Minutes of Ordinary Council Meeting
25 August 2015
PRESENT: Lord Mayor, Councillor Nuatali Nelmes (Chair)
Councillor David Compton
Councillor Therese Doyle
Councillor Jason Dunn
Councillor Brad Luke
Councillor Nuatali Nelmes
Councillor Michael Osborne
Councillor Stephanie Posniak
Councillor Allan Robinson
Councillor Andrea Rufo
Councillor Lisa Tierney

IN ATTENDANCE: General Manager Ken Gouldthorp
Director Corporate Services Glen Cousins
Director Infrastructure Frank Cordingley
Director Planning and Regulatory Peter Chrystal
Cultural Director Liz Burcham
Manager Council and Legal Services Frank Giordano
Manager Finance Andrew Glauser
Customer Service Manager Rod Bales
Manager Strategic Planning Jill Gaynor
Manager Facilities and Recreation Phil Moore
Manager Contracts and Projects Greg Sainsbury
Team Co-ordinator Strategic Planning Patty McCarthy
Communications Manager Kate Baartz

MINUTES: Meetings Secretary Kerry Sullivan

WEBCASTING: Council Services Jodie Redriff

Chair, Cr Nelmes, 22 September 2015
# MINUTES OF THE ORDINARY MEETING OF COUNCIL
## Tuesday 25 August 2015 at 5.34PM

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<th>ITEM</th>
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</table>
1 OPENING OF MEETING

1.1 The meeting was opened at 5.34PM.

2 MESSAGE OF ACKNOWLEDGEMENT

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

3 PRAYER

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

4 APOLOGIES

4.1 MOTION:
Moved by Cr Luke, seconded by Cr Osborne

The apologies submitted on behalf of Councillors Crakanthorp and Waterhouse be received and accepted and leave of absence granted.

Carried

5 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

5.1 Councillor Luke
Councillor Luke declared a less than significant non-pecuniary interest in Items 63 - Executive Monthly Performance Report and Item 64 - Adoption of Revised Investment Policy respectively, 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.
5.2 **Councillor Clausen**
Councillor Clausen declared a less than significant non-pecuniary interest in Item 61 of 28 July 2015, Endorsement of Economic Development and Events Sponsorship.

Councillor Clausen stated that in adopting this item Council endorsed the provision of grants to several community organisations including *Lantern Walk*. He advised that he had since learned that Dr Maree Gleeson who is a board member of his employer was a volunteer for the organisation however he did not consider there to be a conflict of interest as he was not involved in any decision making processes.

5.3 **Councillor Clausen**
Councillor Clausen declared a pecuniary interest in Item 65, Margaret Street, Mayfield East - Proposed One-Way Traffic Flow and No Parking Restrictions. Councillor Clausen indicated that he held an interest in a property in the street and would retire from the Chamber for discussion on the item.

5.4 **Councillor Clausen**
Councillor Clausen declared a less than significant non-pecuniary interest in Item 72, Adoption of Section 94A Development Contributions Plan 2009. He indicated that the proposed agreement addressed biodiversity offsets and advised that he co-ordinated a program in this area for his current employer. He further indicated that no discussion had occurred between his employer and the parties for this agreement and would remain in the chamber for discussion on the item.

5.5 **Councillor Compton**
Councillor Compton declared a non-pecuniary less than significant interest in Confidential Item 28 - Tender for Design Documentation Services for Bathers Way Contract 2015/401T advising that his company constructed in the Newcastle Local Government Area and that a number of people may have tendered for the tender. Councillor Compton advised he would retire from the Chamber for discussion on the item.
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - BRIEFING COMMITTEE HELD 21 JULY 2015

MOTION
Moved by Cr Clausen, seconded by Cr Rufo

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

MINUTES - ORDINARY COUNCIL MEETING 28 JULY 2015

MOTION
Moved by Cr Clausen, seconded Cr Posniak

Council

1 Endorses the minutes as printed in the Business Papers provided 14 August 2015 with following amendments:

   a Reference, Apologies

       Deletion of the words 'and leave of absence granted.' From the apologies motion moved by Councillor Rufo, seconded by Councillor Luke as no such motion was moved.

   b Reference, Item 55

       Replacement of the word 'the' with 'an' between the words Manager is' and 'Official Spokesperson' in point 9.2.

   c Reference, NOM Item 20

       Insertion of the word 'Carried' at the end of Item 20 reflecting that motion was adopted by Council.

2 Council documentation reliant on these minutes be updated accordingly.

PROCEDURAL MOTION
Moved by Cr Luke

The minutes lay on the table until the next Council meeting to enable the General Manager to report on the changes proposed and/or allow any Councillor to listen to the recording of the meeting to verify the changes proposed.
The Lord Mayor ruled the procedural motion out of order.

Councillor Luke moved dissent against the Lord Mayor's ruling.

**For the motion of dissent**  

**Against the motion of dissent**  
Lord Mayor Cr Nelmes, Councillors Clausen, Dunn, Posniak.

Councillors Doyle and Osborne appeared not to vote on the motion of dissent.

The General Manager advised the meeting that after a division is called it must be clear how Councillors vote and the votes must be recorded.

The Lord Mayor recommitted the vote on the procedural motion.

The procedural motion moved by Councillors Luke was put to the meeting.

**For the motion**  

**Against the motion**  
Lord Mayor Cr Nelmes, Councillors Clausen, Dunn and Posniak.

**Carried**

7 **PRESENTATIONS TO COUNCIL**

7.1 Nil
8 LORD MAYORAL MINUTE

ITEM-4 LMM 25/08/15 - COUNCIL RATE REBATE FOR PENSIONERS - PROPOSED MOTION FOR LOCAL GOVERNMENT CONFERENCE

PURPOSE

To seek an increase in the Rate Rebate concession for pensioners, jointly funded by the NSW State Government and local Councils.

MOTION

That Newcastle City Council endorse the submission of a motion to the Local Government NSW Annual Conference, to be held on 11-13 October 2015, seeking the support of other councils to join with LGNSW to ask the NSW Government to increase the Rate Rebate concession for pensioners, jointly funded by the NSW Government and local councils.

BACKGROUND

On 16 June 2015 The City of Newcastle endorsed a motion:

1. That Council write to the NSW Government requesting an increase the Rate Rebate concession for pensioners, commensurate to CPI.
2. That Council write to Hunter Councils requesting support for The City of Newcastle’s position.

At its meeting on 13 August 2015 Hunter Councils agreed to endorse The City of Newcastle's position and asked that Council resolve to raise the matter as a motion at the Local Government NSW Annual Conference.

Newcastle LGA has 66,000 rateable properties made up of 61,000 residential and 5,000 businesses. Of the rateable properties, 12,000 are owned by pensioners.

The rate rebate of $250 per annum was set in 1989. Over the past 26 years there has been a significant increase in the cost of living.

Currently the rate rebates for the Newcastle LGA total $3.1m per annum, $1.7m of which is met by the NSW Government (55%) and $1.4m (45%) by The City of Newcastle.

In comparison, currently Brisbane City Council offers the following to pensioners:

*Maximum remissions (Valid from 1 July 2014)*

Maximum remissions are available to people on a full pension. Under this scheme:
• the state government grants a 20% remission on rates up to a maximum of $50 per quarter ($200 per year) plus 20% of the fire levy, and
• Council grants a 40% remission on rates up to a maximum of $225.25 per quarter ($901 per year)

**MOTION**
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council endorse the submission of a motion to the Local Government NSW Annual Conference, to be held on 11-13 October 2015, seeking the support of other councils to join with LGNSW to ask the NSW Government to increase the Rate Rebate concession for pensioners, jointly funded by the NSW Government and local councils.

*Carried*
ITEM-5 LMM 250/08/15 - 100 RESILIENT CITIES CHALLENGE

PURPOSE

For Council to make an application to join the 100 Resilient Cities Challenge, pioneered by the Rockefeller Foundation.

MOTION

That Newcastle City Council endorse the submission of an application to the 100 Resilient Cities Challenge, by the deadline of 24 November 2015.

BACKGROUND

The Rockefeller Foundation has made a $100 million commitment to building urban resilience in cities around the world. The Foundation describes resilience as:

"the ability of a system, entity, community or person to withstand shocks while still maintaining its essential functions. Resilience also refers to the ability to recover quickly and effectively from catastrophe and the capability to endure greater stress. Therefore, building resilience is about making people, communities, and systems better prepared to withstand catastrophic events – both natural and manmade – and more able to bounce back quickly and stronger."

Through the 100 Resilient Cities Centennial Challenge, 100 cities will be selected across the globe to receive technical support and resources for developing and implementing plans for urban resilience, and receive assistance in leveraging billions of additional dollars in financing and services.

Currently 67 cities are part of the Challenge, with Sydney and Melbourne the only two Australian cities. Each city selected receives:

1. A grant to hire a Chief Resilience Officer (CRO). The role will help ensure resilience building and coordination is the specific responsibility of one person in Council. The CRO will also oversee the development of a resilience plan for the city and be part of a learning network of other CROs as representatives to the 100 Resilient Cities Network.

2. Membership in a new network. The 100 Resilient Cities Network will provide support to member cities, share new knowledge and resilience best practices and foster new connections and partnerships.

3. Support to create a resilience plan that reflects our city’s distinct needs.
4. An innovative platform of services to support strategy development and implementation of the plan focused on four areas: innovative finance, innovative technology, infrastructure and land use, and community and social resilience from partners such as Swiss Re, Palantir, the American Institute of Architects, Architecture for Humanity, and the World Bank.

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council endorse the submission of an application to the 100 Resilient Cities Challenge, by the deadline of 24 November 2015.

Carried
ITEM-6  LMM 25/08/15 - AURIZON - EXHIBITION OF DRAFT PLANNING AGREEMENT - HEXAM TRAIN SUPPORT FACILITY

PURPOSE

To advise Council on the outcome of discussions with Aurizon in relation to the proposed voluntary contribution by Aurizon toward lighting upgrade work and fencing at Tuxford Park, Shortland.

RECOMMENDATION

Council notes that Aurizon, having no legal obligation, have offered to make a voluntary contribution of $260,000 towards the upgrade of the sporting facilities at Tuxford Park, Shortland.

Council resolve to publicly notify for 28 days, the draft voluntary planning agreement (VPA) in respect of the Aurizon offer for upgrade works at Tuxford Park arising from Aurizon's Hexham Train Support Facility.

BACKGROUND

At its Ordinary meeting of 16 June 2015, Council resolved on a procedural motion from Cr Osborne in relation to the proposal to publicly notify the draft planning agreement in respect of the Hexham Train Support Facility for 28 days, that:

1. The Item lay on the table and Council delegate to the Lord Mayor and General Manager to negotiate the planning agreement to achieve a development contribution outcome closer to the $1.26 million (1% of capital value).

2. Council write to the Premier requesting that the State Government develop a clear policy on development contributions from projects of this nature.

As outlined in the report to Council of 16 June 2015:

While Aurizon was granted approval for the Hexham Train Support Facility by the Minister for Planning and Infrastructure, that approval does not oblige Aurizon to pay a development contribution to Council.
Councillors will recall from the original Council report that Condition C39 of the Aurizon Infrastructure Approval requires:

‘The Proponent must ensure that any voluntary arrangement it enters into with the City of Newcastle, in relation to the provision of a monetary contribution or other material public benefit, which is to be applied to a public purpose, is the subject of a Planning Agreement within the meaning of section 93F of the EP&A Act. Upon execution of any Planning Agreement, the Proponent shall inform the Director-General on the outcomes of such an agreement.’

Council has previously written to the Department of Planning and Infrastructure raising concerns with the Department's approach to applying Council's development contribution plans to developments of state environmental planning significance. The section 94A levy is applied very inconsistently, which makes it hard for Council to predict future income and plan for the delivery of community infrastructure.

Together with the Director Planning and Regulatory, on behalf of the Acting General Manager, I met with representatives of Aurizon on 19 August 2015.

Aurizon reaffirmed that it believed that the voluntary offer to contribute $260,000 towards the upgrade of the sporting facilities at Tuxford Park, Shortland was a positive and respectful offer and urged Council to accept the offer.

I have now received a formal response from Aurizon that provides:

Aurizon has in good faith engaged with Newcastle City Council (NCC) and in particular with the preparation of a voluntary planning agreement solely as a mechanism to make a community contribution.

The council minutes of 16 June 2015 indicated a misunderstanding about this voluntary planning agreement and the fact that Aurizon has no obligation to make a contribution in relation to the Hexham project. At our 19 August 2015 meeting it was again confirmed that no levy was applicable. Aurizon had made its offer as a good will gesture to the Newcastle Community and the only mechanism for such a contribution, via the Newcastle City Council, was a voluntary planning agreement.

As such, we would like to confirm that as per our 19 August 2015 meeting, Aurizon is willing to make a voluntary contribution to NCC for the benefit of Newcastle residents. In addition, as discussed at the meeting, the primary vehicle by which Aurizon is to make a voluntary contribution would be via a voluntary planning agreement under section 93F of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act).

Accordingly, this letter is an offer by Aurizon to enter into a planning agreement with NCC under section 93F of the EP&A Act.
I have also received further confirmation from Aurizon that they agree for Council to proceed to publicly exhibit the draft Voluntary Planning Agreement presented as Attachment A to Item 49 to the Ordinary meeting of Council on 16 June 2015.

**MOTION**
Moved by Lord Mayor, Cr Nelmes

Council notes that Aurizon, having no legal obligation, have offered to make a voluntary contribution of $260,000 towards the upgrade of the sporting facilities at Tuxford Park, Shortland.

Council resolve to publicly notify for 28 days, the draft voluntary planning agreement (VPA) in respect of the Aurizon offer for upgrade works at Tuxford Park arising from Aurizon's Hexham Train Support Facility.

Carried
Cr Osborne against
9 REPORTS BY COUNCIL OFFICERS

At this stage of the meeting Councillor Osborne gave notice of a late item of business.

ITEM-63 CCL 25/08/15 - EXECUTIVE MONTHLY PERFORMANCE REPORT - JULY 15

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

PURPOSE

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

a) Monthly financial position and performance against the 2015/16 Operational Plan as at the month end of July 2015.

b) Investment of temporary surplus funds under section 625 of the Local Government Act 1993 (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

1 The report be received.

KEY ISSUES

2 At the end of July 2015 the consolidated year to date actual operating position is a surplus of $3.2m which represents a positive variance of $0.7m against the budgeted surplus of $2.4m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year Adopted Budget for 2015/16 is an operating deficit of $9.5m.

3 The July year to date position includes $1m of revenue items which cannot be applied to supporting operating activities. When these items are removed Council’s sustainable underlying operating position at the end of July is a surplus of $2.2m.

