CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 11 December 2018
TIME: 5.30pm
VENUE: Council Chambers
        2nd Floor
        City Hall
        290 King Street
        Newcastle  NSW  2300

J Bath
Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE  NSW  2300

4 December 2018

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FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL’S WEBSITE AT www.newcastle.nsw.gov.au

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

MINUTES - PUBLIC VOICE COMMITTEE 20 NOVEMBER 2018

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 181120 Public Voice Committee Minutes

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

IN ATTENDANCE
J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property and Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), A Murphy (Director City Wide Services), J Vescio (Executive Officer, Chief Executive Office and Interim Manager Corporate and Community Planning), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), A Knowles (Council Services/Minutes) and A Leach (Council Services/Webcast).

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.

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Rufo

The apology submitted on behalf of Councillor Byrne be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PV 20/11/18 - DA2018/00879 - 854 HUNTER STREET NEWCASTLE WEST - ERECTION OF MULTI STOREY CAR PARK

Mr Andrew Werrin addressed Council and outlined concerns and objections to the development application.

Councillor Dunn arrived during the presentation to Council.
Mr Patrick Quinlan, Koby Development and Property Consultants on behalf of the DA applicant addressed Council in support of the development application.

**ITEM-2 PV 20/11/18 - DA2018/00709 - 21 ALMA ROAD NEW LAMBTON - DEMOLITION OF DWELLING AND OUTBUILDING, ALTERATIONS AND ADDITIONS TO SHOPS, ERECTION OF FOUR STOREY MIXED USE DEVELOPMENT AND 21 LOT STRATA SUBDIVISION**

The item did not proceed as the representative on behalf of the DA applicant withdrew their acceptance to address the Public Voice committee.

**ITEM-3 PV 20/11/18 - DA2018/00580 - 158 NATIONAL PARK STREET MEREWETHER - DEMOLITION OF DWELLING, OUTBUILDING AND POOL, ERECTION OF SINGLE STOREY DWELLING, ASSOCIATED. SWIMMING POOL AND FRONT FENCE**

Mr Matthew de Witt, de Witt Consulting on behalf of the DA applicant addressed Council in support of the development application.

**ITEM-4 PV 20/11/18 - DA2017/01624 - 144-148 BRUNKER ROAD ADAMSTOWN - DEMOLITION OF BUILDINGS AND ERECTION OF FIVE STOREY MIXED USE DEVELOPMENT**

Ms Rachael Rawson addressed Council and outlined concerns and objections to the development application.

Mr Stuart Campbell Director CKDS Architecture on behalf of the DA applicant addressed Council in support of the development application.

The meeting concluded at 6.42pm
MINUTES - ORDINARY COUNCIL MEETING 27 NOVEMBER 2018

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 181127 Ordinary Council Meeting

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 M Byrne, J Church, C Duncan, J Dunn, K Elliott, J Mackenzie, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE
J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property and Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), A Murphy (Director CityWide Services), J Vescio (Executive Officer, Chief Executive Office and Interim Manager Corporate and Community Planning), M Murray (Policy Officer, Lord Mayor’s Office), C Field (Executive Officer, Lord Mayor’s Office), J Rigby (Manager Assets and Projects), M Bisson (Manager Regulatory, Planning and Assessment), K Hyland (Manager Major Events and Corporate Affairs), D North (Manager Waste Services), I Challis (Contracts Management Specialist), A Jones (Chief Financial Officer), E Kolatchew (Manager Legal), N Bavinton (Smart City Coordinator), I Rhodes (Community Planning Team Coordinator), K Arnott (Corporate Strategist), D Fischetti (Media Officer), A Leach (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

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.

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

APOLOGIES
MOTION
Moved by Cr Byrne, seconded by Cr Rufo

The apologies submitted on behalf of Councillor Clausen, Luke and Robinson be received and leave of absence granted. Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church
Councillor Church declared a significant pecuniary interest in Item 113 - Endorsement of Planning Agreement - 464-470 King Street Newcastle and stated he would leave the Chamber for discussion on the item.
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 16 OCTOBER 2018
MINUTES - ORDINARY COUNCIL MEETING 23 OCTOBER 2018

MOTION
Moved by Cr Byrne, seconded by Cr Mackenzie

The draft minutes as circulated be taken as read and confirmed with a change to Item 103 of the 23 October 2018 Ordinary Council Meeting minutes to remove the word "unanimous".

Carried

LORD MAYORAL MINUTE

ITEM-22  LMM 27/11/18 - 2018 SUPERCARS NEWCASTLE 500

MOTION
Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Declares the 2018 Supercars Newcastle 500 an outright success, noting that Supercars have advised 162,248 people attended the event which showcased the City of Newcastle to Australia and the world;

2. Thanks our staff who worked or volunteered to ensure the success of the event, particularly those who worked with local businesses across the entire City centre on the Entertain Newcastle program, which was aimed at expanding the atmosphere and economic benefits beyond the race precinct with activities in Cooks Hill, Hamilton, Hunter Street Mall and Civic Park;

3. Notes the City of Newcastle Fort Scratchley Business and Community Leaders’ Fundraiser event raised over $20,000 for our charity partner Got Your Back Sista, aimed at helping women and children thrive and live independently after escaping the trauma of domestic violence;

4. Commends the people of the City of Newcastle, and the thousands of visitors to our City from throughout Australia and abroad, for attending the 2018 Newcastle 500; and

5. Writes to the NSW Government and NSW Opposition commending their ongoing support for the Newcastle 500.

Carried
ITEM-21 LMM 27/11/18 - RECOGNITION OF THE 20TH ANNIVERSARY OF THE GURAKI ABORIGINAL ADVISORY COMMITTEE

MOTION
Moved by Lord Mayor, Councillor Nelmes,

That City of Newcastle:

1 Notes that on 1 June 2019 the Guraki Aboriginal Advisory Committee (Guraki) will celebrate its twentieth anniversary as a committee of the City of Newcastle and that this anniversary date falls during Reconciliation Week 2019;

2 Recognises that Guraki was established on the 1 June 1999 to facilitate the implementation of the Commitment to Aboriginal and Torres Strait Islander Peoples of the City of Newcastle;

3 Acknowledges the service to the City of Newcastle of local Aboriginal community members and stakeholder groups by formally recognising the 20th Anniversary of the establishment of Guraki;

4 Hosts an event during Reconciliation Week 2019 to recognise past and present members of Guraki, and other key local stakeholders, and stakeholder groups, who have partnered with Council to progress reconciliation.

Carried unanimously

REPORTS BY COUNCIL OFFICERS

ITEM-108 CCL 27/11/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION
Moved by Cr Mackenzie, seconded by Cr White

The Executive Monthly Performance Report for October 2018 be received.

