport purposes;
- lack of clear long-term planning and commitment to extending the light rail system to key destinations such as Callaghan campus of the University, John Hunter Hospital, Hunter Stadium and the airport;
- failure to analyse and consider the 285 submissions made by community members to the UrbanGrowth/ NCC Community Engagement.

2 That Council Officers prepare a report and draft submission for the Ordinary Council meeting to the Minister for Transport, Andrew Constance and Transport for NSW.

AMENDMENT
Moved by Cr Posniak, seconded by Cr Crakanthorp

1 That Council express its concern to the State Government regarding the following aspects of the light rail system and route proposed in its Review of Environmental Factors:

- deferral of consideration of streetscapes and cycleways until a later date, rather than integrating planning for all aspects of the revitalization process;
- failure to consider options that include using the length of the rail corridor for transport purposes;
- lack of clear long-term planning and commitment to extending the light rail system to key destinations such as Callaghan campus of the University, John Hunter Hospital, Hunter Stadium and the airport;
- failure to analyse and consider the 285 submissions made by community members to the UrbanGrowth/ NCC Community Engagement.

2 Council reiterates support for the Council's Connecting Newcastle vision which advocates for mixed running allowing for delivery of urban renewal objectives including significant public domain improvements such as widened footpaths, greater pedestrian accessibility, parking, extension of cycle ways, street trees and outdoor dining. In the event that the State Government refuses a mixed running option, Council's position is that the Light Rail route should remain the rail corridor so that urban renewal objectives in Hunter Street can be realised.
3 That Council Officers prepare a report and draft submission for Council's consideration. Council seeks an extension from Transport for NSW to enable submission following the next Ordinary meeting of Council. Should an extension not be granted, Council holds an extraordinary meeting on 17 May 2016 to enable consideration before the submission cut off 19 May 2016.

The amendment with the words "Connecting Newcastle" removed from part 2 was accepted by the mover and seconder and became the motion before the Chair.

Councillor Luke left the chamber at 7.49pm and returned at 7.50pm.

**MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

1 That Council express its concern to the State Government regarding the following aspects of the light rail system and route proposed in its Review of Environmental Factors:

- deferral of consideration of streetscapes and cycleways until a later date, rather than integrating planning for all aspects of the revitalization process;
- failure to consider options that include using the length of the rail corridor for transport purposes;
- lack of clear long-term planning and commitment to extending the light rail system to key destinations such as Callaghan campus of the University, John Hunter Hospital, Hunter Stadium and the airport;
- failure to analyse and consider the 285 submissions made by community members to the UrbanGrowth/ NCC Community Engagement

2 Council reiterates support for the Council's vision which advocates for mixed running allowing for delivery of urban renewal objectives including significant public domain improvements such as widened footpaths, greater pedestrian accessibility, parking, extension of cycle ways, street trees and outdoor dining. In the event that the State Government refuses a mixed running option, Council's position is that the Light Rail route should remain the rail corridor so that urban renewal objectives in Hunter Street can be realised.

3 That Council Officers prepare a report and draft submission for Council's consideration. Council seeks an extension from Transport for NSW to enable submission following the next Ordinary meeting of Council. Should an extension not be granted, Council holds an extraordinary meeting on 17 May 2016 to enable consideration before the submission cut off 19 May 2016.

Carried Unanimously
CONFIDENTIAL REPORTS

ITEM-11 CON 26/04/16 - CONTRACT FOR PROVISION OF ORGANISATIONAL CULTURE TRANSFORMATION PROGRAM - CONTRACT NO. 2016/455T

Council resolved into confidential session at 7.26pm and reconvened into open session at 8.26pm.

The Interim Chief Executive Officer gave a report to open Council the items resolved in confidential session.

MOTION

1 Council authorises the Interim Chief Executive Officer (Interim CEO) to award the contract for $188,500 (exc. GST) to Locomotive Consulting for the provision of:

   i) 26 Red-Green-Blue Bus™ workshops; and
   ii) 13 Blue Bus Edge™ workshops.

Council is satisfied that due to the program content being trademarked and licenced to Locomotive Consulting, a satisfactory result would not be achieved by inviting tenders due to the unavailability of competitive tenderers.

2 This confidential report relating to the matters specified in sections and 10A(2)(d) of the Act be treated as confidential and remain confidential until Council determines otherwise.

Councillor Osborne requested his name be recorded as voting against the motion.

ITEM-12 CON 26/04/16 - CONSIDERATION OF SALE OF AA COMPANY HOUSE THROUGH PUBLIC TENDER

MOTION

The matter lay on the table until Council receives further information on the amount of the grant received from NSW Heritage Office (now Heritage Division of the NSW Office of Environment and Heritage) in 1997 and the terms and conditions of the grant.

Carried
ITEM-13  CON 26/04/16 - EVENTS MANAGEMENT SOFTWARE SOLUTION CONTRACT NO. 2016/325T

MOTION

1 Council accepts the tender of Ungerboeck Systems International in the amount of $215,084 (excluding GST) for Events Management Software Solution for Contract No 2016/325T.

2 This confidential report relating to the matters specified in s. 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried

ITEM-14  CON 26/04/16 - NEWCASTLE WAR MEMORIAL CULTURAL CENTRE - WINDOW UPGRADE AND STRUCTURAL WORKS CONTRACT NO. 2016/388T

MOTION

The matter lay on the table until Council receive a workshop on the project.

Carried

ITEM-15  CON 26/04/16 - SUMMERHILL WASTE MANAGEMENT CENTRE - WHOLE OF LIFE PLAN, ENVIRONMENTAL CONSULTANT CONTRACT NO. 2015/419T

MOTION

1 Council accept the tender of Golder Associates Pty Ltd in the amount of $157,959.09 (excluding GST) for the preparation of the Summerhill Waste Management Centre Landfill Whole of Life Plan Contract No. 2015/419T.

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-16  CON 26/04/16 - NEWCASTLE CITY COUNCIL ADMINISTRATION BUILDING FACADE REPAIR AND DRIVEWAY UPGRADE CONTRACT NO. 2016/317T

MOTION

The matter lay on the table until Council received a workshop on the project.

Carried
MOTION
Moved by Cr Osborne, seconded by Cr Doyle

Council receive the 600 signature petition "No Business in Abuse". Carried

LATE ITEMS OF BUSINESS

PROCEDURAL MOTION
Moved by Cr Clausen

Council receive a late item of business - Review of Local Government rating system Submission to IPART by 15 May 2016.

Lord Mayor ruled that the matter be heard as a late item of business.

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

That:

1. Council notes:

   (a) that the Independent Pricing and Regulatory Tribunal (IPART) is presently undertaking a review of Council rating for the Premier of NSW. Submissions on an issues paper close on 15 May.
   (b) Section 4.6 of the Issues Paper requests views on rates policy that encourages urban renewal.
   (c) Section 5.2 of the Issues Paper requests views on concessions made available to pensioners.