4 The net funds generated at the end of July 2015 is a surplus of $8.3m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to budget of $2.9m.
FINANCIAL IMPACT

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

<table>
<thead>
<tr>
<th>Financial Impact</th>
<th>$'000</th>
<th>$'000</th>
<th>$'000</th>
<th>%</th>
<th>+ve / -ve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Operating Revenue</td>
<td>233,044</td>
<td>19,234</td>
<td>19,123</td>
<td>(111)</td>
<td>-1%</td>
</tr>
<tr>
<td>Total Operating Expenses</td>
<td>242,585</td>
<td>16,813</td>
<td>15,955</td>
<td>(858)</td>
<td>-5%</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>2,421</td>
<td>3,168</td>
<td>747</td>
<td>31%</td>
<td>+ 0</td>
</tr>
<tr>
<td>Total Capital Raising revenue</td>
<td>36,707</td>
<td>500</td>
<td>657</td>
<td>157</td>
<td>31%</td>
</tr>
<tr>
<td>Add Back Non Cash Items</td>
<td>40,161</td>
<td>3,025</td>
<td>3,025</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>67,327</td>
<td>5,946</td>
<td>6,850</td>
<td>904</td>
<td>15%</td>
</tr>
<tr>
<td>Total capital spend</td>
<td>68,321</td>
<td>3,220</td>
<td>1,242</td>
<td>(1,978)</td>
<td>-61%</td>
</tr>
<tr>
<td>Loan Principal Repayment</td>
<td>2,600</td>
<td>(2,697)</td>
<td>(2,697)</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>Net Funds Generated / (Used)</td>
<td>(3,594)</td>
<td>5,423</td>
<td>8,305</td>
<td>2,882</td>
<td>53%</td>
</tr>
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</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport
6 Factors favourably impacting Financial Position

i **Interest – increase of $0.1m**

Council’s Investment Portfolio continues to return a higher than forecast investment return.

ii **Other operating expenses – decrease of $0.3m**

Due to timing differences actual expenditure on operational projects is below budget within the following business units:

- A  Finance - $0.1m
- B  Infrastructure Planning - $0.1m
- C  Waste Management - $0.1m.

It is anticipated that these timing differences and that actual expenditure will more closely align with budget as the year progresses.

7 At the end of July commitments raised against operating expenses totalled $8.5m. 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  In-land pools contract – $0.8m
ii  Parking projects – $0.8m
iii  State Waste Levy – $0.9m
iv  IT projects – $0.3m
v  Road and building maintenance – $0.5m.

8 The month of July has historically returned a surplus as Council’s main revenue source (rates) is steady while Council’s capital works program typically accelerates as the year progresses. There are also seasonal factors which will result in both revenue and expense timing variations by month.

9 Council’s total capital spend is $2m below the year to date budget. This is consistent with historical trends as a large number of invoices paid in July relate to work undertaken in the previous financial year and have been previously accrued. It is expected that Council will deliver the full year capital program.

10 At the end of July commitments raised against capital work totaled $11.8m. 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  **Building renewal – $3m**  
Commitments relate to the repairs on City Hall as well as the erection of a new roof in the Newcastle Museum.

ii  **Road renewal – $2.4m**  
Commitments include $1.4m for the contractors rebuilding Shortland Esplanade.

iii  **Coastal Revitalisation – $2m**  
Projects undertaken to deliver coastline revitalisation between Nobby’s and Newcastle.

iv  **Other works**  
Other major works currently underway include fleet replacement ($2m), Islington Park ($0.4m) and Glebe Road ($0.3m).

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

12 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**

13 The recommendation for the report to be received is consistent with:

   a) Council’s resolution to receive monthly financial position and performance result on a monthly basis,

   b) Council’s Investment Policy and Strategy, and

   c) the Regulation and clause s625 of the Act.

**RISK ASSESSMENT AND MITIGATION**

14 No additional risk mitigation has been identified this month.
RELATED PREVIOUS DECISIONS

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

CONSULTATION

16 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

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 is not the recommended option.

BACKGROUND

19 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.

20 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.

21 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.

22 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

MOTION
Moved by Cr Tierney, seconded by Cr Posniak

The report be received.  

Carried
ITEM-64  CCL 25/08/15 - ADOPTION OF REVISED INVESTMENT POLICY

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

PURPOSE

To adopt the revised Investment Policy.

RECOMMENDATION

1 Council adopts the draft Investment Policy at Attachment A (Policy).

KEY ISSUES

2 Section 625 of the Local Government Act 1993 (NSW) requires Council to invest money that is not, for the time being, required by the Council for any other purpose, only in a form of investment notified by order of the Minister published in the Gazette.

3 The prevailing Local Government Act 1993 (NSW) - Investment Order dated 12 January 2011 stipulates that all councils should by resolution adopt an investment policy that is consistent with the Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet.

4 Investment Policy Guidelines issued by the Department of Premier and Cabinet, May 2010, recommend that the investment policy be reviewed, and any amendments, approved by Council resolution annually.

5 The draft Policy at Attachment A includes amendments to the current Investment Policy. Amendments made include the following:

   a) Documented Council preference to enter into Environmentally and Socially Responsible Investments where:

      i) The investment is compliant with legislation and investment policy objectives and parameters; and

      ii) The rate of return is favourable relative to comparable investments on offer to Council at the time of investment.

   b) Performance Measurement amendment to remove the reference to Collateralised Debt Obligations (CDOs) as Council no longer holds any of these investments.
FINANCIAL IMPACT

6 There are no direct financial costs associated with this recommendation.

7 Investment decisions will continue to be made in accordance with legislative requirements and stated Policy objectives, which remain unchanged.

8 The overall rate of return generated by the investment portfolio will reflect Council's risk tolerance whilst mirroring the performance of the global economy and associated market conditions. Benchmarking is defined within the Policy to monitor the performance of the portfolio.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 N/A.

IMPLEMENTATION PLAN/IMPLICATIONS

10 If adopted, Councillors will be provided with a copy of the finalised Policy document.

11 Review of the adopted Policy will be due within twelve months from the date of this report.

12 Information on Council's investments will continue to be reported to Council on a monthly basis.

RISK ASSESSMENT AND MITIGATION

13 The draft Policy complies with the Section 625 of the Local Government Act 1993 (NSW), the Local Government (General) Regulation 2005, the Revised Ministerial Investment Order 2011 and the Division of Local Government's Investment Policy Guidelines (May 2010). The Policy ensures officers with delegated authority to manage Council's investments exercise care, diligence and skill that a prudent person would exercise in investing.

14 A risk management framework is inbuilt within the draft Policy that recognises risks associated with Council's investments providing tolerance and permitted exposure levels to these risks.

RELATED PREVIOUS DECISIONS

15 On 28 April 2015, Council resolved:

3 Council endorses the current version of the Investment Policy (Attachment B) and extends the revision date to August 2015.
4 An updated Investment Policy be produced which notes Council's preference for Environmentally and Socially Responsible Investments where:

a) The investment is compliant with the other parameters and objectives of the investment policy and legislative requirements; and
b) The investment rate of interest is favourable to Council relative to other similar investments that may be on offer to Council at the time of investment.

16 On 29 April 2014, Council resolved to adopt the current Investment Policy.

CONSULTATION

17 Consultation has occurred with Newcastle City Council's:

(a) General Manager and Director Corporate Services
(b) Investment Advisor
(c) Manager Finance, Manager Corporate Finance and Treasury Accountant
(d) Council and Legal Services.

OPTIONS

Option 1

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

Option 2

19 Council does not resolve to adopt the draft Policy. Council is required to review and adopt an investment policy each year. This is not the recommended option.

BACKGROUND

20 Nil.

REFERENCES

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

ATTACHMENTS

Attachment A: Draft Investment Policy (Markup)
Attachment A

The City of Newcastle
Policy

Investment

PO Box 489 (282 King Street)
NEWCASTLE NSW 2300
Ph 02 4974 2000
Fax 02 4974 2322
Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au
## Policy - Investment

<table>
<thead>
<tr>
<th>Policy title</th>
<th>Investment Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy owner</td>
<td>Director Corporate Services / Asset Manager Financial Services Manager</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Financial Services</td>
</tr>
<tr>
<td>Approved by</td>
<td>Council</td>
</tr>
<tr>
<td>Date approved</td>
<td>TBC 29 April 2014</td>
</tr>
<tr>
<td>Version</td>
<td>Version number 5.4</td>
</tr>
<tr>
<td>Category</td>
<td>Financial</td>
</tr>
<tr>
<td>Keywords</td>
<td>Investments, Risk Management, Interest Rates, Surplus Funds, Legislation, Cash Flow</td>
</tr>
<tr>
<td>Revision date</td>
<td>31 August 2014</td>
</tr>
</tbody>
</table>
| Amendments         | Version 1 (1993, ECM#458237)  
                        Version 2 (2003, ECM#556228)  
                        Version 3 (2006, ECM#1247851)  
                        Version 4 (2014, ECM#260632) |
| Relevant strategic direction | Open and Collaborative Leadership |
| Relevant legislation/codes | Local Government Act 1993 (NSW) - Section 625  
                        Local Government (General) Regulation 2005  
                        Revised Ministerial Investment Order 2011  
                        Local Government Code of Accounting Practice and Financial Reporting  
                        Australian Accounting Standards  
                        Division of Local Government - Investment Policy Guidelines - May 2010 |
| Related policies/documents | Code of Conduct  
                        Electronic Mail Usage and Internet Access Policy  
                        Register of Delegations  
                        Restricted Assets - reserves management policy |
| Related forms      | Nil                         |
Policy - Investment
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Part A Preliminary

1 Objectives

1.1 To provide a framework for the investing of Council’s funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

1.2 While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

1.3 Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

1.4 Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

1.5 Investments are expected to achieve a market average rate of return in line with the Council’s risk tolerance.

1.6 Delegated Officers are to manage the investment portfolio as a hold to maturity investor. Deviation from this method of operation (i.e., sale of an investment prior to maturity) is permissible for either risk management purposes, to meet unforeseen liquidity requirements, or if deemed advantageous to do so.

1.7 All investments are to comply with the following:

1.7.1 Local Government Act 1993 (NSW) – Section 625

1.7.2 Local Government (General) Regulation 2005 (NSW)

1.7.3 Prevailing Ministerial Investment Order

1.7.4 Local Government Code of Accounting Practice and Financial Reporting

1.7.5 Division of Local Government Investment Circulars; and

1.7.6 Australian Accounting Standards.

2 Definitions

<table>
<thead>
<tr>
<th>Authorised Deposit Taking Institution (ADI)</th>
<th>A corporation authorised under the Australian Banking Act 1959. ADIs include banks, building societies, and credit unions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorised Deposit Taking Institution (ADI) Non Rated Category</td>
<td>An Australian Prudential Regulation Authority defined Authorised Deposit Taking Institution (ADI) that does not currently have a credit rating.</td>
</tr>
<tr>
<td>Long Term Credit Rating</td>
<td>A guide or standard for an investor, which indicates the ability of a debt issuer or debt issue to meet the obligations of repayment of interest and principal.</td>
</tr>
<tr>
<td>Delegated Officer</td>
<td>Officers listed at clause 3.2.</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Prudent Person</td>
<td>Someone who will manages the investment portfolio in a skilful, diligent and careful manner. They always exercise due care in making decisions and act in moderation.</td>
</tr>
<tr>
<td>Maturity Risk</td>
<td>The risk relating to the duration of an investment. The longer the investment term to maturity, the greater the length of exposure and risk to market volatilities.</td>
</tr>
<tr>
<td>Liquidity Risk</td>
<td>The risk an investor is unable to redeem the investment at a fair price within a timely period.</td>
</tr>
<tr>
<td>Diversification</td>
<td>The setting of limits for investing funds with ADIs and Australian Federal, State, and Local Governments.</td>
</tr>
<tr>
<td>Derivative Based Instruments</td>
<td>Investments whose value is derived from the performance of underlying market factors, such as interest rates, currency exchange rates, and community, credit and equity prices. Derivative investments include structured debt, obligations, swaps, futures, options, caps, floors, collars, forwards, and a various combination thereof.</td>
</tr>
</tbody>
</table>

Unless stated otherwise, a reference to a clause is a reference to a clause of the policy.
Part B  Roles and responsibilities

3  Delegation of authority

3.1 The authority for implementation of the Investment Policy is delegated by the Elected Council to the General Manager in accordance with the Local Government Act 1993.

3.2 The General Manager in turn delegates the day-to-day management of Council’s investments as follows:

<table>
<thead>
<tr>
<th>3.2.1 Delegated Officer title</th>
<th>3.2.2 Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.3 Director Corporate Services</td>
<td>Invest Council’s money provided it is in accordance with: delegated financial authority; section 629 of the Local Government Act 1993 (NSW), and Council’s Investment Policy.</td>
</tr>
<tr>
<td>3.2.4 Manager Finance</td>
<td></td>
</tr>
<tr>
<td>3.2.5 Manager Corporate Finance</td>
<td></td>
</tr>
</tbody>
</table>

3.3 Officers’ delegated authority to manage Council’s investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

4  Prudent Person standard

4.1 The investment portfolio will be managed with the care, diligence and skill that a Prudent Person would exercise. As trustees of public moneys, officers are to manage Council’s investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

5  Ethics and conflicts of interest

5.1 Delegated Officers shall refrain from decision making activities that could be perceived as being in conflict with proper management and decision making in relation to the investment portfolio.

5.2 Disclosure of any conflict of interest should be made in accordance with Council’s Code of Conduct Policy.

5.3 Independent advisors are required to declare, prior to engagement or as circumstances arise, any actual or perceived conflict of interest.

5.4 Council’s preference is to enter into Environmentally and Socially Responsible Investments where:

5.4.1 The investment is compliant with legislation and Investment Policy objectives and parameters, and

5.4.2 The rate of return is favourable relative to comparable investments on offer to Council at the time of investment.
Part C  Investment types

6  Authorised investments

6.1 Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

6.2 When placing a new investment a minimum of three quotations are to be obtained on comparable investments. If three comparable quotations are unavailable documentary evidence must be recorded outlining the reasons why.

7  Prohibited investments

7.1 In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

7.1.1 Derivative Based Instruments. Examples: structured debt obligations, swaps, futures, options, caps, floors, collars, forwards;

7.1.2 Principal only investments, or securities, that provide potentially nil or negative cash flow. Example: Principal Protected Notes, and

7.1.3 Stand alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

7.2 This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

8  Grandfathering

8.1 Grandfathering means a situation in which an old rule continues to apply to some existing situations, while a new rule will apply to all future situations.