Carried
ITEM-109 CCL 27/11/18 - ADOPTION OF THE 2019 COUNCIL MEETING CYCLE

MOTION
Moved by Cr White, seconded by Cr Mackenzie

That Council adopts the following meeting cycle for 2019:

i) For the period February 2019 to March 2019 and May 2019 to November 2019 with meetings commencing at 5:30pm:

<table>
<thead>
<tr>
<th>Week 1 – Tuesday</th>
<th>No scheduled meetings</th>
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</thead>
<tbody>
<tr>
<td>Week 2 – Tuesday</td>
<td>Councillor Workshops</td>
</tr>
</tbody>
</table>
| Week 3 – Tuesday | Committee Meetings and Workshops (as required):  
  • Public Voice Committee  
  • Briefings Committee  
  • Development Applications Committee  
  • Councillor Workshops |
| Week 4 – Tuesday | Ordinary Council Meeting |
| Week 5 – Tuesday | No scheduled meetings |

ii) For April 2019 with meetings commencing at 5:30pm:

| Week 1 – Tuesday (2 April 2019) | Councillor Workshops |
| Week 2 – Tuesday (9 April 2019) | Committee Meetings and Workshops (as required):  
  • Public Voice Committee  
  • Briefings Committee  
  • Development Applications Committee  
  • Councillor Workshops |
| Week 3 – Tuesday (16 April 2019) | Ordinary Council Meeting |
| Week 4 – Tuesday (23 April 2019) | No scheduled meetings |
| Week 5 – Tuesday (30 April 2019) | No scheduled meetings |
iii) For December 2019 with meetings commencing at 5:30pm:

<table>
<thead>
<tr>
<th>Week 1 – Tuesday (3 December 2019)</th>
<th>Committee Meetings and Workshops (as required):</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Public Voice Committee</td>
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<td>• Briefings Committee</td>
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<td>• Development Applications Committee</td>
</tr>
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<td></td>
<td>• Councillor Workshops</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Week 2 – Tuesday (10 December 2019)</th>
<th>Ordinary Council Meeting</th>
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<table>
<thead>
<tr>
<th>Week 3 – Tuesday (17 December 2019)</th>
<th>No scheduled meetings</th>
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</thead>
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<table>
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<tr>
<th>Week 4 – Tuesday (24 December 2019)</th>
<th>No scheduled meetings</th>
</tr>
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2 For the purposes of the Instruments of Delegation to the Lord Mayor and Chief Executive Officer, Council's 'Recess Period' commences at midnight on Tuesday 11 December 2018 and ceases at midnight Monday 11 February 2019.

Carried

ITEM-112 CCL 27/11/18 - TABLING OF PECUNIARY INTEREST RETURNS - 1 AUGUST 2018 TO 31 OCTOBER 2018

MOTION
Moved by Cr Elliott, seconded by Cr Byrne

Council note the tabling of the pecuniary interest returns (for the period 1 August 2018 to 15 November 2018) by the Chief Executive Officer in accordance with the Local Government Act 1993 (NSW).

Carried

ITEM-123 CCL 27/11/18 - ADOPTION OF ELECTRICITY MICROGRIDS IN NEWCASTLE

MOTION
Moved by Cr Mackenzie, seconded by Cr White

Options for the uptake of electricity microgrids in Newcastle continue to be investigated with recommendations to be included as part of the review and update of the 2020 Carbon and Water Management Action Plan.

Carried
ITEM-107 CCL 27/11/18 - QUARTERLY BUDGET REVIEW STATEMENT

MOTION
Moved by Cr Mackenzie, seconded by Cr Dunn

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

ITEM-110 CCL 27/11/18 - ADOPTION OF THE REVISED INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

MOTION
Moved by Cr Mackenzie, seconded by Cr Dunn

A That Council adopts a revised Instrument of Delegation to the Chief Executive Officer at Attachment A.

B Any third party tender approved under this delegation will be reported quarterly back to Council.

Councillor Church gave notice of a Foreshadowed Motion.

The motion moved by Councillor Mackenzie and seconded by Councillor Dunn was put to the meeting. Carried

ITEM-111 CCL 27/11/18 - APPOINTMENT OF REPLACEMENT COUNCILLOR REPRESENTATIVE TO THE FORT SCRATCHLEY HISTORICAL SOCIETY (EXTERNAL COMMITTEE)

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

1 That Council appoints representatives as follows:

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<th>Councillor Appointed</th>
<th>External Committee</th>
<th>Term of Membership</th>
</tr>
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<tr>
<td>Councillor Winney-Baartz</td>
<td>Fort Scratchley Historical Society Incorporated</td>
<td>28 November 2018 to 11 September 2020</td>
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<tr>
<td>Councillor Appointed</td>
<td>External Committee</td>
<td>Term of Membership</td>
</tr>
<tr>
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<tr>
<td>Councillor Rufo</td>
<td>Fort Scratchley Historical Society Incorporated</td>
<td>28 November 2018 to 11 September 2020</td>
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2 City of Newcastle (CN) staff write to the Chairperson of the above committee advising of the new Councillor representative and alternate Councillor representative and the term of their membership. Carried unanimously
ITEM-113 CCL 27/11/18 - ENDORSEMENT OF PLANNING AGREEMENT - 464-470 KING STREET NEWCASTLE

Due to his significant pecuniary interest Councillor Church left the Chamber for the discussion on this item.

MOTION
Moved by Cr Elliott, seconded by Cr Rufo

Council resolves to:

i) Endorse the Planning Agreement - 464-470 King Street Newcastle (Attachment A).

ii) Authorise the Chief Executive Officer to execute the Planning Agreement.

PROCEDURAL MOTION
Moved by Cr Nelmes, seconded by Cr Mackenzie

Item 113 lay on the table until the first Ordinary Council Meeting of 2019.

For the Procedural Motion: Lord Mayor Cr Nelmes and Councillors Byrne, Church, Duncan, Dunn, Mackenzie, Rufo, White and Winney-Baartz.

Against the Procedural Motion: Councillor Elliott.

Carried

Councillor Church returned to the Chamber at the conclusion of the item.

ITEM-114 CCL 27/11/18 - ENDORSEMENT OF 2017/18 ANNUAL REPORT

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

Council receives City of Newcastle's 2017/2018 Annual Report, in respect of the year ended 30 June 2018 and notes the submission to the NSW Minister for Local Government by 30 November 2018.

Carried unanimously
ITEM-115 CCL 27/11/18 - SOLAR UPTAKE ON RESIDENTIAL BUILDINGS

MOTION
Moved by Cr White, seconded by Cr Mackenzie

That the report be received and considered as part of the update and review of the 2020 Carbon and Water Management Action Plan in 2019-2020.

Carried unanimously

ITEM-116 CCL 27/11/18 - ADOPTION OF COMMUNITY ENGAGEMENT POLICY

MOTION
Moved by Cr Byrne, seconded by Cr Mackenzie

Council adopts the 2018 - 2021 Community Engagement Policy as at Attachment A.

Carried unanimously


MOTION
Moved by Cr Duncan, seconded by Cr Mackenzie

Council resolves to adopt the Newcastle After Dark Strategy 2018-2022 as provided at Attachment A.

Carried unanimously

ITEM-118 CCL 27/11/18 - EXHIBITION OF DRAFT LIVE MUSIC STRATEGY

MOTION
Moved by Cr Duncan, seconded by Cr Mackenzie

Council resolves to:

i) Place the draft Live Music Strategy 2019-2023 as at Attachment A on public exhibition for a period of 28 days.

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

Carried unanimously
ITEM-119 CCL 27/11/18 - ADOPTION OF AMENDMENT TO MAYFIELD ALCOHOL FREE ZONE

MOTION
Moved by Cr White, seconded by Cr Mackenzie

Council resolves to adopt the amendment to the Mayfield Alcohol Free Zone at Attachment A.

Carried unanimously

ITEM-120 CCL 27/11/18 - COMMITMENT TO WELCOMING CITIES

MOTION
Moved by Cr Duncan, seconded by Cr Dunn

That City of Newcastle:

i) Agrees to commit to becoming a member of the Welcoming Cities Network;

ii) Delegates the Lord Mayor, Councillor Nuatali Nelmes to sign the Commitment to Participate in the Welcoming Cities Network Form at Attachment A.

Carried unanimously

ITEM-121 CCL 27/11/18 - INSTALLATION OF TRAFFIC CONTROL MEASURES - BYRON AND ADDISON STREETS, BERESFIELD

MOTION
Moved by Cr Dunn, seconded by Cr Byrne

Council approves the traffic control measures (devices) in Byron and Addison Streets, Beresfield as shown at Attachment A.

