Councillors,

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

DATE: Wednesday 26 April 2017

TIME: 5.30pm

VENUE: Council Chambers
        2nd Floor
        City Hall
        290 King Street
        Newcastle  NSW  2300

Peter Chrystal
Interim Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE  NSW  2300

Wednesday 19 April 2017

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ITEM-8  NOM 26/04/17 - COUNCIL WITHDRAWAL OF SUPPORT FOR THE SUPERCARS EVENT

ITEM-9  NOM 26/04/17 - CROWN LAND MANAGEMENT IN THE NEWCASTLE LOCAL GOVERNMENT AREA

ITEM-10  NOM 26/04/17 - FULLY FENCED DOG OFF LEASH AREA FOR PLAY, EXERCISE, SOCIALISATION AND TRAINING ? LAMBTON PARK

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(THE ABOVE NOTICES OF MOTION AND ACCOMPANYING REPORTS WHERE RELEVANT TO BE DISTRIBUTED UNDER SEPARATE COVER)

CONFIDENTIAL REPORTS

ITEM-6  CON 26/04/17 - ACQUISITION OF ARTWORKS TO NEWCASTLE ART GALLERY COLLECTION

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

MINUTES - ORDINARY COUNCIL MEETING 20 DECEMBER 2016

The adopted minutes of the Ordinary Council Meeting held on 20 December 2016 are resubmitted to Council for the purpose of seeking Council approval to adopt a corrected version of the procedural motion tabled by the Lord Mayor regarding the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer.

The draft minutes of the Ordinary Council Meeting held on 20 December 2016 were adopted by Council at the Ordinary Council Meeting held on 24 January 2017 as follows:

That the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table until the next Ordinary Council Meeting, and that the matter be referred to the Office of Local Government for review.....

The tabled procedural motion on 20 December 2016 was as follows:

That the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table until the next Ordinary Council Meeting, and that the matter be referred to an independent Office of Local Government accredited conduct reviewer for review.....

The minutes were submitted to the Ordinary Council Meeting on 14 March 2017 where the matter of why the minutes had been redacted was raised.

The Acting Interim Chief Executive Officer stated at the meeting that the redacted part of the minutes was considered confidential and subject to code of conduct issues.

Council resolved ‘The minutes lay on the table until an accurate version of the minutes of 20 December 2016 can be presented to Council’.

The minutes presented to the Ordinary Council Meeting on the 14 March 2017 are correct and this version is attached for adoption (see page 8 of the Ordinary Council Meeting Agenda 26 April 2017).

RECOMMENDATION

The revised and corrected draft minutes of the Ordinary Council Meeting held on 20 December 2016 as circulated be taken as read and confirmed.
ATTACHMENTS

Attachment A: 161220 Ordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
MINUTES - ORDINARY COUNCIL MEETING 20 DECEMBER 2016 THAT WAS RECONVENED AFTER THE ADJOURNED ORDINARY COUNCIL MEETING HELD ON 13 DECEMBER 2016.

The meeting was held in the Council Chambers, 2nd Floor City Hall on Tuesday 20 December 2016 at 6.36pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, T Doyle, J Dunn, B Luke (retired at 7.30pm), M Osborne, S Posniak and A Rufo.

IN ATTENDANCE
P Chrystal (Interim Chief Executive Officer), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), M Blackburn-Smith (Manager Development & Building Services), F Giordano (Manager Governance and Legal), N Baker (Chief of Staff), K Hyland (Manager Communications and Engagement), B Johnson (Media Officer), A Leach (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

Mr Stephen Blackadder, Blackadder Associates.

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

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

APOLOGIES

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Posniak
Council recommit apologies for this meeting.
Carried

MOTION
Moved by Cr Osborne, seconded by Cr Posniak
The apologies submitted on behalf of Councillors Tierney and Waterhouse be received.
Carried
Councillor Dunn left the Chamber at 6.38pm and returned at 6.40pm
PROCEDURAL MOTION
Moved by Cr Nelmes

The Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table to the next Ordinary Council Meeting and that the matter be referred to an independent Office of Local Government accredited Conduct Reviewer for review, noting that the independent recruiter Stephen Blackadder who has more than thirty years' experience in local government, has attended Council on two evenings to outline the process, and has additionally provided a detailed written report addressing Councillor concerns. The Conduct reviewer is to additionally investigate actions by Councillors relating to the reported conversations between ☐☐☐☐☐☐, ☐☐☐☐☐☐ and ☐☐☐☐☐☐ prior to interviews and the fact that none of these 'concerns' were raised by ☐☐☐☐☐☐ during the process and the removal of confidential information from Council Chambers to ensure compliance with the requirements of the Local Government Act, Council's Code of Contact and Code of Meeting Practice.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-105 CCL 13/12/16 - ADOPTION OF AMENDED MEETING SCHEDULE FOR APRIL 2017

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

That Council:

1. Amend its Ordinary Council Meeting schedule for the first and second quarters of 2017 so that:
   a) Council meets on the fourth Tuesday in January;
   b) Council meets on the second and fourth Tuesday in February, March, May and June; and
   c) Council meets on the last Wednesday (26th) of April (to prevent a clash with school holidays and ANZAC Day).

Carried
ITEM-106 CCL 13/12/16 - TABLING OF PECUNIARY INTEREST RETURNS

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

That Council notes the pecuniary interest returns as tabled by the Interim Chief Executive Officer for the period 1 July 2016 and 31 October 2016. Carried

MOTION
Moved by Cr Posniak, seconded by Cr Osborne

That Council receive and note Council's Code of Conduct Statistics Report for the period 1 September 2015 to 31 August 2016 at Attachment A. Carried

ITEM-107 CCL13/12/16 - CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

MOTION
Moved by Cr Posniak, seconded by Cr Osborne

That Council receive and note Council's Code of Conduct Statistics Report for the period 1 September 2015 to 31 August 2016 at Attachment A. Carried

ITEM-108 CCL 13/12/16 - AUDIT REPORT COMMITTEE AND INTERNAL AUDIT ANNUAL REPORT

MOTION
Moved by Cr Posniak, seconded by Cr Doyle

That Council receives the Audit Committee and internal audit annual report for the 2015/2016 financial year. Carried

ITEM-109 CCL 13/12/16 - PROPOSED ROAD CLOSURE AND SALE OF PART OF LAND OFF NEWCOMEN STREET, NEWCASTLE

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

1 (i) Council endorses the closure of the end of the lane off Newcomen Street, Newcastle, adjacent to Lot 1 DP 981842;
(ii) Subject to receiving approval for the road closure from the Crown (NSW Department of Primary Industries - Crown Lands), Council approves the sale of the parcel of land to the adjoining owner for $60,000 (plus GST) as determined by an independent certified valuer. All costs including legal, survey and service relocation will be borne by the applicant;

(iii) Authority be granted to the Interim Chief Executive Officer or his delegate to execute all relevant documentation to effect the transactions; and

(iv) The revenue received by Council from the sale of the land be transferred to the Land and Property Reserve.

Carried

ITEM-110 CCL 13/12/16 - ADOPTION OF HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

Council adopts the Hunter Estuary Coastal Zone Management Plan (Attachment A).

Carried

ITEM-111 CCL 13/12/16 - WESTERN CORRIDOR DISTRICT SPORT AND RECREATION COMPLEX

MOTION
Moved by Cr Osborne, Cr Doyle

The item lay on the table until the status of the land is clarified.

Carried

ITEM-112 CCL 13/12/16 - ADOPTION OF THE GENERAL COMMUNITY USE PLAN OF MANAGEMENT

MOTION
Moved by Cr Posniak, seconded by Cr Osborne

The draft GCU PoM (Attachment A) be adopted in accordance with s.40 of the Local Government Act 1993.

Carried
ITEM-113 CCL 13/12/16 - ADOPTION OF THE NEWCASTLE SAFE CITY PLAN 2017 - 2020

MOTION
Moved by Cr Posniak, seconded by Cr Clausen

Council resolves to adopt the Newcastle Safe City Plan 2017 - 2020 (Plan) as provided in Attachment A.

Carried

ITEM-114 CCL 13/12/16 - AMENDMENT TO NEWCASTLE DCP 2012 - NEW SECTION RESIDENTIAL ACCOMMODATION

MOTION
Moved by Cr Clausen, seconded by Cr Doyle

1. Council resolves to place the draft amendments to Newcastle Development Control Plan 2012 (DCP), incorporating a new Section 3.03 Residential Accommodation as provided in Attachment A and consequential amendments to Part 3 Land Use Specific Provisions, Part 6 Locality Specific Provisions and Part 7 Development Provisions of the DCP, as provided in Attachment B, on public exhibition for a minimum of 28 days.

2. That Council receive a workshop on the proposal and feedback at the end of the public exhibition period.

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

Against the Motion: Nil.

Carried

ITEM-115 CCL 13/12/16 - RECLASSIFICATION OF LAND AT 21 BRADFORD CLOSE KOTARA

MOTION
Moved by Cr Dunn, seconded by Cr Posniak

1. Council resolves to:

i) 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 amend Newcastle Local Environmental Plan 2012 (LEP) for land at 21 Bradford Close, Kotara as follows:
ITEM-116 CCL 13/12/16 - RECLASSIFICATION AND REZONING OF LAND AT 162A NEWCASTLE ROAD WALLSEND

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

1 Council resolves to:

i) Endorse the attached planning proposal (Attachment A), pursuant to section 55 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act), to amend Newcastle Local Environmental Plan 2012 (LEP) in order to reclassify land at 162A Newcastle Road, Wallsend, described as Lot 110 DP 9755, from community to operational and to rezone the land from RE1 Public Recreation to R3 Medium Density Residential.

ii) Forward the planning proposal to the Department of Planning and Environment (DPE) requesting that a draft Local Environmental Plan be prepared and made pursuant to section 59(1) of the EP&A Act.

iii) Advise the Secretary of the DPE that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act.
For the Motion: Lord Mayor, Cr Nelmes and Councillors Clausen, Doyle, Dunn, Luke, Osborne, Posniak and Rufo.

Against the Motion: Nil.

Carried

ITEM-117 CCL 13/12/16 - Report on Council Attendance at United Nations Conference on Housing and Sustainable Urban Development

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

1 Council resolves to receive the report on the conference.

2 The United Nations (UN) New Urban agenda (NUA) and sustainable development goals be considered in the preparation of the next Newcastle City Council community strategic plan.

Carried

NOTICES OF MOTION

ITEM-18 NOM 13/12/16 - OPEN AND TRANSPARENT GOVERNANCE STRATEGY

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

That Council:

1 A workshop regarding the Strategy will be held during February 2017 with input from the Office of Local Government (OLG), the New South Wales Ombudsman, and the Independent Commission Against Corruption.

2 That a communications plan will be developed regarding the Strategy, following the proposed Councillor workshop that communications plan to include:

   A include the wording of councils decision on public exhibition as soon as possible, seeking relevant feedback, comment, ideas and suggestions from the community on the matters raised in that resolution, and on any other matters related to an effective "Open and Transparent Governance Strategy".

   B Council develop an appropriate Newcastle Voice survey seeking similar feedback, comment, ideas and suggestions from the community during this period.
C Council conduct community workshops to foster community discussion on Council’s governance and to gain further community input into Council's Governance Strategy.

3. That a draft Strategy and supporting communications plan be presented to the Ordinary Council Meeting on 28 February 2017.  

Carried unanimously

ITEM-19 NOM 13/12/16 - POLICY AND BUDGETARY SUPPORT FOR NEWCASTLE COMMUNITY ARTS DEVELOPMENT

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

Council resolves to:
1. Develop guidelines designed to complement Council’s Cultural Strategy 2016 – 2019 and clearly define how funds can be distributed to those community arts groups who demonstrate capacity to advance the city’s cultural landscape.

2. Allocate, within its next four-year planning cycle, provision for ongoing budgetary support with a sum of $200,000 per annum to this Community Arts Development Program.

AMENDMENT
Moved by Cr Clausen

That Council resolves to:

1. Develop guidelines designed to complement Council’s Cultural Strategy 2016-2019 and clearly define how funds can be distributed to those community art groups who demonstrate capacity to advance the City’s cultural landscape.

2. A workshop be held preferably in February but no later than March to discuss budget within the next four year planning cycle for this Community Arts Development Program, noting the Growing Sustainable Arts and Cultural Organisations in Newcastle policy presently being drafted for presentation to Council in March 2017.

The mover and seconder accepted the amendment provided it included that the workshop be held no later than March. The amendment became the motion before the Chair.
MOTION
Moved by Cr Doyle, seconded by Cr Osborne

That Council resolves to:

1. Develop guidelines designed to complement Council’s *Cultural Strategy 2016-2019* and clearly define how funds can be distributed to those community art groups who demonstrate capacity to advance the City’s cultural landscape.
2. A workshop be held preferably in February no later than March to discuss budget within the next four year planning cycle for this Community Arts Development Program, noting the *Growing Sustainable Arts and Cultural Organisations in Newcastle* policy presently being drafted for presentation to Council no later than March 2017.

Carried

ITEM-20 NOM 13/12/16 - OPEN AND TRANSPARENT GOVERNANCE - LIFTING THE CORPORATE VEIL

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

1. That Council write to the Premier, the Minister for Local Government, and local State MPs, to encourage them to amend the Local Government Act 1993 to require companies that have dealings with councils across NSW to disclose transparency details of their directors and significant stakeholders;

2. Include on the agenda for the workshop with Councillors process as part of the Open and Transparent Governance Strategy during February 2017 to include:

   a) Establishing procedure that ensures the highest level of transparency, accountability and probity in our City’s governance by requiring that anyone who has dealings with Council through a Corporate entity (including through tenders, consultancies, development applications, planning agreements etc) provide sufficient company details so that names and addresses of all Directors and Major or significant beneficiary stakeholders are identified,

   b) Options to publish in a Public Register the details of the nature of the dealings with Council, the Corporate entity involved, and the Directors and major or significant beneficiary shareholders.

Carried
ITEM-21 NOM 13/12/16 - RE-ESTABLISHMENT OF COUNCIL'S CYCLING WORKING PARTY AND CONVERT TO ADVISORY COMMITTEE

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

1. Notes this report;
2. Establish the Cycling Advisory Committee;
3. Approves the Cycling Advisory Committee Charter in the form as attached at Attachment A; and

Carried

Councillor Luke gave notice that he had to retire from the Chamber and took leave of the meeting at 7.30pm.

ITEM-22 NOM 13/12/16 - INCREASING DOG LEASH FREE AREAS INCLUDING ENCLOSED AREAS

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

That Council, as a priority:

1. Review the number of Dog Leash Free Areas across the city, with a focus on enclosed off leash areas and the aim to increase the number of designated areas to meet the growing demand.

2. Review the Sportsland Plan of Management, as part of the proposed new Community Land Plan of Management, to allow specific ovals to be used as time-restricted Dog Leash Free Areas (for example, sunrise to 9am, and 5pm to sunset), including regularising the arrangement that was recently in place at Connelly Park in Carrington.

3. Report back to the April 2017 meeting with a draft Community Land Plan of Management to be placed on public exhibition, to outline the timeframe to roll out the new Dog Leash Free Areas (including enclosed areas) and to include any necessary expenditure in the 2017-18 Council Budget process.
AMENDMENT

Moved by Cr Nelmes,

That Council, as a priority:

1. Review the number of Dog Leash Free Areas across the city, with a focus on enclosed off-leash areas and the aim to increase the number of designated areas to meet the growing demand.

2. Report to the April 2017 meeting to place the proposed new Community Land Plan of Management on public exhibition, to outline the timeframe to roll out the new Dog Leash Free Areas (including enclosed areas) and to include any necessary expenditure in the 2017-18 Council Budget process such a draft Community Land Plan of Management to include consideration of specific sportsgrounds/ovals to be used as time-restricted Dog Leash Free Areas including Connelly Park in Carrington, Novocastrian Park in New Lambton and Waratah Park in Waratah.