8.2 In situations where compliant investments change to fall outside of either Council’s Investment Policy and/or the prevailing Ministerial Investment Order the delegated officers may continue to hold to maturity (IE Grandfather the investment), redeem or sell the investment. Such occurrences will be reported to the Elected Council in the monthly report.

9  Legal title

9.1 When entering into a financial instrument, it is required that the financial instrument clearly demonstrates that it is held in the registered name of Council.
Part D  Risk management framework

10  Credit risk framework

10.1 Credit Risk means the risk that an investor fails to receive the entire principal and/or interest associated with that investment.

10.2 To control the credit quality of the entire portfolio and exposure to individual ADIs, Commonwealth, State of the Commonwealth or Territory or Commonwealth council the following credit framework limits apply:

<table>
<thead>
<tr>
<th>Long Term Credit Rating (Standard and Poors)</th>
<th>Maximum exposure of entire portfolio</th>
<th>Maximum exposure to any one institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA + to AAA -</td>
<td>100%</td>
<td>30%</td>
</tr>
<tr>
<td>AA + to AA -</td>
<td>80%</td>
<td>30%</td>
</tr>
<tr>
<td>A + to A-</td>
<td>50%</td>
<td>15%</td>
</tr>
<tr>
<td>BBB+ to BBB</td>
<td>40%</td>
<td>10%</td>
</tr>
<tr>
<td>Non Rated Category</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>Government</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

10.3 New investments are to be placed in accordance with the credit risk limits at the time of entering into the transaction.

10.4 In the event that an entity is unrated by Standard and Poors but rated by Moody's and/or Fitch the Standard and Poors equivalent to the lowest Fitch/Moody’s credit rating is to be utilised into the above framework.

10.5 Investments in Non Rated Category ADIs are restricted to these institutions with a minimum total asset size of $500m.

11  Maturity risk framework

11.1 The investment portfolio is to be managed within the following maturity constraints in order to manage Maturity Risk and limit Liquidity Risk, whilst also allowing for Diversification of the portfolio:

<table>
<thead>
<tr>
<th>Term to Maturity</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1 Year</td>
<td>30%</td>
<td>100%</td>
</tr>
<tr>
<td>&gt;1 Year &lt;3 Years</td>
<td>0%</td>
<td>30%</td>
</tr>
<tr>
<td>&gt;3 Years &lt;5 Years</td>
<td>0%</td>
<td>40%</td>
</tr>
<tr>
<td>&gt;5 Years</td>
<td>0%</td>
<td>10%</td>
</tr>
</tbody>
</table>
12 Liquidity guidelines

12.1 Delegated Officers are to ensure that combined sufficient funds are retained within Council's general fund and high interest at call account to meet foreseen creditor payments as they fall due.

13 Diversification guidelines

13.1 Delegated Officers are responsible for the continual maintenance of a well diversified portfolio with respect to institution, term to maturity, and product.

13.2 The management and monitoring of diversification is via adherence to the specified credit risk limits (19.1) and term to maturity limits (11.1).
Part E  Investment advisor

14  Investment advisor selection

14.1 Council’s investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

14.2 The investment advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments that they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed. This confirmation is required prior to entering into a contract with the advisor.
Part F  Measurement

15  Performance measurement

15.1 The Key Performance Indicator (KPI) for income on investments is benchmarked at 0.50% above the one year return of the 90 day Union Bank of Switzerland (UBS) Australian Bank Bill Index.

15.2 Actual performance is measured using the weighted average return of the investment portfolio over a historical 12 month period. This is measured on a rolling monthly basis to coincide with monthly reporting.

15.3 As Council continues to hold grandfathered investments such as Collateralised Debt Obligations (CDOs), the investment. The returns for this portion of the portfolio generated on grandfathered investments will be regularly reviewed by an independent financial advisor by benchmarking and assessing their market value of the portfolio. The market value is to be assessed once a month to coincide with monthly reporting.
Part G  Reporting and reviewing of investments

16  General reporting

16.1 Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

16.2 The documentary evidence must provide Council legal title to the investment.

16.3 All investments are to be appropriately recorded in Council's financial records and reconciled on at least a monthly basis.

17  Monthly reporting

17.1 Council must comply with clause 212 of the Local Government (General) Regulation 2005.

17.2 Clause 212 of the Regulation requires that the delegated officer:

17.2.1 Provide the elected council with a written report (setting out details of all money that council has invested under section 625 of the Act) to be presented in one ordinary meeting of the elected council held in the month.

17.2.2 Include in the report a certificate as to whether or not investments have been made in accordance with the Act, the regulations and the council's investment policy.

17.2.3 The report must be made up to the last day of the month immediately preceding the meeting.

17.3 In addition, the monthly report will detail actual performance of the investment portfolio in comparison to budgeted interest return and KPI, and percentage exposure against those limits outline within this Policy.

18  Annual reporting

18.1 Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

18.2 As at 30 June each year an independent financial assessment of the value of all investments classified as being available for sale is to be received.

19  Investment policy review

19.1 This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution.
MOTION
Moved by Cr Clausen, seconded by Cr Dunn

1 Council adopts the draft Investment Policy at Attachment A (Policy) with the following amendments:
   a Deletion of Clause 5.4.
   b Insertion of a new Part E titled Environmentally and Socially Responsible Investments (SRI) (printed below) between the current Part D and current ‘Part E’ and reorder the document accordingly.

2 Supports Lismore City Council’s request for Local Government NSW to maintain a list of authorised deposit taking institutions which are committed to Environmentally and Socially Responsible lending and investing.

Part E: Environmentally and Socially Responsible Investments (SRI)
14. Council’s preference is to enter into environmentally and Socially Responsible Investments (SRI) where:
   14.1 The investment is compliant with legislation and Investment Policy objectives and parameters; and
   14.2 The rate of return is favourable relative to comparable investments on offer to Council at the time of investment.
15. SRI status may be in respect of the individual investment product, the issuer of the investment, or both and should be endorsed by an accredited environmentally and socially responsible industry body or institution.
16. Council’s criteria relating to an SRI are those which:
   Direct investment towards the socially and/or environmentally productive activities listed below:
   16.2 Avoid investment in the socially and/or environmentally harmful activities listed below:

Cont’d over…
Environmentally productive activities are considered to be:
- resource efficiency—especially water and energy
- renewable energy
- production of environmentally friendly products
- recycling, and waste and emissions reduction

Socially productive activities are considered to be:
- fair trade and provision of a living wage
- human health and aged care
- equal opportunity employers, and those that support the values of communities, indigenous peoples and minorities
- provision of housing, especially affordable housing

16.2 Avoid investment in the socially and/or environmentally harmful activities listed below:

Environmentally harmful activities are considered to be:
- production of pollutants, toxins and greenhouse gases (either in Australia or abroad)
- habitat destruction, especially destruction of forests and marine eco-systems.
- nuclear power
- uranium mining

Socially harmful activities are considered to be:
- abuse of Human Rights and Labour Rights
- involvement in bribery/corruption
- production or supply of armaments
- manufacture of alcohol, tobacco or gambling products

**For the Motion:** Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne, Posniak and Rufo.


Carried
ITEM-65  CCL 25/08/2015 - MARGARET STREET, MAYFIELD EAST - PROPOSED ONE-WAY TRAFFIC FLOW AND NO PARKING RESTRICTIONS

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

PURPOSE

To implement one way (southbound) traffic flow and No Parking restrictions on the eastern side of Margaret Street between George Street and Mounter Street, Mayfield East.

RECOMMENDATION

1 Approve the one way (southbound) traffic flow and No Parking restrictions on the eastern side of Margaret Street between George Street and Mounter Street, Mayfield East.

KEY ISSUES

2 Margaret Street is approximately 6m wide with unrestricted parking permitted on both sides of the street between George Street and Mounter Street. Cars are generally parked on both sides of the street, especially during evening and early morning periods, leaving insufficient road space for through traffic.

3 The initial consultation, pertaining to various no parking options, was undertaken from 26 March to 10 April 2015 and was tabled during the NCTC meeting on 20 April 2015. Around 50% of the consulted residents responded however there was no predominant preferred option selected by the residents.

4 The Committee highlighted that No Parking restrictions enforced in insolation is unlikely to resolve the matter since No Parking restriction on any one side would still not enable safe movement for two way traffic given the narrowness of the street. The Committee also highlighted the need to provide access to service and emergency vehicles through the street at all times and therefore recommended re-consultation with options having combination of parking and one way traffic flow restrictions.

5 Consultation leaflets (Attachment A) providing the following two revised options were sent to the 51 affected residents for their comments.
   • Option 1: ‘No Parking’ on the western side of Margaret Street and one way (northbound) movement from Mounter Street to George Street.
   • Option 2: ‘No Parking’ on the eastern side of Margaret Street and one way (southbound) movement from George Street to Mounter Street.
6 There were 22 responses received, four in favour of Option 1 and 18 in favour of Option 2. However, it is noted that there were six anonymous responses in favour of Option 2. The summary of the consultation responses is shown in Attachment B.

FINANCIAL IMPACT

7 The proposal is in response to requests from residents of the street and Council's Parking Regulatory Services. Implementation of the proposal will be carried out by using signposting only. Funding for the implementation will be from the Traffic Facilities Funds granted by the Roads and Maritime Services (RMS) each year to carry out traffic facility related works. The work will cost approximately $1,500 and is within the 2015/16 Operational Plan and approved Budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 This investigation is aligned with the “Caring and Inclusive Community” strategic direction that states “a thriving community where diversity is embraced, everyone is valued and has the opportunity to contribute and belong”. This is a minor traffic matter which was lobbied by people who believe it is right for their neighbourhood, and that Council is there to listen to these concerns and embrace change. It is about Community Engagement.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Approval of a one way traffic flow restriction is not delegated to Council officers and must be referred to Council for final determination. Approval of the proposed restriction does not have any implications for existing or future planning policies, or Council projects. The proposal will support Council's mission to enhance the quality of life by improving the safety of road users, particularly pedestrians, and improve access for residents in Margaret Street.

RISK ASSESSMENT AND MITIGATION

10 The proposed one way traffic flow restriction is intended to increase access for residents and improve pedestrian safety. The difference in risk from the current condition, to the proposed condition, is not significant as Margaret Street traffic volume is low and the road is narrow, which encourages a low speed environment.

11 The proposed southbound one way traffic flow and no parking restrictions on the eastern side of the street would allow the garbage bins for all the residents of the street to be collected from the eastern side. This arrangement will allow for safer waste collection than the current condition.
RELATED PREVIOUS DECISIONS

12 The Newcastle City Traffic Committee at its meeting on 18 May 2015 endorsed the proposal to implement one way (southbound) traffic flow restriction and to forward to Council for final determination.

CONSULTATION

13 Consultation has been conducted with the residents of the street. The proposed plan was put on public exhibition from 23 April to 8 May 2015. Leaflets were distributed to residents and other stakeholders that may be affected by the proposal. The leaflet stated that "if there are no responses received from residents/businesses, Council will assume Option 2 is the preferred option". The summary of consultation responses is shown in Attachment B.

BACKGROUND

14 Background information is presented in the Key Issues sections 2 to 4 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Consultation Leaflet
Attachment B: Summary of consultation responses
To The Resident

Margaret Street, Mayfield East
Proposed No Parking & One Way Restrictions
between George and Mounter Streets

23 April 2015

Council undertook a community consultation in March 2015 on various No Parking restriction options along Margaret Street for residents' consideration and comments. Around 50% of the consulted residents responded however the responses were evenly distributed among all the options.

The consultation summary was presented to the Newcastle City Traffic Committee on 20 April 2015 to determine its opinion on the matter. Please note Newcastle City Traffic Committee comprises representation from Newcastle City Council, Newcastle Police and Roads and Maritime Services and it is empowered to authorise all regulatory restrictions pertaining to Traffic and Transport matters in Newcastle LGA.

The Committee highlighted that No Parking restrictions enforced in isolation is unlikely to resolve the matter given that Margaret Street is approximately 6.5m wide and No Parking restriction on any one side of the street would still not enable safe movement of two way traffic. The Committee in particular highlighted the need to provide access to service and emergency vehicles through the street at all times. It therefore recommended that residents of the street are consulted again with options having combination of parking and one way restrictions.

Council proposes the following revised options for consideration of the residents. Please tick your preferred option:

Option 1: ‘No Parking’ on the western side of the street and One Way (northbound) movement from Mounter Street to George Street.

Option 2: ‘No Parking’ on the eastern side of the street and One Way (southbound) movement from George Street to Mounter Street.

Council is seeking comments on the proposal. Your feedback is important to Council in making a final decision. If there is no response from residents/businesses Council will assume Option 2 is the preferred option.

Please forward written comments by 8 May 2015 to The General Manager, The City of Newcastle, Attention: Transport & Traffic, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au. Phone: 4974 2000, Fax: 4974 2222.

For further information about the proposal please contact Dipen Nathwani, Traffic Engineer, on 4974 2663.