Carried unanimously
ITEM-122 CCL 27/11/18 - LAND ACQUISITION - ROAD PURPOSES

MOTION
Moved by Cr Mackenzie, seconded by Cr Byrne

That Council resolves to:

i) Authorise the acquisition of part Lot 1 in DP 986614 for road purposes (Attachments A and B); and

ii) Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

Carried unanimously

NOTICES OF MOTION

ITEM-31 NOM 27/11/18 - SHORTLAND LOCAL CENTRE UPGRADE

MOTION
Moved by Cr Dunn, seconded by Cr Byrne

That City of Newcastle:

1. Congratulates our staff on the work to date on the Local Centres Public Domain Program which guides the infrastructure renewal works within the local and neighbourhood centres throughout the Newcastle Local Government Area (LGA);

2. Notes the progress made delivering the Beresfield and Carrington Local Centres, with both projects recently passing the half-way point;

3. Notes that local residents and businesses have been very supportive of these upgrades which include completely overhauling drainage, kerb and guttering, footpaths, roads, planting new street trees, installing new street furniture including bike racks, bins and seating as well as free public Wi-Fi;

4. Recognises that the Shortland Local Centre along Sandgate Road would greatly benefit from inclusion in the Local Centre Public Domain Program; and


Carried unanimously
ITEM-32 NOM 27/11/18 - INNER CITY CYCLEWAY ON HUNTER STREET

MOTION
Moved by Cr Mackenzie, seconded by Cr White

That Council

1 Notes the current lack of safe, separated cycleways along Hunter Street from Wickham Park to Union Street in Newcastle West, including egress in and out of the Newcastle Interchange.

2 Notes that the Newcastle Cycling Strategy and Action Plan, and the Newcastle City Centre Cycleway Network Strategy both propose an east-west separated cycleway spine on Hunter Street as part of an inner-city cycleway network.

3 Notes the high level of community support for changes to Hunter Street in the proposed Hunter Street upgrade concept plans, exhibited in September 2013, as part of the Hunter St Masterplan Strategic Framework. These concept plans included reduced traffic lanes to accommodate a separated cycleway.

4 Acknowledge the public domain planning and development that has been undertaken since that exhibition of the Hunter St upgrade concept plan, and the significant changes that have occurred since original exhibition.

5 Commence community consultation on the Draft West End Streetscape - Stage 2 concept plan, including with key businesses, community organisations, the Cycleways Committee and the Traffic Committee, with a commitment to the public exhibition of a revised concept plan in February 2019.

Carried unanimously
ITEM-33 NOM 27/11/18 - SAVE OUR RECYCLING CAMPAIGN

MOTION
Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

1. Reaffirms that City of Newcastle ratepayers will contribute at least $23.5 million in s88 Waste Levy contributions to the NSW Government this year, of which only 18% is reinvested by the NSW Government in recycling and waste management.

2. Notes the long-standing advocacy of City of Newcastle for the appropriate use of s88 Waste Levy for recycling, waste reduction, management and avoidance since 2013.

3. Endorse the Local Government NSW (LGNSW) Save Our Recycling Campaign, which calls on the State Government to re-invest 100% of the waste levy into waste management and recycling activities.

4. Communicate this endorsement to LGNSW in writing, and sends a copy of this correspondence to all member Councils of the Hunter Joint Organisation for consideration.

Carried unanimously

PETITIONS

ITEM-1 27/11/18 - NOTICE OF TABLING PETITION - LOSS OF PUBLIC AMENITIES NOBBYS BEACH

MOTION
Moved by Cr Mackenzie, seconded by Cr Church

1. The petition be tabled.

2. That Council arrange a meeting with representatives of the Nobby’s Action Group to discuss future options.

Carried
CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Mackenzie, seconded by Cr Church

Council move in Confidential Session for the reasons outlined in the business papers.

Carried

Council moved into Confidential Session at 7.53pm.

PROCEDURAL MOTION
Moved by Cr Byrne, seconded by Cr Rufo

Council move back into open session.

Carried

Council reconvened at 7.56pm and the Chief Executive Officer reported the resolutions of confidential session.

ITEM-22 CON 27/11/18 - TENDER FOR EASTERN APRON EXTENSION AT NEWCASTLE AIRPORT

MOTION
Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

1 Council accept the tender of Daracon Contractors in the amount of $3,166,000 (excluding GST) for an eastern expansion to the aircraft apron at Newcastle Airport.

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

Carried

ITEM-23 CON 27/11/18 - SUMMERHILL WASTE MANAGEMENT CENTRE - CONSTRUCTION OF LANDFILL CELL 9 STAGE 2 - CONTRACT NO 2019/074T

MOTION
Moved by Cr Mackenzie, seconded by Cr Duncan

1 Council accept the tender of Civil Mining & Construction Pty Ltd (CMC) in the amount of $22,797,788.59 (excluding GST) for the Summerhill Waste Management Centre - Construction of Landfill Cell 9 Stage 2 for Contract No: 2019/074T.
2 This confidential report relating to the matters specified in s10A(2)(d) of the
Local Government Act 1993 be treated as confidential and remain confidential
until Council determines otherwise.

Carried

The meeting concluded at 7.58pm.
REPORTS BY COUNCIL OFFICERS

ITEM-124  CCL 11/12/18 - CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

REPORT BY: EXECUTIVE MANAGEMENT
CONTACT: CHIEF EXECUTIVE OFFICER / MANAGER LEGAL

PURPOSE

To report City of Newcastle’s annual Code of Conduct Complaints statistics for the period 1 September 2017 to 31 August 2018.

RECOMMENDATION

1 Council receives and notes City Newcastle’s Code of Conduct Statistics Complaints Report for the period 1 September 2017 to 31 August 2018 at Attachment A.

KEY ISSUES

2 Clause 12.1 of CN’s Procedures for the Administration of the Code of Conduct (Procedures) requires the Complaints Coordinator (Manager Legal), within three months of the end of September of each year, to arrange for a report containing the following statistical information to be reported to the elected Council:

(a) the total number of Code of Conduct complaints made about Councillors and the CEO under the Code of Conduct in the year to September;

(b) the number of Code of Conduct complaints referred to a Conduct Reviewer;

(c) the number of Code of Conduct complaints finalised by a Conduct Reviewer at the preliminary assessment stage and the outcome of those complaints;

(d) the number of Code of Conduct complaints investigated by a Conduct Reviewer;

(e) the number of Code of Conduct complaints investigated by a Conduct Review Committee;

(f) without identifying particular matters, the outcome of Code of Conduct complaints investigated by a Conduct Reviewer or Conduct Review Committee under the Procedures for the administration of the Code of Conduct;

(g) the number of matters reviewed by the OLG and, without identifying particular matters, the outcome of those reviews; and
(h) the total cost of dealing with Code of Conduct complaints made about Councillors and the CEO in the year to September, including staff costs.

3 Clause 12.2 of the Procedures requires CN to lodge the same Report with the OLG within three months of the end of September of each year.

FINANCIAL IMPACT

4 The total cost of dealing with Code of Conduct complaints, including staff costs, for the period 1 September 2017 – 31 August 2018, was $6,646.00.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 Open and Collaborative Leadership

7.2a Conduct Council business in an open, transparent and accountable manner

7.3b Provide clear, consistent, accessible and relevant information to the community

7.4d Maintain a high-quality workforce that is committed to delivering on our communities’ and Council’s vision and goals

6 Open and Transparent Governance Strategy

2.1 Maintain a strong ethical culture and a high standard of conduct.

IMPLEMENTATION PLAN/IMPLICATIONS

7 Nil.

RISK ASSESSMENT AND MITIGATION

8 There is a risk to CN’s reputation and public confidence in local government associated with Code of Conduct complaints and breaches of the Code of Conduct. Managing complaints in accordance with the Procedures for Administrative of the Code of Conduct mitigates risk.