The mover and seconder accepted the amendment which became the motion before the Chair.

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

That Council, as a priority:

1. Review the number of Dog Leash Free Areas across the city, with a focus on enclosed off-leash areas and the aim to increase the number of designated areas to meet the growing demand.

2. Report to the April 2017 meeting with a draft Community Land Plan of Management to be placed on public exhibition, to outline the timeframe to roll out the new Dog Leash Free Areas (including enclosed areas) and to include any necessary expenditure in the 2017-18 Council Budget process such a draft Community Land Plan of Management to include consideration of specific sportsgrounds/ovals to be used as time-restricted Dog Leash Free Areas including Connelly Park in Carrington, Novocastrian Park in New Lambton and Waratah Park in Waratah.

Carried unanimously
CONFIDENTIAL REPORTS

ITEM-37 CON 13/12/16 - CONTRACT FOR FURTHER INVESTIGATION OF FORMER WARATAH GASWORKS SITE - CONTRACT NO. 2017/222T

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

Council move into confidential session at 7.47pm.

Carried

Council reconvened into open session at 8.02pm.

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

1 Council resolves to:

i) Authorise the Interim Chief Executive Officer (Interim CEO) to award Contract 2017/222T for $307,500 (exc GST) to AECOM Australia Pty Ltd (AECOM) for a further detailed site contamination investigation of the former Waratah Gasworks site.

ii) Decide in accordance with s.55(3)(i) of the Local Government Act (Act) that by reason of the extenuating circumstances a satisfactory result would not be achieved by inviting tenders for that contract.

iii) State for the purposes of s.55(3)(i) of the Act the reasons for that decision are as follows:

a) AECOM are the recognised industry experts in gasworks investigation and rehabilitation and currently hold much of the relevant information with respect to this former gasworks site; and

b) In order to promptly manage and respond to any risks the investigations need to be carried out expeditiously.

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

Carried

The meeting concluded at 8.05pm
MINUTES - ORDINARY COUNCIL MEETING 14 MARCH 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170314 Ordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Doyle, J Dunn, B Luke, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE
F Cordingley (Acting Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), F Giordano (Manager Legal and Governance), J Gaynor (Manager Strategic Planning), P Nelson (Manager Strategic Property), N Baker (Lord Mayor's Chief of Staff), K Baartz (Communications Manager), B Johnson (Media Officer) and K Sullivan (Council Services/Minutes/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Rufo

The apologies submitted on behalf of Councillors Osborne and Waterhouse be received and leave of absence granted. Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
The Lord Mayor called for declarations of pecuniary and non-pecuniary interests. There being no declarations the Lord Mayor moved to the Lord Mayoral Minute.

LORD MAYORAL MINUTE

ITEM-5 LMM 14/03/17 - NEWCASTLE ART GALLERY

MOTION
Moved by Lord Mayor, Cr Nelmes
That Newcastle City Council:

1. Note and reiterate Council's commitment to the redevelopment of the Newcastle Art Gallery.

2. Meets with incoming Arts Minister Don Harwin to investigate opportunities for joint support of the redevelopment of the Art Gallery, noting the recent announcement by the NSW Government of a commitment to prioritise Cultural Infrastructure Funding in regional NSW.

Carried

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 20 DECEMBER 2016

The adopted minutes of the Ordinary Council Meeting held on 20 December 2016 were resubmitted to Council for the purpose of seeking Council approval to adopt a corrected version of the procedural motion tabled by the Lord Mayor regarding the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer.

MOTION

Moved by Cr Doyle, seconded by Cr Clausen

The revised and corrected draft minutes of the Ordinary Council Meeting held on 20 December 2016 as circulated be taken as read and confirmed subject to the Procedural Motion tabled by the Lord Mayor being read as follows:

The Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table to the next Ordinary Council Meeting and that the matter be referred to an independent Office of Local Government accredited Conduct Reviewer for review, noting that the independent recruiter Stephen Blackadder who has more than thirty years' experience in local government, has attended Council on two evenings to outline the process, and has additionally provided a detailed written report addressing Councillor concerns. The Conduct reviewer is to additionally investigate actions by Councillors relating to the reported conversations between ********, ********* and ********* prior to interviews and the fact that none of these 'concerns' were raised by ******** during the process and the removal of confidential information from Council Chambers to ensure compliance with the requirements of the Local Government Act, Council's Code of Contact and Code of Meeting Practice.

Councillor Dunn requested to be advised why the minutes had been redacted.

The Acting Interim Chief Executive Officer stated that the redacted part of the minutes was considered confidential and subject to code of conduct issues.
PROCEDURAL MOTION
Moved by Cr Dunn, seconded by Cr Posniak

The minutes lay on the table until an accurate version of the minutes of 20 December 2016 can be presented to Council.

Carried

MINUTES - ORDINARY COUNCIL MEETING HELD 14 FEBRUARY 2017

MOTION
Moved by Cr Doyle, seconded by Cr Clausen

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

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-15 CCL 14/03/17 - APPLICATION TO THE MINISTER NOT TO FILL THE CASUAL VACANCY IN THE OFFICE OF A WARD 1 COUNCILLOR

MOTION
Moved by Cr Posniak, seconded by Cr Rufo

That Council:

1. Endorses the lodgement of an application with the Minister for Local Government (Minister) in accordance with s. 294(2)(a) of the Local Government Act, 1993 that the Minister order that the casual vacancy in the office of the Ward 1 Councillor not be filled; and

2. Delegates authority to the Interim Chief Executive Officer to prepare and sign the s. 294(2)(a) application on behalf of Council and to lodge the application with the Minister.

Carried

ITEM-16 CCL 14/03/17 - SUMMERHILL WASTE MANAGEMENT CENTRE PROPOSED FEES AND CHARGES 2017/2018

MOTION
Moved by Cr Doyle, seconded by Cr Dunn

A 1 Council endorses the draft amended 2017/2018 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services at Attachment A being placed on public exhibition for 28 days.

2 Council approves the adoption of the 2017/2018 commercial Schedule of Fees and Charges for Waste Management collection, disposal and
associated services as set out at Attachment A, if no significant adverse submissions are received during the public exhibition period. If significant adverse comments are received, then a further report to Council seeking approval will be required at the end of the public exhibition period.

B Council write to the Premier seeking a change in legislation to shift more of the funding from the State Landfill Waste Levy back to Newcastle to allow the implementation of waste diversion technology funding.

Carried

ITEM-17  CCL 14/03/17 - 4 MAYO STREET JESMOND - WITHDRAWAL OF PROPOSED AMENDMENT TO NEWCASTLE LEP 2012

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

Council resolves to forward planning proposal PP_2016_NEWCA_001_00 (Attachment A) to the Minister for Planning and Environment with a request to not proceed under section 58(4) of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act).

For the Motion: The Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Luke, Posniak, Robison and Rufo.

Against the Motion: Nil.

Carried

ITEM-18  CCL 14/03/17 - SECTION 7.09 ADVERTISING AND SIGNAGE - ADOPTION OF AMENDMENT TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr Luke, seconded by Cr Doyle

Council adopts the amended Section 7.09 Advertising and Signage of the Newcastle Development Control Plan 2012 as set out in Attachment A.

For the Motion: The Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Luke, Posniak, Robison and Rufo.

Against the Motion: Nil.

Carried
ITEM-19  CCL 14/03/17 - SECTION 7.06 STORMWATER - ADOPTION OF AMENDMENTS TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr Clausen, seconded by Cr Doyle

Council adopts the amendments to Section 7.06 Stormwater and Section 9.00 Glossary of the DCP as set out in Attachment A.

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

Against the Motion: Councillors Compton and Luke.

Carried

NOTICES OF MOTION

ITEM-7  NOM 14/03/17 - COUNCIL'S SUPPORT FOR MAYFIELD BOWLING CLUB AND DANGAR PARK AS OPEN SPACE PROTECTED FROM PRIVATE DEVELOPMENT

ORIGINAL MOTION

Noting that

- The Mayfield Bowling Club on the north end of Dangar Park is on public land that has been reserved since 1918 as land for “public parks or grounds for public recreation or as places for bathing.”
- An extraordinary meeting of the Mayfield Bowling Club was held on 8 January 2017 to authorise the club’s Board of Directors to “negotiate and use their discretion to allocate finances on the Clubs (sic) behalf for the possible redevelopment, lease, sale or acquisition of part or parts of the site located at 2A Ingall St Mayfield.”

Council:

1 States its strong and unambiguous support for all parts of Dangar Park, including the Mayfield Bowling Club land, to remain as a public park, free from commercial or private development.

2 Confirms its opposition to any sale, lease or other disposition of any of the public land on which the Mayfield Bowling Club site is located, and

3 Opposes the use of any part of the Mayfield Bowling Club site for commercial, residential or other private development that sees any of the site used for a purpose other than that for which it was reserved in 1918.
4 Reaffirms its belief that the provision of affordable housing is a priority issue for council planning but should not be at the expense of public parks and recreation reserves.

Councillors Doyle tabled an alternate motion at the meeting.

**ALTERNATE MOTION**
Moved by Cr Doyle, seconded by Cr Posniak

Noting that
- The Mayfield Bowling Club on the north end of Dangar Park is on public land that has been reserved since 1918 as land for “public parks or grounds for public recreation or as places for bathing.”
- An extraordinary meeting of the Mayfield Bowling Club was held on 8 January 2017 to authorise the club’s Board of Directors to “negotiate and use their discretion to allocate finances on the Clubs (sic) behalf for the possible redevelopment, lease, sale or acquisition of part or parts of the site located at 2A Ingall St Mayfield.”

A Council:
1 States its strong and unambiguous support for all parts of Dangar Park, including the Mayfield Bowling Club land, to remain as a public park.
2 Confirms its opposition to any sale, lease or other disposition of any of the public land on which the Mayfield Bowling Club site is located, and
3 Opposes the use of any part of the Mayfield Bowling Club site for residential or other private development that sees any of the site used for a purpose other than that for which it was reserved in 1918.

B 1 Council notes recent legislative changes to Crown Lands, with the Government seeking to transfer ownership of Crown Land to local councils for management under the *Local Government Act 9* (see attachment).
2 Council works with the NSW Government to pursue opportunities for Council to take ownership of identified Crown properties across the Newcastle LGA, particularly those where Council is already the Crown Land Manager.

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

Parts A and B be dealt with seriatim.  

Carried
MOTION
Moved by Cr Doyle, seconded by Cr Posniak

PART A

Council:

1 States its strong and unambiguous support for all parts of Dangar Park, including the Mayfield Bowling Club land, to remain as a public park.

2 Confirms its opposition to any sale, lease or other disposition of any of the public land on which the Mayfield Bowling Club site is located, and

3 Opposes the use of any part of the Mayfield Bowling Club site for residential or other private development that sees any of the site used for a purpose other than that for which it was reserved in 1918.

Carried

MOTION
Moved by Cr Clausen, seconded by Cr Posniak

PART B

1 Council notes recent legislative changes to Crown Lands, with the Government seeking to transfer ownership of Crown Land to local councils for management under the Local Government Act 9 (see attachment).

2 Council works with the NSW Government to pursue opportunities for Council to take ownership of identified Crown properties across the Newcastle LGA, particularly those where Council is already the Crown Land Manager.

Defeated
CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Dunn

Confidential Item 3 - Confidential Report - Significant Civil Works Renewal Opportunity be held in open session excluding the details of the individual line amounts in the proposed budget column in the table in paragraph 14.

Carried

ITEM-20 CCL 14/03/17 - SIGNIFICANT CIVIL WORKS RENEWAL OPPORTUNITY (FORMER CONFIDENTIAL ITEM 3 - 14 MARCH 2017)

MOTION
Moved by Cr Posniak, seconded by Cr Clausen

Part A to be completed prior to the implementation of Part B.

A

1. Council co-ordinate with Supercars and Destination NSW (DNSW) and consult with the community on the route selection and the potential to use the Shortland Esplanade route to maximise the view and natural advantage, and minimise heritage and residential concerns in the East End and report back to Council at the next Ordinary Council meeting on the outcome.

2. The MOU that was to be enacted as a result of Council’s resolution of July 2016 be executed prior to the signing and execution of any contracts for reported works with DNSW.

3. The Foreshore Park POM and Works are presented to Council to ensure the protection and provision of public amenity.

4. Officers engage in legacy item discussions to ensure local benefit is achieved through legacy projects like the expansion of the playground at Foreshore Park, the expedition of the Bathers Way and Coastal Revitalisation Projects like skate facilities at South Newcastle Beach, that the canopy cover is significantly expanded in the East End, and public facilities are upgraded.

B

1. Council approves the commercial in confidence agreement with DNSW to make a financial contribution towards the cost of the procurement and undertaking of renewal civil works within the City of Newcastle Local Government Area.

2. Council authorises the Interim Chief Executive Officer, or his delegate, to execute the agreement with DNSW in respect of the making of the financial contribution together with any associated documentation for, and on behalf of, Council.
3 Council approves the financial contribution of $8.8 million and the allocation of the funding from Council's Major Asset Preservation Program with the majority of the costs being attributable to the 2017/18 financial year.

4 Proposed renewal works at Zaara Street, Scott and Nobby's Road are replaced with works to accommodate the relocation of the track to Shortland Esplanade if the community consultation favours that option.

5 Council share the costs of relocating the track to Shortland Esplanade with DNSW and Supercars.

6 These works form part of the 2017/18 Council budgetary process and Council's surplus operating position is maintained.

PROCEDURAL MOTION
Moved by Cr Doyle, seconded by Cr Clausen

Parts A and Part B be dealt with seriatim.

Carried

Councillors addressed a proposal to realign the Supercars track to continue on Shortland Esplanade through to Wharf Road.

The Acting ICEO stated that as outlined in an All Councillor Memo issued to Councillors 14 March 2017, to change the track layout at this stage would not allow sufficient time to physically complete the work in time for the November 2017 race however an alternate route could be explored as a future option. In addition, the proposed renewal works that Council sought to bring forward and integrate with the proposed race track works being undertaken by Supercars needed to be approved tonight if they were to proceed this year.

Councillor Rufo proposed that if engagement and consultation resulted in a track relocation, Council pursue the implementation of the works program to allow the race to occur in 2017.

At this stage of the meeting the Lord Mayor asked the mover and seconder of the motion to consider deleting Part B(4) and adding a new point:

That if engagement and consultation results in track relocation that Council pursues the advice of the Acting Interim Chief Executive Officer regarding the works program to allow the race to occur in 2017.

The Acting ICEO further requested that Part A to be completed concurrently with the implementation of Part B.

Councillors Posniak and Clausen accepted the changes.
MOTION
Moved by Cr Posniak, seconded by Cr Clausen

Part A to be completed concurrently with the implementation of Part B.

PART A

1 Council co-ordinate with Supercars and Destination NSW (DNSW) and consult with the community on the route selection and the potential to use the Shortland Esplanade route to maximise the view and natural advantage, and minimise heritage and residential concerns in the East End and report back to Council at the next Ordinary Council meeting on the outcome.

2 The MOU that was to be enacted as a result of Council's resolution of July 2016 be executed prior the signing and execution of any contracts for reported works with DNSW.

3 The Foreshore Park POM and Works are presented to Council to ensure the protection and provision of public amenity.

4 Officers engage in legacy item discussions to ensure local benefit is achieved through legacy projects like the expansion of the playground at Foreshore Park, the expedition of the Bathers Way and Coastal Revitalisation Projects like skate facilities at South Newcastle Beach, that the canopy cover is significantly expanded in the East End, and public facilities are upgraded.

Carried

MOTION
Moved by Cr Posniak, seconded by Cr Clausen

PART B

1 Council approves the commercial in confidence agreement with DNSW to make a financial contribution towards the cost of the procurement and undertaking of renewal civil works within the City of Newcastle Local Government Area.

2 Council authorises the Interim Chief Executive Officer, or his delegate, to execute the agreement with DNSW in respect of the making of the financial contribution together with any associated documentation for, and on behalf of, Council.