2. Council makes a submission prior to the 15 May stating its preference for amendment to the Local Government Act to enable Council's to utilise Value Capture methodology for the delivery of urban renewal and new infrastructure. Council includes copies of the Future Cities Exchange Report: Funding Australia’s Future City Exchange on Local Funding and Financing Mechanisms and AECOM’s report on Value Capture.

3. Council's submission reiterates Councils commitment to more equitable rebates for pensioners as per previous Lord Mayoral Minute.

4. Officers circulate a copy of the submission prior to lodgment with IPART. Carried

The meeting concluded at 8.53pm
REPORTS BY COUNCIL OFFICERS

ITEM-47 CCL 24/05/16 - QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2016

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

PURPOSE

To submit to Council a Quarterly Budget Review Statement, as at 31 March 2016 in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

1 Council receives the March Quarterly Budget Review Statement (Attachment A) and adopts the revised budget as detailed therein.

KEY ISSUES

2 The March Quarterly Budget Review Statement includes adjustments required to the budget to reflect trends identified in the actual operating performance between 1 July and 31 March of the 2015/16 financial year. Operational budget variations totalling a positive $2.8m have been identified within the March Quarterly Budget Review Statement. This improves Council’s operating position to an operating surplus of $5.6m forecast as at 30 June 2016.

<table>
<thead>
<tr>
<th></th>
<th>2015/16 Adopted Budget $’000</th>
<th>Work in Progress as @ March 2015 $’000</th>
<th>Previously Approved $’000</th>
<th>Recommended March 2016 $’000</th>
<th>Projected year end result $’000</th>
<th>Actual YTD $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Operating Revenue</td>
<td>233,044</td>
<td>3,166</td>
<td>1,083</td>
<td>237,293</td>
<td>176,504</td>
<td></td>
</tr>
<tr>
<td>Total Operating Expenses</td>
<td>242,585</td>
<td>1,372</td>
<td>(10,607)</td>
<td>(1,705)</td>
<td>231,645</td>
<td>167,256</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>(9,541)</td>
<td>(1,372)</td>
<td>13,773</td>
<td>2,788</td>
<td>5,648</td>
<td>9,248</td>
</tr>
<tr>
<td>Total Capital Raising</td>
<td>36,707</td>
<td>5,714</td>
<td>11,664</td>
<td>54,085</td>
<td>30,454</td>
<td></td>
</tr>
<tr>
<td>Add Back Non Cash Items</td>
<td>40,161</td>
<td>(10,607)</td>
<td>(11,124)</td>
<td>15,336</td>
<td>19,771</td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>67,327</td>
<td>(1,372)</td>
<td>5,786</td>
<td>3,328</td>
<td>75,069</td>
<td>59,473</td>
</tr>
<tr>
<td>Total capital spend</td>
<td>68,321</td>
<td>6,293</td>
<td>(2,389)</td>
<td>(7,061)</td>
<td>65,164</td>
<td>27,664</td>
</tr>
<tr>
<td>Loan Principal Repayment</td>
<td>(2,600)</td>
<td></td>
<td></td>
<td></td>
<td>(2,600)</td>
<td>(1,950)</td>
</tr>
<tr>
<td>Net Funds Generated /</td>
<td>(3,594)</td>
<td>(7,665)</td>
<td>8,175</td>
<td>10,389</td>
<td>7,305</td>
<td>29,859</td>
</tr>
</tbody>
</table>

Note 1: Work in Progress represents the balance of approved budgets for projects commenced but not completed in 2014/15 less the balance of approved budgets for projects expected to be commenced but not complete in 2015/16 as forecast at March 2016.
FINANCIAL IMPACT

3 The analysis below will focus exclusively on the financial impact of budget changes recommended in the March Quarterly Budget Review Statement in regard to operational revenue and expenditure. Key elements of the forecast include:

<table>
<thead>
<tr>
<th>Operating Revenue</th>
<th>2015/16</th>
<th>Work in Progress</th>
<th>Previously Approved</th>
<th>Recommended March 2016</th>
<th>Projected year end result</th>
<th>Actual YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates &amp; charges</td>
<td>$137,126</td>
<td></td>
<td></td>
<td></td>
<td>$137,126</td>
<td>$102,846</td>
</tr>
<tr>
<td>User charges &amp; fees</td>
<td>$62,749</td>
<td>$161</td>
<td>26</td>
<td></td>
<td>$62,614</td>
<td>$45,568</td>
</tr>
<tr>
<td>Interest</td>
<td>$7,618</td>
<td>$1,489</td>
<td>500</td>
<td></td>
<td>$9,607</td>
<td>$7,403</td>
</tr>
<tr>
<td>Other operating revenues</td>
<td>$8,960</td>
<td>$1,656</td>
<td>(216)</td>
<td></td>
<td>$10,400</td>
<td>$8,555</td>
</tr>
<tr>
<td>Grants &amp; contributions</td>
<td>$16,591</td>
<td>$182</td>
<td>773</td>
<td></td>
<td>$17,546</td>
<td>$12,132</td>
</tr>
<tr>
<td><strong>Total Operating Revenue</strong></td>
<td><strong>$233,044</strong></td>
<td><strong>3,166</strong></td>
<td><strong>1,083</strong></td>
<td></td>
<td><strong>$237,293</strong></td>
<td><strong>176,504</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th>2015/16</th>
<th>Work in Progress</th>
<th>Previously Approved</th>
<th>Recommended March 2016</th>
<th>Projected year end result</th>
<th>Actual YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee costs</td>
<td>$93,712</td>
<td>(2,776)</td>
<td>334</td>
<td></td>
<td>$91,270</td>
<td>$65,786</td>
</tr>
<tr>
<td>Borrowing costs</td>
<td>4,117</td>
<td>(43)</td>
<td></td>
<td></td>
<td>4,074</td>
<td>3,068</td>
</tr>
<tr>
<td>Materials &amp; contracts</td>
<td>$50,054</td>
<td>738</td>
<td>2,321</td>
<td>(2,098)</td>
<td>$51,015</td>
<td>$35,185</td>
</tr>
<tr>
<td>Depreciation &amp; amortisation</td>
<td>$50,242</td>
<td>(10,725)</td>
<td></td>
<td></td>
<td>$39,517</td>
<td>$29,564</td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>$42,232</td>
<td>634</td>
<td>535</td>
<td>59</td>
<td>$43,460</td>
<td>$32,488</td>
</tr>
<tr>
<td>Net Loss from disposal of assets</td>
<td>2,228</td>
<td>81</td>
<td></td>
<td></td>
<td>2,309</td>
<td>1,165</td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td><strong>$242,585</strong></td>
<td><strong>1,372</strong></td>
<td><strong>(10,607)</strong></td>
<td>(1,705)</td>
<td><strong>$231,645</strong></td>
<td><strong>167,256</strong></td>
</tr>
</tbody>
</table>