Name (Optional): ___________________________ Address: ___________________________

Comments: _________________________________________________________________

__________________________________________________________

Protecting your privacy: The City of Newcastle is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. Purpose of collecting personal details: Council is collecting this information to determine the local community’s views and opinions on the proposal outlined. Intended recipients: Information provided as part of the consultation will be used as part of the investigation into the proposal, and may be included in future reports on the issue. Storage and security: Information provided will be stored on Council's database and will be subject to Council’s Information and privacy policies. Access: Individuals can access data to check accuracy by contacting Council. PLEASE NOTE: When making written comments or submissions to Council, the following information should be considered – Should an objector consider that the disclosure of their name and address would result in detriment to them the words “OBJECTION IN CONFIDENCE” must be stated prominently at the top of the submission. Council may, however, be obliged to release full details of the submission including the name and address under the relevant access to information legislation, even if these words are in the submission.
<table>
<thead>
<tr>
<th>ECM No.</th>
<th>Preferred Option</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>5251886</td>
<td>Option 1</td>
<td>Option 1 please.</td>
</tr>
<tr>
<td>5252127</td>
<td>Option 2</td>
<td>Option 2 gives easiest access to Maitland Road and is best option for street parking.</td>
</tr>
<tr>
<td>5252128</td>
<td>Option 2</td>
<td>I support Option 2. I prefer No Parking on the eastern side of the road.</td>
</tr>
<tr>
<td>5252129</td>
<td>Option 2</td>
<td>But how will garbage collection trucks collect bins on the western side - unless all bins are put on the eastern side.</td>
</tr>
<tr>
<td>5252130</td>
<td>Option 2</td>
<td>Many properties on the eastern side have off-street parking. Fewer properties on the west have it.</td>
</tr>
<tr>
<td>5252131</td>
<td>Option 2</td>
<td>We support Option 2.</td>
</tr>
<tr>
<td>5252132</td>
<td>Option 2</td>
<td>-</td>
</tr>
<tr>
<td>5252133</td>
<td>Option 2</td>
<td>-</td>
</tr>
<tr>
<td>5252134</td>
<td>Option 2</td>
<td>-</td>
</tr>
<tr>
<td>5252135</td>
<td>Option 2</td>
<td>Option 2 please.</td>
</tr>
<tr>
<td>5252136</td>
<td>Option 2</td>
<td>I support Option 2. It will make it easier to get in and out of my property.</td>
</tr>
<tr>
<td>5256970</td>
<td>Option 2</td>
<td>This is in response to the Community Consultation for the above mentioned subject. We would like to select Option 2: 'No Parking' on the eastern side of the street and one way (southbound) movement from George Street to Mounter Street.</td>
</tr>
<tr>
<td>5265071</td>
<td>Option 1</td>
<td>The feedback on the initial consultation was not as important as you made out. 50% of people obviously wanted parking left as its Option 4. Just another waste of taxpayers' money. I expect it will make enemies out of neighbours in the future.</td>
</tr>
<tr>
<td>5265072</td>
<td>Option 2</td>
<td>Houses with no garage (no off-street parking) on the western side of the street (6 no.) and on the eastern side (3 no.)</td>
</tr>
<tr>
<td>5270070</td>
<td>Option 2</td>
<td>We are responding to your survey regarding the above proposal. We would like to register our preference for Option 2: &quot;No Parking&quot; on the eastern side of the street and one way (southbound) movement from George Street to Mounter Street.</td>
</tr>
<tr>
<td>5270199</td>
<td>Option 1</td>
<td>My preferred option is do nothing. If I only have these two choices then the safest Option is Option 1. See attached letters.</td>
</tr>
<tr>
<td>5272171</td>
<td>Option 1</td>
<td>My preferred option is do nothing. If I only have these two choices then the safest Option is Option 1. See attached letters.</td>
</tr>
<tr>
<td>5270356</td>
<td>Option 2</td>
<td>Our choice is based on a preference for southbound traffic flow. Parking on the right side of the street is normally only found in one way streets with parking on both sides. Why is council advocating parking on the right side rather than the normal left side?</td>
</tr>
<tr>
<td>Customer ID</td>
<td>Option</td>
<td>Comment</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
<td>---------</td>
</tr>
<tr>
<td>5270196</td>
<td>Option 2</td>
<td>I am sending this through as a response to the community consultation for proposed no parking and one way restrictions on Margaret St Mayfield East. I would like to vote for Option #2 - no parking on the eastern side. Option 2 supports better traffic flow to and from the CBD compared to option 1. Option 2 will also be cheaper for council to implement as no parking signs can be put on the east side telegraph poles. Can council also consider no parking restrictions on the parking / west side in the path / arc a car will reverse out from their driveway. Currently if cars park on the west side in front of my driveway, I need to do a 3 point + turn to reverse out of the driveway. This is a result of the road being so narrow. Not addressing this risks property / car damage when reversing out. Also please consider defining on the road the safe distance cars are allowed to park near the edge of a driveway. If they are parked too close to a driveway it creates a blind spot when reversing out of a driveway. This is the same response I have sent through in the mail. Thank you for addressing this issue on the street.</td>
</tr>
<tr>
<td>5270199</td>
<td>Option 1</td>
<td>My preferred option is do nothing. If I only have these two choices then the safest Option is Option 1. See attached letters.</td>
</tr>
<tr>
<td>5270356</td>
<td>Option 2</td>
<td>Our choice is based on a preference for southbound traffic flow. Parking on the right side of the street is normally only found in one way streets with parking on both sides. Why is council advocating parking on the right side rather than the normal left side?</td>
</tr>
<tr>
<td>5272168</td>
<td>Option 1</td>
<td>I would prefer it to be left as it is as I think it will create more problems with not enough parking for residents, causing issues in surrounding streets as well.</td>
</tr>
<tr>
<td>5274526</td>
<td>Option 2</td>
<td>It is clear that you have place garbage truck access (30 minutes per week) above resident convenience and safety requiring residents and visitors and occasional tradies to park blocking the placement of our garbage bins on half of the street. It is quite unsatisfactory that all residents and visitor vehicle parking would then result in passenger egress on the traffic side without the normal protection of the kerb. Council's proposal will thus endanger many children. Council officer told me that one way traffic will mean you have no choice which end of the street you enter, but that the allowed parking will be on your right hand side of street, and you will have to U-turn to park legally.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of owners/tenants consulted</td>
<td>51</td>
</tr>
<tr>
<td>Number of owners/tenants responded</td>
<td>22</td>
</tr>
<tr>
<td>Response to the Consultation (%)</td>
<td>43%</td>
</tr>
<tr>
<td>Owners/tenants in favour of Option 1</td>
<td>4</td>
</tr>
<tr>
<td>Owners/tenants in favour of Option 2</td>
<td>18</td>
</tr>
</tbody>
</table>
Councillor Clausen retired from the Chamber for the determination of this item.

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

Council approve the one way (southbound) traffic flow and No Parking restrictions on the eastern side of Margaret Street between George Street and Mounter Street, Mayfield East.

*Carried*

Councillor Clausen returned to the meeting at the conclusion of this item.
ITEM-66  CCL 25/08/2015 - WALLSEND FLOODPLAIN RISK MANAGEMENT PLAN - IMPLEMENTATION STUDY

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

PURPOSE

The Implementation Works Study of the Wallsend Central Business District (CBD) Floodplain Risk Management Plan (FRMP) was on public exhibition during May/June 2015. The purpose of this report is to summarise the issues raised in the submissions and recommend an implementation option.

RECOMMENDATION

1 Council endorse commencement of planning for the removal of the Tyrrell Street bridge and seek grant funding to progressively renew/upgrade both the Boscawen Street and the Nelson Street bridges.

KEY ISSUES

2 The Wallsend Floodplain Risk Management Plan (WFRMP) Implementation Study and Appendices (Attachments A and B) recommended the removal of both the Tyrrell and Boscawen Street traffic bridges along with the upgrade of the Nelson Street bridge to improve water flow and reduce flash flooding risk to the town center.

3 The recommendation was made because it achieves notable benefits in the form of $16.5M in flood damage reduction for a relatively low capital cost ($5.9M). A cost benefit ratio of 2.8 was estimated demonstrating that the benefits far outweigh the costs.

4 The community and Council have expressed concerns that removing two road bridges in the Wallsend CBD would affect the day to day function of the town. A resolution was passed at the Ordinary Meeting of Council on the 28 April 2015 to review the bridge removal recommendation. A traffic management study was also requested in the Council resolution.

5 In response to this resolution the WFRMP Implementation Works - Option 2 Traffic Management Assessment (Attachment D) and the WFRMP Implementation Works - Option 2 High Level Road Bridges Preliminary Cost Estimate (Attachment E) were prepared. The latter applied to the upgrade of the Tyrrell and Boscawen Bridges.
6 The Traffic Management Assessment was undertaken to assess the implications of removing the road bridges. It found that, apart from the need to relocate two bus stops, the impact of removing the Tyrrell Street bridge was easily accommodated by diversion of traffic to Bunn and Nelson Streets. However, the impact of removing the Boscawen Street bridge would have a much greater impact on vehicle traffic movements and the surrounding neighbourhood, although this could be mitigated through traffic control, road widening, flow redirection and intersection signaling.

7 The Traffic Management Assessment gives guidance to a variation of the previously recommended option that may better address the concerns expressed by the community and Council. This variation proposes the removal of only one bridge (Tyrrell Street), the renewal/raising of the Boscawen Street bridge and then the renewal/reshaping of the Nelson Street bridge to be carried out when suitable funding can be secured.

8. The Traffic Management Assessment found that the retention of the Boscawen Street bridge would reduce the local and neighborhood traffic implications in comparison with the previously recommended option. Car parking would also be retained along Cross and Clarke Streets and traffic signals would no longer be required at intersection of Nelson and Bunn Street.

FINANCIAL IMPACT

9 The original recommendation, which was to renew the Nelson Street bridge only whilst removing both the Tyrrell and Boscawen bridges, was found to have a relatively low capital cost of $5.9M in comparison to other options.

10 The High Level Road Bridges Preliminary Cost Estimate report indicates that the replacement of all three bridges would cost in the order of $16M. As the cost benefit ratio of this option would be 1:1, it is unlikely that grant funding for any works would be available, when compared with other projects competing for the funding.

11 The new recommended option is expected to cost in the order of $8-10M which is financially more attractive, and will achieve the same flood benefits over time. As the cost benefit ratio for this option would be expected to be around 2:1, grant funding may be available through the Office of Environment and Heritage (OEH) on a matching ratio of 2:1 (OEH:Council).

12 Funding for any option has not been included in the 2015-2016 Operational Plan.

13 Planning and design for removal of the Tyrrell Street bridge is estimated to cost $50,000 and could be submitted for approval in 2015/16 through a quarterly review. The required budget for the removal of the Tyrrell Street bridge would then be sought in the capital works program submitted in the 2016/17 Operational Plan, and works undertaken in the 2016/17 financial year.
A project scoping document detailing design requirements for the renewal of the Boscawen and Nelson Street bridges would be developed in 2015/2016 with the required budget for detailed design submitted for funding in the 2016/2017 Operational Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

The WFRMP Implementation Study aligns with the adopted Wallsend Commercial Centre Floodplain Risk Management Plan 2009. It is the highest implementation priority of a key project (City-Wide Flood plan) as identified in Council’s adopted (2011) 2030 Newcastle Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

At this stage the cost estimates for the renewal of the remaining bridges are not detailed enough for submission of a flood grant application for construction through the Office of Environment and Heritage (OEH). In order to reach the level of detail expected by the grant program, a detailed design process is required.

RISK ASSESSMENT AND MITIGATION

Wallsend Commercial Area is recognised as one of the most severely flood affected localities in the Newcastle Local Government Area. The risk has been demonstrated in numerous flash flood events since the early twentieth century. Council recognises these risks and has undertaken a number of studies to understand what the risks are and what mitigation measures are available. The recommended option will mitigate the flood risk as it is progressively implemented.

A judgment is required in relation to the timing and staging of works to mitigate the risk of flooding in Wallsend, compared with the associated inconvenience to the community. The recommended option endeavours to undertake actions that will reduce flooding risk, whilst providing the least amount of disruption to the Wallsend CBD. Works can be delayed until grant funding is secured for an ideal solution, but the timing and chances of success for this funding are unknown, and meanwhile the risk to property and life remains.

RELATED PREVIOUS DECISIONS

Council resolved to place the WFRMP Implementation Study draft report on public exhibition at the Ordinary Council meeting held on 28 April 2015 and requested a traffic study to be completed and a cost/feasibility assessment into replacement of the Tyrrell and Boscawen Street road bridges. Public Submissions and Responses to this exhibition are at Attachment C.
CONSULTATION

20 Extensive consultation on this issue has been undertaken face to face with the community, special interest groups and the Floodplain Management Committee.

21 The Implementation Study draft report was put on public exhibition during May/June 2015 and an associated community information session was held in June to discuss the findings of the draft report and answer questions.

22 Another meeting of the Floodplain Management Committee was held following the public exhibition in June 2015 to review the public submissions in detail.

OPTIONS

Option 1

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

Option 2

24 Proceed with the implementation recommended in the exhibited report to renew the Nelson Street bridge only whilst removing both the Tyrell and Boscawen bridges as this returns the best value for money at a capital cost of $5.9M. Due to community and Council concerns, this is no longer the recommended option.

Option 3

25 Proceed with replacement of Tyrrell and Boscawen Street bridges with high level bridge decks and upgrade the Nelson Street bridge at a capital cost of $16M. Due to funding concerns, this is not the recommended option.

Option 4

26 Note the exhibited report and do not proceed with any implementation works. This is not the recommended option.

BACKGROUND

27 Council undertook a succession of studies following the June 2007 event in accordance with NSW Stage Government guidelines and associated grant funds. The result was adoption of the FRMP in 2009, which included the recommendation for a range of actions to the total value of $44M.

28 The total cost to implement the FRMP was considered to be prohibitive and would not easily attract funding. An Implementation Study was then needed to investigate more cost effective options. SMEC Consultants were appointed in 2013 to undertake the Implementation Study.
The Implementation Study used the actions identified in the FRMP as a starting point to develop more cost-effective solutions. As a result four targeted actions were identified and assessed in detail using a cost benefit analysis.

The draft report was presented at a Councilor workshop and the Ordinary Council Meeting held on 28 April 2015 with the recommendation for the report to be put on public exhibition. The Public exhibition was held from May to June 2015.

ATTACHMENTS

Attachment A: WFRMP Implementation Works - Study Report
Attachment B: WFRMP Implementation Works - Study Report - Appendices
Attachment C: WFRMP Implementation Works - Study Report - Public Submissions and Responses
Attachment D: WFRMP Implementation Works Option 2 - Traffic Management Assessment
Attachment E: WFRMP Implementation Works Option 2 - High Level Road Bridges Preliminary Cost Estimate

Attachments distributed under separate cover
MOTION
Moved by Cr Dunn, seconded by Lord Mayor Cr Nelmes

Council endorse commencement of planning for the replacement of the Tyrrell Street bridge and seek grant funding to progressively renew/upgrade both the Boscawen Street and the Nelson Street bridges.

For the Motion: Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

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

Carried
ITEM-67 CCL 25/08/2015 - CLIFF STREET THE HILL PROPOSED TRIAL CLOSURE AT HIGH STREET

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

PURPOSE

It is proposed to implement trial traffic changes to Cliff Street The Hill at the intersection of Memorial Drive and High Street to improve safety for drivers and pedestrians accessing Memorial Walk.

RECOMMENDATION

1 Council approve a six month trial of partial and full closure of Cliff Street (for a period of three months each) and the implementation of a pedestrian crossing at the entrance to Strzelecki Lookout.

KEY ISSUES

2 The intersection of Memorial Drive and High Street has a history of traffic conflict with seven accidents reported between July 2009 and June 2014. Crash data sourced from Roads and Maritime Services indicated that:
   - Out of the total crashes two resulted in injury
   - Out of the total crashes six were either cross-traffic or right-near crashes
   - Four crashes occurred in daylight and six occurred in dry-surface conditions.