3 Council approves the financial contribution of $8.8 million and the allocation of the funding from Council's Major Asset Preservation Program with the majority of the costs being attributable to the 2017/18 financial year.

4 Council share the costs of relocating the track to Shortland Esplanade with DNSW and Supercars.
5 These works form part of the 2017/18 Council budgetary process and Council's surplus operating position is maintained.

6 That if engagement and consultation results in track relocation that Council pursues the advice of the Acting Interim Chief Executive Officer regarding works program to allow the race to occur in 2017.

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

Against the Motion: Councillors Compton, Doyle and Luke. Carried

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Posniak

Council proceed into confidential session for discussion on Confidential Item 2 for the reasons outlined in the business papers. Carried

Council moved into confidential session at 8.05pm.

During confidential session Councillor Posniak declared a non-pecuniary, non-significant conflict of interest in Item 2 - Confidential Property Matter - Compulsory Acquisition of Crown Lands for Road Purposes stating that the report contained advice to and from Harris Wheeler to Council. Councillor Posniak stated that she was a former partner and employee of Harris Wheeler and would absent herself from the Chamber for the determination of the item.

Councillor Posniak left the Chamber.

In addressing the motion, Councillor Clausen highlighted the need for Council to have a discussion about Crown Lands. He foreshadowed a Notice of Motion for the next Council meeting.

Councillor Posniak returned to the Chamber at the conclusion of confidential session.

Council resumed at 8.10pm and the Acting Interim Chief Executive Officer reported on the outcome of confidential session.
ITEM-2 CON 14/03/17 - CONFIDENTIAL PROPERTY MATTER - COMPULSORY ACQUISITION OF CROWN LANDS FOR ROAD PURPOSES

MOTION
Moved by Cr Clausen, seconded by Cr Luke

1 Council proceed with the compulsory acquisition of the land described as Lot 20 DP 1224752 for the purpose of the dedication of the land as a public road known as 'Shortland Esplanade', Newcastle East, in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.

2 Council resolves to make an application to the Minister and the Governor for approval to acquire Lot 20 DP 1224752 known as 'Shortland Esplanade', Newcastle East by compulsory process under section 177(2)(a) of the Roads Act 1993.

3 Council resolves to request the Minister for Local Government to approve a reduction in the notification period from 90 days to 30 days in accordance with s. 13(2) of the Land Acquisition (Just Terms Compensation) Act 1991.

4 Council delegates authority to the Interim Chief Executive Officer to execute all relevant documentation to effect the compulsory acquisition transaction.

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

Carried

The meeting concluded at 8.11pm.
MINUTES - ORDINARY COUNCIL MEETING 28 MARCH 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170328 Ordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor
City Hall, 290 King Street, Newcastle on Tuesday 28 March 2017 at 5.30pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Doyle,

IN ATTENDANCE
P Chrystal (Interim Chief Executive Officer), G Cousins (Director Corporate
Services), F Cordingley (Director Infrastructure), A Baxter (Acting Director Planning
and Regulatory), L Burchar (Cultural Director), F Giordano (Manager Legal and
Governance), J Gaynor (Manager Strategic Planning), P Nelson (Manager
Commercial Property), P McCarthy (Strategic Planning), N Baker (Lord Mayor's
Chief of Staff), K Hyland (Manager Communications and Engagement), K Baartz
(Communications Manager), B Johnson (Media Officer), K Sullivan (Council
Services/Minutes) and A Knowles (Council Services/Webcasting)

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

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

APOLOGIES
Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor B Luke
Councillor Luke declared a non-pecuniary less than significant interest in Item 21 -
Executive Monthly Performance Report as Council may invest with businesses he is
associated with. Councillor Luke said the interest was less than significant as the
report to Council was to be received and he was not involved in any decision making
processes.

Councillor Waterhouse
Councillor Waterhouse declared a potential significant non-pecuniary interest in
respect of Item 36 - Supercars Alternate Track Consultation, as previously declared.
Councillor Waterhouse stated that the potential conflict arose due to residing in the
vicinity of the proposed track and he would manage the conflict by leaving the
Chamber when this matter was to be discussed.
Councillor Clausen
Councillor Clausen declared a less than significant non-pecuniary interest in Items 24 - Exhibition of Open and Transparent Governance Strategy, 27 - Urban Water Policy and 29 - Ward 4 Capital Works. He stated that the items referenced his employer in passing and that he would remain in the Chamber.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 21 FEBRUARY 2017
MINUTES - BRIEFING COMMITTEE 21 FEBRUARY 2017
MINUTES - ORDINARY COUNCIL MEETING 28 FEBRUARY 2017

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

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

LORD MAYORAL MINUTE

ITEM-11 LMM 13/12/16 - INTERIM CHIEF EXECUTIVE OFFICER RECRUITMENT PANEL - SELECTION AND APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER

The Lord Mayor brought forward Lord Mayoral Minute - Item 11 of 13 December 2016 - Interim Chief Executive Officer Recruitment Panel - Selection and Appointment of Interim Chief Executive Officer which had been laid on the table in conjunction with Item 5 of the Confidential Items - Report on the Outcome of Investigation into the Interim Chief Executive Officer Recruitment Process.

The Lord Mayor stated that as per an All Councillor memo distributed this week Council had not yet received the report. It was her understanding that the Interim Chief Executive Officer had asked for the report to be finalised by Friday 31 March 2017.

PROCEDURAL MOTION
Moved by Lord Mayor, Cr Nelmes

The following matters lay on the table to be heard at an Extraordinary Council meeting to be held Friday 31 March 2017 at 6.00pm.

- Item 11 - LMM 13/12/16 - Interim Chief Executive Officer Recruitment Panel - Selection and Appointment of Interim Chief Executive Officer
- Confidential Item 5 - CON 28/3/17 - Outcome of Investigation into the Interim Chief Executive Officer Recruitment Process

Carried
REPORTS BY COUNCIL OFFICERS

ITEM-21  CCL 28/03/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - FEBRUARY 2017

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

The report be received.  

Carried

ITEM-25  28/03/2017 - 2017 LOCAL GOVERNMENT ELECTION TO BE CONDUCTED BY THE NEW SOUTH WALES ELECTORAL COMMISSIONER

MOTION
Moved by Cr Doyle, seconded by Cr Posniak

1   The Council to receive the report.

2   The Council resolves to confirm that the New South Wales Electoral Commission (NSWEC) will administer and conduct the 2017 local government election to be held on Saturday, 9 September 2017, in respect of the Newcastle Local Government Area, as Council's electoral services provider, at an estimated cost of $827,775 (ex GST) in accordance with the terms of the Contract for Administration of All Elections between Council and NSWEC (Contract No. 2015/455T) dated 5 June 2015 (Contract).

3   The Interim Chief Executive Officer, or his delegate, be authorised to execute all documentation required to undertake the terms of the Contract.

4   Council endorses a total budget of $847,775 (excluding GST) which includes the amount of $827,775 referenced in paragraph 1 above together with an additional amount of $20,000 for the estimated costs associated with election information advertising and that the total amount be included in the 2017/18 operating budget.

5   The Interim Chief Executive Officer is to publish a copy of this resolution on the Council's website.  

Carried

ITEM-26  CCL 28/03/17 - STOCKTON BEACH HOLIDAY PARK EXTENSION OF CONTRACT

Council noted that the Director Corporate Services tabled a memo to all Councillors regarding Item 26 - Stockton Beach Holiday Park Extension of Contract, which corrected dates in paragraphs 1, 8 and 14.  The year had been incorrectly referenced as 2017 instead of 2018 on these three occasions in the report.
The amended information was included in the motion moved by Councillors Doyle and Posniak.

MOTION
Moved by Cr Doyle, seconded by Cr Posniak

1 To authorise, without inviting tenders, a short term contract to extend the current management services of Australian Tourist Park Management (ATPM) at Stockton Beach Holiday Park (SBHP) for a period of seven months to 30 June 2018, on the basis of the following extenuating circumstances:

   i) The Newcastle 500 Supercars event coincides with the termination date of the current contract and the peak summer tourism season commences immediately after the termination date of the current contract. SBHP is heavily booked throughout this period.

   ii) Undertaking a tender process in the lead up to the events outlined in (i) above poses an unacceptable commercial and reputational risk to Council should Council change service providers during this period. A change in service providers will result in changes in staff and management systems, which presents an increased risk of service disruption, and booking continuity and integrity issues.

   iii) The proposed short term extension of tenure for the current service providers is not considered to propose any significant commercial or reputational risk and is expected to result in a superior outcome for both the SBHP patrons and the wider community.

2 That Council Officers invite tenders to provide management services at SBHP to take effect at the expiry of the short term contract referred to above. Carried

ITEM-29 CCL 28/03/17 - WARD 4 CAPITAL WORKS

MOTION
Moved by Cr Osborne, seconded by Cr Dunn

The report be received. Carried

ITEM-32 CCL 28/03/17 - YOUTH COUNCIL ANNUAL REPORT

MOTION
Moved by Cr Clausen, seconded by Cr Doyle

Council receives the Newcastle Youth Council Annual Report for 2015/2016. Carried
ITEM-34  CCL 28/03/17 - EXHIBITION OF PROPOSED NEW DRAFT SECTION 7.11 - DEVELOPMENT ADJOINING LANEWAYS OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

Council resolves to place draft amendments to the DCP on public exhibition for 28 days, incorporating a new Section 7.11 Development Adjoining Laneways and amendments to Section 9.00 Glossary.

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

Against the Motion:  Nil.

Carried

ITEM-22  CCL 28/03/17 - ENDORSEMENT OF SIX MONTHLY REVIEW OF 2013-2017 DELIVERY PROGRAM

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

The Six Monthly Review of Council's progress with respect to the principal activities detailed in the 2013-2017 Delivery Program as per Attachment A be received.

Carried

Unanimously

ITEM-23  CCL 28/02/17 - MOTIONS AND ATTENDANCE AT NATIONAL GENERAL ASSEMBLY

MOTION
Moved by Cr Clausen, seconded by Cr Posniak

1 Council determines the nominated Councillor to attend the 2017 Australian Local Government Association's National General Assembly (NGA) of Local Government.

2 Council nominates and approves Councillor Doyle to attend the NGA.

Carried
ITEM-24  CCL 28/03/17 - EXHIBITION OF OPEN AND TRANSPARENT GOVERNANCE STRATEGY

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

1 That this draft document not be exhibited in its current form but be referred to a committee of Councillors and relevant staff to amend the strategy to more closely reflect Council's commitment to open, accountable and transparent governance.

2 Interested Councillors who wish to participate are to submit their names to the Interim Chief Executive Officer within the next week.

Carried

ITEM-27  CCL 28/03/17 - URBAN WATER CYCLE POLICY

Council Officers were acknowledged and thanked for their efforts and contribution to the development of the Policy.

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

Council adopts the revised Urban Water Cycle Policy (2017) as set out in Attachment A to this report.

Carried
Unanimously

ITEM-28  CCL 28/03/17 - SHORTLAND ESPLANADE NEWCASTLE EAST, ZAARA STREET TO WATT STREET - TRAFFIC FACILITY CHANGES

MOTION
Moved by Lord Mayor, Cr Nelmes, seconded by Cr Clausen

Option 2 - That Council maintain current two way traffic conditions along Shortland Esplanade and Church Street, with the installation of the proposed pedestrian crossings and Zaara Street roundabout. This will provide improved pedestrian connectivity and traffic regulation at Zaara Street, while maintaining the existing traffic conditions in the area. The proposed infrastructure to be constructed as part of Bathers Way has sufficient clearances to allow for the maintenance of two way traffic flow.

Carried
ITEM-30  CCL 28/03/17 - COUNCIL SUPPORT OF GROWING SUSTAINABLE ARTS AND CULTURAL ORGANISATIONS IN NEWCASTLE

Council Officers were thanked for their efforts and contribution in preparing the report.

MOTION
Moved by Cr Clausen, seconded by Cr Doyle

Adopt the Council Support of Growing Sustainable Arts and Cultural Organisations in Newcastle Policy as provided in Attachment A and applied to the Draft Guidelines: Support of Growing Sustainable Arts and Cultural Organisations in Newcastle Policy as provided in Attachment B with the following amendments:

- **Reference - Definitions** - Clause 2.4 of the draft policy be amended so that the review panel is the Public Art Advisory Committee
- **Reference - Financial Impact** - amend the budget so the maximum is $70,000 (cash and in-kind) per year per organisation, pending satisfaction of EOI criteria outlined in the policy.

Councillor Doyle requested that the subject title be amended to Council Support for Arts and Cultural Organisations in Newcastle Policy.

Councillor Clausen accepted Councillor Doyle's proposed amendment to the subject title.

The motion moved by Councillor Clausen and seconded by Councillor Doyle and as amended was put to the meeting.

Adopt the Council Support for Arts and Cultural Organisations in Newcastle Policy as provided in Attachment A and applied to the Draft Guidelines: Support of Arts and Cultural Organisations in Newcastle Policy as provided in Attachment B with the following amendments:

- **Reference - Definitions** - Clause 2.4 of the draft policy be amended so that the review panel is the Public Art Advisory Committee
- **Reference - Financial Impact** - amend the budget so the maximum is $70,000 (cash and in-kind) per year per organisation, pending satisfaction of EOI criteria outlined in the policy.

Carried
ITEM-31 CCL 28/03/17 - GURAKI ABORIGINAL ADVISORY COMMITTEE ANNUAL REPORT

Council Officers were thanked for their efforts in the preparation of the report.

MOTION
Moved by Cr Doyle, seconded by Cr Osborne


Carried Unanimously

ITEM-33 CCL 28/03/17 - EXHIBITION OF DRAFT WICKHAM MASTER PLAN

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

Council resolves to place the draft Wickham Master Plan, as provided in Attachment A, on public exhibition for a period of eight weeks.

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

Against the Motion: Nil.

Carried

ITEM-35 CCL 28/03/17 - SUBMISSION ON PROPOSED CHANGES TO PLANNING LEGISLATION

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

Council endorses the draft submission provided at Attachment A for lodgment with the Department of Planning and Environment subject to addition of the following two paragraphs to be inserted after the words '…tailored to local conditions' and prior to 'Please find attached a summary…':

- Council confirms its support for the expanded use of the NSW Planning Portal, as a means to ensure the community has easy access to information concerning planning and development within NSW.

- Council notes the role of the Hunter Development Corporation (HDC) has recently been expanded by the NSW Government to assist in the delivery of the Hunter Regional Plan 2036. Provision should be made in the new Planning Act to clarify the role of the HDC, similar to the provisions made for the Greater Sydney Commission.

Carried
ITEM-36  CCL 28/03/17 - SUPERCARS ALTERNATE TRACK CONSULTATION

Councillor Waterhouse left the Chamber prior to the commencement of Council for discussion on this item.

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

The report be received.

Carried
Unanimously

Councillor Waterhouse returned to the Chamber at the conclusion of this item.

CONFIDENTIAL REPORTS

ITEM-4  CON 28/03/17 - CONFIDENTIAL PROPERTY MATTER - LOT 11 DP13333 (SALE 22 SEAVIEW STREET KOTARA)

PROCEDURAL MOTION
Moved by Cr Osborne, seconded by Cr Posniak

Council proceed into confidential session for discussion on Confidential Item 4 for the reasons outlined in the business papers.

Carried

Council moved into confidential session at 6.25pm.

Council resumed at 6.30pm and the Interim Chief Executive Officer reported on the outcome of confidential session.

MOTION
Moved by Cr Clausen, seconded by Cr Luke

1  (i) Council resolves to dispose of land and buildings located at 22 Seaview Street Kotara (Lot 11 DP 13333) through an open market sale process at no less than 90% of the assessed value.

(ii) The Interim Chief Executive Officer is delegated authority to execute all relevant documentation to effect the sale transaction.

(iii) Net proceeds of the sale are to be credited to the Land and Property Reserve.
2 This confidential report relating to the matters specified in s. 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried

The meeting concluded at 6.32pm
MINUTES - EXTRAORDINARY COUNCIL MEETING 31 MARCH 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170331 Extraordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, T Doyle, J Dunn, M Osborne and S Posniak.