Note 1: Work in Progress represents the balance of approved budgets for projects commenced but not completed in 2014/15 less the balance of approved budgets for projects expected to be commenced but not complete in 2015/16 as forecast at March 2016

4 Factors improving Operational Financial Position

i **Interest – increase of $0.5m**

Council’s Investment Portfolio continues to return a higher than forecast investment return. Interest Income exceeded budget on a year to date (YTD) basis due to total portfolio holdings being greater than anticipated as a result of an improved funding position and a higher actual yield than forecast. The budget has been adjusted to reflect the continuation of this trend for the remainder of the financial year.

ii **Grants and contributions – increase of $0.8m**

Council has received $0.5m in contributions from the RMS relating to general repairs made during the April 2015 storm.
iii  **Materials & contracts – decrease of $2.1m**

Council is forecasting reduced material and contract expenditure for the 2015/16 financial year compared to the previous quarter update, the YTD result is forecast to be moderately higher than the original adopted budget. The reduction in this quarterly review relates to building maintenance that was planned to be contracted and is now being performed by existing staff ($0.9m). In addition to this, several IT projects have been reclassified from operational to capital ($0.6m) meaning that the expense relating to these projects will now be capitalised rather than appearing in operational expenditure.

<table>
<thead>
<tr>
<th></th>
<th>2015/16</th>
<th>Work in Progress</th>
<th>Previously Approved</th>
<th>Recommended March 2016</th>
<th>Projected year end result</th>
<th>Actual YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adopted Budget $’000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Revenues</td>
<td>Grants &amp; contributions - Capital</td>
<td>20,207</td>
<td>5,714</td>
<td>11,664</td>
<td>37,585</td>
<td>22,749</td>
</tr>
<tr>
<td>Proceeds from the sale of Assets</td>
<td>16,500</td>
<td></td>
<td></td>
<td></td>
<td>16,500</td>
<td>7,705</td>
</tr>
<tr>
<td>Total Capital Raising revenue</td>
<td>36,707</td>
<td>5,714</td>
<td>11,664</td>
<td>54,085</td>
<td>30,454</td>
<td></td>
</tr>
<tr>
<td>Net Surplus/(deficit) after capital revenue</td>
<td>27,166</td>
<td>(1,372)</td>
<td>19,487</td>
<td>14,452</td>
<td>59,733</td>
<td>39,702</td>
</tr>
<tr>
<td>Adjustments for Non Cash Items</td>
<td>Add back Depreciation</td>
<td>50,242</td>
<td>(10,725)</td>
<td>39,517</td>
<td>29,564</td>
<td></td>
</tr>
<tr>
<td>Less land &amp; infrastructure donations</td>
<td>(10,081)</td>
<td>(2,976)</td>
<td>(10,124)</td>
<td>(24,181)</td>
<td>(9,793)</td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>67,327</td>
<td>(1,372)</td>
<td>5,786</td>
<td>3,328</td>
<td>75,069</td>
<td>59,473</td>
</tr>
<tr>
<td>Capital Expenses</td>
<td>Asset renewals</td>
<td>32,841</td>
<td>(3,130)</td>
<td>3,950</td>
<td>(5,214)</td>
<td>28,447</td>
</tr>
<tr>
<td>New / upgrade</td>
<td>25,665</td>
<td>8,733</td>
<td>(4,041)</td>
<td>519</td>
<td>30,876</td>
<td>12,617</td>
</tr>
<tr>
<td>Special Projects</td>
<td>9,815</td>
<td>690</td>
<td>(2,298)</td>
<td>(2,366)</td>
<td>5,841</td>
<td>2,646</td>
</tr>
<tr>
<td>Total capital spend</td>
<td>68,321</td>
<td>6,293</td>
<td>(2,389)</td>
<td>(7,061)</td>
<td>65,164</td>
<td>27,664</td>
</tr>
<tr>
<td>Loan Principal Repayment</td>
<td>(2,600)</td>
<td></td>
<td></td>
<td></td>
<td>(2,600)</td>
<td>(1,950)</td>
</tr>
<tr>
<td>Net Funds Generated / (Used)</td>
<td>(3,594)</td>
<td>(7,665)</td>
<td>8,175</td>
<td>10,389</td>
<td>7,305</td>
<td>29,859</td>
</tr>
</tbody>
</table>

Note 1: Work in Progress represents the balance of approved budgets for projects commenced but not completed in 2014/15 less the balance of approved budgets for projects expected to be commenced but not complete in 2015/16 as forecast at March 2016.

5  **Factors affecting the capital program**

i  **Grants & contributions – increase of $11.7m & Land and infrastructure donations adjustment of $11.1m**

The Capital Budget has been adjusted to reflect additional land under road and infrastructure asset donations of $11.1m generated through sub division activity in Fletcher. These donations are recorded as a revenue
item but do not involve any exchange of cash and so are removed before calculating the funding available for capital expenditure.

ii **Capital Expenses – decrease of $7.1m**

The 2015/16 Capital Works Program has been reviewed against YTD actual delivery and budget changes of $7.1m have been included in the March Quarterly Budget Review Statement. When these changes are included the full year capital expenditure is forecast to be $65m compared with the adopted budget of $68m.

A detailed breakdown of the budget adjustments are provided in Attachment A and a summary of key movements in the 2015/16 works program is provided below.
Further explanation of some key March adjustments is provided below:

i. **Building and Structures - decrease of $3.6m**

   Major works including renewal of the Mall Parking Station ($1.8m) and replacing the air conditioning plant in the Fred Ash Building ($0.8m) are still in the planning and design stages and the delivery which was planned for 2015/16 will now be rescheduled to next financial year.

ii. **City Roads - decrease of $0.4m**

   Elements of Council's Road Rehabilitation and Footpath Rehabilitation Program have been rescheduled and the resources applied to additional resurfacing projects were possible.
iii Environment - decrease of $2.9m
Major renewal on the sea walls at Merewether ($1.5m) and South Newcastle ($1.1m) that was budgeted for 2015/16 have been rescheduled for completion in the next financial year.

iii Coastal Revitalisation - decrease of $1.3m
Design work for the Nobbys to Newcastle stage of the Bathers Way is still being finalised and delivery which was planned for 2015/16 will now be rescheduled to next financial year.

iv Cycleways - decrease of $1.2m
Design work for the Broadmeadow to Newcastle cycleway is still being finalised and delivery which was planned for 2015/16 will now be rescheduled to next financial year.