3 The completion of Memorial Walk in 2015 has seen a significant increase in pedestrian and vehicular traffic, and a change in usage patterns, with up to 1,700 vehicular movements and 500 pedestrian movements per hour during peak usage periods. This increase in use is expected to alter the frequency and pattern of crashes at this intersection and is presenting major traffic and pedestrian conflict, placing users at an even higher risk of accident and injury.

4 The trial will include both partial and full closure of Cliff Street to limit traffic movements at the intersection, and will occur in two phases over a six month period. The trial will also include construction of a temporary pedestrian crossing at the entrance to Strzelecki Lookout. At the completion of the trial a determination will be made as to the most effective option and a report presented to Council to implement a permanent solution.
FINANCIAL IMPACT

5 The temporary changes required to implement the trial are estimated to cost $50,000 and will be funded through Council’s MAPP - Pedestrian and Local Traffic Improvements budget in the 2015/16 Operational Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

6 Approval of the proposed works does not have any implications on existing or future planning policies of Council. This work will support Council’s vision to improve safety on public roads.

RISK ASSESSMENT AND MITIGATION

7 Council has a duty to minimise risks to the community. The current situation presents a high risk of accident or injury to the public accessing the new infrastructure in the area and must be addressed as a matter of urgency. The proposed trial will reduce the vehicle movements at the intersection, and improve safety in the short term while a permanent solution is investigated. The inclusion of a pedestrian crossing at the entrance to Strzelecki will improve safety for pedestrians accessing the Memorial Walk from Cliff Street. Permanent solutions will be designed and constructed as part of the Bathers Way, The Hill – Traffic and Parking Improvements project.

RELATED PREVIOUS DECISIONS

8 The layout of the proposed works was supported by the NCTC on 17 August 2015 as shown in Annexure A.

CONSULTATION

9 Informal consultation sessions with residents occurred on 03 July 2015 and 09 July to discuss ongoing traffic issues since the opening of Memorial Walk. All residents present during those discussions were supportive of trialing full and partial closures of Cliff Street.

10 A formal information session is scheduled for 19 August 2015 for residents of the surrounding streets, to inform them of the nature and purpose of the trial.

11 At the completion of the trial, feedback will be sought from the residents to assist in determining the most appropriate permanent solution. Options will also be presented to the Bathers Way Community Reference Group.

OPTIONS

Option 1

12 The recommendation as at Paragraph 1. This is the recommended option.
Option 2

13 Council does not approve the trial. This is not the recommended option.

BACKGROUND

14 Following the completion of Memorial Walk significant increases in vehicular and pedestrian traffic have been observed in The Hill, particularly in Cliff Street, High Street, Memorial Drive and The Terrace. The popularity of the new infrastructure has seen a change in usage patterns with visitors seeking vehicle parking close to Strzelecki and many locals opting to walk to the site from surrounding areas.

15 Traffic and pedestrian counts were undertaken over the weekend of 13/14 June 2015 to gain a better understanding of the new patterns of use and to identify areas of major conflict. The peak usage time for the area was identified as early-mid Sunday afternoon. During the peak times the following movements were observed:

- Up to 120 vehicle movements per hour into and out of Strzelecki car park
- Up to 200 pedestrian movements per hour across the entrance to Strzelecki car park
- Up to 1,600 vehicle movements per hour at the High Street intersection
- Up to 315 pedestrian movements per hour across the High Street intersection
- Up to 1,550 people per hour using the Memorial Walk and Bathers Way.

16 The volume of cars and pedestrians now using an already dangerous intersection highlights the need for clear and direct pedestrian routes as well as rationalisation of the vehicle movements permitted at the intersection to reduce the risk of accident and injury to users of the area.

17 Additional counts will be undertaken during the trial to identify the most effective of the two proposed options with a recommendation returning to Council for determination.

18 As the primary pedestrian route through this area is an integral part of the Bathers Way, the design solution for both the Bathers Way shared path and the permanent traffic solution will be undertaken concurrently. Designs will commence immediately following approval of the trial.

ATTACHMENTS

Attachment A: Proposed Trial Intersection Changes
NEWCASTLE CITY TRAFFIC COMMITTEE
Monday 17 August 2015

Item No. 512
STREET: Cliff Street, The Hill

ANNEXURE A
Page 1 of 2

OPTION 1
CLIFF STREET HALF CLOSURE (EASTBOUND LANE)
NEWCASTLE CITY TRAFFIC COMMITTEE

Item No. 512
STREET: Cliff Street, The Hill

ANNEXURE A
Page 2 of 2

OPTION 2
CLIFF STREET FULL CLOSURE

Install barricades/barriers for trial of full Cliff Street closure

Realign 'BB' line to accommodate separate left and right turn lanes
MOTION
Moved by Lord Mayor Cr Nelmes, seconded by Cr Clausen

Council approve a six month trial of partial and full closure of Cliff Street (for a period of three months each) and the implementation of a pedestrian crossing at the entrance to Strzelecki Lookout.

Carried
ITEM-68 CCL 25/08/2015 - BERESFIELD SWIMMING CENTRE

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

PURPOSE

To provide a summary on the 2014/15 Beresfield Swimming Centre season including attendance, income and operational deficit figures and to seek Council approval for the continued operation of the facility in 2015/16 in line with the 2015/16 fees and charges.

RECOMMENDATION

Council resolves to:

1 (a) receive this report which notes outcomes from the 2014/15 season, and that Council endorse the proposed continued operations of the Beresfield Swimming Centre for the 2015/16 season in line with the fees and charges as adopted in Council's 2015/16 Fees and Charges.

(b) request the preparation of an annual report for submission to Council in August 2016 after the conclusion of the 2015/2016 swimming season, providing details on attendances, full year financials and asset condition.

KEY ISSUES

2 The reduction in the fees and charges for Beresfield Swimming Centre, as adopted by Council on 28/10/14, has resulted in an increased operational loss. While attendance figures have increased by 18.8%, income decreased by 23.4%, resulting in an increase in operational deficit of $98,390 when compared to the original budget with the normal fee structure.

3 The small catchment area of Beresfield Swimming Centre and the competition from surrounding swimming centres located at East Maitland and Maitland (9.8km and 13km away respectively), both operated by Maitland City Council, and the privately operated Justin Norris Swimming Academy (2.9km away) at Thornton, all provide attractions that draw attendance away from the Beresfield Swimming Centre.
4 Maitland Council is currently undertaking Stage 1 of the redevelopment of Maitland Swimming Centre. Completion is estimated for December 2016 with the first stage including a new indoor heated 25m x 8 lane competition swimming pool, spectator seating and plant room, adding to the existing 50m heated outdoor pool, learn to swim pool, toddlers pool and aquatic playground. It is expected that this will put more pressure on patronage of the Beresfield Swimming Centre.

5 An analysis of the impact of the reduced fees and charges for Beresfield Swimming Centre and the impact on attendance figures is shown in Table 1 below. This table provides a comparison of the 2014/15 season and the next most recent 30 week season which was 2012/13.

<table>
<thead>
<tr>
<th>Month</th>
<th>2012/13</th>
<th>2014/15</th>
<th>2012/13 to 2014/15 Attendance Increase %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep</td>
<td>588</td>
<td>1,084</td>
<td>25.5% Before reduced fees</td>
</tr>
<tr>
<td>Oct</td>
<td>3,603</td>
<td>4,179</td>
<td>17.8% After reduced fees</td>
</tr>
<tr>
<td>Nov</td>
<td>8,246</td>
<td>9,789</td>
<td>Overall Increase</td>
</tr>
<tr>
<td>Dec</td>
<td>6,356</td>
<td>6,165</td>
<td></td>
</tr>
<tr>
<td>Jan</td>
<td>4,603</td>
<td>6,955</td>
<td></td>
</tr>
<tr>
<td>Feb</td>
<td>4,499</td>
<td>6,160</td>
<td></td>
</tr>
<tr>
<td>Mar</td>
<td>3,279</td>
<td>3,130</td>
<td></td>
</tr>
<tr>
<td>Apr</td>
<td>810</td>
<td>546</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>31,984</td>
<td>38,008</td>
<td>18.8%</td>
</tr>
</tbody>
</table>

6 The table identifies that there was a larger increase in attendance prior to the introduction of the reduced fees and charges. The highest increase in attendance when the entry prices were higher is due to warmer weather. Industry information and trends clearly demonstrate that there is a direct correlation between increased attendance and warm weather.

7 It is widely accepted that attendance figures for outdoor swimming pools are directly affected by the weather conditions. The 2014/15 season was overall a particularly warm season in comparison to recent years and would be expected to result in higher attendances. Other factors such as wind and rain also can significantly impact attendance to outdoor swimming centres but these are much harder to measure without accurate information available for the specific opening times of the swimming centre.

8 In relation to school swimming carnivals, which are a significant contributor to attendance numbers, there was a total of twelve school swimming carnivals hosted at Beresfield Swimming Centre. This included 3 new primary schools utilising Beresfield for the first time and one previous user choosing to utilise another centre.
9 Consideration of the long term viability of an ageing facility is important. As the pool infrastructure ages, the cost to Council to maintain and repair these facilities exponentially increases. The Beresfield Swimming Centre was originally built in 1971, making the main buildings and pools 44 years old.

FINANCIAL IMPACT

10 The 2014/15 deficit for Beresfield Swimming Centre was $428,862. This compares with the initial budget, prior to the Council Resolution to reduce the fees, of $330,472. The Budget for 2015/16 is a deficit of $397,312 and this is partially offset by the contribution from the 2015 Special Rate Variation Option 3 of $150,000.

11 Continuing under the current fees and charges and staffing structure, together with an increasing maintenance demand, will result in an increased operational deficit each year. This is likely to be exacerbated by the redevelopment of the Maitland Swimming Centre which will provide an attractive alternative for Beresfield residents.

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 This project is in alignment with three strategies from the Newcastle 2030 Community Strategic Plan. They are as follows:

3.3c Increase opportunities for active and passive recreational use of the city’s parks, inland pools and Blackbutt Reserve through the provision of attractive, safe and accessible spaces and amenities.

4.2a Ensure the community has access to needed services and facilities, particularly those most in need.

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

IMPLEMENTATION PLAN/IMPLICATIONS

13 The recommendation at Paragraphs 1 (a) or (b) is consistent with the 2015/16 Operational Plan and Fees and Charges.

RISK ASSESSMENT AND MITIGATION

14 As there will be no change to operations or fees and charges, there is not expected to be any impact on the community.

RELATED PREVIOUS DECISIONS

15 At the Council meeting of 28 October 2014, Council resolved to adopt the publicly exhibited lowered fees and charges for Beresfield Swimming Centre.
16 At the Council meeting 22 July 2014, Council resolved for "Council to internally manage Beresfield Swimming Centre and review future operation of the facility in light of attendance following the 2014/15 summer season."

CONSULTATION

17 For the 2014/15 summer season, to ensure the community was aware of the reduced fees and charges and the season dates for Beresfield Swimming Centre, an extensive promotion campaign was undertaken by Council. Channels used included e-news, website, social media network, school emails and advertisements, LCD screens, and extensive brochure distribution. This was undertaken at a minimal cost within current operational budgets. Liaison with the local swimming club committee representatives was undertaken throughout the process to ensure members were aware of the reduced fees and charges changes.

18 An opening day was also undertaken at Beresfield Swimming Centre as a major promotional tool. The event offered additional activities of pool inflatable, slip 'n' slide, display animals from Blackbutt Reserve and a BBQ.

OPTIONS

Option 1

19 The recommendation as at Paragraphs 1(a) and (b). This is the recommended option.

Option 2

20 That Council not receive this report, and elects to take a different course of action. This is not the recommended option.

BACKGROUND

21 Other options are available to Council in the future when considering the financial position of Beresfield Swimming Centre. One option is to set the fees and charges for Beresfield Swimming Centre to be in line with Council's four other owned swimming centres managed by Lane 4 Pty Ltd to reduce the financial burden to Council. This would see an increase in the fees and charges for Beresfield Swimming Centre in line with like facilities, such as Stockton, and a resultant reduction in deficit.

22 Another option is to set the fees and charges for Beresfield Swimming Centre to be in line with the adjacent pools within the Maitland City Council area. This would see an increase in the fees and charges for Beresfield Swimming Centre and a resultant reduction in deficit.
23 Council could call for tenders for the management and operation of Beresfield Swimming Centre to enable it to be managed by an external operator similar to the other four swimming centres. Until the market is tested, the benefit to Council, or otherwise, is unknown at this point in time.

REFERENCES

ATTACHMENTS

Nil.
The General Manager noted the reference in paragraph 10 of the report to the deficit amount being $493,174 in lieu of $397,312 as outlined in the memo issued to Councillors 21 August 2015.

**MOTION**
Moved by Cr Dunn, seconded by Lord Mayor Cr Nelmes

Council resolves to:

(a) receive this report which notes outcomes from the 2014/15 season, and that Council endorse the proposed continued operations of the Beresfield Swimming Centre for the 2015/16 season in line with the fees and charges as adopted in Council's 2015/16 Fees and Charges.

(b) request the preparation of an annual report for submission to Council in August 2016 after the conclusion of the 2015/2016 swimming season, providing details on attendances, full year financials and asset condition in relation to all Council pools.

**For the Motion:** Lord Mayor Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Osborne, Posniak, Robinson and Rufo.

**Against the Motion:** Councillors Luke and Tierney.  Carried
ITEM-69  CCL 25/08/2015 - ENDORSEMENT OF EXHIBITION OF DRAFT CULTURAL STRATEGY

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

PURPOSE

The purpose of this report is to advise Council of the development of a draft Cultural Strategy 2016-2019 and seek endorsement to place the document on public exhibition.

RECOMMENDATION

1 Council resolves to:
   a) Place the draft Cultural Strategy as provided in Attachment A on exhibition for 4 weeks.
   b) Receive a report back on the outcomes of the public exhibition.

KEY ISSUES

2 The draft Cultural Strategy is a four year (2016-2019) framework detailing the priorities for Council’s investment in arts and culture in Newcastle. It is intended to:
   • Guide the strategic development of culture in Newcastle
   • Direct Council’s resource investment in cultural priorities and activities for 2016-2019
   • Make transparent Council’s strategic direction to enable public and private partnership in strengthening and growing Newcastle’s cultural vibrancy
   • Support Council to fulfill its role as a cultural leader, managing the city’s major cultural institutions and participating in the city’s cultural life

3 Informed by comprehensive community consultation, the draft Cultural Strategy identifies the priorities for the next 4 years are to increase:
   • focus on Newcastle identity and stories
   • access to Art Gallery collection
   • engagement with young people (16-30 years)
   • use of digital platforms
   • collaboration with Aboriginal and Torres Strait Island people
   • collaboration with local artists and practitioners
FINANCIAL IMPACT

4 Exhibition of the draft Cultural Strategy 2016-2019 will be undertaken within the existing operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 The draft Cultural Strategy 2016-2019 expands on the cultural components of the Newcastle 2030 Community Strategic Plan and outlines Council’s cultural actions that will contribute to achieving the vision for Newcastle in 2030.