IN ATTENDANCE
P Chrystal (Interim Chief Executive Officer), G Cousins (Director Corporate Services), A Baxter (Acting Director Planning and Regulatory), F Giordano (Manager Legal and Governance), K Hyland (Manager Communications and Engagement) and K Sullivan (Council Services/Minutes/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

The apologies submitted on behalf of Councillors Compton, Luke, Rufo and Robinson be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
The Lord Mayor called for declarations of pecuniary and non-pecuniary interests.

There being no declarations the Lord Mayor moved to the items listed on Council's agenda.
CONFIDENTIAL SESSION

PROCEDURAL MOTION
Moved by Cr Osborne, seconded by Cr Dunn

Council move into confidential session for the reasons outlined in the business papers.

Carried

Council entered confidential session at 6.15pm.

At the commencement of confidential session the Interim Chief Executive Officer declared a conflict of interest in both agenda items and stated he would absent himself from the Chamber for any further discussion.

The Interim Chief Executive Officer left the Chamber at 6.16pm.

The Director Corporate Services assumed the role of Acting Interim Chief Executive Officer.

Council staff present during confidential session were Acting Director Planning and Regulatory Andrew Baxter, Manager Legal and Governance Frank Giordano, and Council Executive Support Officer Kerry Sullivan.

PROCEDURAL MOTION
Moved by Cr Osborne, seconded by Cr Clausen

Council deal with Confidential Item 5 - CON 28/03/17 - Outcome of Investigation into the Interim Chief Executive Officer Recruitment Process prior to Item 11 - LMM 13/12/16 - Interim Chief Executive Officer Recruitment Panel - Selection and Appointment of Interim Chief Executive Officer.

Carried

CONFIDENTIAL REPORT

ITEM 5 - CON 28/3/17 - OUTCOME OF INVESTIGATION INTO THE INTERIM CHIEF EXECUTIVE OFFICER RECRUITMENT PROCESS

The Manager Legal and Governance tabled the individually named confidential reports to Lord Mayor, Cr Nelmes and Councillors Clausen, Doyle, Dunn, Posniak and Osborne.

He stated they were to be returned at the conclusion of confidential session.

The Lord Mayor allocated time for Councillors to read the report.

During confidential session Councillor Clausen declared two less than significant, non-pecuniary interests in relation to two candidates and both items on the agenda. He stated that he would remain in the Chamber for discussion on the items.
Following discussion a motion was put forward by Councillors Osborne and Dunn.

Council adjourned the meeting at 8.35pm to enable the Council Executive Support Officer to type up the motion and circulate a draft copy to Councillors and the Acting Interim Chief Executive Officer.

Council reconvened at 8.43pm.

**ITEM 1**

**ITEM 11 - LMM 13/12/16 - INTERIM CHIEF EXECUTIVE OFFICER RECRUITMENT PANEL - SELECTION AND APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER**

The Lord Mayor tabled the individually named Lord Mayoral Minutes to those present.

At this stage of the meeting, the Lord Mayor requested that only the Acting Interim Chief Executive Officer remain in the Chamber and the Acting Director Planning and Regulatory and Manager Legal and Governance left the Chamber.

Council voted on the recommendation in seriatim.

Council adjourned the meeting at 9.12pm to enable the Council Executive Support Officer to type up the motion and circulate a draft copy to Councillors and the Acting Interim Chief Executive Officer.

Council reconvened at 9.19pm.

**PROCEDURAL MOTION**

Moved by Cr Osborne, seconded by Dunn

Council move into open session. **Carried**

Councillors returned their copy of the confidential Lord Mayoral Minute to the Lord Mayor.

Councillors returned their copy of the confidential report to the Council Executive Support Officer.

At 9.21pm the Interim Chief Executive Officer, Acting Director Planning and Regulatory and Manager Legal and Governance returned to the Chamber following confidential session.

Council resumed at 9.22pm and the Acting Interim Chief Executive Officer reported on the resolutions of confidential session.
ITEM 2       ITEM 5 - CON 28/3/17 - OUTCOME OF INVESTIGATION INTO THE INTERIM CHIEF EXECUTIVE OFFICER RECRUITMENT PROCESS

MOTION
Moved by Cr Osborne, seconded by Cr Dunn

1 Council notes that the two investigations of the ICEO Recruitment process did not find anything improper or unethical in the process, with the second investigation noting:

   • These preliminary findings are set out in accordance with the Procedural Motion provided by Council, which formed the basis of this investigation.

   • There is insufficient evidence to making a finding that prior to or during the recruitment process to hire an Interim Chief Executive Officer of Council between the period of 25 October 2016 and 20 December 2016, employees and/or elected officials of the Newcastle City Council breached the Newcastle City Council Code of Conduct by failing to adhere to General Conduct Provisions by acting in an improper or unethical manner (4.1.3).

2 Council notes the professionalism and detail provided in the 'Report on Process and Outcome' by Blackadder Associates Independent CEO Recruiter.

3 Councillors be provided of a full copy of the first investigation report.

4 Councillors be provided with a full cost breakdown of the first investigation, second investigation and the legal advice attached to the Confidential Council Report - Item 5 - Outcome of Investigation into the ICEO Recruitment Process.

5 Council notes the resolution of 20 December 2016 that Council was to conduct an investigation not additional Code of Conduct reviews. Newcastle City Council Code of Conduct requires a different process.

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

Carried Unanimously
ITEM 1 ITEM 11 - LMM 13/12/16 - INTERIM CHIEF EXECUTIVE OFFICER RECRUITMENT PANEL - SELECTION AND APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER

MOTION
Moved by Lord Mayor Cr Nelmes, seconded by Cr Osborne

1 Council vote on the recommendations in seriatim.

2 Council receives a briefing from the ICEO Recruitment Panel (Panel) on the candidate that the Panel selected as the most suitable candidate for the role of Interim Chief Executive Officer (ICEO).

3 Subject to the completion of all background checks and satisfactory results being received in respect of each of the background checks, Council offer the position of the Interim Chief Executive Officer to the ICEO recruitment Panel's recommended candidate and authorise the Lord Mayor to negotiate and enter into a contract of employment for up to 12 months based on the standard contract of employment issued by the Division of Local Government.

4 Council approve the ICEO be delegated with all delegations accorded to that role pursuant to the Instrument of Delegation to the Chief Executive Officer dated 8 December 2015.

5 The recommended candidate's name remains confidential until the position is accepted by the recommended candidate and the Lord Mayor announces the appointment of the Interim Chief Executive Officer. All other information presented and discussed in closed session relating to the matters specified in S.10A(2)(a) of the Act remains confidential until Council determines otherwise.

6 Council resolved to appoint Mr Peter Chrystal as ICEO at the Ordinary Council meeting held on 25 October 2016 as a short term measure to enable the establishment and appointment of an Interim CEO Recruitment Panel, constituted by Councillors Nelmes, Osborne and Rufo, for the purposes of running a merit selection process for the recruitment of an Interim CEO for a term of up to 12 months. The appointment of Mr Peter Chrystal remain in effect if the preferred candidate does not accept the offer.

7 Council recommend the recruitment of a permanent Chief Executive Officer be a matter for the newly elected Council after 9 September 2017. Carried

The meeting concluded at 9.28pm.
REPORTS BY COUNCIL OFFICERS

ITEM-37  CCL 26/04/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - MARCH 2017

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

PURPOSE

To report on Council's monthly performance. This includes:

a) Monthly financial position and year to date (YTD) performance against the 2016/17 Operational Plan as at the end of March 2017.

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 March 2017 the consolidated YTD actual operating position is a surplus of $11.2m which represents a positive variance of $2.4m against the budgeted YTD surplus of $8.8m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year revised budget for 2016/17 is an operating surplus of $4.6m.

3 The March YTD position includes $9.5m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($4m Special Rate Variation revenue, $2.1m consolidation of Newcastle Airport result, $1.5m stormwater management service charge, $1.2m local road grants which fund capital works and $0.7m for the recoupment of prior year losses). When these items are removed Council’s sustainable underlying operating position at the end of March is a surplus of $1.7m.

4 The net funds generated as at the end of March 2017 is a surplus of $17.1m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD revised budget of $12.6m. This is primarily due to a timing variance in the delivery of Council's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
### Financial Impact

5. The variance between YTD revised budget and YTD actual results at the end of March 2017 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<th></th>
<th>Full Year</th>
<th>Revised Budget $'000</th>
<th>YTD Revised Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact ve / -ve</th>
<th>Commitments $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Operating Revenue</td>
<td>248,264</td>
<td>186,378</td>
<td>189,899</td>
<td>3,521</td>
<td>2%</td>
<td>+</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Operating Expenses</td>
<td>243,616</td>
<td>177,629</td>
<td>178,726</td>
<td>1,097</td>
<td>1%</td>
<td>-</td>
<td></td>
<td>3,545</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>4,648</td>
<td>8,749</td>
<td>11,173</td>
<td>2,424</td>
<td>28%</td>
<td>+</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Capital Raising revenue</td>
<td>23,853</td>
<td>17,890</td>
<td>18,730</td>
<td>840</td>
<td>5%</td>
<td>+</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Add Back Non Cash Items</td>
<td>38,906</td>
<td>28,486</td>
<td>27,885</td>
<td>67,407</td>
<td>55,125</td>
<td>64,866</td>
<td>6,447</td>
<td>12,586</td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>67,407</td>
<td>55,125</td>
<td>57,788</td>
<td>2,663</td>
<td>5%</td>
<td>+</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Total capital spend</td>
<td>64,866</td>
<td>48,647</td>
<td>38,724</td>
<td>(9,923)</td>
<td>-20%</td>
<td>+</td>
<td>38,311</td>
<td></td>
</tr>
<tr>
<td>Loan Principal Repayment</td>
<td>2,600</td>
<td>1,950</td>
<td>1,950</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Funds Generated / Used</td>
<td>(59)</td>
<td>4,528</td>
<td>17,114</td>
<td>12,586</td>
<td>278%</td>
<td>+</td>
<td>41,856</td>
<td></td>
</tr>
</tbody>
</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport.

Note 2 - Budget revised at December 2016.
Factors favourably impacting Financial Position

i **User charges & fees – increase of $2.5m**
   The Summerhill Waste Management Centre (SWMC) has generated above budget income ($1.6m) which is partially offset by an increased NSW State Waste Levy expense. In addition Council is also achieving higher than budgeted income through the hire of facilities in our parks ($0.2m), and Development and Building assessments ($0.1m).

ii **Other operating revenues – increase of $0.6m**
   Other revenues exceeded budget due to higher parking fine revenue ($0.4m).

iii **Materials & contracts – decrease of $0.5m**
   Lower than forecast operational costs due to the scheduling of project work in IT ($0.4m), Strategic Planning ($1.5m) and Cultural Facilities ($0.3m). This is partially offset by above budget operational expenditure generated by the asset renewal program ($1.1m).

iv **Net loss from disposal of assets – decrease of $0.6m**
   Asset write off expense is related to the delivery of the works program as assets are disposed of during the renewal process. There is a positive YTD
variance in the net loss on disposal of assets caused by a timing variance in the delivery of the asset renewal program. It is still forecast that both the renewal program and net loss from disposal of assets will be met at the end of the financial year.

7 Factors adversely impacting Financial Position
   i Other operating expenses – increase of $1.4m
   Expenditure on the NSW State Waste Levy is higher than anticipated due to higher than forecast tonnages ($1.6m). The higher levy is partially offset by increased revenues.

8 At the end of March commitments raised against operating expenses totalled $3.5m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future.

9 The month of March returned an operating surplus of $1.6m which is $0.5m above the revised monthly budget. The main variance to budget was higher tip revenue through the SWMC ($0.4).

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Trend in monthly operating position $^{2016/17}$
10 Council’s total capital spend at the end of March is $38.7m. This result is $9.9m below the YTD revised budget. The total works spend inclusive of operational and capital expenditure is $48.5m at the end of March compared with a revised budget of $60.8m.

11 At the end of March, commitments raised against capital work totalled $38.3m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

i **Building renewal – $4.6m**
Commitments include $2m in relation to works on the southern façade of City Hall.

ii **Environmental asset renewal – $5.5m**
Commitments include $1.7m for completion of a sea wall at South Newcastle, $0.9m for the Stockton seawall, and $2.3m of work planned on Council's stormwater management systems.

iii Waste Projects – $6.5m
Commitments include the contract to design and construct the next waste cell (cell 9) required at SWMC ($5.7m).

12 Council’s temporary surplus funds are invested consistent with Council’s Investment Policy, Investment Strategy, the Act and Regulations. Details of all Council funds invested under s. 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of Attachment A).

COMMUNITY STRATEGIC PLAN ALIGNMENT

13 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

14 The distribution of the report and the information contained therein is consistent with:

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

ii) Council’s Investment Policy and Strategy, and

iii) clause 212 of the Regulation and s. 625 of the Act.

RISK ASSESSMENT AND MITIGATION

15 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

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

17 At the Ordinary Council Meeting held on 26 April 2016 Council resolved the following:

The report be received with the addition of a compliance report on Council’s adopted clauses on ethical and social responsibility set out in Council’s Investment Policy to be included under the section “Investment Policy Compliance Report”.
18 The Investment Policy Compliance Report included in the Executive Monthly Performance Report has been amended to include a specific confirmation in regard to compliance with part E of the Investment Policy.

CONSULTATION

19 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

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

Option 2

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

BACKGROUND

22 Previous resolutions of Council and the 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.

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - March 2017
Distributed under separate cover
CITY OF NEWCASTLE

Ordinary Council Meeting 26 April 2017

ITEM-39 CCL 26/04/17 - COUNCIL ENERGY TARGETS

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

PURPOSE

On 28 February 2017, Council resolved, amongst other matters to receive a report back from officers on how Council can:

a) achieve its existing 2020 targets in the Carbon and Water Management Action Plan; and

b) fast track 100% renewable energy use and zero net emissions, and the associated budgetary implications (so that the measures can be included in the budget and management plan).

RECOMMENDATION

1 Council note this report and that a further report be tabled after the current trials being conducted with LED lights have been evaluated.

KEY ISSUES

2 Electricity usage in both Council buildings and street lighting accounts for 77.6% of Council's operational emissions (excluding emissions from Summerhill Waste). Actions relating to reducing overall electricity usage and increasing renewable energy use will have the greatest overall impact on reducing Council's carbon emissions.

3 The key project that has been identified to achieve the majority of the 2020 targets is the upgrading at least 80% of street lighting in the Newcastle Local Government Area (LGA) to Light Emitting Diode (LED) technology. Although progress to date has been hampered by extremely long running product evaluations by Ausgrid, Ausgrid has very recently approved new LED lighting products for residential and main roads and is now undertaking trials at several Newcastle sites which Council is involved with.

4 Pursuing the upgrade of street lighting to LED technology will result in Council achieving its 2020 targets of a 30% reduction in carbon emissions, a 30% reduction in Council electricity use and 80% of Newcastle's streetlights using best practice technology.

5 To aspire to 100% renewable energy use and zero net emissions, Council will:
   i) Continue to investigate the feasibility of a mid-scale solar farm at Summerhill Waste Management Centre (potentially a $10,000,000 externally funded project);
   ii) Investigate waste to energy opportunities;
iii) Continue a roll out of behind the meter battery storage and solar PV systems across Council sites where this is appropriate; and
iv) Ensure all new lighting installed by Council is LED technology.