Current forecasts indicate that New and Upgrade projects which are currently underway or planned will require a commitment of $72.6m from Council over the next three financial years to complete the necessary capital works. The Council also needs to continue to increase the level of capital expenditure on Asset Renewals to in excess of $150m over the next three years in order to appropriately reduce the infrastructure backlog. In addition, Council is required to maintain its current level of capital expenditure on 2012 SRV Special Projects. This will significantly constrain the ability of Council to undertake any additional new or upgrade projects over coming years.

COMMUNITY STRATEGIC PLAN ALIGNMENT

This March Quarterly Budget Review Statement 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

The adoption of the recommendation will enable ongoing implementation of Council’s adopted 2013-17 Delivery Program and 2015/16 Operational Plan, consistent with the budget revisions detailed in the March Quarterly Budget Review Statement. If the recommended budget adjustments are not approved it will significantly impact on the Council's ability to undertake the projects outlined in the 2015/16 works program and will ultimately impact on the organisation's ability to meet the targets outlined in the 2015/16 Operational Plan.

RISK ASSESSMENT AND MITIGATION

Adoption by 24 May 2016 will meet legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.
RELATED PREVIOUS DECISIONS

11 Adoption of the 2013-17 Delivery Program and 2015/16 Operational Plan on 16 June 2015.

12 Adoption of the September Quarterly Budget Review Statement on 24 November 2015.

15 Adoption of the December Quarterly Budget Review Statement on 23 February 2016.

CONSULTATION

16 A workshop was conducted with Council on 17 May 2016 to provide detailed information to Councillors for review and a forum for Councillors to ask questions.

OPTIONS

Option 1

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

Option 2

18 Council resolves to vary the recommendations in the adoption of the report. This will impact on the ability of Council to meet the targets outlined in the 2015/16 Operational Plan. This is not the recommended option.

BACKGROUND

19 The Integrated Planning and Reporting framework requires councils to prepare a Quarterly Budget Review Statement. The Quarterly Budget Review Statement should provide a revised estimate of the income and expenditure of the Council for the financial year and recommend any budget amendments required to achieve the revised estimate of the income and expenditure for the year.

REFERENCES

ATTACHMENTS

Distributed under separate cover
ITEM-48  CCL 24/05/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - APRIL 2016

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 year to date (YTD) performance against the 2015/16 Operational Plan as at the end of April 2016.

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 April 2016 the consolidated year to date (YTD) actual operating position is a surplus of $9.9m which represents a positive variance of $4.9m against the budgeted YTD surplus of $5.1m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The Full Year Revised Budget for 2015/16 is an operating surplus of $2.9m.

3 The April YTD position includes $10m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($4.1m 2012 SRV revenue, $2m consolidation of Newcastle Airport result, $1.6m stormwater management service charge, $1.3m local road grants which fund capital works and $1m dividend from Lehman Bros). When these items are removed Council’s sustainable underlying operating position at the end of April is balanced.

4 The net funds generated YTD as at the end of April 2016 is a surplus of $31.6m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to YTD Revised Budget of $23.5m. This is primarily due to lower project expenditure (both capital and operational expenditures). These surplus funds will be placed in restricted reserves to fund future capital works consistent with their original purpose.
### Full Year Revised Budget

<table>
<thead>
<tr>
<th>Full Year Revised Budget</th>
<th>YTD Revised Budget</th>
<th>YTD Actual Result</th>
<th>Variance</th>
<th>Variance %</th>
<th>Financial Impact</th>
<th>Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>%</td>
<td>+ve / -ve</td>
<td>$'000</td>
</tr>
<tr>
<td>236,210 Total Operating Revenue</td>
<td>193,167</td>
<td>194,461</td>
<td>1,294</td>
<td>1%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>233,350 Total Operating Expenses</td>
<td>188,106</td>
<td>184,538</td>
<td>(3,569)</td>
<td>-2%</td>
<td>+</td>
<td>6,787</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>5,061</td>
<td>9,923</td>
<td>4,863</td>
<td>96%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>42,421 Total Capital Raising revenue</td>
<td>35,351</td>
<td>34,467</td>
<td>(884)</td>
<td>-3%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>26,460 Add Back Non Cash Items</td>
<td>21,750</td>
<td>21,750</td>
<td>0</td>
<td>0%</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

### Funding available for capital

<table>
<thead>
<tr>
<th>Funding available for capital</th>
<th>$'000</th>
<th>$'000</th>
<th>$'000</th>
<th>%</th>
<th>+ve / -ve</th>
<th>$'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>71,741 expenditure</td>
<td>62,161</td>
<td>66,140</td>
<td>3,979</td>
<td>6%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62,990 Total capital spend</td>
<td>51,970</td>
<td>32,420</td>
<td>(19,550)</td>
<td>-38%</td>
<td>+</td>
<td>31,574</td>
</tr>
<tr>
<td>2,600 Loan Principal Repayment</td>
<td>2,167</td>
<td>2,167</td>
<td>0%</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>6,151 Net Funds Generated / (Used)</td>
<td>8,024</td>
<td>31,553</td>
<td>23,529</td>
<td>293%</td>
<td>+</td>
<td>43,349</td>
</tr>
</tbody>
</table>

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

### FINANCIAL IMPACT

5 The variance between YTD Revised Budget and YTD Actual Results at the end of April 2016 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:
6 Factors favourably impacting Financial Position

i **User charges & fees – increase of $0.6m**
Development Application income ($0.4m) is ahead of budget expectations.

ii **Interest – increase of $0.6m**
Council’s Investment Portfolio continues to return a higher than forecast investment return, primarily due to a higher investment portfolio balance than budgeted.

iii **Materials and Contracts – decrease of $2m**
There is a lower spend on operational asset maintenance and renewal ($1.5m) than budgeted. However the 2015/16 budgets were significantly increased on prior years to fund the completion of a sustainable level of annual maintenance expenditure. There have been some design delays as well as initial delays in implementing contracts for the additional work and while expenditure is expected to increase over the June quarter it is likely the full year expenditure will be below budget, although significantly higher than prior years.
iv **Net loss from disposal of assets – decrease of $0.6m**

It is forecast that Council's loss on disposal of assets will be below the revised budget. This cost is related to the below budget expenditure on the asset renewal program.

7 **Factors adversely impacting Financial Position**

i **None**

8 At the end of April commitments raised against operating expenses totaled $6.8m. 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 Road Maintenance - $1m
   ii Building Maintenance - $1m
   iii Parks Maintenance - $0.6m
   iv Aquatics contracts - $0.4m.

9 The month of April returned an operating surplus of $0.7m compared to Revised Budget deficit of $0.2m. However Council is forecasting an increase in project expenditure during the final quarter of the financial year and as the work program intensifies Council can expect the monthly operating position to reflect a deficit in line with budget expectations.