RELATED PREVIOUS DECISIONS

9 On 12 December 2017, Council noted the annual report on Code of Conduct complaints for the period 1 September 2016 to 31 August 2017.

CONSULTATION

10 Nil.
BACKGROUND

11 CN’s Code of Conduct and associated Procedures are consistent with the Model Code of Conduct for Local Councils in NSW produced by the Office of Local Government.

OPTIONS

Option 1

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

Option 2

13 Council does not receive and does not note the report. CN has a legislative obligation to lodge the report with the OLG. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Annual report on Code of Conduct Complaints Statistics for the period 1 September 2017 to 31 August 2018.
Office of Local Government

Model Code of Conduct
Complaints Statistics

Reporting Period: 1 September 2017 - 31 August 2018

Date Due: 31 December 2018

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2018.

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name: Newcastle City Council

Contact Name: Emily Kolatchew
Contact Phone: (02) 4974 2143
Contact Position: Manager Legal
Contact Email: skolatchew@ccc.nsw.gov.au

All responses to be numeric.
Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au
## Model Code of Conduct Complaints Statistics
Newcastle City Council

### Number of Complaints

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The total number of complaints <em>received</em> in the period about councillors and the General Manager (GM) under the code of conduct</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>The total number of complaints <em>finalised</em> in the period about councillors and the GM under the code of conduct</td>
<td>4</td>
</tr>
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</table>

### Overview of Complaints and Cost

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>The number of complaints <em>finalised at the outset</em> by alternative means by the GM or Mayor</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>The number of complaints <em>referred to the Office of Local Government</em> under a special complaints management arrangement</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>The number of code of conduct complaints <em>referred to a conduct reviewer</em></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>The number of code of conduct complaints <em>finalised at preliminary assessment</em> by conduct reviewer</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>The number of code of conduct complaints <em>referred back to GM or Mayor</em> for resolution after preliminary assessment by conduct reviewer</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>The number of finalised code of conduct complaints <em>investigated by a conduct reviewer</em></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>The number of finalised code of conduct complaints <em>investigated by a conduct review committee</em></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>The number of finalised complaints investigated where there was found to be <em>no breach</em></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>The number of finalised complaints investigated where there was found to be a <em>breach</em></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>The number of complaints referred by the GM or Mayor to <em>another agency</em> or body such as the ICAC, the NSW Ombudsman, the Office or the Police</td>
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</tr>
<tr>
<td></td>
<td>The number of complaints being investigated that are <em>not yet finalised</em></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>The <em>total cost</em> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs</td>
<td>6646</td>
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### Preliminary Assessment Statistics

<table>
<thead>
<tr>
<th>Number</th>
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<tbody>
<tr>
<td>1</td>
<td>To take no action</td>
</tr>
<tr>
<td>0</td>
<td>To resolve the complaint by alternative and appropriate strategies</td>
</tr>
<tr>
<td>0</td>
<td>To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies</td>
</tr>
<tr>
<td>0</td>
<td>To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police</td>
</tr>
<tr>
<td>0</td>
<td>To investigate the matter</td>
</tr>
<tr>
<td>0</td>
<td>To recommend that the complaints coordinator convene a conduct review committee to investigate the matter</td>
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### Investigation Statistics

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>0</td>
<td>That the council revise its policies or procedures</td>
</tr>
<tr>
<td>0</td>
<td>That a person or persons undertake training or other education</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>That the council revise any of its policies or procedures</td>
</tr>
<tr>
<td>0</td>
<td>That the subject person undertake any training or other education relevant to the conduct giving rise to the breach</td>
</tr>
<tr>
<td>0</td>
<td>That the subject person be counselled for their conduct</td>
</tr>
<tr>
<td>0</td>
<td>That the subject person apologise to any person or organisation affected by the breach</td>
</tr>
<tr>
<td>0</td>
<td>That findings of inappropriate conduct be made public</td>
</tr>
<tr>
<td>0</td>
<td>In the case of a breach by the GM, that action be taken under the GM's contract for the breach</td>
</tr>
<tr>
<td>0</td>
<td>In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993</td>
</tr>
<tr>
<td>0</td>
<td>In the case of a breach by a councillor, that the matter be referred to the Office for further action</td>
</tr>
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</table>

### Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures

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<th>Number</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Categories of misconduct</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>7  The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:</td>
<td></td>
</tr>
<tr>
<td>a  General conduct (Part 3)</td>
<td>0</td>
</tr>
<tr>
<td>b  Conflict of interest (Part 4)</td>
<td>0</td>
</tr>
<tr>
<td>c  Personal benefit (Part 5)</td>
<td>0</td>
</tr>
<tr>
<td>d  Relationship between council officials (Part 6)</td>
<td>0</td>
</tr>
<tr>
<td>e  Access to information and resources (Part 7)</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outcome of determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>8  The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation</td>
</tr>
<tr>
<td>9  The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office</td>
</tr>
</tbody>
</table>
ITEM-125 CCL 11/12/18 - ADOPTION OF THE REVISED PRIVACY MANAGEMENT PLAN

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To adopt City of Newcastle’s (CN) revised Privacy Management Plan (Plan).

RECOMMENDATION

1 Council adopts the revised Privacy Management Plan at Attachment A.

KEY ISSUES

2 It is good practice for policies adopted by the elected Council to be revised and re-adopted in the first year of a new Council term.

3 Section 33 of the Privacy and Personal Information Protection Act 1998 (PPIP Act) requires all Councils to adopt a Plan to ensure compliance with the requirements of the PPIP Act and the Health Records and Information Privacy Act 2002 (HRIP Act).

4 The Plan provides information about how CN collects, stores, accesses and discloses personal information and health information. The Plan informs the community about their rights, and CN staff and representatives of their obligations. The Plan also sets out processes relating to investigation of privacy complaints and is consistent with the model plan for Local Government provided by the Office of Local Government.

5 The Plan has been reviewed and limited changes have been identified. The proposed changes include an update to the Plan template, greater clarity in relation to the definitions, more details about the process for review of privacy complaints and to reflect the updated CN organisational structure.

FINANCIAL IMPACT

6 There are no direct financial costs associated with this recommendation. CN’s 2018/19 budget includes allocations for any privacy breach investigations which may be required.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Open and Collaborative Leadership

    7.2a Conduct Council business in an open, transparent and accountable manner.
7.3b Provide clear, consistent, accessible and relevant information to the community.

7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

8 Open and Transparent Governance Strategy

3.4 Open and accessible government information as well as a commitment to the protection of privacy.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Once adopted, the Chief Executive Officer (CEO) will appoint the Privacy Contact Officer and Privacy Champions.

10 CN partners with the Information and Privacy Commission (NSW) as a Privacy Champion. This includes the promotion of rights and obligations in relation to personal and health information outlined in the Plan. CN will also continue to ensure Councillors, staff and other CN representatives are aware, and trained where required in their obligations in relation to the handling of personal information.

11 The Plan will be made available on CN’s website http://www.newcastle.nsw.gov.au/Site/Legal/Privacy-Statement along with general information to the community about how CN collects, stores, accesses and discloses personal information.

RISK ASSESSMENT AND MITIGATION

12 The adoption of a Plan ensures CN complies with the PPIP Act and the HRIP Act and is a key control in mitigating CN’s risk of privacy breaches.

RELATED PREVIOUS DECISIONS

13 The Plan was last adopted by CN on 26 August 2014.

CONSULTATION

14 The Plan is consistent with the model plan produced by the Office of Local Government, and as the proposed changes are limited, further consultation was not required.