FINANCIAL IMPACT

6 The cost to upgrade street lighting is expected to be in the order of $4,000,000. Should there be successful evaluations of the current street lighting trials, budget allocations could be made in the Operational Budgets of 2018/2019 and 2019/2020 to ensure the implementation of this project. Funds may be sought from the Clean Energy Finance Corporation's Local Government Finance Program if required.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 In the Newcastle 2030 Community Strategic Plan, these projects align with the following strategies and objectives:

i) Protected and Enhanced Environment - Greater efficiency in the use of resources (2.1b, 2.1c, 2.1d); environment and climate change risks and impacts are understood and managed (2.3a, 2.3b, 2.3c)
ii) Liveable and Distinctive Built Environment - Best practice energy and water efficient infrastructure (5.4b); and
iii) Smart and Innovative City - A vibrant, diverse and resilient green economy built on educational excellence and research (6.1a, 6.1b); A culture that supports innovation and creativity at all levels (6.2a).

IMPLEMENTATION PLAN/IMPLICATIONS

8 Project is dependent on the successful evaluation of current street lighting trials.

RISK ASSESSMENT AND MITIGATION

9 Council's risk assessment framework would be followed when engaging contractors to deliver the projects.

RELATED PREVIOUS DECISIONS

10 On 18 October 2011, the revised draft Newcastle 2020 Carbon & Water Management Action Plan (Carbon & Water MAP) was adopted by Council.


12 On 28 June 2016 Council reiterated its commitment to generating 30% of electricity from low carbon sources and reducing overall electricity usage by 30% by 2020 and investigates opportunities to utilise the Clean Energy Finance Corporation's Local Government Finance Program to deliver on Council's commitment.
CONSULTATION

13 Aspects of the proposal were raised at the final Environmental Advisory Committee meeting in June 2016.

OPTIONS

Option 1

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

Option 2

15 Council not proceed with the evaluation of the upgrade of street lighting to LED technology. This is not the recommended option.

BACKGROUND

16 Council resolved at its Ordinary Council Meeting on 28 February 2017 to receive a report back from officers on how Council can achieve its existing 2020 targets and how Council can fast track achieving 100% renewables and zero net emissions and the associated budgetary implications so that they can be included as measures in the Budget and Management Plan.

REFERENCES

Nil

ATTACHMENTS

Nil
ITEM-40  CCL 26/04/17 - EXHIBITION OF DRAFT SWAN STREET COOKS HILL REHABILITATION PLAN - OUTCOMES

REPORT BY: INFRASTRUCTURE CONTACT: DIRECTOR INFRASTRUCTURE / ACTING MANAGER PROJECTS AND CONTRACTS

PURPOSE

To endorse the preferred design option for rehabilitation works for Queen and Swan Streets (from Darby Street to Mosbri Crescent) Cooks Hill. The works include the rehabilitation of all road, footpath, drainage and tree assets.

RECOMMENDATION

1 Council endorse the design option for rehabilitation works for Queen and Swan Streets, Cooks Hill, as described in Attachment B including the minor amendments resulting from the exhibition process.

KEY ISSUES

2 A total of nine submissions were received during the exhibition period from 20 December 2016 until 31 January 2017. For a summary of submissions and Council officer comments refer to Attachment A.

3 Community concerns identified included tree selection options, planting locations and the removal of fig trees. The concerns were resolved through reiterating that the tree selection process is in accordance with the Council's Street Tree Selection Manual and sized appropriately for the urban environment. The key drivers for the project were also reiterated, which include destructive roots; ongoing patch repairs; and the benefit to the general Cooks Hill area from storm water remediation.

4 Driveway locations and design detail concerns were raised by the community. The concerns were resolved through indicating that the design will be in accordance with Council's standard drawings. Road configuration, property access and cycling amenity issues were raised by the community.

FINANCIAL IMPACT

5 The total estimated cost of this project is $1.5 million. This estimated cost is within the amount included in the 2017/18 proposed budget for this project.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The project aligns with Council's 2030 Strategic objectives and utilises strategic directions provided by Council policy and infrastructure standards.
IMPLEMENTATION PLAN/IMPLICATIONS

7 The preparation of the design development, construction documentation and early construction works (tree removal and Queen Street works) will be undertaken by Newcastle City Council. Swan Street construction will be tendered to an external contractor to minimise delays and disruption to residents and retail traders.

RISK ASSESSMENT AND MITIGATION

8 To mitigate risk to the safety of residents and road users post construction, the design and construction will provide a streetscape that does not create public risk.

9 Construction related disruption to general public and residents will be mitigated through the public consultation process, staging of construction activities and ongoing community liaison.

RELATED PREVIOUS DECISIONS

10 Nil to report.

CONSULTATION

11 Council has been working with local residents to ensure their concerns and what they value about Swan Street are incorporated into the project. Engagement with residents was conducted as follows:

i) A resident information session was held on 23 November 2016 to present concept plans and answer questions from residents immediately impacted by the works;

ii) Public Exhibition of the Draft Swan Street, Cooks Hill Rehabilitation Plan was released from 20 December 2016 until 31 January 2017;

iii) A resident information session was held on 22 March 2017 to deliver a project update, answer questions and provide detailed tree selection information; and

iv) A summary of submissions received is included as Attachment A. The issues raised around tree selection and driveway design will be managed through the detailed design process.

OPTIONS

Option 1

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

13 Do not proceed with rehabilitation works for Queen and Swan Streets. This is not the recommended option.

BACKGROUND

14 Swan Street has an ongoing and unacceptable level of maintenance for all civil assets, footpath and kerb assets due to impacts of the root system across the existing avenue of Hills Figs.

15 The Hills Figs have a history of failure as detailed in the City Arborist Report dated 14 September 2016. Eight Hills Figs have been removed in Swan Street between 2007 and 2015 due to structural collapse, canopy failure, separation of main stems and tree death, some resulting in infrastructure and property damage.

REFERENCES

ATTACHMENTS

Attachment A: Summary Table of Public Exhibition Submissions and Responses.

Attachment B: Swan Street Drainage Rehabilitation, Cooks Hill - Plan issued for Public Exhibition.
## Swan Street Cooks Hill -
### Summary Submissions and Responses from Public Exhibition

<table>
<thead>
<tr>
<th>Submission</th>
<th>Issues / Comments</th>
<th>Council's Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tree selection issues</td>
<td>The tree selection process has not yet been undertaken, and will be in accordance with 'The Urban Forest Technical Manual'</td>
</tr>
<tr>
<td></td>
<td>Driveway locations and design detail issues</td>
<td>Driveways will be designed and constructed in accordance with council's standard drawings</td>
</tr>
<tr>
<td></td>
<td>Road configuration issues</td>
<td>Roads will be designed and constructed in accordance with council's standard drawings</td>
</tr>
<tr>
<td>2</td>
<td>Tree selection issues</td>
<td>The tree selection process will be in accordance with 'The Urban Forest Technical Manual'</td>
</tr>
<tr>
<td>3</td>
<td>Tree removal issues</td>
<td>Reiteration of the positive feedback received from residents in support of the draft plan</td>
</tr>
<tr>
<td>4</td>
<td>Tree location issues</td>
<td>Trees can be planted outside of the current proposed plan. City Greening representative details provided for individual tree planting request.</td>
</tr>
<tr>
<td>5</td>
<td>Tree removal issues</td>
<td>Reiteration of the positive feedback received from residents in support of the draft plan</td>
</tr>
<tr>
<td></td>
<td>Cycling amenity issues</td>
<td>Reiteration of cyclist responsibility to adhere to road rules, and standard road rules will not be amended to suit this request.</td>
</tr>
<tr>
<td>6</td>
<td>Tree location issues</td>
<td>Trees can be planted outside of the current proposed plan. City Greening representative details provided for individual tree planting request.</td>
</tr>
<tr>
<td>7</td>
<td>Tree location issues</td>
<td>Trees can be planted outside of the current proposed plan. City Greening representative details provided for individual tree planting request.</td>
</tr>
<tr>
<td>8</td>
<td>Driveway locations and design detail issues</td>
<td>Approved driveway DA's that have not been constructed will be considered in the design process</td>
</tr>
<tr>
<td>9</td>
<td>Road configuration and property access</td>
<td>Property access in this case requires a DA application. Road configuration amendments are currently being reviewed by the Council's Traffic Committee.</td>
</tr>
</tbody>
</table>
Attachment B
ITEM-41 CCL 26/04/17 - PROPOSED PEDESTRIAN REFUGE AT SANDGATE ROAD, MARTON STREET SHORTLAND

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

PURPOSE

To seek Council approval for the proposed pedestrian refuge on Marton Street, Shortland, west of Sandgate Road.

RECOMMENDATION

1 Council approves the proposed construction of a pedestrian refuge on Marton Street, Shortland, as specified in Attachment A.

KEY ISSUES

2 Sandgate Road and Marton Street are two lane two-way roads forming a T-intersection. Sandgate Road is classified as a sub-arterial road with a posted speed limit of 50 km/h. Marton Street is a local road having the default urban speed limit of 50 km/h.

3 Shortland Public School is located approximately 200m south of the intersection whereas Hunter Wetlands Centre is located approximately 300m north of the intersection.

4 Council received requests from some residents in the past to improve pedestrian and cyclist accessibility and safety at the intersection. The Newcastle City Traffic Committee (NCTC) had provided in-principle support for the proposed pedestrian refuge on 21 November 2011 (Item 527).

5 The proposal includes the following key works:

   i) A pedestrian refuge with associated signage and linemarking on Marton Street;
   ii) Kerb re-alignment on both sides of Marton Street to provide more manoeuvring space for longer vehicles (buses, etc.);
   iii) A kerb extension on Sandgate Road southern approach to improve safety by preventing vehicles from taking a sweeping left turn into Marton Street;
   iv) Upgrading the bus stop on the southern side in accordance with Council standards; and
   v) Footpath connection between the upgraded bus stop and the Sandgate Road footpath.
6 The proposal involves implementing bus zone restrictions on the southern side of Marton Street.

7 Council has recently approved a Development Application (DA) at 390 Sandgate Road. As part of the DA conditions of consent, the developer is required to upgrade the bus stop on the northern side in accordance with Council standards and erect bus zone signage at no cost to Council.

8 Council conducted a community consultation from 13 February 2017 to 17 March 2017. The consultation leaflets were distributed/posted to 19 residents and non-resident owners. The leaflets were also posted to various stakeholders such as bus operators, police, fire brigade, ambulance services and utility providers. The consultation leaflet is shown at Attachment B.

9 Council has received two responses out of which one is in favour and one is against the proposal. The summary of consultation responses is shown in Annexure C.

10 A resident is against the proposal as they have concerns that reducing the eastbound lane width to 4.59m would increase queue lengths on Marton Street as left-turning traffic would have to queue behind a right-turning vehicle.

11 **Council response:** Council had conducted turning movement counts at the intersection in July 2016. The survey result indicated that 166 vehicles and 90 vehicles exit Marton Street in AM and PM peak hour respectively. Out of the total eastbound traffic only 19 vehicles (11%) and 8 vehicles (9%) turn right from Marton Street to Sandgate Road in AM and PM peak hour respectively.

12 Given the low number of right-turning vehicles, the proposal is anticipated to have negligible impact on the intersection operation. There is an alternate safer intersection available for right-turning traffic at the Mawson Street traffic signals. There has been no change made to the proposal following the community consultation.

13 The signposting and linemarking plan, following the community consultation, was tabled to the NCTC on 20 March 2017 (Item 39). The Committee supported the proposal and recommended its referral to Council for final determination.

**FINANCIAL IMPACT**

14 The project design has been part-funded with a grant of $20,000 from the NSW Government's 2016-17 Active Transport (Walking and Cycling) program. The estimated construction cost of the project is $180,000.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

15 The project is aligned with the strategic direction of 'Connected City' whereby "transport networks and services will be well connected and convenient."
Walking, cycling and public transport will be viable options for the majority of our trips. The project delivers the objective of "linked networks of cycle and pedestrian paths".

IMPLEMENTATION PLAN/IMPLICATIONS

16 Council has submitted a grant nomination in the NSW Government's 2017-18 Active Transport (Walking and Cycling) program to fund 50% of the estimated construction cost. The project is anticipated to be delivered with the grant funding and Council's operational budget in the 2017-2018 Financial Year.

RISK ASSESSMENT AND MITIGATION

17 The project will provide improved pedestrian and cyclist accessibility, amenity and safety. The work will be undertaken in accordance with the relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

18 Nil.

CONSULTATION

19 Community consultation was conducted with the affected residents and businesses from 13 February 2017 to 17 March 2017. An advertisement was published in the Newcastle Herald on 15 February 2017 seeking comments from the wider community by 17 March 2017. No additional comments were received following the newspaper advertisement.

OPTIONS

Option 1

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

Option 2

21 The recommendation for the proposed pedestrian refuge is not adopted by Council. No action to be taken. This is not the recommended option.

BACKGROUND

22 Background information is presented in the Key Issues sections 2 to 11 of this report.
REFERENCES

ATTACHMENTS

Attachment A: Signposting and linemarking plan
Attachment B: Consultation leaflet
Attachment C: Summary of consultation responses
Attachment A
Community Consultation

To The Owner / Occupier

MARTON STREET, SHORTLAND
Proposed Pedestrian Refuge at Sandgate Road

13 February 2017

Council proposes to install a pedestrian refuge on Marton Street, west of Sandgate Road, to assist pedestrians in crossing the road and improve safety. The proposal includes the following key works:

- Pedestrian refuge with associated signage and linemarking
- Kerb re-alignment on both sides to provide more manoeuvring space for longer vehicles (buses, etc.)
- Upgrade of the existing bus stop on the southern side in accordance with Council standards
- Footpath connection between the upgraded bus stop and the Sandgate Road footpath

The proposal also involves implementation of No Stopping and Bus Zone restrictions on the southern side of Marton Street in accordance with the guidelines.

A concept plan of the proposal is attached for reference. The proposed plan and consultation responses will be tabled to the next available Newcastle City Traffic Committee for consideration. Council welcomes your comments on this proposal and your feedback will shape the final decision made. Council will assume that any resident / business choosing not to reply to this leaflet has no objection to the proposal.

Are you in favour of the proposal (please tick)?

YES ☐  NO ☐

Please forward written comments by 17 March 2017 to The Interim Chief Executive Officer, Newcastle City Council, 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 2683.

Name: ___________________________  Address (Mandatory): ___________________________

Comments:

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### SUMMARY OF THE CONSULTATION

**MARTON STREET, SHORTLAND - PROPOSED PEDESTRIAN REFUGE AT SANDGATE ROAD**

<table>
<thead>
<tr>
<th>Owner/Occupier Responses</th>
<th>Address of Respondent</th>
<th>Request No</th>
<th>Response</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Marton Street</td>
<td>TR2017/00216</td>
<td>-</td>
<td>The proposal as it stands will cause unprecedented traffic chaos at this intersection. Since the opening of the Expressway to Nowhere, this has precipitated a massive increase of traffic from and into Sandgate Rd via Marton Street. If the left lane leading from Marton St into Sandgate Rd is narrowed by 4.59M as suggested in the proposal, how can traffic turn right into Sandgate Rd without causing massive build-ups back up Marton Street. This area is now densely populated and vehicular traffic has swelled considerably, particularly at key hours in the morning and again in the evening. I believe the only solution is the erection of traffic lights at this intersection, which would include a pedestrian crossing. As for upgrading the bus stop on the southern side, that is all very well, but remember Council has granted approval to erect 8 Units on the vacant block of land adjacent to that proposed upgrading, so allowance has to be made for the land those units will occupy. I have intimate knowledge of this intersection, having lived here for many years and agree something has to be done about the intersection, not only on behalf of pedestrians and bus users, but for motor vehicle drivers &amp; their passengers. It is not only the comfort &amp; safety of pedestrians &amp; bus users that has to be considered, but the wellbeing of drivers and other road users.</td>
</tr>
<tr>
<td></td>
<td>Sandgate Road</td>
<td>TR2017/00261</td>
<td>Yes</td>
<td>No comments.</td>
</tr>
</tbody>
</table>

- Number of owners/occupier consulted: 19
- Number of owners/occupier responded: 2
- Response to the Consultation (%): 11%
- Owners/occupier in favour of the proposal: 1
- Owners/occupier against the proposal: 0
ITEM-42 CCL 26/04/17 - PROPOSED UPGRADE TO EXISTING PEDESTRIAN CROSSING, CROUDACE ROAD ELOMERE VALE

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

PURPOSE

To seek Council approval for the proposed upgrade to the existing pedestrian (zebra) crossing on Croudace Road, Elermore Vale, fronting Elermore Vale Public School.