6 The actions within the strategy fall primarily within the strategic objectives of:

- Vibrant and Activated Public Places
- Caring and Inclusive Community
- Liveable and Distinctive Built Environment
- Smart and Innovative City

7 The draft strategy comprises strategies and actions across directorates of Council that will deliver the identified cultural outcomes.

IMPLEMENTATION PLAN/IMPLICATIONS

8 The draft Cultural Strategy 2016-2019 has been developed largely to be delivered within existing resources. Actions identifying new programs or projects not within current budgets have been timed for future budget periods, and funding will be sought through the usual budget processes or through grant funding, sponsorship or donations where appropriate and available.

RISK ASSESSMENT AND MITIGATION

9 There is no risk to Council in placing the draft Cultural Strategy on public exhibition.

RELATED PREVIOUS DECISIONS

10 Nil previous Council decisions relating to this matter
CONSULTATION

11 The development of the draft Cultural Strategy 2016-2019 has been informed by a series of 11 formal interviews and 6 public workshops held during April – May 2015. Participants included a diverse range of voices including audience members, artists and creative practitioners, historians, academics and key stakeholders. In addition, three staff workshops were held with representatives from Strategic Planning, Cultural Facilities and Library Services. Overall, just over 250 people actively participated in the development of this strategy of which 80% were drawn from our community. In addition, existing research from the field was drawn on including progress reports of the University of Newcastle’s Research Project Mapping the Creative Industries in Newcastle.

12 The exhibition of the draft Cultural Strategy will include:
   • 4 week exhibition period
   • Request for submissions
   • Newspaper advertisements

OPTIONS

Option 1

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

Option 2

14 Council resolve not to exhibit the draft Cultural Strategy 2016-2019. This would not enable the Community Strategic Plan to be implemented effectively, nor provide a strategic focus for Cultural programs and projects delivered by Council. This option is not the recommended option.

BACKGROUND

15 Council does not have a current Cultural Plan or Strategy. The most recent strategic document was the Cultural Framework 2005-2010: Our Wonderful Life.

REFERENCES

ATTACHMENTS

Attachment A: Draft Cultural Strategy 2016 - 2019

Distributed under separate cover
MOTION
Moved by Cr Clausen, seconded by Cr Posniak

Council resolves to:

a) Place the draft Cultural Strategy as provided in Attachment A on exhibition for 4 weeks.

b) Receive a report back on the outcomes of the public exhibition.  

Carried
ITEM-70 CCL 250815 - ADOPTION NEWCASTLE ARCHAEOLOGICAL MANAGEMENT STRATEGY 2015

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

PURPOSE

The purpose of this report is to advise Council on the outcomes of the public exhibition of the draft Newcastle Archaeological Management Strategy 2015 (NAMS) and seek a Council resolution to adopt the NAMS as provided in Attachment A.

RECOMMENDATION

1 Adopt the Newcastle Archaeological Management Strategy 2015 as provided at Attachment A.

KEY ISSUES

2 On 28 April 2015 Council considered a report on the draft NAMS and resolved to:
   
   a) Place the draft Newcastle Archaeological Management Strategy on public exhibition for a period of six weeks.

3 The draft Newcastle Archaeological Management Strategy (NAMS) was publicly exhibited for six weeks between 18 May and 29 June 2015. Council received one written submission from the Office of Environment and Heritage which recommended minor technical amendments to definitions and legislative context (summarised in Attachment B).

FINANCIAL IMPACT

4 Any future projects will continue to be determined in accordance with the Delivery Program and Operational Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 The NAMS aligns with the Liveable and Distinctive Built Environment strategic direction from the Newcastle 2030 Community Strategic Plan 2013.
IMPLEMENTATION PLAN/IMPLICATIONS


7 While the NAMS addresses Aboriginal archaeological material from the post-settlement phase of Newcastle’s history, it does not address Aboriginal archaeological material dating to the period before 1788. This is because there are separate legislative requirements and specific regulations under the NSW National Parks and Wildlife Act (NPWS Act) 1974 to address these matters. An Aboriginal Heritage Management Strategy is to be prepared in late 2015 to align Council’s management of Aboriginal cultural heritage and to devise a specific strategy for dealing with places of Aboriginal cultural significance. Until this is developed, Council will continue to be guided by the strategic directions contained in the Newcastle Heritage Strategy 2013-17, as well as the “Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW”.

RISK ASSESSMENT AND MITIGATION

8 Archaeological resources are scattered across the inner suburbs of Newcastle, including in the City Centre. The NAMS seeks to provide a level of certainty about the location of archaeological sites in the study area by identifying areas of high, medium and low potential. The aim is to minimise the risk of unexpectedly disturbing these sites without approval under the Environmental Planning and Assessment Act 1979 and the NSW Heritage Act 1977. The NAMS is a predictive model which may inform project planning, infrastructure delivery and development assessment processes.

9 The NAMS outlines procedures for dealing with the archaeological items listed in schedule 5 of the Newcastle Local Environmental Plan 2012 where they may be impacted by development proposals.

RELATED PREVIOUS DECISIONS


11 On 28 April 2015, Council resolved to place the draft NAMS on public exhibition for a period of six weeks.
CONSULTATION

12 The NAMS was publicly exhibited for six weeks between 18 May and 29 June 2015. Key stakeholders were invited to make submissions including the NSW Office of Environment and Heritage.

OPTIONS

Option 1

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

Option 2

14 Council not adopt the NAMS. This option is not the recommended option. This option would be inconsistent with NSW Heritage Council directions and would not achieve the strategic directions of the 2030 Community Strategic Plan.

BACKGROUND

15 As the second oldest city in Australia, Newcastle has a high concentration of archaeological sites, many of which have been assessed as state significant. Under sections 139-140 of the NSW Heritage Act (the relic provisions), any relic in NSW that has heritage significance is automatically protected, regardless of whether that relic is listed in a local environmental planning instrument or the State Heritage Register. Penalties apply to persons or corporations who disturb a relic without the prior consent of the NSW Heritage Council.

16 In addition to the automatic protection given to relics under the Heritage Act, Council’s Local Environmental Plan requires that archaeological heritage is considered when assessing a development application that may affect relics. Under Part 5.10 of the Newcastle LEP 2012, Council must notify the NSW Heritage Council if it is to grant development consent to a site with local heritage significance, and, it must take into consideration any advice received from the NSW Heritage Council. Furthermore, under the principles of the Newcastle Heritage Policy, Council is to ensure that archaeological sites are conserved, interpreted, celebrated and recognised.

17 The NAMS aims to:

- identify areas of archaeological sensitivity so that planning decisions can take these aspects into account
- inform prospective developers, site owners and managers about the archaeological sensitivity of their land at the earliest opportunity
- ensure that resources (human, physical and financial) are directed to the most sensitive areas and important sites
- allow archaeologists time for proper assessment and investigation of significant archaeological sites
- reduce risk by identifying those areas where there is the potential to disturb relics so that this information can inform project planning, infrastructure delivery and development assessment processes.

18 In view of the large number of archaeological sites that were being uncovered in the city centre in the years immediately following the Newcastle earthquake, Council engaged archaeologists to prepare an Archaeological Management Plan. This led to the adoption of the *Archaeological Management Plan for Inner Newcastle*, on 9 September 1997 (referred to as the NAMP 1997). The purpose of the NAMP 1997 was to assess the archaeological resource of the Newcastle City Centre to a basic and consistent level and identify areas of archaeological sensitivity.

19 Since adoption, the NAMP 1997 has determined the requirements for site specific investigations associated with development in the study area, and is disclosed in the Section 149 certificates issued in respect of land in the study area of the NAMP 1997.

20 Council partnered with the Heritage Division NSW Office of Environment and Heritage and Ausgrid to commission a review of the NAMP 1997. Edward Higginbotham & Associates Pty Ltd was engaged to compile the review, and a draft was completed in 2013. The review is a predictive model of the location of potential archaeological sites using historical mapping overlays to sequence the urban development of the city from 1804 onwards. The review updates baseline archaeological data and assesses the archaeological potential of roads and streets to inform infrastructure planning and delivery. It also assesses the degree of heritage significance of potential archaeological sites in the study area, which is intended to streamline the referral process to the NSW Office of Environment and Heritage.

21 The NAMS is based on two parent documents - the Newcastle Archaeological Management Plan 1997 (NAMP 1997) and the Newcastle Archaeological Management Plan Review 2013 (Review 2013). These documents are technical background reports supporting this Strategy.

**ATTACHMENTS**

**Attachment A:** Newcastle Archaeological Management Strategy 2015
**Attachment B:** Submissions

Attachments A and B are distributed under separate cover.
MOTION
Moved by Cr Doyle, seconded by Cr Rufo

Council adopt the Newcastle Archaeological Management Strategy 2015 as provided at Attachment A.

Carried
ITEM-71  CCL 25/08/15 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES FOR UPCOMING EVENTS

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

PURPOSE

To seek Council's approval to temporarily suspend the associated Alcohol Free Zones (AFZ) for four events.

RECOMMENDATION

1 (a) Council approve the temporary suspension of the AFZ for Beaumont Street, Cleary Street, James Street and Lindsay Street, Hamilton on Saturday 3 October 2015 from 5pm to midnight and on Sunday 4 October 2015 from 10am to 4pm, for the purpose of Newcastle China Week festival. This suspension is subject to the event organiser, Hamilton Chamber of Commerce, meeting all requirements of the NSW Police - Newcastle Local Area Command (Newcastle LAC) and Council.

(b) Council approve the temporary suspension of the AFZ for Market Street Newcastle, between Scott Street and Hunter Street on Sunday 25 October 2015 from 11am to 5pm, for the purpose of Newcastle Street Food Festival. This suspension is subject to the event organiser, Soul Café, meeting all requirements of the Newcastle LAC and Council.

(c) Council approve the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Saturday 31 October 2015 from 6am to midnight for the purpose of This That music festival at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the Newcastle LAC and Council.

(d) Council approve the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Sunday 1 November 2015 from 6am to midnight for the purpose of Live at The Foreshore music festival at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the Newcastle LAC and Council.
KEY ISSUES

2 A new Council policy adopted on 27 November 2012, re-established AFZs in locations across the City and required Council approval be sought for the lifting of AFZs when an approved festival or function is held.

3 Any lifting of an AFZ must be under the direction of the relevant LAC. In this instance the proposal for the Newcastle China Week festival, Newcastle Street Food Festival, This That music festival and Live at The Foreshore music festival have been considered by Newcastle LAC and Council officers. The Newcastle LAC supports the lifting of the AFZs subject to the event organisers meeting the conditions placed on the event.

4 Section 645 of the Local Government Act 1993 (Act) provides for Council, by resolution, to allow the temporary suspension of AFZs. The Act and Ministerial Guidelines on Alcohol Free Zones (February 2009) provide a specific procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council’s endorsement. Following the adoption of these suspensions, Council must publish a notice in a local newspaper informing of the suspension that will be in place in:

i Beaumont Street, Cleary Street, James Street and Lindsay Street Hamilton on Saturday 3 October 2015 from 5pm to midnight and on Sunday 4 October 2015 from 10am to 4pm, for the purpose of Newcastle China Week festival.

ii Market Street Newcastle, between Scott Street and Hunter Street on Sunday 25 October 2015 from 11am to 5pm, for the purpose of Newcastle Street Food Festival.

iii Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Saturday 31 October 2015 from 6am to midnight for the purpose of staging This That music festival.

iv Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Sunday 1 November 2015 from 6am to midnight for the purpose of staging Live at The Foreshore music festival.

5 Street signs must be covered immediately on commencement of the timeframe and the covers removed immediately following the suspended time. This is the responsibility of the organiser of the event but will be overseen by Council staff. Liaison with local police both before and after the Council resolution is an essential requirement. This consultation with the police has been undertaken by Council officers and will continue to be undertaken in the lead up to the event.
6 The Newcastle LAC is satisfied with the management strategies that have been put in place by the event organisers and supports the suspension of the AFZs on these occasions.

FINANCIAL IMPACT

7 The costs associated with advertising of the suspension of AFZ’s are at full cost recovery to the event organisers.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Lifting of the AFZ for an approved event aligns with the strategic direction Vibrant and Activated Public Places and more specifically the objective of Safe and Activated Places that are used by people day and night.

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

10 Council officers and Newcastle LAC work closely with event organisers to ensure harm minimisation and risk mitigation strategies are in place to manage the serving and consumption of alcohol at events. The Event Authorisation issued by Council to the event organiser for the use of the related road / park reserve sets out relevant conditions and consents for the event.

RELATED PREVIOUS DECISIONS

11 Council has previously agreed to suspend the AFZ for the purpose of previous community events and festivals in Beaumont Street, Food Festivals (known as the East End Carnivale) in the city and music festivals on The Foreshore.

CONSULTATION

12 These events and ones similar have been conducted in recent times and no negative feedback has been received as a result of temporary lifting the AFZs.

OPTIONS

Option 1

13 The recommendation as at Paragraph 1. This is the recommended option.
Option 2

14 Council resolves not to support the suspension of the AFZs on these occasions. The advantage of this option is that the AFZs and the restrictions associated would remain in place. The disadvantage of this option is that the events would not be able to proceed in their proposed formats. This option is not the recommended option.

BACKGROUND

15 Hamilton Chamber of Commerce has successfully managed festivals and other community events for their suburb over a number of years where Council has approved the temporary suspension of the AFZ.

16 The suspension of the AFZ has previously been lifted for a Food Festival event, (previously known as East End Carnivale) in 2012 and 2013. These types of events have been highly successful.

17 Council has granted approval in the past for festivals which have been held on The Foreshore. The Promoter of This That and Live on The Foreshore, Mothership Events, is working collaboratively with City stakeholders through active engagement in the Inter-agency Events Consultation Group (IECG) planning process. At the IECG meeting held on 12 May 2015 stakeholders "Approved in Principal" to move forward with the proposed 2 day format to be held on Saturday 31 October and Sunday 1 November 2015 at Camp Shortland, subject to standard conditions and Licensing approvals.

ATTACHMENTS

Nil
In moving the motion, Councillor Osborne stated that he was moving recommendation (a) as revised by Council officers and outlined in a memo issued to all Councillors on Monday 24 August 2015.