BACKGROUND

15 Nil.
OPTIONS

Option 1

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

Option 2

17 Council does not adopt the revised Privacy Management Plan. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Revised Privacy Management Plan
Attachment A

PRIVACY MANAGEMENT PLAN
## Privacy Management Plan

<table>
<thead>
<tr>
<th>Policy title</th>
<th>Privacy Management Plan</th>
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<tbody>
<tr>
<td>Policy owner</td>
<td>Manager Legal</td>
</tr>
<tr>
<td>Policy expert/writer</td>
<td>Legal and Information Officer</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Legal</td>
</tr>
<tr>
<td>Approved by</td>
<td>Elected Council</td>
</tr>
<tr>
<td>Date approved</td>
<td>to be completed once adopted</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>to be completed once adopted</td>
</tr>
<tr>
<td>Next revision date (date policy will be revised)</td>
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</tr>
<tr>
<td>Termination date</td>
<td>To be completed by Legal (one year post next revision date)</td>
</tr>
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<td>Category</td>
<td>Governance</td>
</tr>
<tr>
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<tr>
<td>Details of previous versions</td>
<td>Privacy Management Plan Policy 2014 - ECM # 4263694</td>
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<tr>
<td>Legislative amendments</td>
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<tr>
<td>Relevant strategic direction</td>
<td>Open and Collaborative Leadership</td>
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</table>
| Relevant legislation/codes | Privacy and Personal Information Protection Act 1998 (PPiP Act)  
Health Records and Information Privacy Act 2002 (HRiP Act)  
Government Information Public Access Act 2009 (GIPA Act)  
Local Government Act 1993 (LG Act)  
Environmental Planning & Assessment Regulation 2000  
Privacy Code of Practice for Local Government  
Privacy and Personal Information Protection Amendment (CCTV) Regulation |
Privacy Management Plan 2018

| Related policies/documents | Open and Transparent Governance Strategy  
Guide to Council’s Access to Information Framework  
under the Government Information (Public Access) Act  
Newcastle City Council Code of Conduct  
Newcastle City Council Information Guide  
Newcastle Records Management Policy |
|-----------------------------|--------------------------------------------------------------------------------|
| Related forms               | INFORMAL REQUEST  
• Customer Request Form  

FORMAL APPLICATION  
• Formal Access Application Form  
• Internal review of Formal Access Application  

PRIVACY COMPLAINT  
• Privacy Internal Review Form (Information and Privacy Commission) |
| Required on website         | Yes |
| Authorisation               | The CEO has the authorisation to appoint the Privacy Contact Officer and Privacy Champions |
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<td>4</td>
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<tr>
<td>10</td>
<td>Chief Executive Officer</td>
<td>4</td>
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<td>11</td>
<td>Privacy Contact Officer</td>
<td>4</td>
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<td>Privacy Champions</td>
<td>4</td>
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<td>13</td>
<td>Council Officers and Councillors</td>
<td>5</td>
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<td>14</td>
<td>Awareness and training for CN Officers and Councillors</td>
<td>5</td>
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<tr>
<td>15</td>
<td>Volunteers, consultants and contractors to CN, including CN committee members</td>
<td>5</td>
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<td>Community awareness</td>
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<td>Registers</td>
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<td>17</td>
<td>What is a public register?</td>
<td>6</td>
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<td>18</td>
<td>What public registers are held by CN?</td>
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<td>19</td>
<td>What other registers are held by CN?</td>
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<tr>
<td>20</td>
<td>How can personal information held in registers be accessed?</td>
<td>8</td>
</tr>
<tr>
<td>E</td>
<td>Collection of personal information</td>
<td>8</td>
</tr>
<tr>
<td>21</td>
<td>How does CN collect personal information?</td>
<td>8</td>
</tr>
<tr>
<td>22</td>
<td>Privacy disclaimers</td>
<td>10</td>
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<td>23</td>
<td>Unsolicited information</td>
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<td>F</td>
<td>Storage of personal information</td>
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Version 1 – Privacy Plan of Management
<table>
<thead>
<tr>
<th>24 How does CN store personal information?</th>
<th>10</th>
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<tbody>
<tr>
<td>Part G Access and accuracy of personal information</td>
<td>10</td>
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<tr>
<td>25 How does CN provide access to, and ensure the accuracy of, personal information?</td>
<td>11</td>
</tr>
<tr>
<td>26 How can an individual access their personal information?</td>
<td>12</td>
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<tr>
<td>Part H Use of personal information</td>
<td>12</td>
</tr>
<tr>
<td>27 How can an individual request that their personal information is suppressed?</td>
<td>12</td>
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<tr>
<td>Part I Disclosure of information</td>
<td>13</td>
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<td>15</td>
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<tr>
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<td>13</td>
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<td>Part K Review of CN's disclosure of personal information</td>
<td>16</td>
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<td>30 Identifiers, anonymity and transfer</td>
<td>15</td>
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<tr>
<td>Review by CN (internal review)</td>
<td>16</td>
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<tr>
<td>32 Review by NSW Civil and Administrative Tribunal (external review)</td>
<td>17</td>
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<tr>
<td>Annexure A - Privacy Contact Officer and Privacy Champions</td>
<td>18</td>
</tr>
<tr>
<td>Annexure B - Statutory Declaration</td>
<td>19</td>
</tr>
<tr>
<td>Annexure C - Statutory Declaration</td>
<td>20</td>
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<tr>
<td>Annexure D - Privacy disclaimer (Example only)</td>
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</tbody>
</table>
Part A Preliminary

1 Purpose

1.1 The purpose of this Plan is to provide information about how Council collects, stores, access and uses, discloses and holds personal information and health information in accordance with the:

1.1.1 Privacy and Personal Information Protection Act 1998 (NSW) (PPiP Act) and Information Protection Principles (IPP);

1.1.2 Health Records and Information Privacy Act 2002 (NSW) (HRIP Act) and Health Privacy Principles (HPP);

1.1.3 Information Protection Principles (IPP) GIPA Act and;

1.1.4 Health Privacy Principles (HPP); and

1.1.4 Privacy Code of Practice for Local Government.

Under section 33 of PPIP Act, Council is required to prepare a Privacy Management Plan. This Plan forms a part of Council’s Governance Framework, as documented in Council’s Open and Transparent Governance Strategy.

2 Definitions

2.1 CEO means Chief Executive Officer of the City of Newcastle.

2.2 CN means City of Newcastle. References to City of Newcastle are references to Newcastle City Council as prescribed under the Local Government Act 1993 (NSW).

2.3 GIPA Act means Government Information (Public Access) Act 2003 (NSW). Health information is defined in clause 8.

2.4 HPP means Health Privacy Principles.

2.5 HRIP Act means Health Records and Information Privacy Act 2002 (NSW).

2.6 IPC means Information and Privacy Commission NSW.

2.7 IPP means Information Protection Principles.

2.8 NCAT means NSW Civil and Administrative Tribunal. Personal information is defined in clause 7.

2.9 PPIP Act means Privacy and Personal Information Protection Act 1998 (NSW).

3 Scope

3.1 This Plan applies to Councillors, Council-CN employees (including volunteers), consultants and contractors to Council-CN, and including Council-CN committees members must follow this Plan (and PPIP and HRIPA) when dealing with personal information or health information.

4 Principles

In addition to the principles set out in the PPIP Act, CN commits itself to the following actions under its Open and Transparent Governance Strategy:

4.1 Accountability and transparency - This Plan provides a framework for Council to fulfil its obligations regarding the handling of personal and health information.

Open and accessible government information as well as a commitment to the protection of privacy.
Council will ensure it meets the highest level of public disclosure regarding all dealings with Council Officials while also meeting its obligations under the relevant privacy legislation and Council’s Privacy Management Plan.

**Transparency** - people should have access to the information they need to understand government planning and decision-making processes in order to participate in an informed way.