RECOMMENDATION

1 Council approves the proposed upgrade to the existing pedestrian (zebra) crossing on Croudace Road, Elermore Vale, as shown at Attachment A.

KEY ISSUES

2 The concerned section of Croudace Road is a two lane two-way road with parking lanes provided on both sides of the road. It is classified as a sub-arterial regional road with a posted speed limit of 60km/h.

3 There is an existing combined zebra crossing and children's crossing outside Elermore Vale Public School which is supervised by a Roads and Maritime Services (RMS) school crossing supervisor during the school peak hours.

4 The existing crossing is non-compliant to the current RMS guidelines. It poses a safety risk for pedestrians and cyclists due to the lack of kerb extensions and appropriate street lighting.

5 Council conducted a radar traffic survey in March 2016 to ascertain key traffic characteristics. The survey result indicated an average daily traffic of 9,800 vehicles per day, with the average, and 85th percentile, speed of traffic being 50 km/h and 57 km/h respectively.

6 Council also undertook a manual traffic and pedestrian survey at the crossing in March 2016. The survey result indicated two-way traffic volumes in the range of 800-900 vehicles and approximately 100 pedestrians using the crossing during the school peak hours.

7 The proposal includes the following key works:

   i) A 75mm high raised threshold with combined zebra and children's crossing;
   ii) Kerb extensions on both sides of the road to narrow carriageway width;
iii) Removal of the existing steps and provision of a ramp connecting the school; and
iv) Street lighting, carriageway and drainage improvements.

8 Council proposes to provide a raised threshold crossing with kerb extensions to improve connectivity to the school by replacing the existing steps with a Disability Discrimination Act (DDA) compliant ramp. To make the proposed ramp DDA compliant, a section of the road will be gradually raised and the footpath on the southern side will be lowered.

9 The westbound bus zone will be extended up to the kerb extension to remove the short section of unrestricted parking. The No Stopping restriction on the southern side of the road, east of the crossing, will be reduced in accordance with the RMS guidelines so as to create an additional three unrestricted parking spaces. The No Stopping restrictions on the northern side of the road fronting residences will remain unaltered.

10 The Newcastle City Traffic Committee (NCTC) had provided in-principle support for the concept proposal on 15 August 2016 (Item 116).

11 Council conducted a community consultation from 12 December 2016 to 3 February 2017. The consultation leaflets were distributed/posted to 23 residents and non-resident owners as well as the school. The leaflets were also posted to various stakeholders such as bus operators, police, fire brigade, ambulance services and utility providers. The consultation leaflet is shown at Attachment B.

12 Council has received two responses from residents, out of which one is in favour and one is against the proposal. No response was received from the school. The summary of consultation responses is shown at Attachment C.

13 A resident is against the proposal as she has concerns that the road carries high traffic volume and it will inconvenience fire brigade and ambulance services. She is also concerned that it is in close proximity to the roundabout and will increase noise for residents.

14 **Council response:** Council has received no comments from fire brigade and ambulance services. The crossing is located approximately 80m east of the roundabout which is considered an appropriate distance for a traffic calming device (raised threshold) from an intersection. Furthermore, Council considers that safety improvements due to the raised threshold crossing outweighs the concerns of the anticipated increase in noise for residents.

15 The signposting and linemarking plan, following community consultation, was tabled to the NCTC on 20 February 2017 (Item 9). The Committee supported the proposal and recommended referral to Council for final determination.
FINANCIAL IMPACT

16 The project design has been fully-funded by Council. The estimated construction cost of the project is $253,000.

COMMUNITY STRATEGIC PLAN ALIGNMENT

17 The project is aligned with the strategic direction of 'Connected City' whereby "transport networks and services will be well connected and convenient. Walking, cycling and public transport will be viable options for the majority of our trips." The project delivers the objective of "linked networks of cycle and pedestrian paths".

IMPLEMENTATION PLAN/IMPLICATIONS

18 Council has submitted a grant nomination in the NSW Government's 2017-18 Active Transport (Walking and Cycling) program to fund 50% of the estimated construction cost. The project is anticipated to be delivered with the grant funding and Council's operational budget in the 2017-2018 Financial Year.

RISK ASSESSMENT AND MITIGATION

19 The project will provide improved pedestrian and cyclist accessibility, amenity and safety. The work will be undertaken in accordance with the relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

20 Nil.

CONSULTATION

21 Community consultation was conducted with the affected residents and businesses from 12 December 2016 to 3 February 2017. An advertisement was published in the Newcastle Herald on 15 February 2017 seeking comments from the wider community by 17 March 2017. No additional comments were received following the newspaper advertisement.

OPTIONS

Option 1

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

Option 2

23 The recommendation for the proposed upgrade to the crossing is not adopted by Council. No action to be taken. This is not the recommended option.
BACKGROUND

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

REFERENCES

ATTACHMENTS

Attachment A: Signposting and linemarking plan
Attachment B: Consultation leaflet
Attachment C: Summary of consultation responses
Community Consultation

To The Owner / Occupier

CROUDACE ROAD, ELERMORE VALE
Proposed Upgrade to Existing Pedestrian (Zebra) Crossing

12 December 2016

Council proposes to upgrade the existing pedestrian (zebra) crossing outside Elermore Vale Public School to a raised (wombat) pedestrian crossing with kerb extensions to improve safety. The proposed upgrade will involve the following key works:

- A 75mm high raised (wombat) pedestrian crossing
- Kerb extensions on both sides of the road to narrow carriageway width
- Removal of existing steps and provision of a ramp connecting the school
- Street lighting, carriageway and drainage upgrades

The work also involves extending the existing bus stop zone on the southern side of the road up to the proposed kerb extension to remove the short section of unrestricted parking. The No Stopping restriction on the southern side of the road, east of the crossing, will be reduced to create three additional unrestricted parking spaces. The existing No Stopping restrictions on the northern side of the road fronting the residents will remain unaltered.

A concept plan of the proposal is attached for reference. The proposed plan and consultation responses will be tabled to the next available Newcastle City Council Traffic Committee for consideration. Council welcomes your comments on this proposal and your feedback will shape the final decision made by Council. Council will assume that any resident / business choosing not to reply to this letter has no objection to the proposal.

Are you in favour of the proposal (please tick)?  YES ☐ NO ☐

Please forward written comments by 3 February 2017 to The Interim Chief Executive Officer, Newcastle City Council, 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: __________________________________________________________________________

Address (Mandatory): __________________________________________________________________________

Comments: __________________________________________________________________________

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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 this 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 verify the accuracy of the data held. Council reserves the right to verify the accuracy of the data provided. Council reserves the right to contact the contributor for verification.

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 CONFIDENTIAL” must be indicated 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.
### SUMMARY OF THE CONSULTATION

**CROUDACE ROAD, ELERMORE VALE - PROPOSED UPGRADE TO EXISTING PEDESTRIAN (ZEBRA) CROSSING**

<table>
<thead>
<tr>
<th>Owner/Occupier Responses</th>
<th>Request No</th>
<th>Response</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Croudace Road</td>
<td>TR2016/01847</td>
<td>Yes</td>
<td>The respondent is strongly in favour of the proposal and believes that it will increase the safety of the crossing, particularly outside of times when the crossing supervisor is present as drivers seem to treat the crossing as a suggestion which can be ignored.</td>
</tr>
<tr>
<td>Croudace Road</td>
<td>TR2017/00033</td>
<td>No</td>
<td>This is not a good idea. This is a high traffic road and it will be inconvenient for ambulance and fire brigade. It is so close to a roundabout and will also cause a lot more noise for residents.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stakeholder Responses</th>
<th>Request No</th>
<th>Response</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunter Water</td>
<td>TR2016/01875</td>
<td>-</td>
<td>The proposed zebra crossing works in Croudace Road appear not to impact on Hunter Water's existing DN500CICL (constructed 1970) and DN80 CICLS (constructed 1926) water mains, however, care should be taken when constructing your kerb extensions for the zebra crossing and associated works as the DN80 water main may leak when vibrating compaction equipment is used to stabilise the area for the works.</td>
</tr>
</tbody>
</table>

| Number of owners/occupier consulted | 23 |
| Number of owners/occupier responded | 2 |
| Response to the Consultation (%) | 10% |
| Owners/occupier in favour of the proposal | 1 |
| Owners/occupier against the proposal | 1 |
ITEM-43 CCL 26/04/17 - PROPOSED PEDESTRIAN REFUGE AT SMITH ROAD, CARDIFF ROAD ELERMORE VALE

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

PURPOSE

To seek Council approval for the proposed pedestrian refuge on Cardiff Road, Elermore Vale, north of Smith Road.

RECOMMENDATION

1 Council approves the proposed pedestrian refuge on Cardiff Road, Elermore Vale, as shown at Attachment A.

KEY ISSUES

2 Cardiff Road and Smith Road are two lane two-way roads forming a T-intersection. Cardiff Road is classified as a collector road with a posted speed limit of 50 km/h. Smith Road is a local road having the default urban speed limit of 50 km/h.

3 Wallsend South Public School is located approximately 400m east of the intersection. The deputy principal of the school requested Council in 2013 to provide a refuge north of the intersection to cater for the strong pedestrian desire line.

4 The Newcastle City Traffic Committee (NCTC) had provided in-principle support for the proposed pedestrian refuge on 17 June 2013 (Item 92).

5 The proposal includes the following key works:

   i) A pedestrian refuge with associated signage and linemarking on Cardiff Road;
   ii) Kerb extension on the eastern side of Cardiff Road to narrow lane width;
   iii) New steps on the eastern side of Cardiff Road to provide direct access to the refuge from the north; and
   iv) Give-way sign and linemarking on Smith Road to reinforce T-intersection give-way rule.

6 The pedestrian refuge and associated kerb ramps on both sides of the road have been set back from the intersection to maintain access for a resident and to accommodate bus movements. The existing ramp access and the Australia Post mailbox on the eastern side of the road will be retained.
7 The proposal involves implementation of No Stopping restrictions on both sides of the road in accordance with the Roads and Maritime Services (RMS) guidelines.

8 Council conducted community consultation from 12 December 2016 to 3 February 2017. The consultation leaflets were distributed/posted to 18 residents and non-resident owners as well as the school. The leaflets were also posted to various stakeholders such as bus operators, police, fire brigade, ambulance services and utility providers. The consultation leaflet is shown at Attachment B.

9 Council has received two responses out of which one is in favour and one is against the proposal. The favourable response is from the school. The summary of consultation responses is shown in Annexure C.

10 A resident is against the proposal as he has concerns that he won't be able to reverse back into his driveway with a trailer (boat, caravan) due to the proximity of the refuge.

11 **Council response:** Council has undertaken swept path assessment using AutoTURN software to determine the impact of pedestrian refuge on the property's access. The assessment indicates that the resident would be able to reverse into his driveway with a trailer (5.6m boat or 7.0m caravan) using the intersection. The outcome of this assessment has been communicated to the resident and no change has been made to the proposal following the community consultation.

12 The signposting and linemarking plan, following community consultation, was tabled to the NCTC on 20 February 2017 (Item 10). The Committee supported the proposal and recommended referral to Council for final determination.

**FINANCIAL IMPACT**

13 The project design has been part-funded with a grant of $20,000 from the NSW Government's 2016-17 Active Transport (Walking and Cycling) program. The estimated construction cost of the project is $100,500.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

14 The project is aligned with the strategic direction of 'Connected City' whereby "transport networks and services will be well connected and convenient. Walking, cycling and public transport will be viable options for the majority of our trips." The project delivers the objective of "linked networks of cycle and pedestrian paths".

**IMPLEMENTATION PLAN/IMPLICATIONS**

15 Council has submitted a grant nomination in the NSW Government's 2017-18 Active Transport (Walking and Cycling) program to fund 50% of the estimated
construction cost. The project is anticipated to be delivered with the grant funding and Council's operational budget in the 2017-2018 Financial Year.

RISK ASSESSMENT AND MITIGATION

16 The project will provide improved pedestrian and cyclist accessibility, amenity and safety. The work will be undertaken in accordance with the relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

17 Nil.

CONSULTATION

18 Community consultation was conducted with the affected residents and businesses from 12 December 2016 to 3 February 2017. An advertisement was published in the Newcastle Herald on 15 February 2017 seeking comments from the wider community by 17 March 2017. No additional comments were received following the newspaper advertisement.

OPTIONS

Option 1

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

Option 2

20 The recommendation for the proposed pedestrian refuge is not adopted by Council. No action to be taken. This is not the recommended option.

BACKGROUND

21 Background information is presented in the Key Issues sections 2 to 11 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Signposting and linemarking plan
Attachment B: Consultation leaflet
Attachment C: Summary of consultation responses
Community Consultation

To The Owner / Occupier

CARDIFF ROAD, ELERMORE VALE
Proposed Pedestrian Refuge at Smith Road

12 December 2016

Council proposes to install a pedestrian refuge on Cardiff Road, north of Smith Road, to assist pedestrians in crossing the road and improve safety. The proposal involves the following key works:
- Pedestrian refuge with associated signage and linemarking
- Kerb extension on the eastern side to narrow lane width
- New steps on the eastern side to provide direct access to the refuge from the north
- Give-way sign and linemarking on Smith Road to reinforce T-intersection give-way rule

The proposed pedestrian refuge and associated kerb ramps on both sides of the road have been set back from the intersection to maintain access for the resident (126 Cardiff Road) and to accommodate bus movements. The proposal also involves implementation of No Stopping restrictions on both sides of the road in accordance with the guidelines. The existing ramp access and the Australia Post mailbox on the eastern side of the road will be retained.

A concept plan of the proposal is attached for reference. The proposed plan and consultation responses will be tabled to the next available Newcastle City Traffic Committee for consideration. Council welcomes your comments on this proposal and your feedback will shape the final decision made by Council. Council will assume that any resident / business choosing not to reply to this letter has no objection to the proposal.

Are you in favour of the proposal (please tick)?

YES ☐
NO ☐

Please forward written comments by 3 February 2017 to The Interim Chief Executive Officer, Newcastle City Council, 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: ___________________________ Address (Mandatory): ___________________________

Comments:

______________________________________________________________________________
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______________________________________________________________________________
______________________________________________________________________________

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 in Council’s database and will be subject to Council’s information and privacy policies. Access: Individuals can access data to which they have a right under privacy laws 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 “OBSTRUCTION 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.
## SUMMARY OF THE CONSULTATION
CARDIFF ROAD, ELERMORE VALE - PROPOSED PEDESTRIAN REFUGE AT SMITH ROAD

<table>
<thead>
<tr>
<th>Owner/Occupier Responses</th>
<th>Address of Respondent</th>
<th>Request No</th>
<th>Response</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wallsend South Public School, Smith Road, Elmore Vale</td>
<td>TR2016/01798</td>
<td>Yes</td>
<td>No comments</td>
</tr>
<tr>
<td></td>
<td>Cardiff Road, Elmore Vale</td>
<td>TR2016/01833</td>
<td>No</td>
<td>The respondent has a concern with kerb so close to the driveway. The current plan could give him access issues with trailers e.g. boat, caravan not been able to reverse up the driveway.</td>
</tr>
</tbody>
</table>

### Stakeholder Responses

| Hunter Water             | TR2016/01875 | - | Regarding the Cardiff Road & Smith Street intersection works, an existing DN80 CICLS water main (constructed 1927) will be directly below the proposed kerb extension and pedestrian refuge median. As above, Council will need to take every precaution as not to disturb the water main during construction of your works. |

| Number of owners/occupier consulted | 18 |
| Number of owners/occupier responded | 2 |
| Response to the Consultation (%) | 11% |
| Owners/occupier in favour of the proposal | 1 |
| Owners/occupier against the proposal | 1 |
ITEM-44  CCL 26/04/17 - LIGHTING COWPER STREET BRIDGE CARRINGTON

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

PURPOSE

This report is submitted in response to the Council resolution to review the lighting choice for the Cowper St Bridge. The report will also cover an integrated lighting solution for the Throsby Creek area, and what consultation is able to occur in terms of lighting in the area.