<table>
<thead>
<tr>
<th>Trend in monthly operating position 2015/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>$,000s</td>
</tr>
<tr>
<td>July</td>
</tr>
<tr>
<td>3,000</td>
</tr>
</tbody>
</table>
CITY OF NEWCASTLE

Ordinary Council Meeting 24 May 2016

Page 39

10 Council’s total capital spend at the end of April is $32.4m. This result is $19.6m below the YTD Revised Budget (which is phased in line with the anticipated work schedule). The total operational expenditure incurred in relation to the corporate projects at the end April is $10.4m, $2.4 below the YTD Revised Budget.

11 Council is forecasting an increase in project expenditure during the final quarter of the financial year, however longer than expected planning and design times will result in the capital program being delivered over a longer timeframe than anticipated in the budget. It is expected that in addition to the work in progress forecast in the September and December Quarterly Budget Review Statements another $15m of work from the 2015/16 program will still be in progress at 30 June 2016 with completion scheduled in future years. As the capital work program intensifies Council can expect a flow-on effect into the expenditure line of Materials & Contract for operational project expenses.

12 The 2015/16 financial year has seen Council invest in designing a program of works to be delivered over a multi-year time frame in addition to the works to be delivered within the financial year. This ‘pipe-line’ of works will increase the

<table>
<thead>
<tr>
<th>Year Revised Budget $’000</th>
<th>YTD Revised Budget $’000</th>
<th>YTD Actual Result $’000</th>
<th>Variance $’000</th>
<th>Variance %</th>
<th>Financial Impact %</th>
<th>Committed $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25,921 Grants &amp; contributions - Capital</td>
<td>21,601</td>
<td>25,524</td>
<td>3,923</td>
<td>18%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>16,500 Assets</td>
<td>13,750</td>
<td>8,943</td>
<td>(4,807)</td>
<td>-35%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>42,421 Total Capital Raising revenue</strong></td>
<td><strong>35,351</strong></td>
<td><strong>34,467</strong></td>
<td><strong>(884)</strong></td>
<td><strong>-3%</strong></td>
<td><strong>-</strong></td>
<td></td>
</tr>
<tr>
<td>Net Surplus/(deficit) after 45,281 capital revenue</td>
<td>40,411</td>
<td>44,390</td>
<td>3,979</td>
<td>10%</td>
<td>+</td>
<td></td>
</tr>
</tbody>
</table>

| Adjustments for Non Cash Items | | | | | | |
| 39,517 Add back Depreciation | 32,630 | 32,630 | 0 | 0% | | |
| Less land & infrastructure | | | | | | |
| (13,057) donations | (10,881) | (10,881) | 0 | 0% | | |

| Funding available for capital expenditure | 62,161 | 66,140 | 3,979 | 6% | + | |

| Capital Expenses | | | | | | |
| 28,000 Asset renewals | 21,064 | 15,561 | (5,503) | -26% | + | 9,775 |
| 27,948 New / upgrade | 24,584 | 13,998 | (10,586) | -43% | + | 20,539 |
| 7,042 Special Projects | 6,322 | 2,861 | (3,461) | -55% | + | 1,260 |
| **62,990 Total capital spend** | **51,970** | **32,420** | **(19,550)** | **-38%** | **+** | **31,574** |
| 2,600 Loan Principal Repayment | 2,167 | 2,167 | 0 | 0% | | |

| 6,151 Net Funds Generated / (Used) | 8,024 | 31,553 | 23,529 | 293% | + | |

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport
Note 2 - Adopted Budget revised at the December Quarterly Budget Review
efficiency of Council's operations and allow a higher level of project delivery in future years.

13 At the end of April commitments raised against capital work totaled $31.6m. 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 **Building renewal – $6.8m**
   Commitments include $5m in relation to works on the southern façade of City Hall, of which $1.0m is expected to be incurred in the 2015/16 financial year.

ii **Road renewal – $0.9m**
   Commitments include $0.7m for planned crack sealing.

iii **Environmental asset renewal – $2.1m**
   Commitments represent $0.8m of work planned on Council's stormwater management systems, work on Ironbark creek ($0.8m) and street tree planting ($0.4m).

iv **Waste Projects – $15.2m**
   Commitments include the $14m contract to design and construct another waste cell at Summerhill Waste Management Centre.

v **Other works**
   Other major works currently underway include Fleet replacement ($3.8m).

14 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 s. 625 of the Act is provided in the Investment Policy and Strategy Compliance Report (section 4 of Attachment A).

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

15 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**

16 The distribution of the report and the information contained therein 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) clause 212 of the Regulation and s. 625 of the Act.

RISK ASSESSMENT AND MITIGATION

17  No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

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

19  At the ordinary Council meeting of 26 April 2016 Council resolved the following:

"The report be received with the addition of a compliance report on Council’s adopted clauses on ethical and social responsibility set out in Council’s Investment Policy to be included under the section "Investment Policy Compliance Report".

20  The Investment Policy Compliance Report included in the Executive Monthly Performance Report has been amended to include a specific confirmation in regard to compliance with Part E of the Investment Policy.

CONSULTATION

21  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

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

Option 2

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

BACKGROUND

24  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.
25 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 in conjunction with the implementation of the Customer Contact Centre.

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

27 In response to a memo from the office of the General Manager an additional table has been added to the Executive Monthly Performance Report (Attachment A) outlining Fees & Charges which have been waived or reduced.

REFERENCES

ATTACHMENTS

Distributed under separate cover
ITEM-49 CCL 24/05/16 - THIRD PARTY DELEGATIONS

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER LEGAL AND GOVERNANCE

PURPOSE

To confirm:
- Council's acceptance of third party delegation from the Roads and Maritime Services (RMS); and
- delegation of these functions to the person who holds the position of Chief Executive Officer.

RECOMMENDATION

1 Council confirms acceptance of the third party delegation from Roads and Maritime Services (RMS) at Attachment A.

2 Council confirms delegation of the functions to the person who holds the position of Chief Executive Officer from time to time.

KEY ISSUES

3 Legal and Governance is currently revising appointments and authorisations to Council staff due to:
   - legislative change; and
   - previous appointments and authorisations expiring 2015.

4 Confirming the acceptance of third party delegations from the RMS as at Attachment A.

FINANCIAL IMPACT

5 Nil.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Nil.

IMPLEMENTATION PLAN/IMPLICATIONS

7 The third party delegation from RMS will be sub-delegated by the Chief Executive Officer to relevant Council staff who will be provided with authority identification cards.