### 35 Privacy, Health and GIPA Acts

5.1 The PPIP Act provides for the protection of personal information and for the protection of the privacy of individuals. The **Government Information (Public Access) Act 2008** (GIPA Act) sets out how members of the public can access information held by Council, including their personal information and that of other individuals. The definition of personal information is different under both Acts. When Council responds to a request for access to personal information, Council must ensure that it discloses such information in accordance with the relevant Act.  

5.2 Council primarily holds personal information about individuals so it can perform its functions as a local government authority.  

3.45.3 In this Privacy Management Plan, a reference to personal information is also a reference to health information.

### 46 Further information

4.46.1 Council Officers can access further information regarding the implementation of this Plan. For further information regarding the implementation of this Plan, you can contact the:  

4.46.1.1 **Within Council** - Contacting the relevant Privacy Champion for their area or the Privacy Contact Officer (refer to Annexure B A for details);  

4.46.1.2 **External to Council** - Contacting the NSW Information and Privacy Commission (IPC) for advice.

**Information and Privacy Commission**  
Post: GPO Box 7011, Sydney NSW 2001  
Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000  
Website: www.ipc.nsw.gov.au  
Email: ipcinfo@ipc.nsw.gov.au  
Phone: 1800 472 678

### Part B Personal Information

#### 57 What is personal information?

5.47.1 Personal information is defined under section 4 of the PPIP Act as:  

5.47.1.1 Information or an opinion;  
5.47.1.2 about an individual; and  
5.47.1.3 where the identity of the individual is apparent or can reasonably be ascertained from the information or opinion.  

5.47.2 Personal information can include information in a database and does not have to be recorded in a hard copy document.  

5.47.3 Personal information does not include:  

5.47.3.1 information about an individual that is contained in a publicly available publication such as.
8 What is health information?

8.1 Personal information is also defined under section 5 of the HRIP Act as:

- 8.1.1 information or an opinion;
- 8.1.2 about an individual; and
- 8.1.3 where the identity of the individual is apparent or can reasonably be ascertained from the information or opinion.

8.2 Health information is a specific type of personal information as defined under section 6 of the HRIP Act as:

- 8.2.1 personal information that is information or an opinion about the physical or mental health or a disability (at any time) of an individual.

(For more information, see section 6 of HRIP Act)

69 What types of personal information are held by Council?

69.1 Council holds personal information about customers, ratepayers, and residents and other third parties. For example, personal information may be contained in the following records:

- 6.1.49.1.1 rates records and records of property ownership;
- 6.1.49.1.2 development applications and submissions;
- 6.1.49.1.3 road closure applications;
- 6.1.49.1.4 rezoning applications;
- 6.1.49.1.5 residential parking permit applications (including health information to support an disabled permit application);
- 6.1.49.1.6 complaints made to Council;
- 6.1.79.1.7 membership applications for the Art Gallery, Library, Museum and Council events;
- 6.1.89.1.8 children’s attendance lists at Council owned childcare centre and other Council facilities;
- 6.1.49.1.9 right of burial transfer database (Council cemetery);
- 6.1.49.1.10 petitions;
- 6.1.49.1.11 booking details systems for community halls, Council parks and other facilities; and
- 6.1.49.1.12 various types of health information such as medical conditions (allergies, diabetes), immunisations and mental health, insurance claims (various types of health information).
6.29.2 Council holds personal information about its employees. For example, personal information may be contained in the following records:

6.29.2.1 Leave, payroll and salary information payroll database (contact information, leave, salary);
6.29.2.2 contact information;
6.29.2.3 performance management plans;
6.29.2.4 complaints investigations and disciplinary matters files;
6.29.2.5 pecuniary interest returns; and
6.29.2.6 various types of health information such as medical certificates and workers compensation claim records (various types of health information).

6.39.3 Council holds personal information about its Councillors. For example, personal information may be contained in the following records:

6.39.3.1 payroll database (contact information, salary);
6.39.3.2 complaints investigations and disciplinary matters files; and
6.39.3.3 pecuniary interest returns.

Part C Roles and responsibilities

7.10 General Manager/Chief Executive Officer
7.10.1 The General Manager/CEO is responsible for:

7.10.1.1 Ensuring this Plan is accurate and up to date.
7.10.1.2 Ensuring Council meets it obligations under the PIPP Act, HIRP Act and this Plan.
7.10.1.3 Appointing a Privacy Contact Officer and Privacy Champions.

8.11 Privacy Contact Officer
8.11.1 Council’s Privacy Contact Officer is appointed by the General Manager/CEO (refer to Annexure A for details).

8.211.2 The Privacy Contact Officer is responsible for:

8.211.2.1 Assisting the General Manager/CEO to perform the General Manager/CEO’s role under the PIPP Act, HIRP Act and this Plan.
8.211.2.2 Creating awareness about this Plan.

11.2.3 Coordinating steps to ensure CN complies with the PPIP Act and HIRP Act.
11.2.4 Coordinating requests for the suppression of personal information
8.211.2.5 Coordinating requests for internal reviews including liaising with the Privacy Commissioner regarding internal reviews.
8.211.2.6 Providing advice on matters relating to privacy and personal information.

9.12 Privacy Champions
9.12.1 Council’s Privacy Champions are appointed by the General Manager/CEO (refer to Annexure A for details).

9.12.2 Privacy Champions are responsible for:
Creating awareness about this Plan, particularly in their Service Unit area of employment within Council.

Providing advice on matters relating to personal information, particularly in relation to the use of privacy disclaimers in their Service Unit area of employment.

**Council Officers and Councillors**

Council’s Officers and Councillors are responsible for:

- Collecting, using, storing, accessing and disclosing personal information in accordance with this Plan and clauses relating to personal information contained in the Code of Conduct Clause 32 of the Code of Conduct.
- Maintaining the integrity and security of confidential information in accordance with the Clause 31 of Council’s Code of Conduct, the clauses relating to confidential information contained in Council’s Code of Conduct.
- Always including privacy disclaimers at all times when collecting personal information.

**Awareness and training for Council Officers and Councillors**

Relevant Council Officers and Councillors will be made aware of this Plan and their obligations:

- at induction; and
- through an ongoing awareness program including the completion of an e-learning training module or attendance at training sessions, where relevant.

**Volunteers, consultants and contractors to CN, including CN committee members**

Volunteers, consultants and contractors to CN (including CN committee members) will be made aware of this Plan and their obligations:

- at induction or as part of their contract with CN; and
- through an ongoing awareness program including the completion of an e-learning training module or attendance at training sessions, where relevant.

**Community awareness**

The following factsheets provide information for the community about the IPP and HPP:

- The Information Protection Principles (IPPs) explained for members of the public. The Health Privacy Principles (HPPs) explained for members of the public.

These factsheets above should be provided to members of the public where they require additional information about privacy. Council’s Privacy Contact Officer will also ensure that copies of the factsheets are available at its Customer Enquiry Counter and on Council’s website.

**Part D Registers**

Version 4.2 – Privacy Plan of Management
### What is a public register?

A public register is a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

### What public registers are held by CouncilCN?

The following table provides details of the public registers held by CouncilCN:

<table>
<thead>
<tr>
<th>Act / Regulation</th>
<th>Section</th>
<th>Purpose</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Act</td>
<td>53</td>
<td>Land Register</td>
<td>Identify land vested in Council or under Council’s control</td>
</tr>
<tr>
<td></td>
<td>113</td>
<td>Record of Approvals</td>
<td>Identify approvals granted under the Act</td>
</tr>
<tr>
<td>328A</td>
<td>Political donations disclosures</td>
<td>Identify donations to Councillors</td>
<td>Register can be accessed via CN's website</td>
</tr>
<tr>
<td>449-450A</td>
<td>Register of Pecuniary Interests</td>
<td>Identify pecuniary interest of Councillors and designated persons</td>
<td>Contact Customer Services OR Legal Governance</td>
</tr>
<tr>
<td>Environmental Planning and Assessment Act</td>
<td>100</td>
<td>Register of Consents and Approvals</td>
<td>Identify consents, consents and related appeals under the Act</td>
</tr>
<tr>
<td>149G</td>
<td>Record of Building Certificates</td>
<td>Identify building certificates</td>
<td>Contact Customer Services OR Regulatory Planning &amp; Assessment / Development and Building</td>
</tr>
<tr>
<td>Protection of the Environment Operations Act</td>
<td>308</td>
<td>Public register of licences</td>
<td>Identify licences granted under the Act</td>
</tr>
</tbody>
</table>
### What other registers are held by CouncilCN?