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

(a) Council approve the temporary suspension of the Alcohol Free Zone for Crown Street Newcastle between Hunter and King Streets on Thursday 1 October, Friday 2 October and Saturday 3 October 2015 from 5pm to 9pm and at Beaumont Street, Cleary Street, James Street and Lindsay Street, Hamilton on Sunday 4 October 2015 from 10am to 4pm, for the purpose of Newcastle China Week festival. This suspension is subject to the event organiser, Hamilton Chamber of Commerce, meeting all requirements of the NSW Police - Newcastle Local Area Command (Newcastle LAC) and Council.

(b) Council approve the temporary suspension of the AFZ for Market Street Newcastle, between Scott Street and Hunter Street on Sunday 25 October 2015 from 11am to 5pm, for the purpose of Newcastle Street Food Festival. This suspension is subject to the event organiser, Soul Café, meeting all requirements of the Newcastle LAC and Council.

(c) Council approve the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Saturday 31 October 2015 from 6am to midnight for the purpose of This That music festival at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the Newcastle LAC and Council.

(d) Council approve the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Sunday 1 November 2015 from 6am to midnight for the purpose of Live at The Foreshore music festival at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the Newcastle LAC and Council.

Carried
ITEM-72 CCL 25/08/15 ADOPTION OF SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2009

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

PURPOSE

The purpose of this report is to advise Council of the outcome of the public exhibition period of the Draft Section 94A Development Contributions Plan 2009 (Draft Section 94A Plan) and recommend adoption of the plan.

RECOMMENDATION

1 Council adopt the Section 94A Development Contributions Plan 2009 as outlined in Attachment A in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

KEY ISSUES

2 Council resolved on 26 May 2015 to publicly exhibit the Draft Section 94A Plan for 28 days. The Draft Section 94A Plan was exhibited from Tuesday 9 June 2015 until Tuesday 7 July 2015 and no submissions were received from the public during this time.

3 No changes have been made to the plan as a result of the public exhibition.

FINANCIAL IMPACT

4 The adoption of the Draft Section 94A Plan will allow Council to levy developers to assist in the delivery of the local infrastructure identified in the plan. The contribution plan is reviewed regularly to take into account Council’s 4 year Delivery Program and Operational Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 The preparation and processing of the Draft Section 94A Plan aligns to all seven strategic directions by providing numerous community benefits through the delivery of community infrastructure to new and existing communities. The Section 94A Plan is anticipated to deliver upgrades to community and recreation facilities, provide new cycleway links, traffic and transport upgrades and aid in the revitalisation of the city centre.
IMPLEMENTATION PLAN/IMPLICATIONS

6 Clause 31 of the EP&A Regulation sets out the requirements for the approval of a contribution plan by Council. Should the contribution plan be adopted by Council, it will be advertised and implemented pursuant to this clause.

RISK ASSESSMENT AND MITIGATION

7 The Draft Section 94A Plan has been prepared in accordance with relevant legislation and Department of Planning and Environment Practice Notes. Adherence to the legislative framework reduces the risk to Council by ensuring Section 94A funds are levied, collected, spent and accounted for in the correct manner.

RELATED PREVIOUS DECISIONS

8 Council resolved on the 26 May 2015 to publicly exhibit the draft plan.

CONSULTATION

9 The plan was publicly exhibited for a period of 28 days and no public submissions were received during this time. Two requests were received from Council officers and have been incorporated into the draft Plan.

OPTIONS

Option 1

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

Option 2

11 Council resolves not to proceed with the adoption of the Draft Section 94A Plan as outlined in Attachment A. This option is not the recommended option as it will not enable the Plan to include these important updates.

BACKGROUND

12 The Section 94A Plan is kept under regular review to ensure the works schedule is up to date and clauses and mapping within the Plan are current and compliant with relevant legislation. The proposed amendments to the Section 94A Plan include the revision of the schedule of works, the inclusion of saving and transitional arrangements and an update to the list of Council exemptions.

13 The schedule of works has been revised to remove completed projects and update the schedule to ensure it reflects the priorities nominated in Council's Delivery Program and Operational Plan.
14 Council's list of exemptions has been updated to clarify that the Section 94A Plan excludes the cost of fit out and refurbishment of an existing development (when calculating the cost of development), where there is no enlargement or intensification of the current land use and that this includes the fit out and refurbishment of existing premises in shopping centre.

ATTACHMENTS

Attachment A: Section 94A Development Contributions Plan 2009

Attachment A distributed under separate cover.
MOTION
Moved by Lord Mayor Cr Nelmes, seconded by Cr Clausen

Council adopt the Section 94A Development Contributions Plan 2009 as outlined in Attachment A in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

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

Against the Motion: Nil.

Carried
ITEM-73  CCL 25/08/15 - EXHIBITION OF PLANNING AGREEMENT FOR 505 MINMI ROAD FLETCHER

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

PURPOSE

The purpose of this report is to obtain a Council resolution to give public notice of a Draft Planning Agreement (Attachment A) pursuant to section 93G of the Environmental Planning and Assessment Act 1979 (EPA Act).

RECOMMENDATION

1 Council resolve to publicly notify the Draft Planning Agreement (Attachment A) in respect of the offsite environmental land offset for 505 Minmi Road, Fletcher for 28 days.

KEY ISSUES

2 A Draft Planning Agreement has been prepared by the Minister for the Environment as part of the biodiversity offset for 505 Minmi Road Fletcher.

3 The biodiversity offset is being provided as part of the Planning Proposal to rezone the land from E4 Environmental Living to part R2 Low Density Residential and part E2 Environmental Conservation.

4 The Draft Planning Agreement is the legal mechanism to secure the offsite biodiversity offset and therefore is a crucial component of the planning proposal. The history of the planning proposal and the biodiversity offset package are detailed below.

5 The Draft Planning Agreement is between the Minister for the Environment, Newcastle City Council, Kingston Minmi Road Pty Limited (the owner of 505 Minmi Road, Fletcher) and the owner of Lot 23 DP 95675 Booral Washpool Road, Stroud.

6 The biodiversity offsets are to be provided at a ratio of 5.5:1, meaning for every 1 hectare of vegetation cleared on site, 5.5 hectares of like for like vegetation has to be provided. The offset ratio is determined by the Office of Environment and Heritage on a project by project basis. By comparison, the two State significant developments approved by the Department of Planning and Environment within Minmi and Black Hill (owned by Coal and Allied) were required to provide biodiversity offsets at a ratio of approximately 3:1.
BACKGROUND

7 At the Ordinary Council meeting of 15 December 2009 Council resolved to forward a Planning Proposal to the Minister for Planning for gateway determination to rezone the land to allow for low density residential development and appropriate environmental conservation areas.

8 A delegate for the Minister for Planning determined that the Planning Proposal should not proceed at that time and Council should continue seeking guidance from the Department of Environment and Climate Change, the Catchment Management Authority and the NSW Rural Fire Service on possible environmental offsets and the maintenance of habitat corridors. The Department of Planning encouraged Council to continue to pursue the matter as it appeared likely the land had some potential for residential redevelopment.

9 Following consultation with government agencies, Council staff have been working with the Office of Environment and Heritage and the proponent to develop a biodiversity offset package and revise the subdivision layout to take into consideration the requirements of the Rural Fire Service.

10 A new Planning Proposal was reported to Council on 18 December 2012 where it was resolved to forward the planning proposal for 505 Minmi Road, Fletcher to the Minister for Planning and Infrastructure for gateway determination. The current planning proposal seeks to rezone the 26.4 hectare site from E4 Environmental Living to E2 Environmental Conservation and R2 Low Density Residential to allow a 110 lot residential subdivision. Gateway determination was issued, with conditions, on 22 February 2013 (Attachment B).

11 The proponent, Kingston Minmi Road Pty Ltd, has been working to satisfy the gateway conditions since that time. Now that a biodiversity offset package has been agreed by the Office of Environment and Heritage, the Planning Proposal may be publicly exhibited.

12 The proposed residential subdivision will require the removal of 14.47 hectares of Coastal Foothills Spotted Gum Ironbark Forest. To compensate for the loss of vegetation, a biodiversity offset package is proposed as part of the planning proposal that includes both onsite and offsite biodiversity offsets.

Planning Agreement

13 The Draft Planning Agreement is the legal mechanism to document the commitment to secure the conservation area as a biodiversity offset.

14 The Draft Planning Agreement provides that Kingston Minmi Road Pty Ltd must, within 12 months of gazettal of the LEP amendment, procure a Draft Conservation Agreement between the landowner of the Stroud offset site and the Minister administering the National Parks and Wildlife Act 1974.
15 Clause 7.4 of the Draft Planning Agreement also requires that Kingston Minmi Road Pty Ltd and Council acknowledge that as a requirement of the agreement a Construction Certificate cannot be issued for any part of the proposed development until the "Development Contribution" has been made.

16 "Development Contribution" in this instance does not refer to a monetary contribution under Section 94 or 94A of the EPA Act. The Draft Planning Agreement defines a Development Contribution as the 'Offsite Environmental Land Contribution'.

17 Being a party to the Draft Planning Agreement allows Council to ensure the offset is in place before construction certificates are issued for development work and allows Council to bring proceedings in the Land and Environment Court to enforce any aspect of the Draft Planning Agreement.

18 The agreement terminates after the Minister confirms that the landowner has fulfilled all of its obligations under the Draft Planning Agreement. The ongoing management of the offsite biodiversity offset land is provided for under a Conservation Agreement.

**Conservation Agreement**

19 The offsite biodiversity offset site will be retained in private ownership and a Conservation Agreement will be entered into between the Minister administering the National Parks and Wildlife Act 1974 and the land owner pursuant to Part 4, Division 12 of the National Parks and Wildlife Act 1974.

20 A Conservation Agreement provides permanent protection for the land and includes aims and management actions including annual reporting of monitoring programs for a minimum of 10 years. The area under the agreement is registered on the title of the land, ensuring that, if the land is sold, the agreement and management requirements remain in place. A copy of the Draft Conservation Agreement is provided at Attachment C.

**Offsite biodiversity offset (Part Lot 23 DP95675 Booral Washpool Road, Stroud)**

21 The offsite biodiversity offset is required due to the proponent being unable to compensate for the loss of vegetation (at a 5.5:1 ratio) entirely within its own site. The proponent was also unable to secure a suitable offset site in the Newcastle local government area. Instead, a 68.5 hectare site has been found at Stroud that provides similar vegetation and habitat to 505 Minmi Road Fletcher. The site at Stroud has been identified by the Office of Environment and Heritage as containing significant environmental values.
22 The offsite part of the biodiversity package requires the execution of two legal agreements: a Planning Agreement and a Conservation Agreement. Council is only a party to the Planning Agreement.

23 The Draft Planning Agreement is required to ensure development of 505 Minmi Road Fletcher does not proceed until the Conservation Agreement securing the offsite biodiversity offset is in place. Council has received a letter from the owner of the Stroud property advising agreement in principle to the Draft Conservation Agreement and Draft Planning Agreement.

**Onsite Biodiversity Offset (505 Minmi Road Fletcher)**

24 Twelve hectares (45%) of the site is proposed to be zoned E2 Environmental Conservation as the onsite biodiversity offset. The objectives of the E2 zone are to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values and to prevent development that could destroy, damage or otherwise have an adverse effect on those values. The E2 zone has a minimum lot size of 40 hectares which precludes the part of the site zoned E2 from being further subdivided. See Attachment D for existing and proposed zoning maps.

25 The proponent has been advised Council is unlikely to accept the dedication of, or long term management of the conservation land and it is Council's preference that the E2 zoned land is incorporated into a development lot or managed within a community title lot. This will be determined as part of the assessment of the development application for any future subdivisions.

**FINANCIAL IMPACT**

26 Endorsing the Draft Planning Agreement for public exhibition does not commit Council to any expenditure other than the provision of staff resources required to complete the exhibition. Being a party to the agreement also does not incur any costs to Council. The proponent must pay all costs in relation to the preparation of the agreement.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

27 The preparation and processing of the attached Draft Planning Agreement aligns to the strategic direction ‘Open and Collaborative Leadership’ identified within the Newcastle Community Strategic Plan 2030.

28 Exhibition of the Draft Planning Agreement will assist in achieving the strategic objective; “Consider decision-making based on collaborative, transparent and accountable leadership” and the identified strategy 7.2b, which states: “Provide opportunities for genuine and representative community engagement in local decision making”.
29 The outcomes on the natural, built and social environments resulting from the proposed Draft Planning Agreement and LEP amendment are also likely to have strong synergies with the remaining strategic directions of the Newcastle Community Strategic Plan 2030.

IMPLEMENTATION PLAN/IMPLICATIONS

30 Exhibiting and entering into the Draft Planning Agreement does not have any adverse implications for Council. Council is a party to the Planning Agreement to ensure there is a good understanding of the biodiversity offset process and if required in the future to ensure a construction certificate is not issued for any work on the site unless the offsite biodiversity offset has been secured by the means outlined in the Planning Agreement.

31 As a party to the Planning Agreement, Council may bring proceedings in the Land and Environment Court to enforce any aspect of the Planning Agreement.

RISK ASSESSMENT AND MITIGATION

32 The proposed Draft Planning Agreement does not pose a risk to Council and therefore no risk assessment or mitigation strategies are required.

RELATED PREVIOUS DECISIONS

33 On 18 December 2012, Council resolved to forward a Planning Proposal for 505 Minmi Road to the Minister for Planning and Infrastructure for 'gateway determination' under Section 56 of the EPA Act.

CONSULTATION

34 The Draft Planning Agreement and Draft Conservation Agreement will be exhibited with the Planning Proposal and relevant technical studies. Council's resolution of 18 December 2012 to endorse the Planning Proposal also included a requirement to brief the Council following the exhibition of the Planning Proposal. A briefing is scheduled for October 2015.

OPTIONS

Option 1

35 The recommendation as at Paragraph 1. This is the recommended option as it allows Council to be party to the process and helps to ensure that construction certificates are not issued for future development works unless the Conservation Agreement is in place.
Option 2

36 Council resolves not to proceed with the exhibition of the Draft Planning Agreement. Although it is the Office of Environment and Heritage’s preference that Council is a party to the Planning Agreement it is not essential. The Draft Planning Agreement could be exhibited by the Office of Environment and Heritage and signed by the other parties to ensure the biodiversity offset is secured. This is not the recommended option.

BACKGROUND

37 Under the Newcastle LEP 1987, large areas of land between Wallsend and Minmi were zoned for residential purposes and the area was identified as a new land release area referred to as Blue Gum Hills. The whole of the nominated area was not zoned for residential purposes so that development and the provision of services could be undertaken in a planned manner. For this reason land in the western part of the release area retained a rural zoning thereby preserving it for future development.