RISK ASSESSMENT AND MITIGATION
8 If Council does not confirm acceptance of the delegation from RMS, there is a risk that sub-delegation to staff will be invalid. The consequence of failing to accept the third party delegation is that relevant Council staff will not be able to rely upon sub-delegations in order to carry out their operational functions.

RELATED PREVIOUS DECISIONS

9 Nil.

CONSULTATION

10 Consultation has occurred with Directors and Business Unit Managers to determine appropriate sub-delegations.

OPTIONS

Option 1

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

Option 2

12 To not confirm acceptance of the third party delegation from RMS. In doing so, staff will not be able to perform the function. This is not the recommended option.

BACKGROUND

13 *The case of De Angelis v Pepping* [2015] NSWCA 236 makes it clear that there must be evidence of valid delegation from the elected Council to the General Manager as well as valid sub-delegation from the General Manager to staff. This report seeks to ensure certainty with regards to appropriate delegation from Council to the Chief Executive Officer prior to the Chief Executive Officer approving new sub-delegations to Council staff.

REFERENCES

ATTACHMENTS

Attachment A: Roads and Maritime Services - New delegation to Councils
The General Manager  
Newcastle City Council  
PO Box 489  
NEWCASTLE NSW 2300

Dear Sir

Re: New Delegation to Councils – Regulation of Traffic

As you would be aware, the Roads & Traffic Authority (RTA) was replaced by Roads and Maritime Services (RMS) on 1st November 2011. This change has necessitated the issuing of a new Delegation to council to regulate traffic.

Attached is the Roads and Maritime Services Delegation to your council which allows council to regulate traffic, as set out in the document, on Local and Regional Roads within its area of operations.

While this new delegation replaces the previous RTA document, it remains unchanged in practical terms. Some important aspects of the Delegation continue to be:

- Council’s requirement to obtain the advice of the NSW Police, Roads and Maritime Services and the local State Member of Parliament prior to exercising their Delegated powers. This is usually carried out through a Local Traffic Committee.
- The ability for Council to sub-delegate approval powers, thus streamlining the process.
- The requirement of council to approve not only the installation but also the removal of devices covered by the Delegation.

Further, as all RTA traffic related documents which were current on 1st November 2011 still apply until they have either been replaced by a Roads and Maritime Services document or superseded, the RTA document A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees) remains the primary reference document on the operation of the Delegation.
2.

Roads and Maritimes Services would also like to remind councils that it has a web page devoted to the Delegation and Local Traffic Committees which can be accessed at www.rta.nsw.gov.au/doingbusinesswithus/guidelines/trafficcommittees.html

Should you have any questions on the Delegation document or the guidelines, you should contact Mr Bob O’Keefe on 8888 5621.

Yours sincerely

Craig J Moran
General Manager
Traffic Management
ROADS AND MARITIME SERVICES

DELEGATION TO COUNCILS

REGULATION OF TRAFFIC
TRANSPORT ADMINISTRATION ACT

DELEGATION - SECTION 50

1. PETER DUNCAN, Chief Executive of Roads and Maritime Services ("RMS") pursuant to Section 50 of the Transport Administration Act 1988 and all other enabling powers delegated by instruments of delegation to councils dated 23 February 2009 ("the delegation") HEREBY REVOKS the delegation and DELEGATES to the councils constituted under the Local Government Act 1993 listed in Schedule 1 and Schedule 2 respectively ("delegates") the functions of RMS set out in Schedule 3 ("the functions") subject to the limitations set out in Schedule 4 and authorises delegates to sub-delegate the functions to the persons in Schedule 5 ("sub-delegates") subject to the limitations in Schedule 4.

Dated this ______ day of ______, 2011.

The SEAL of ROADS AND MARITIME SERVICES
was hereunto affixed in the presence of:

L. S.

SIGNED

Peter Duncan
Chief Executive
Roads and Maritime Services
SCHEDULE 1

(Delegates)

The Council of the Municipality of Ashfield
Auburn Council
Bankstown City Council
The Council of the Shire of Baulkham Hills
Blacktown City Council
Blue Mountains City Council
The Council of the City of Botany Bay
Burwood Council
Camden Council
Campbelltown City Council
City of Canada Bay Council
Canterbury City Council
Fairfield City Council
Hawkesbury City Council
Holroyd City Council
The Council of the Shire of Hornsby
The Council of the Municipality of Hunters Hill
Huntville City Council
Kogarah Municipal Council
Ku-ring-gai Council
Lane Cove Council
Leichhardt Municipal Council
Liverpool City Council
Manly Council
Marrickville Council
Mosman Municipal Council
North Sydney Council
Parramatta City Council
Penrith City Council
Pittwater Council
Randwick City Council
Rockdale City Council
Ryde City Council
Strathfield Municipal Council
Sutherland Shire Council
The City of Sydney
Warringah Council
Waverley Council
Willoughby City Council
Woollahra Municipal Council
SCHEDULE 2

(Delegates)

A council other than those listed in Schedule 1 constituted under the Local Government Act 1993
SCHEDULE 3

(Function)

The exercise of all the functions of RMS under:

1 Division 2 of Part 8 (Regulation of traffic by roads authorities) of the Roads Act 1993.
2 Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999.
3 Division 2 of Part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) Regulation 1999.
SCHEDULE 4

(Limitations)

1. A council and its sub-delegate must not exercise a function:

   (1) Outside the area constituted under the Local Government Act 1993 for
       which council is the council, or

   (2) On a road classified as a Freeway, Controlled Access Road, Tollway,
       Transitway or those roads classified under the Roads Act 1993, which are
       indicated as State Roads in the Schedule of Classified Roads and State
       and Regional Roads published on the RMS internet website (except
       where exercising a function in respect of portable traffic control light
       signals).

2. A council and its sub-delegate may only exercise a function in respect of any
   prescribed traffic control device (defined in clause 131 of the Road Transport
   (Safety and Traffic Management) Regulation 1999 for the purposes of section 50
   of the Road Transport (Safety and Traffic Management) Act 1999) being –

   (1) any prescribed traffic control device contained in RMS’s Traffic Signs
       Database located on its internet website and indicated as “Delegated to
       Council for Authorisation – Yes”, and

   (2) any portable traffic control lights,

   and under no circumstances, that is, despite (1) above, will a council or its
   sub-delegate be permitted to exercise a function in respect of any internally
   illuminated traffic control device.

3. A council and its sub-delegate must not exercise a function in respect of the
   following signs:

   - Permissive parking signs
   - No Parking signs
   - No Stopping signs

   on any public road or road or road related area (or any part thereof), which falls
   within a 1 km radius of any train station listed in RMS’s document published on
   its internet website, titled Schedule of Nominated Train Stations, and which has
   current unrestricted parking, without the approval of RMS.