The following table provides details of other registers held by CouncilCN:

<table>
<thead>
<tr>
<th>Act / Regulation</th>
<th>Section / Clause</th>
<th>Purpose</th>
<th>Access and contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Planning &amp; Assessment Regulation</td>
<td>121 Register of Modification of Development Consent</td>
<td>Identify modifications to development consents under section 95 of the Act</td>
<td>Register can be accessed on CN's website by informal request under the GIPA Act. Contact Customer Services OR Regulatory, Planning &amp; Assessment / Development and Building</td>
</tr>
<tr>
<td>Government Information (Public Access) Act</td>
<td>6(5) Record of Open Access Information</td>
<td>Identify CN Council information that has been determined as 'open access information'</td>
<td>Register can be accessed on CN's website. Contact Customer Services OR Legal and Information Officer</td>
</tr>
<tr>
<td></td>
<td>25 Disclosure Log of Access Applications</td>
<td>Identify access applications where there is a public interest and CN Council has determined to provide access to the information</td>
<td>Register can be accessed on CN's website. Contact Customer Service / Legal and Information Officer</td>
</tr>
<tr>
<td></td>
<td>27 Register of Government Contracts</td>
<td>Identify CN Council contracts that have (or are likely to have) a value of $150,000 or more</td>
<td>Register can be accessed on CN's website. Contact Customer Services OR Legal and Information Officer</td>
</tr>
<tr>
<td>Local Government Act</td>
<td>377-378 Register of Delegations</td>
<td>Identify functions delegated by the General Manager/CEO to Council CN Officers</td>
<td>Register can be accessed by informal request under the GIPA Act. Contact Legal and...</td>
</tr>
</tbody>
</table>
How can personal information held in registers be accessed?

As required by Section 57 of the PPIP Act, before disclosing personal information contained in a register, Council-CN must be satisfied that the individual requesting access to the personal information intends to use the information for a purpose related to the purpose of the register or the Act under which the register is kept.

An individual may request access to personal information contained in a register by:

1. contacting the relevant area of Council-CN;
2. completing a statutory declaration stating that the intended use of the information is consistent with the purpose for which Council-CN holds that public register (refer to the tables above for the purpose of registers). An example statutory declaration is provided at Annexure B.

Council-CN can determine whether to provide a copy of the whole or part of a register depending on whether such a disclosure fits with the purpose for which it was collected.

If access is requested to personal information which is not contained in a public register, then Council-CN must be satisfied that there is no overriding public interest against disclosure of that personal information under the GIPA Act.

(For more information, see Clause 57 of PPIP A)

Part E Collection of personal information

How does Council-CN collect personal information?

Council-CN must collect personal information in accordance with the PPIP Act, HRIP Act, IPP (Information privacy Principles) and HPP (Health Privacy Principles). The following table summarises these requirements:

<table>
<thead>
<tr>
<th></th>
<th>PPIP Act</th>
<th>Privacy Code of Practice for Local Government (PPIP Act)</th>
<th>HRIP Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPP 1 and HPP 1</td>
<td>Lawful</td>
<td>N/A</td>
<td>Lawful</td>
</tr>
<tr>
<td></td>
<td>— Personal information must be collected for a lawful purpose which is directly related to Council’s functions or activities and necessary for that purpose.</td>
<td>— Health information must be collected for a lawful purpose which is directly related to Council’s functions or activities and necessary for that purpose.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PPIPAct</td>
<td>Privacy Code of Practice for Local Government (PPIPAct)</td>
<td>HRIPAct</td>
</tr>
<tr>
<td>--------------</td>
<td>---------</td>
<td>--------------------------------------------------------</td>
<td>---------</td>
</tr>
</tbody>
</table>
| **IPP 2 and HPP 2** | **Direct** — Personal information must be collected directly from the individual concerned unless it is unreasonable or impractical to do so. | Personal information can be collected by CN council indirectly if:  
- reasonably necessary when an award, prize, or similar form of recognition is intended to be conferred upon the person to whom the information relates  
- statutory exemptions apply  
- unsolicited information is provided | **Relevant** — Health information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual’s personal affairs. |
|              | **An individual may authorise the collection of their personal information from someone else.** |                                                  |         |
| **IPP 3 and HPP 3** | **Open** — An individual must be informed as to why their personal information is being collected, what CN council will do with it, and who may have access to it, whether supply is required by law, and any rights of access to the information. | Personal information can be collected by CN council if:  
- necessary when an award, prize or similar of personal form of recognition is intended to be conferred upon the person to whom the information relates without prior or subsequent notification  
- statutory exemptions apply  
- unsolicited information is provided | **Direct** — Health information must be collected directly from the individual concerned unless it is unreasonable to do so. |
|              |                                                  |                                                  |         |
| **IPP 4 and HPP 4** | **Relevant** — Personal information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual’s personal affairs.  
CCTV exemption under section 9 of the PPIPAct | **Exemption to collection of personal information where CN uses CCTV cameras for the purpose of filming a public places.** | **Awareness** — An individual must be informed as to why their health information is being collected, what CN council will do with it, and who may have access to it.  
If health information is collected about an individual from someone else, reasonable steps must be taken to ensure that the individual has been notified as above, unless making the individual aware would impose a serious threat. |
Privacy disclaimers

Wherever practicable, any time Council collects personal information (whether on hard copy form or online), a privacy disclaimer should be included on any the forms when CN collects personal information, whether in hard copy form or online (where practicable).

The privacy disclaimer aims to advise an individual about Council’s purpose for collecting this information, whether the personal information is required to be supplied to Council, how it will be stored and how it can be accessed by an individual. An example privacy disclaimer is provided at Annexure D.

Unsolicited information

Where Council receives unsolicited personal or health information, the information will be treated in accordance with this Plan and the applicable IPP and HPP relating to storage, access, use and disclosure of information.

The IPP and HPP relating to collection do not apply to unsolicited information.

Part F  Storage of personal information

How does Council store personal information?