RECOMMENDATION

1 Council resolves to retain the existing lighting on Cowper Street Bridge as installed in January, 2017.

KEY ISSUES

2 As a result of the Council resolution from the Ordinary Council meeting of 28 February 2017 the following features were considered when reviewing the lighting choice on Cowper St Bridge:
   i) Lighting to be of a type that is more in keeping with the original design and shape;
   ii) Lighting to be energy efficient;
   iii) Lighting to respect the heritage values of the entrance to the heritage community of Carrington; and
   iv) Lighting to meet the pedestrian lighting standards.

3 The Cowper Street Bridge is a modern concrete structure. The original 1992 pedestrian lighting design utilised 44 post top sphere shape light fittings. There are modern energy efficient LED post top, architecturally designed, light fittings which could achieve a similar aesthetic result.

4 To achieve a look in-keeping with the original pedestrian lighting design would require installation of 44 replacement post top lights fittings. Council could propose a selection of three lights, one of which could be selected through consultation with the local community (refer to Attachment A for an example post top light fitting). As the proposed lights will not achieve compliance with pedestrian lighting standards, an innovative compliant pedestrian lighting solution fitted within the handrails, similar to the ANZAC walk bridge, will be required to complement the post top lighting design.

5 The previous commercial grade sphere is no longer available nor is there an alternative commercial sphere as manufacturers have moved away from this style of lighting. The Carrington community has supplied details of an alternative sphere however it has been ruled out as it is not fit for purpose in this
application. This style of sphere dome light will quickly self-destruct due to the severe vibration caused by traffic on the bridge, will not survive in the salt environment and will be prone to vandalism. Note that the previous sphere shaped lights were a regular target for vandalism. Other similar lights used along the foreshore in the 1990’s fell apart due to fatigue caused by the fittings vibrating in the wind.

FINANCIAL IMPACT

6 Council has recently completed the installation of an energy efficient compliant lighting solution for the bridge, at a cost of $48,165. Project costs were reduced through the opportunity to reuse surplus stainless steel light poles made redundant during the Bathers Way project.

7 The costs for Option 2 to reinstate 44 post top lights and install handrail lighting to meet the pedestrian lighting code requirements are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>44 new SS poles - reusing 12 existing</td>
<td>$2,500 x 32 = $80,000</td>
</tr>
<tr>
<td>44 new LED pole top light fittings (similar to dome sphere style in appearance and performance) refer to Attachment A</td>
<td>$2,500 x 44 = $110,000</td>
</tr>
<tr>
<td>Installation per pole</td>
<td>$1500 x 44 = $66,000</td>
</tr>
<tr>
<td>New LED hand rail lighting (hardware)</td>
<td>$29,000</td>
</tr>
<tr>
<td>Installation. hand rail lighting</td>
<td>$20,000</td>
</tr>
<tr>
<td><strong>Total for project</strong></td>
<td><strong>$305,000</strong></td>
</tr>
</tbody>
</table>

8 An alternative option (Option 3) is to reduce the 44 proposed lights to 12 LED post top lights to a look in-keeping with the original lights, however with the compromise of far fewer lights and install handrail lighting to meet the pedestrian lighting code requirements. The costs for this option are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reusing 12 existing stainless steel light poles</td>
<td>$0</td>
</tr>
<tr>
<td>12 new led pole top light fittings (similar to dome sphere style in appearance and performance) refer to Attachment A</td>
<td>$2,500 x 12 = $30,000</td>
</tr>
<tr>
<td>Installation per pole</td>
<td>$800 x 12 = $9,600</td>
</tr>
<tr>
<td>New LED hand rail lighting (hardware)</td>
<td>$29,000</td>
</tr>
<tr>
<td>Installation. hand rail lighting</td>
<td>$20,000</td>
</tr>
<tr>
<td><strong>Total for project</strong></td>
<td><strong>$88,600</strong></td>
</tr>
</tbody>
</table>

9 The ongoing financial impact to replace the existing lights in line with Option 2 will be an additional annual expenditure of $7,800, comprised of:

i) $5000 per annum (estimated) on additional maintenance and repair; and

ii) $2800 per annum on additional electricity consumption.

10 The ongoing financial impact to replace the existing lights in line with Option 3 will be:

$2,000 per annum (estimated) on additional maintenance and repair; and

$460 per annum on additional electricity consumption.
COMMUNITY STRATEGIC PLAN ALIGNMENT

Existing lighting
11 Council has delivered a lighting solution to the bridge which aligns with the community strategic plan in terms of compliance, sustainability and innovation. However there has been a mixed response from the community in terms of aesthetics.

Lighting review (44 lights)
12 The proposal to return to a similar lighting design to the original would not align with the strategic directions to achieve sustainability due to the higher costs associated with the alternative solution.

IMPLEMENTATION PLAN/IMPLICATIONS

13 The replacement of lighting would be a choice made based on improving the aesthetics of the installation, as all other statutory compliance, and sustainability criteria have been met with the existing lighting.

RISK ASSESSMENT AND MITIGATION

14 There is a risk that if the existing new lighting facility on the bridge is left in place, some parts of the community will be dissatisfied with the look of the lights as compared with what was there previously.

15 Conversely, the spending of $305,000 to redo the project in order to change the appearance of the lights, may be regarded as inefficient use of ratepayers’ funds by other sections of the community.

RELATED PREVIOUS DECISIONS

16 Below is the Councillor resolution for NOM 28/02/17 - Lighting Cowper Street Bridge Carrington which has led to preparation of this report:

"1 Council review the choice of pedestrian lighting on the Cowper Street Bridge with the aim to replace it with a type that is energy efficient and more in keeping with the original design and shape and respects the heritage values of the entrance to the heritage community of Carrington.

Such review address budget implications and options and a report come back to Council at the Ordinary Council meeting on 26 April 2017.

2 Council adopt an integrated lighting solution, including consideration of iconic areas such as entries to suburbs, around the Throsby Creek area with specific emphasis on improving lighting on the Carrington side of the creek.

3 Before any such plan is adopted Council consult with the Throsby Creek community as to their lighting needs."
CONSULTATION

17 It is intended (per the resolution) that in the case the lighting design is changed, a choice of light fittings could be made through a community consultation process. Council would propose three light types, one of which would be selected by the community.

OPTIONS

Option 1

18 The recommendation detailed in paragraph 1. This is the recommended option.

Option 2

19 Council reinstate 44 post top lights on the Cowper Street bridge and install handrail lighting to meet the pedestrian lighting code requirements. In addition, Council establishes a capital budget allocation of $305,000 to complete the works and an additional ongoing annual maintenance budget of $7,800. This is not the recommended option.

Option 3

20 Replace the existing lights with 12 post top light fittings to a look in-keeping with the original lights, install handrail lighting to meet pedestrian lighting code requirements, approve project capital costs of $88,600 and ongoing annual additional maintenance costs of $2,460. This is not the recommended option.

BACKGROUND

21 The original post top dome sphere pedestrian lighting system was installed on the bridge in 1992.

22 The 44 lights were replaced in January 2017 for the following reasons:
   i) They did not comply with statutory pedestrian lighting standards.
   ii) The sphere domes were subject to numerous public complaints of poor lighting performance.
   iii) The sphere domes had become dull and translucent due to sun exposure.
   iv) The sphere domes were subject to numerous vandal attacks.
   v) The sphere domes were at the end of their service life, being severely fatigued beyond repair.
   vi) Maintenance costs were increasing due to light fitting fatigue and constant globe failure. The light fittings had become unreliable. Often three or more lights were out at any one time adversely impacting on public safety.
   vii) Prior to 2017 upgrade, LED lamps were trialled in lieu of 70 watt high pressure sodium lamps, to increase service life and reduce maintenance costs, however the led lamps failed. The LED lamps failed due to heat, traffic vibration of the bridge, and the salt environment.
viii) The LED lamps were in turn replaced by compact fluorescent lamps which also did not comply with the pedestrian code.
ix) The sphere domes had become redundant and were no longer available. Council had exhausted its supply of spare sphere domes.
x) The power consumption of the original 70watt HPS sphere dome pedestrian lighting system was excessive due to:
   - The number of lights being 44.
   - The inefficient lamp technology which was at the end of its service life.
   - The electricity consumption of 3080 watts per hour costing $6,500 per annum.
   - The new LED lights consume 288 watts per hour costing $630 per annum (a 90.3% saving).
xi) It should be noted that when the original pedestrian sphere dome lights were installed in 1992 there were many complaints from the community regarding the number of lights and the perceived aesthetic of the lights.

The new LED pedestrian lighting system (refer to Attachment B)

23 Council installed 12 new led post top pedestrian lights and achieved the following:
   i) Compliance with statutory pedestrian lighting standards.
   ii) Reduction in lights from 44 to 12 achieving:
      - Reduced maintenance with the installation of stainless steel light poles and state of the art led light fittings.
      - Reduced energy consumption - 90.3%.
   iii) Adopted new LED technology achieving:
      - Increased lamp life from 7,000 hours to 50,000 hours
      - Reduced maintenance costs due to 10 year manufacturer's warranty.
      - Reduced energy consumption by 90.3%.
      - Reduction in the number of lights from 44 to 12 due to superior LED light distribution technology.
   iv) Council has received compliments regarding the increased amount of light distribution on the pedestrian walkways making it safer for the community, and has also received negative complaints due to the perceived reduction in the aesthetic appearance of the pedestrian bridge lighting.

REFERENCES

ATTACHMENTS

Attachment A: Energy efficient post top light architecturally designed suitable for classical and contemporary bridge lighting projects
Attachment B: 12 new energy efficient led post top lights installed January 2017 Cowper Street Bridge
Energy Efficient LED Post Top Light
Architecturally designed suitable for classical and contemporary bridge lighting projects
Pedestrian code compliant LED Handrail Lighting
Similar to Anzac Memorial Walk
Pedestrian code compliant LED Handrail Lighting
Similar to Anzac Memorial Walk
Pedestrian code compliant LED Handrail Lighting
Similar to Anzac Memorial Walk

Attachment A Page 4 of 4
Attachment B

12 New Energy Efficient LED Post Top Lights Installed 01/2017
Cowper Street Bridge
New Energy Efficient LED Post Top Lights and Stainless Steel Pole Installed 01/2017

Light distribution suitable for pedestrian walkways.
ITEM-45  CCL 26/04/17 - DRAFT COMMUNITY LAND PLAN OF MANAGEMENT PUBLIC EXHIBITION

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

PURPOSE

The draft Community Land Plan of Management (draft Community Land PoM) has been prepared in accordance with the Local Government Act 1993.

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

RECOMMENDATION

1 Council approves the placing of the draft Community Land Plan of Management (Community Land PoM) as shown in Attachment A on public exhibition in accordance with the Local Government Act 1993 (the Act) for 28 days.

2 A public hearing is held during the exhibition period in accordance with the requirements of the Act.

3 Council to receive a report on the outcome of the exhibition when considering the adoption of the draft Community Land PoM in the third quarter of 2017.

KEY ISSUES

4 A review of the Sportslands, Neighbourhood Parks and General Community Use Plans of Management has not been undertaken since they were first adopted in December 2000. While there have been minor amendments, the management actions identified in these PoMs have not been updated. The Community Land PoM is intended to achieve and address a number of key objectives and issues.

5 There are a number of community land parcels that have not been categorised and included within a plan of management, as required under the Local Government Act. This Community Land PoM will include these parcels of land and categorise them appropriately.

6 Combining the three previous plans of management (identified above) into one plan of management, avoids duplication of information that are relevant to all previous plans, and allows one set of maps for all community land and one reference document for the staff and the community.
Community land that is currently contained in a specific plan of management such as The Foreshore PoM, National Park PoM and Newcastle Coastal PoM, has been identified in the maps as being in a specific plan of management. Community land that is proposed to be categorised as a natural area or an area of cultural significance have been identified as 'proposed', as there will be a Natural Areas PoM and an Area of Cultural Significance PoM undertaken in the next few years to address these parcels of community land.

Crown Land has been identified in the mapping but is only included to illustrate all the public land that Council manages on behalf of the community. Crown land, unless already included in a specific plan of management, will be addressed in the future through the new Crown Lands legislation and process that will start to roll out from 2018.

The amendment to the plan of management will require advertising and a public hearing to be held during the exhibition period. The cost associated with these will be met within current budgets.

The proposed review of the three PoMs is in alignment with two strategic objectives including public places that provide for diverse activity and strengthen our social connections; and considered decision making based on collaborative, transparent and accountable leadership.

Council's Operational Plan 2016/17 has an operational activity to review, update and implement plans of management.

The management actions contained within the Community Land PoM, provide a prioritised body of work for Council to maximise the use and development of these parcels of community land for the benefit of the community. Where actions require funding outside of normal operational budgets, this will be requested through the appropriate channels and processes.

There is no foreseen risk in updating the categorisation of community land through this plan of management review.

The Sportslands, Neighbourhood Parks and GCU PoMs were created in 2000 in response to the requirements from the Act that all community land must be included within a plan of management. They were subsequently exhibited and
then adopted by Council in December 2000. Since this time there have been a small number of minor amendments that have also been adopted by Council.

CONSULTATION

15 If Council endorses the public exhibition of the draft Community Land PoM, the following consultation process is proposed:

i) Draft Community Land PoM placed on public exhibition for a period of 28 days, with submissions received for 42 days.

ii) As the draft Community Land PoM is proposing to alter existing categories of community land, a Public Hearing in accordance with Section 40A of the Act is required. This will be undertaken during the exhibition period.

iii) Advertising of the draft PoM will occur in a local newspaper, plus on Council’s website.

iv) Copies of the draft Community Land PoM will be available at the Newcastle Regional Library, Wallsend District Library and Council’s Administration Centre.

16 Council will receive a subsequent report on the outcome of the exhibition period when considering the adoption of the draft Community Land PoM.

OPTIONS

Option 1

17 The recommendation as at Paragraphs 1 – 3. This is the recommended option.

Option 2

18 The draft Community Land PoM not be placed on public exhibition. The existing Sportslands, Neighbourhood Parks, and General Community Use PoMs are now seventeen years old and not representative of the current trends, use and values held by the community. In addition there are currently a number of parcels of community land that are not included in a plan of management, that are required to be covered by a PoM in accordance with the Act. This is not the recommended option.

BACKGROUND

19 Community land is land owned and managed by Council for the benefit of the community. It can include sportsgrounds, parks, natural areas (bushland, wetlands, foreshores, escarpments, watercourses), areas of cultural significance and general community use areas (that can include swimming centres, community facilities and drainage reserves).
20 Under the Act, all community land is required to be placed in a plan of management and include specific information. A plan of management acts as an agreement between Council and the community on how an area/areas are to be managed and developed now and into the future.

21 The Community Land PoM includes sportsground, park and general community use categories of land that are not already included in a specific plan of management. There has not been a thorough review of these categories of land since the original plans of management were completed in 2000. Parcels of community land that have never been categorised have been included in this plan of management.

REFERENCES

ATTACHMENTS

Attachment A: Draft Community Land Plan of Management

Distributed under separate cover
ITEM-46  CCL 26/04/17 - BBC COMMITTEE RECOMMENDATION - CITY CENTRE AFFORDABLE HOUSING

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

PURPOSE

This report seeks Council's in principle support for the expenditure of residual Building Better Cities funds to the value of $3.0M for the development of an affordable housing asset to be located in the former rail corridor immediately west of Merewether Street in the Newcastle City Centre.