4. (1) A council listed in Schedule 1 and its sub-delegate must not exercise a
   function in respect of the following activities including the referral of the matter
   to the Local Traffic Committee until a Traffic Management Plan, which must
   include an assessment of the impact of the exercise of the function and proposed
   measures to ameliorate such impact, has been approved by RMS:
(a) The prohibition of the passage of traffic on a public road or road or road related area to any one or more of the following classes of traffic:

- pedestrians
- vehicles
- motor vehicles

by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both;

(b) the installation or display of the following traffic control signs on roads or road related areas:

- No Right Turn
- No Left Turn
- No Entry
- No Turns
- Left Turn Only
- Right Turn Only
- No Trucks
- No Buses
- No Pedestrians

or the installation or display of any other sign or road marking prohibiting or compelling a turning movement;

(c) changing a two-way street into a one-way street or reversing the direction of a one-way street;

(d) the construction of a median strip including a painted island which prevents a turn by a vehicle at the intersection of public roads or roads or road related areas;

(e) reduction in the number of traffic lanes on a public road or road or road related area by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both.

(2) A Traffic Management Plan is not required if council certifies to RMS in writing that a No Trucks or No Buses traffic control sign is to be erected solely for the purpose of protecting a road from damage by the passage of motor vehicles.
5. A council and its sub-delegate must not exercise a function in respect of portable traffic control light signals unless:

(1) the signals are used in connection with the carrying out of road work on public roads as authorised by the Roads Act 1993; and

(2) no fixed equipment or fixed cables are used.


7. A council or its sub-delegate must not exercise a function until they have notified the Commissioner of Police and RMS of any decision taken to exercise a function except where:

(1) the advice of the Local Traffic Committee is unanimous; and

(2) the council or its sub-delegate propose to follow such advice.

8. Where a council or its sub-delegate has notified or should have notified the Commissioner of Police and RMS of a decision to exercise a function, the council or its sub-delegate must not exercise a function for a period of fourteen (14) days from the date of notification.

9. Where an appeal has been made to the Chairperson of a Regional Traffic Committee in respect of a decision taken by a council or its sub-delegate to exercise a function, a council or its sub-delegate must not exercise the function until the Chairperson of the Regional Traffic Committee determines the appeal.

10. Where the Chairperson of the Regional Traffic Committee has determined an appeal, the council and its sub-delegate must not exercise the function in respect of which an appeal has been made, otherwise than in accordance with the determination of the Chairperson.

11. Before installing or displaying a prescribed traffic control device, a council and its sub-delegate must authorise installation or display (or interference with, alteration or removal) of the device in writing in accordance with section 51 of the Road Transport (Safety and Traffic Management) Act 1999.

12. A council or its sub-delegate shall keep a record of installation, display, alteration or removal of a traffic control device. Such a record must include the following:

- Type and location of the traffic control device;
- Time and date of completion of installation, display, alteration or removal of the traffic control device.
13. Where a council or its sub-delegate wishes to exercise a function in respect to a “Roadwork Speed Limit” traffic sign (Speed Series (R4) Sign No. R4-212 contained in RMS’s Traffic Signs Database located on its internet website, the following conditions apply:

(1) When the installation period of a ‘Roadwork Speed Limit’ sign is to be for 6 working days or less:
   a) authorisation of the use of the ‘Roadwork Speed Limit’ sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites certificate issued by RMS; and
   b) the nearest office of RMS is to be notified in writing of Council’s intention to implement a roadwork speed limit prior to works commencing; and
   c) the nearest Police Station is to be notified in writing of Council’s intention to implement a roadwork speed limit prior to works commencing.

(2) When the installation period of a ‘Roadwork Speed Limit’ sign is to be for more than 6 working days:
   a) authorisation of the use of the ‘Roadwork Speed Limit’ sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites Certificate issued by RMS, and
   b) the nearest office of RMS is to be notified in writing of Council’s intention to implement a roadwork speed limit 7 days prior to works commencing; and
   c) the nearest Police Station is to be notified in writing of Council’s intention to implement a roadwork speed limit 7 days prior to works commencing.

(3) The need for a ‘Roadwork Speed Limit’ sign shall be determined in accordance with the document, “Traffic Control at Worksites” Version 3.1 dated April 2006 (RTA Publication No 03.290) issued by the former Roads & Traffic Authority of NSW;

(4) ‘Roadwork Speed Limit’ signs shall be installed in accordance with the “Traffic Control at Worksites” document (as already referred to);

(5) Records maintained by a council and its sub-delegate in respect to a ‘Roadwork Speed Limit’ sign must include:
   a) council’s or its sub-delegate’s written authorisation of the installation [The sub-delegate’s Traffic Control at Worksites Certificate number must be shown,]
   b) the location,
   c) the installation time and date, and
   d) the removal time and date.
(6) The 'Roadwork Speed Limit' sign is to be removed as soon as practicable after the road works have been completed.

14. A council and its sub-delegate must not exercise a function in respect to any of the roads within Sydney Olympic Park including the roads that are coloured mauve on the drawing marked "Sydney Olympic Park Authority, Sydney Olympic Park, Drawing Number HS-J-L-006" dated 29 May 2001 and deposited in the Office of the Sydney Olympic Park Authority (being all the roads referred to in section 41 of the Sydney Olympic Park Authority Act 2001).
**SCHEDULE 5**

(Sub-delegates)

1. A councillor.
2. The general manager.
3. An employee of the council.
NOTICES OF MOTION

ITEM-5 NOM 24/05/16 - SOCCEROOS WORLD CUP QUALIFIER MATCH FOR NEWCASTLE IN 2017

COUNCILLORS: CRAKANTHORP, CLAUSEN, DUNN, NELMES AND POSNIAK

PURPOSE

The following Notice of Motion was received on 11 May 2016 from the abovementioned Councillors:

MOTION

That Newcastle City Council support the call to grant Newcastle the rights to host an upcoming Socceroo’s World Cup qualifier match in 2017.

That Council write to both the Premier and Football Federation Australia siting our support for Newcastle in the negotiations for the qualifier match.

BACKGROUND

The NSW Leader of the Opposition, supported by the NSW Premier, recently wrote to Football Federation Australia calling for Newcastle to have the rights to host an upcoming Socceroo’s World Cup qualifier match in 2017.

While Football Federation Australia CEO, David Gallop has already offered support for the proposal, he did proffer that the Newcastle bid would need the “right level of government support.”

Support from Newcastle City Council would assist in demonstrating the City’s capacity and desire to host the World Cup Qualifier.

Football Federation Australia has contractual obligations with Destination NSW to play at least one of the five home matches in the next World Cup qualifying round in NSW. Newcastle is primed for this prospective event, with a strong track record in hosting international games.