38 Following a review of Council’s Newcastle LEP 1987, significant areas of land within the western corridor study area were zoned 7(c) Environmental Investigation Zone under the Newcastle LEP 2003. The 7(c) zone was used for future urban release areas and acknowledged that further studies and investigations would be required to determine areas suitable for urban development and areas that should be designated for environmental conservation.

39 In November 2007 the adjacent Coal and Allied land was deemed State Significant and subsequently a concept plan for the site was exhibited in February 2009. The land was rezoned by the Department of Planning and Environment in 2013 from E4 Environmental Investigation to various residential and business zones.

40 On 15 December 2009 Council resolved to forward a Planning Proposal to the then Minister for Planning to proceed with an amendment to Newcastle LEP 2003 to allow urban development on the site.

41 On 8 February 2010, a gateway determination was issued that advised the Planning Proposal could not proceed until consultation was undertaken with the Department of Environment and Climate Change, Catchment Management Authority and the Rural Fire Service to ensure suitable environmental outcomes and asset protection zones could be achieved.

42 On 15 June 2012 the Newcastle LEP 2012 was gazetted, repealing the 2003 and 2008 Newcastle Local Environmental Plans, which required a new Council resolution to allow the LEP amendment to proceed.
Council resolved on 18 December 2012 to forward a Planning Proposal for 505 Minmi Road, Fletcher to the Minister for Planning and Infrastructure for gateway determination. The Planning Proposal seeks to rezone the 26.4 hectare site from E4 Environmental Living to E2 Environmental Conservation and R2 Low Density Residential to allow a 110 lot residential subdivision. Gateway determination was issued with conditions on 22 February 2013. The proponent has been working to address those conditions since that time. Now that all the gateway conditions have been satisfied, the Planning Proposal can be placed on public exhibition.

It is intended to exhibit the Draft Planning Agreement and the Draft Conservation Agreement with the Planning Proposal.

ATTACHMENTS

Attachment A: Draft Planning Agreement
Attachment B: Gateway Determination
Attachment C: Draft Conservation Agreement
Attachment D: Zoning Maps

Attachments A, B, C and D distributed under separate cover.
MOTION
Moved by Lord Mayor Cr Nelmes, seconded by Cr Posniak

A Council resolve to publicly notify the Draft Planning Agreement (Attachment A) in respect of the offsite environmental land offset for 505 Minmi Road, Fletcher for 28 days.

B Council receives a report on the use of Biodiversity Offsetting in the Newcastle Local Government Area, including consideration of the introduction of a specific "Biodiversity Planning Policy and Guidelines" similar to those currently in place in Lake Macquarie City Council.

For the Motion: Lord Mayor Cr Nelmes, Councillors Clausen, Compton, Dunn, Luke, Posniak, Robinson, Rufo and Tierney.

Against the Motion: Councillors Doyle and Osborne. Carried
ITEM-74  CCL 25/08/15 - 1 COWPER STREET WALLSEND - REMOVE LAND RESERVATION ACQUISITION STATUS - ENDORSEMENT OF PLANNING PROPOSAL TO AMEND NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan (LEP) 2012 to remove land at 1 Cowper Street, Wallsend from the land reservation acquisition map.

RECOMMENDATION

1 Council resolves to:

   a) Endorse the attached Planning Proposal (Attachment A), pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), in order to remove the Land Reservation Acquisition over Lot 1, DP 1206104, 1 Cowper Street, Wallsend.

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

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

   d) Receive a report back on the Planning Proposal if a written objection is received during consultation with the community otherwise forward the Planning Proposal to the Secretary of the Department of Planning and Environment (DPE) requesting that the proposed amendments to Newcastle LEP 2012 be made.

KEY ISSUES

2 The Planning Proposal (Attachment A) was prepared in accordance with DPE guidelines and Newcastle LEP 2012 - Request for Amendment Policy.
The objective of the Planning Proposal is to remove the Land Acquisition Reservation on 1 Cowper Street Wallsend (Lot 1, DP 1206104), which had been applied to the land for road widening.

Council has recently registered a road widening plan identifying the required road reserve for future road purposes. The current road widening plan no longer affects 1 Cowper Street. As a result, the current Land Reservation Acquisition Map requires amendment to reflect Council's current requirements.

If endorsed by Council, the Planning Proposal will be forwarded to the Minister for Planning and Environment for gateway determination. Gateway determination will confirm initial State Government support for the Draft Planning Proposal, and identify what further technical studies and community consultation are required prior to the proposed amendments being determined.

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

FINANCIAL IMPACT

Work will be undertaken by Council’s Strategic Planning Services staff within their current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

The preparation and processing of the attached Draft Planning Proposal aligns to the strategic direction ‘Open and Collaborative Leadership’ identified within the Newcastle 2030 Community Strategic Plan.

Compliance with the LEP amendment process, in particular, Section 57 of the EP&A Act, will assist in achieving the strategic objective; “Consider decision-making based on collaborative, transparent and accountable leadership” and the identified strategy 7.2b, which states: “Provide opportunities for genuine and representative community engagement in local decision making” as identified within the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

The preparation of the attached Planning Proposal was undertaken in accordance with Newcastle’s LEP 2012 – Request for Amendment Policy. This policy identifies Council’s processes and responsibilities in applying the requirements of Part 3 of the EP&A Act for amending a Local Environment Plan (LEP).
RISK ASSESSMENT AND MITIGATION

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

12 Consultation with stakeholders (including the broader community) will occur in accordance with the Minister’s requirements following gateway determination. This will ensure all relevant parties are able to consider and comment on the Draft Planning Proposal.

RELATED PREVIOUS DECISIONS

13 Newcastle LEP 2012 was adopted by Council on 21 June 2011. Council resolved on 26 June 2012 to amend the land acquisition map on 1 Cowper Street and several properties in Longworth Avenue to reflect survey plans prepared at that time for road widening.

CONSULTATION

14 The Planning Proposal outlines the level of consultation required as per DPE NSW guidelines ‘Preparing Local Environmental Plans’. The proposal is identified as a low impact proposal, meaning it is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not for a principal LEP, and does not reclassify public land. Hence, the Planning Proposal is proposed to be exhibited for 14 days, unless otherwise advised by the gateway determination.

15 The gateway determination will confirm which State agencies are to be consulted.

OPTIONS

Option 1

16 The recommendation as at Paragraph 1. This is the recommended option as the land is no longer required for road purposes.

Option 2

17 Council resolves not to proceed with the Planning Proposal. This is not the recommended option as it would not accurately reflect the future use of the land.
BACKGROUND

18 The Planning Proposal (Attachment A) provides the necessary justification to satisfy Council that the proposed amendment to Newcastle LEP 2012 can be endorsed and forwarded to DPE to seek gateway determination.

19 Cowper Street Wallsend (formerly the whole of the land in Lot 86 DP 1083318) was identified in Newcastle LEP 2012 as required (in part) for road widening purposes.

20 On 4 October 2013, Council acquired 1 Cowper Street Wallsend, following instigation of the process by the registered proprietor of the property.

21 Subsequent to the purchase, Council initiated the preparation and registration of a plan of subdivision to accurately reflect the part of 1 Cowper Street Wallsend required for road widening purposes.

22 The road widening plan was registered on 27 March 2015 and the residue of 1 Cowper Street Wallsend is now the whole of the land in Lot 1 DP 1206104.

23 No part of this newly created lot is required for road widening purposes and the LEP should be amended to reflect this. This will allow any Planning Certificate issued in relation to the property to disclose accurate information.

ATTACHMENTS

Attachment A: Planning Proposal - 1 Cowper Street, Wallsend - Land Reservation Acquisition Map

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

Council resolves to:

a) Endorse the attached Planning Proposal (Attachment A), pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), in order to remove the Land Reservation Acquisition over Lot 1, DP 1206104, 1 Cowper Street, Wallsend.

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

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

d) Receive a report back on the Planning Proposal if a written objection is received during consultation with the community otherwise forward the Planning Proposal to the Secretary of the Department of Planning and Environment (DPE) requesting that the proposed amendments to Newcastle LEP 2012 be made.

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

Against the Motion: Nil.

Carried
10 NOTICES OF MOTION

ITEM-21 NOM 25/08/15 - ADAPTIVE REUSE AND UPGRADES AT LAMBTON PARK

COUNCILLORS: CLAUSEN, CRAKANTHORP, DUNN, NELMES AND POSNIAK

PURPOSE

The following Notice of Motion was received on 13 August 2015 from the abovementioned Councillors:

MOTION

Noting that:

- Lambton Park is one of Newcastle’s most highly patronised open community spaces, encompassing the Lambton Library, Rotunda, tennis courts, play equipment, sporting fields, Ker-ria Creek and proximity to Lambton Pool and local schools.
- The adopted 2015-16 Operational Plan includes $550,000 of funding allocated to Lambton Park including for completing the pathway upgrades, installing new recreation infrastructure, demolishing and upgrading the Lambton Park public toilets, replacing damaged play equipment, and repainting the Rotunda.

That:

1. Council seeks proposals for the adaptive reuse of the vacant Lambton Memorial Baby Health Centre, including as a café or kiosk.

2. Council endorses the seeking of partnership grants to assist in facilitating the installation of an Outdoor Exercise Equipment in Lambton Park.

BACKGROUND

The Lambton Park Strategic Plan and Plans of Management describes the extensive history of Lambton Park. The 14ha area, bounded by Elder St, Karoola Rd, Durham Rd, Howe St and Moorehead St, is one of the most patronised open community spaces in the Newcastle LGA.

In recent years there have been substantial upgrades to the Park, including with the Lambton Park pathway. These upgrades have been well received, and delivered in line with Council’s Strategic Plans.
The adopted 2015-16 Operational Plan will see additional expenditure within Lambton Park to further upgrade public facilities, including completion of the pathway upgrades, a new toilet facility and new play equipment.

The Lambton Memorial Baby Health Centre (more recently known as the Lambton Early Childhood Centre) was constructed in 1940. The facility was vacated by Hunter New England Health in September 2014 and is owned by Council.

Exercise equipment and a café/kiosk will provide further recreational opportunities for Novocastrians to enjoy the historic Lambton Park.

ATTACHMENTS

Nil
MOTION
Moved by Cr Clausen, seconded by Cr Dunn

Noting that:

- Lambton Park is one of Newcastle’s most highly patronised open community spaces, encompassing the Lambton Library, Rotunda, tennis courts, play equipment, sporting fields, Ker-ria Creek and proximity to Lambton Pool and local schools.
- The adopted 2015-16 Operational Plan includes $550,000 of funding allocated to Lambton Park including for completing the pathway upgrades, installing new recreation infrastructure, demolishing and upgrading the Lambton Park public toilets, replacing damaged play equipment, and repainting the Rotunda.

That:

1. Council seeks proposals for the adaptive reuse of the vacant Lambton Memorial Baby Health Centre, including as a café or kiosk.
2. Council endorses the seeking of partnership grants to assist in facilitating the installation of an Outdoor Exercise Equipment in Lambton Park.

Councillor Rufo proposed the following as Part B to the motion.

B. Council endorse the 2004 Lambton Park Concept Plan.

The mover and seconder stated they would not incorporate Part B into the motion.

The motion moved by Councillors Clausen and Dunn was put to the meeting. **Carried**
PROCEDURAL MOTION
Moved by Lord Mayor Cr Nelmes, seconded Cr Rufo

Council proceed into confidential session for discussion on Confidential Item 28 for the reasons outlined in the business papers:

- Tender for Design Documentation Services for Bathers Way Contract 2015/401T

Carried

Council resolved to move into confidential session at 7.25pm and reconvened into Open Council at 7.35pm and the General Manager announced the detail of the resolution approved by Council pertaining to Confidential Item 28 - Tender for Design Documentation Services for Bathers Way Contract 2015/401T.

While in Confidential session, Councillor Compton retired from the Chamber for discussion on Item 28 - Tender for Design Documentation Services for Bathers Way Contract 2015/401T and returned prior to the commencement of the open session.
ITEM-28 CON 25/08/15 - TENDER FOR DESIGN DOCUMENTATION SERVICES FOR BATHERS WAY CONTRACT 2015/401T

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

PURPOSE

Tenders were invited for design and documentation services for Coastal Revitalisation projects, including the remaining sections of the Bathers Way. In delivering the design and documentation services, the tender called for Landscape Architects to engage and manage a team of sub-consultants, including landscape design, civil and structural engineering, traffic and heritage studies and planning advice, as required to augment their own resources, for a contract period of two years with an option for Council to extend the contract for an additional twelve months if required.

The key objectives of the tender are to achieve consistent, high quality design for the remainder of the Bathers Way, and develop a body of knowledge within the consultant team to provide more efficient delivery of Coastal Revitalisation projects.

The tender called for Landscape Architects to engage and manage a team of sub-consultants, and also called for a schedule of rates, rather than a lump sum.

As the total value of the contract is expected to exceed $150,000, the Local Government (General) Regulation 2005 requires Council's acceptance of the tender.

REASON FOR CONFIDENTIALITY

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

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.
- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
GROUNDS FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A  The matter relates to tenders for Design and Documentation Services - Coastal Revitalisation for Contract No. 2015/401T.

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.

MOTION

The item lay on the table until a time that Councillors receive a workshop on the tender including the tendering requirements as well as the broader tendering process including how tender panels are chosen and how assessment criteria are assessed.

Carried
11 LATE ITEMS OF BUSINESS

ITEM-75 CCL 25/08/15 - LATE ITEM OF BUSINESS - INDUSTRIAL FIRE ON KOORAGANG ISLAND SUNDAY 23 AUGUST 2015

The Lord Mayor requested Councillor Osborne to bring forward the late item of business.

PROCEDURAL MOTION
Moved by Cr Osborne, seconded by Cr Robinson

The matter of an Industrial Fire on Kooragang Island on Sunday 23 August 2015 be heard as a late item of business in accordance with Clause 20 of the Code of Meeting Practice.  

Carried

MOTION
Moved by Cr Osborne, seconded by Cr Rufo

Newcastle City Council receive a report as soon as possible on:

1 The industrial fire that occurred on Kooragang Island on Sunday morning including
   (i) who was notified and when
   (ii) what agencies were involved
   (iii) whether the Newcastle Local Disaster Plan was initiated
   (iv) whether evacuations occurred or not
   (v) who attended the scene

2 The progress and proposed timeframe and process for finalising an Emergency Precinct Plan for Kooragang Island and surrounding areas similar to that for Botany Bay, as recommended in the O'Reilly report of 2011 and further recommended in the Orica Parliamentary Inquiry of 2012.

Carried

The meeting concluded at 7.44pm.