RECOMMENDATION

1 Council resolves to provide in principle support to Hunter Development Corporation (HDC) to locate 30 (thirty) affordable housing dwellings in the former rail corridor immediately west of Merewether Street in the Newcastle City Centre and that Council contribute $3.0M of residual Building Better Cities (BBC) funding to contribute towards this purpose.

KEY ISSUES

2 On 13 March 2017 the BBC Housing Management and Development Committee resolved to recommend to Council the following:

   BBC Committee offers to indicate to HDC in principle support to locate 30 (thirty) AHDs (Affordable Housing Dwellings) in the former rail corridor at Merewether Street noting that:

   i) the proposal is dependent on rail corridor rezoning for which the BBC Committee has no responsibility; and

   ii) the proposal is dependent on a VPA (Voluntary Planning Agreement) under which the subject land is contributed to the project.

   iii) The BBC Committee invite HDC to return to the BBC Committee with a draft heads of agreement for consideration.

   iv) The BBC Committee makes no comment for or against the rail corridor rezoning proposal.

3 The project would deliver 30 (thirty) affordable housing dwellings (AHD) in partnership with UrbanGrowth NSW, Hunter Development Corporation (HDC) and the BBC Committee. All of the dwellings would be managed in perpetuity as affordable housing through expression of interest (EOI) by Tier One
Community Housing Providers registered under the National Regulatory System Community Housing (NRSCH).

4 The UrbanGrowth NSW proposal would utilise a land parcel, currently owned by Transport for NSW and currently located in the former rail corridor valued at approximately $1.0M. The subject land would need to be transferred in ownership to HDC and rezoned to B4 Mixed Use. This rezoning would be part of the broader rezoning of the whole of the former rail corridor currently being processed by Council. It is proposed that the development would yield thirty AHDs located above mixed use commercial ground floor space. The provision of thirty AHDs on a site of this size and location is considered by community housing providers to be appropriate when supported by an on-site Manager.

5 In order to fund the design and construction of the affordable housing venture, it is envisaged that HDC would contribute $3.0M and the BBC Committee would also contribute $3.0M. This monetary contribution by HDC would discharge its responsibilities for affordable housing provision under the BBC Demonstration Housing Program Funding Agreement with the NSW Minister for Housing (1996). It would also complete the BBC Committee’s obligations under the same agreement and the BBC Committee would then be wound up after presenting a final report to the NSW Minister for Housing (or equivalent).

6 HDC will meet all costs associated with the planning, feasibility and expression of interest (EOI) phases of the project to the value of $250,000. If the proposed development proves to be unfeasible, the residual BBC funds be re-assigned to another affordable housing project.

7 Endorsement in principle only is sought at this stage. Should a feasible project be developed, a separate development application will be lodged with Council for determination.

**FINANCIAL IMPACT**

8 The residual BBC funds can be used for no purpose other than the provision of innovative, affordable and / or adaptable housing under the terms of the BBC Committee's constitutional objects and the BBC Demonstration Housing Program Funding Agreement with the NSW Minister for Housing (1996). Projects delivered under this program must be located in the Newcastle Local Government Area (LGA) and funds for same are held in trust by Newcastle City Council.

9 Council will not be required to contribute any of its own operational or capital funding towards the proposal. Relevant Council staff will contribute to the development and assessment of the proposal including the proposed rezoning of the rail corridor and associated VPA.

10 Any costs associated with the planning and feasibility of the proposal as well as the preparation and assessment of the EOI will be met by HDC.
COMMUNITY STRATEGIC PLAN ALIGNMENT

11 The proposal is directly aligned with the Newcastle 2030 Caring and Inclusive Strategic Direction objectives 4.1a, 4.1c and 4.2b through the provision of a mix of affordable housing deliverables. It also meets objectives listed under Liveable and Distinctive Built Environment Strategic Direction 5.3a and 5.3b.

IMPLEMENTATION PLAN/IMPLICATIONS

12 The proposal falls within the budget of the BBC Committee and is consistent with the objects of the BBC Committee's Constitution. An open and transparent EOI process, led by HDC, will be undertaken to engage a suitably qualified Tier One Community Housing Provider to manage the facility in perpetuity as an affordable housing facility.

13 In order for the proposal to proceed, a process of rezoning the former rail corridor is required. This process will also require the transfer of ownership of the subject land from Transport for NSW to HDC as well as the preparation and exhibition of a VPA that would include this affordable housing development.

RISK ASSESSMENT AND MITIGATION

14 There is a small risk that the feasibility phase of the project proves negative however, given that the proposal includes land unencumbered by heritage and/or mine subsidence constraints as well as partner agencies whose core business is to deliver positive community outcomes, this risk is minimal. If the proposal does not proceed due to the rezoning process or otherwise the BBC funds will still be available for an alternative proposal.

RELATED PREVIOUS DECISIONS

15 Item 62 CCL 28/06/16 - BUILDING BETTER CITIES COMMITTEE - PROPOSED EXPENDITURE OF RESIDUAL FUNDS

Councillors Compton and Tierney left the Chamber for discussion on this item

MOTION

Moved by Cr Doyle, seconded Cr Posniak

Council resolves to undertake a targeted Expressions of Interest process to seek affordable housing proposals from Tier One community housing providers registered under the National Regulatory System Community Housing using residual Building Better Cities funds valued at $3.01M.

Carried unanimously

CONSULTATION

16 Not applicable.
OPTIONS

Option 1

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

Option 2

18 Council not resolve to provide in principle support to this affordable housing proposal. This is not the recommended option.

BACKGROUND

19 At the BBC Committee meeting held on 2 June 2016, the BBC Committee resolved to undertake an EOI process for the delivery of affordable housing dwellings by Tier One Community Housing Providers registered under the NRSCH. Council endorsed this recommendation at the Ordinary Council Meeting held on 28 June 2016.

20 Subsequent to this resolution Council staff prepared EOI documentation in order to seek bids from suitably qualified and resourced housing providers. Before the documentation was distributed, Council's Interim Chief Executive Officer wrote to BBC members requesting that the EOI process be held over until a City Centre affordable housing presentation be received and considered by the BBC Committee from UrbanGrowth NSW as part of the rail corridor renewal project. This presentation was considered by the BBC Committee at its 13 March 2017 meeting and produced the BBC Committee resolution referred to in Section 2 of this report.

21 The BBC Committee has commissioned previous EOI processes that have resulted in submissions that either did not meet the objectives of the BBC Demonstration Housing Program Funding Agreement or proved to be unviable in the contract negotiation phase. These EOIs were conducted on a national open market basis however they were not pitched at specialist community housing providers. The most recent EOI, conducted for the provision of mixed commercial / residential development included affordable housing however the proposal did not proceed due to the perceived risks posed by the site to the consortium's return on investment.

ATTACHMENTS

Nil.
ITEM-47  CCL 26/04/17 - EXHIBITION OF THE DRAFT AMENDED SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2009

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

PURPOSE

The purpose of this report is to obtain a Council resolution approving the placing of the draft amended Section 94A Development Contributions Plan 2009 (draft Section 94A Plan) (Attachment A) on public exhibition pursuant to clause 28 of the Environmental Planning and Assessment Regulation 2000.

RECOMMENDATION

1 Council resolve to place the draft amended Section 94A Development Contributions Plan 2009 on public exhibition for a minimum of 28 days.

KEY ISSUES

2 At the Ordinary Council Meeting held on 26 April 2016, Council received a report regarding the exhibition of the draft Section 94A Plan. The draft plan included a number of changes including the continuation of the 2% City Centre contribution levy for a further 12 months, while Council awaited a decision on Council mergers. Council resolved to:

i) Place the draft Section 94A Development Contributions Plan 2009 on public exhibition for 28 days.

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

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

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

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

iii) Council receives a memo on the cost of the economic analysis report.
Exhibition of Draft Document

3 The draft Section 94A plan was exhibited from 15 August 2016 to 13 September 2016 and one submission was received from the Hunter Development Corporation. The submission supported the exclusion of mine grouting and rehabilitation works from the calculation of the Section 94A levy.

Economic Analysis

4 Council engaged SGS Economics and Planning to undertake an economic analysis of the Newcastle City Centre to determine a suitable City Centre development contribution levy and to investigate the points raised in the Council resolution. The study (Attachment B) recommends the 2% contribution rate should be retained for developments which contain a significant commercial floor space component or are entirely commercial developments; while a 3% levy should be applied to residential development.

5 SGS Economics and Planning report noted that the commercial market in the Newcastle City Centre is particularly volatile and the feasibility of commercial development would be vulnerable to an increase in the Section 94A contribution rate. In order to support the role of the centre as a regional City, it is important that commercial development is promoted. The 2% levy would also apply to all non-residential uses such as educational establishments, places of public worship and health service facilities.

6 The feasibility testing undertaken for residential development concluded that residential developments in Newcastle City Centre are still very profitable with the levy raised to 3%.

7 SGS Economics and Planning's report noted a number of constraints on development such as competition from other centres, mine subsidence, securing pre-commitments for commercial development and delays with the planning process. However, following discussions with local agenda SGS Economics and Planning noted, development contributions were not seen as a major constraint of developing in Newcastle and therefore are not widely perceived as an excessive burden on development viability.

8 The increase in development approvals since 2013 and construction of new developments in the City Centre is unlikely to have been generated from the reduction in City Centre contributions alone. A number of factors such as the Newcastle Mines Grouting Fund (facilitated by Hunter Development Corporation) and the recognition of Newcastle being a strong regional market has added to the investment potential of Newcastle.

9 Part B of the Section 94A plan has been amended to include the following table: the City Centre levy only applies to developments with an estimated cost of more than $250,000:
**CITY OF NEWCASTLE**

Ordinary Council Meeting 26 April 2017

**Type of Development**

<table>
<thead>
<tr>
<th><strong>Levy only applies to development with an estimated cost of more than $250,000</strong></th>
<th><strong>Maximum % of the Levy</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Development</strong>&lt;br&gt;Applies to all development defined as Residential Accommodation in the Newcastle Local Environmental Plan 2012.</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Non – Residential Development</strong>&lt;br&gt;A minimum of 60% of the gross floor area of the proposed development must contain a non-residential use as defined by the Newcastle Local Environmental Plan 2012.</td>
<td>2%</td>
</tr>
</tbody>
</table>

10 The proposed change to the City Centre levy requires the plan to be re-exhibited for a further 28 days; the remainder of the plan is the same as previously reported to the Ordinary Council Meeting held on 26 April 2016.

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

11 Section 25K of the *Environmental Planning and Assessment Regulation 2000* sets out the maximum percentage councils can levy under Section 94A. The majority of NSW’s councils are capped at 1% with the exception of Newcastle City Council (capped at 3%) and the following:

<table>
<thead>
<tr>
<th><strong>Local Government Area</strong>&lt;br&gt;City Centre - Commercial Core Zone</th>
<th><strong>Area Levy Applies</strong>&lt;br&gt;$250,000 or more</th>
<th><strong>Maximum % of the Levy</strong>&lt;br&gt;2%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liverpool City Council</td>
<td>City Centre - High Density Residential or Light Industrial Zone</td>
<td>$1,000,000 or more</td>
</tr>
<tr>
<td>Liverpool City Council</td>
<td>City Centre - Neighbourhood Centre, Commercial Core, Mixed Use or Enterprise Corridor zone</td>
<td>$1,000,000 or more</td>
</tr>
<tr>
<td>City of Parramatta Council</td>
<td>City Centre</td>
<td>$250,000 or more</td>
</tr>
<tr>
<td>Willoughby City Council</td>
<td>Chatswood CBD</td>
<td>$250,000 or more</td>
</tr>
<tr>
<td>Gosford City Council</td>
<td>City Centre</td>
<td>$250,000 or more</td>
</tr>
</tbody>
</table>

12 The above comparison table shows the maximum amount that councils can levy. Returning the levy for residential development in the Newcastle City Centre to 3% will be consistent with what is levied in other CBD areas.
The impact of the current levy rate on the delivery of community projects

13 Since April 2013 approximately $710,738,794 worth of development has been approved in the City Centre, with significant residential and employment growth projected over the next 25 years. As development contributions are paid to Council prior to the release of a construction certification and not when the development application is approved, it is difficult to forecast the income likely to be received by Council. However, if development contributions were calculated on the above amount ($710,738,794) at 3% instead of 2%, Council may have received approximately $7M more in City Centre development contributions.

14 Between April 2013 and March 2017 Council received approximately $2.8M more in development contributions than it had between 2008 (when the plan came into force) and March 2013.

15 It is difficult to predict the impact the reduction in the levy had on the delivery of community projects because of a number of other factors that has resulted in an increase in development. However, that increase in development applications is generating more revenue, which in turn can be used to fund community projects across the City.

FINANCIAL IMPACT

16 The City Centre Section 94A levy was reduced in April 2013 as an incentive to encourage new development within the Newcastle City Centre. The increase in construction within the City Centre has increased the amount of development contributions received by Council, thereby having a positive effect on Council's ability to deliver community infrastructure.

17 The rise in population as a result of new City Centre development needs to be offset by community infrastructure; the increase in the levy for residential development to 3% will assist in the delivery of this new infrastructure. The SGS report has demonstrated that the market can now sustain an increase in levy to 3% for residential development.

COMMUNITY STRATEGIC PLAN ALIGNMENT

18 The preparation and processing of the attached draft Section 94A Plan aligns to all seven strategic directions by providing community benefits through the delivery of community infrastructure to new and existing communities. The draft 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. A list of projects to be funded from the Section 94A levy are included in the plan.
IMPLEMENTATION PLAN/IMPLICATIONS

19 The exhibition and implementation of the draft Section 94A Plan will be in accordance with the *Environmental Planning Assessment Act 1979* and accompanying Regulation. The Act and Regulation identify the process and responsibilities for preparing, exhibiting and adopting a development contribution plan.

RISK ASSESSMENT AND MITIGATION

20 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

21 At the Ordinary Council Meeting held on 26 April 2016 Council resolved to exhibit the draft Section 94A Plan and prepare an economic assessment of the City Centre.

22 The current version of the Section 94A Plan was adopted by Council at the Ordinary Council Meeting held on 25 August 2015.

23 At the Ordinary Council Meeting held on 9 April 2013 Council adopted the amended Section 94A Plan that included the reduction in City Centre development contributions from 3% to 2%.

CONSULTATION

24 Consultation has occurred with relevant internal stakeholders. External consultation will be undertaken during the public consultation process.

OPTIONS

Option 1

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

Option 2

26 Council resolves not to proceed with the public exhibition of the draft Section 94A plan. This is not the recommended option.

BACKGROUND

27 Council adopted the Newcastle Section 94A Plan in 2006. At the time the Plan applied to the entire Local Government area excluding the Newcastle City
Centre and Blue Gum Hills which were levied under Development Contributions Plan 1, 2005. Following gazettel of the Newcastle City Centre Local Environmental Plan in 2008 the NSW Department of Planning amended Council’s Section 94A Plan to include Part B which imposes a levy on the cost of all new development within the Newcastle City Centre Local Environmental Plan area. Part B of the plan collects funds for a variety of projects outlined in the City Centre Civic Schedule of Works.

28 The Section 94A Plan is kept under regular review.

ATTACHMENTS

Attachment A: Draft amended Section 94A Development Contributions Plan 2009

Attachment B: Newcastle City Centre Economic Analysis (SGS Economics and Planning)

Attachments are distributed under separate cover.
CONFIDENTIAL REPORTS

ITEM-6 CON 26/04/17 - ACQUISITION OF ARTWORKS TO NEWCASTLE ART GALLERY COLLECTION

REPORT BY: PLANNING AND REGULATORY CONTACT: ACTING DIRECTOR PLANNING AND REGULATORY / CULTURAL DIRECTOR

REASON FOR CONFIDENTIALITY

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

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it.

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

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

and

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

GROUND FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to:

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

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed:

   (ii) confer a commercial advantage on a competitor of the Council

B The closed session involves:

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

C It is contrary to the public interest to discuss the price paid for the artwork in an open meeting because the report includes information which could be commercially advantageous or disadvantageous to the artist in the future.