Earlier this month Newcastle’s Hunter Stadium hosted an International Rugby League match - the Trans-Tasman Test, which saw the Harvey Norman Australian Jillaroos take on the New Zealand Kiwi Ferns followed by the Australian Kangaroos versus the New Zealand Kiwis.

Last year we also successfully hosted four international games including a semi-final match in the 2016 Asian Cup. We hosted teams, crews and fans of Japan, Palestine, Oman, Kuwait, United Arab Emirates and Iraq. Also in 2013, Newcastle
hosted the Special Olympics Asia Pacific Games with the opening ceremony held at Hunter Stadium.

Newcastle has become the alternative city to host large scale events in New South Wales. It is becoming more common for the Hunter to host large scale events with its proximity to Sydney and ability to provide gold class facilities and amenities.

ATTACHMENTS

Nil
ITEM-6 NOM 24/05/16 - TIME RESTRICTED OFF LEASH AREA FOR NOVOCASTRIAN PARK, NEW LAMBTON

COUNCILLORS: CLAUSEN, NELMES, DUNN, CRAKANTHORP AND POSNIAK

PURPOSE

The following Notice of Motion was received on 12 May 2016 from the abovementioned Councillors:

MOTION

That Council:

1 Notes that Officers are presently undertaking a review of the Sportsland Plan of Management which is intended to be publicly exhibited in the third quarter of 2016 as part of a new Community Land Plan of Management.

2 Requests that public consultation on the new Community Land Plan of Management consider the implementation of a time restricted off-leash area at Novocastrian Park, New Lambton. Consultation should include dog owners, park neighbours and other park users such as sports users.

BACKGROUND

Novocastrian Park

Novocastrian Park is located off Orchardtown Road, New Lambton. It is a 3.79ha Dedicated Public Reserve, managed by Council under the provisions of the Sportsland Plan of Management.
The Park is presently utilised for recreation and sports.

There is a long history of off leash activity at this park, with substantial anecdotal evidence to support the Community’s assertion that a group of up to 40 individuals and dogs have been using the park for recreation each morning between approximately sunrise and 9am for the purpose of recreation. This use has a history of approximately 10 to 15 years.

There is presently no dedicated Off Leash Areas in New Lambton, New Lambton Heights or Kotara.

A number of Council reserves include Time Restricted Off Leash Areas including:
- Braye Park, Waratah: Sunrise to 9am, and 5pm to Sunset
- West End Park Adamstown: Sunrise to 9am, and 5pm to Sunset
- Ellemore Vale Park, Ellemore Vale: Sunrise to 9am, and 5pm to Sunset
- Dixon Park Reserve, Merewether: Sunrise to 9am only.
The Law Society of NSW provides a comprehensive background note on the benefits of Off Leash areas:

Community Health Considerations

There is persuasive evidence that pet ownership has beneficial effects on humans' physical and psychological health, reducing anxiety related illness, increasing stress coping mechanisms and alleviating feelings of loneliness and social isolation. Walking a dog can provide invaluable socialisation and exercise for the owner as well as the dog, and for these reasons, responsible exercise of dogs in leash free areas should be facilitated.

There is further evidence that socialisation of dogs can significantly decrease stress related aggression towards both people and other dogs. It is necessary that socialisation be a continual process throughout the life of the dog.

Whilst "puppy training classes" provide invaluable exposure for young animals, there are fewer options available for the socialisation of older dogs. Leash free parks can fill this role, becoming focal points for dog owners and allowing dogs to interact with each other in a way that is least stressful, as the animals have the ability to move freely.

Regular exercise of dogs is known to decrease excessive barking and other forms of antisocial behaviour, such as digging and escaping – common neighbourhood problems in urban areas. Off-lead exercising of dogs is also more beneficial to the animal's physical and mental health than on-lead walking.

Current Legislative Provisions

We submit that current legislative provisions adequately address concerns that may be raised about the designation of certain parks as off-lead at all times.

The Companion Animals Act 1998 (NSW) (CAA) currently provides legal remedies for irresponsible animal ownership by setting out the duties of pet owners and providing corresponding penalties for breach of those duties.

ATTACHMENTS

Nil

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CONFIDENTIAL REPORTS

ITEM-17 CON 24/05/16 - SUPPLEMENTARY REPORT ON ITEM-33 26 APRIL 2016 - CORRECTION TO COUNCIL MINUTES 8 DECEMBER 2015

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)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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.

GROUNDS 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 confidential legal advice prepared for Council which otherwise would be privileged from production in legal proceedings on the ground of legal professional privilege.

B The closed session involves only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-18 CON 24/05/16 - TABLING OF FIRE AND RESCUE NSW REQUEST FOR INSPECTION AND REPORT FOR THE PREMISES DATED 23 FEBRUARY 2016 IN ACCORDANCE WITH SECTION 119T OF THE ACT
SUBJECT: 2010 ORDINARY COUNCIL MEETING STANDARD

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)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

Section 10A(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

B  The closed session involves:

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

C The information contained in the report may have serious adverse commercial impacts upon the business to which it relates.
ITEM-19  CON 24/05/16 - NEWCASTLE OCEAN BATHS PAVILION REDEVELOPMENT TENDER 2015/411 T
REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER COMMERCIAL PROPERTY

PURPOSE

The purpose of this report is to advise Council of the outcome of the tender assessment for the Newcastle Ocean Baths Pavilion Redevelopment, Contract 2015/411T, and to endorse the Tender Assessment Panel's recommendation.

As the value of the works exceeds $150,000, the Local Government (General) Regulation 2005 (the Regulation) 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 (the Act) as follows:

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A The matter relates to tenders for Newcastle Ocean Baths Pavilion Redevelopment, Contract No. 2015/411T.

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

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-20  CON 24/05/16 - MEREWETHER OCEAN BATHS PAVILION REDEVELOPMENT TENDER 2015/412 T

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

PURPOSE

The purpose of this report is to advise Council of the outcome of the tender assessment for the Merewether Ocean Baths Pavilion Redevelopment, Contract No. 2015/412T, and to endorse the Tender Assessment Panel's recommendation. As the value of the works exceeds $150,000, the Local Government (General) Regulation 2005 (the Regulation) 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 (the Act) as follows:

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

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

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 Merewether Ocean Baths Pavilion Redevelopment Tender 2015/412T.
B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-21 CON 24/05/16 - PROVISION OF ELECTRICAL AND COMMUNICATION SERVICES FOR CONTRACT NO. 2016/395T
REPORT BY: INFRASTRUCTURE
CONTACT: ACTING DIRECTOR INFRASTRUCTURE / MANAGER FACILITIES AND RECREATION SERVICES

PURPOSE

To accept tenders from electrical contractors to provide electrical and communication installation, repairs and maintenance services.

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

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 Electrical and Communication Services Contract No.2016/395T
B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

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