Council must store personal information in accordance with the PPIP Act, HRIP Act, IPP and HPP. The following table summarises these requirements:

<table>
<thead>
<tr>
<th></th>
<th>PPIP Act</th>
<th>Privacy Code of Practice For Local Government (PPIP Act)</th>
<th>HRIP Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPP 5 and HPP 5</td>
<td>Secure – Personal information must be stored securely, not kept any longer than is required by the General Retention and Disposal Authority of NSW, and be disposed appropriately. CN will take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</td>
<td>N/A</td>
<td>Secure – Health information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately. CN will take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</td>
</tr>
</tbody>
</table>

Part G  Access and accuracy of personal information
**How does C\textit{ouncil} provide access to, and ensure the accuracy of, personal information?**

<table>
<thead>
<tr>
<th>IPP 6 and HPP 6</th>
<th>PPI\textit{Act}</th>
<th>Privacy Code of Practice for Local Government (PPI\textit{Act})</th>
<th>HRIP\textit{Act}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparent — Enough detail must be given about what personal information is stored, why it is stored, and what rights an individual has to access it. <strong>NOTE - Exemption/s apply</strong></td>
<td>N/A</td>
<td>Transparent — C\textit{ouncil} must advise individuals what health information is being stored, the reasons it is being used and any rights they have to access it.</td>
<td></td>
</tr>
</tbody>
</table>

| IPP 7 and HPP 7 | | Accessible — C\textit{ouncil} must allow an individual access to their personal information without unreasonable delay or expense. | N/A |
|-----------------|-------------------------------------------------------------|------------------|
| Accessible — C\textit{ouncil} must allow an individual access to their personal information without unreasonable delay or expense. | | Accessible — C\textit{ouncil} must allow an individual access to their personal information without unreasonable delay or expense. | |

| IPP 8 and HPP 8 | Correct — At the request of the individual to whom the information relates, C\textit{ouncil} may make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information is accurate, relevant, up to date and not misleading. C\textit{ouncil} must allow an individual to update, correct or amend their personal information where requested. | N/A | Correct — At the request of the individual to whom the information relates, C\textit{ouncil} may make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information is accurate, relevant, up to date and not misleading. C\textit{ouncil} must allow an individual to update, correct or amend their personal information where requested. |

| HPP 9 | Accurate — C\textit{ouncil} must take reasonable steps to ensure that the personal information is relevant, accurate, up to date and | Accurate — C\textit{ouncil} must ensure that the health information held is relevant and accurate before using it. |
2226 How can an individual access their personal information?

22.126.1 C Council will provide individuals with access to documents containing their personal information provided the individual can confirm their identity by producing one of the following pieces of identification:

- 26.1.1 Driver’s license
- 22.1.2 or Passport
- 22.1.3 Birth certificate or birth extract
- 26.1.4 Pension card or health care card issued by Centrelink
- 26.1.5 Medicare card
- 22.1.6 or (Australian government-issued) Student photo identification card (issued by an Australian Tertiary Education Institution), or
- 26.1.7 Bank statements
- 22.1.8 Rates notice.

2327 How can an individual request that their personal information is suppressed?

23.127.1 An individual may request to have their personal information suppressed from any document or record held by C Council.

23.127.2 The request must:

- 23.2.1 Be in writing addressed to:
  The Privacy Contact Officer
  C Council
  PO Box 489
  Newcastle NSW 2300

- 23.2.2 Provide reasons as to why the safety or well-being of any person would be affected if the personal information is not suppressed.

- 23.2.3 Include a statutory declaration stating the reason for the request. An example statutory declaration is provided at Annexure C.

23.127.3 C Council will suppress the information in accordance with the request if C Council is:

- 23.3.1 Satisfied that the public interest in maintaining public access to the information is outweighed by the individual interest in suppressing the information; and

- 27.3.2 The relevant legislation allows C Council is able to suppress the information under legislation.

Part H Use of personal information
### How does Council use personal information?

24.1-128.1.1 **Council** must use personal information in accordance with the PPIP Act, HRIP Act, IPP and HPP. The following table summarises these requirements:

<table>
<thead>
<tr>
<th></th>
<th>PPIP Act</th>
<th>Privacy Code of Practice for Local Government (PPIP Act)</th>
<th>HRIP Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPP 9</td>
<td>Accurate - Council must ensure that personal information is relevant and accurate before using it.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>IPP 10 &amp; HPP 10</td>
<td>Limited — Council-Council may only use personal information for the purpose for which it was collected or a directly related purpose, or if the individual has given consent to use the information in another for its use by Council. It may also be used without consent in order to deal, prevent or lessen with a serious and imminent threat to any person’s life, health or safety. NOTE - Exemptions apply</td>
<td>Limited — Council-Council may only use health information for the purpose for which it was collected or a directly related purpose which the individual would expect. Otherwise, consent is required. It may be used without consent in order to prevent or lessen a serious and imminent threat to any person’s life, health or safety or a serious threat to public health and safety.</td>
<td></td>
</tr>
</tbody>
</table>

### Part I Disclosure of information

25.29 How does Council disclose personal information?

26.1.128.1.1 **Council** must disclose personal information in accordance with the PPIP Act, HRIP Act, IPP and HPP. The following table summarises these requirements:

<table>
<thead>
<tr>
<th></th>
<th>PPIP Act</th>
<th>Privacy Code of Practice for Local Government (PPIP Act)</th>
<th>HRIP Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPP 11 &amp; HPP 11</td>
<td>Restricted — Council-Council may only disclose personal information: with the individual’s consent, if the individual was</td>
<td>Disclosure of personal information by Council CN allowed where: information is sought by a public sector agency or public utility in writing, and CN is satisfied that it will be used for:</td>
<td>Limited — Council-Council may only disclose health information for the purpose which it was collected or a directly related purpose that the individual would expect. Unless:</td>
</tr>
<tr>
<td></td>
<td>told at the time of collection that the personal information would be disclosed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• if the use is for directly related purpose and Council CN considers that the individual would not object</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NOTE - Exemption/s apply</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|                      | used for a lawful and proper function and its use is reasonably necessary for the exercise of that public sector agency or public utility’s function |
|                      | • when an award, prize, or similar of personal form of recognition is intended to be conferred upon the person to whom the information relates |
|                      | • sought by a prospective employer seeks to verify that a current or former employee works or has worked for CN, the duration of that work, and the position occupied during that time (limited disclosure) |
|                      | • Consent is given by the individual |
|                      | • Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person |
|                      | • Compassionate reasons |
|                      | • Suspected unlawful activity or unsatisfactory professional conduct |

| IPP 12               | Safeguarded – Council CN cannot disclose an individual’s sensitive personal information without their consent. For example, information about ethnic or racial origin, political opinions, religious or philosophical beliefs, health matters or sexual orientation, or trade union membership. Unless disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person |
|                      | NOTE - Exemption/s apply                                                        |

|                      | Disclosure of personal information by CN Council allowed where sought by a prospective employer outside of NSW (limited disclosure). |
|                      | N/A                                                                             |
### Part J  Other requirements

#### 2630 Identifiers, anonymity and transfer

26.1.1 In relation to health information, Council must comply with the requirements summarised in the following table in relation to identifiers, anonymity and transfer:

<table>
<thead>
<tr>
<th></th>
<th>PIP Act</th>
<th>Privacy Code of Practice for Local Government (PPIP Act)</th>
<th>HRIP Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>HPP 12</td>
<td>N/A</td>
<td>N/A</td>
<td>Not Identified – Council should only identify individuals by using unique identifiers if it is reasonably necessary to carry out Council’s functions efficiently.</td>
</tr>
<tr>
<td>HPP 13</td>
<td>N/A</td>
<td>N/A</td>
<td>Anonymous – Council should allow individuals the opportunity of receiving services anonymously where this is lawful and practicable.</td>
</tr>
<tr>
<td>HPP 14</td>
<td>Section 19 - CN must not disclose personal information unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person</td>
<td>N/A</td>
<td>Controlled – Health information must only be transferred outside NSW if Council reasonably believes that the recipient is subject to laws or obligations substantially similar to those imposed by the HRIP Act or consent has been given, or transfer is under contract between Council and the individual, or transfer will benefit the individual, or to lessen a serious threat to an individual’s health and welfare, or steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act or transfer is not permitted or required under any other law.</td>
</tr>
<tr>
<td>PIP Act</td>
<td>Privacy Code of Practice for Local Government (PPIP Act)</td>
<td>HRIP Act</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>Authorised — Council CN should only use health records linkage systems if the individual has provided or expressed their consent.</td>
<td></td>
</tr>
</tbody>
</table>

### Part K  Review of Council’s disclosure of personal information

#### 2731 Review by Council (internal review)

27.1.1.1 If an individual believes their personal or health information has been collected, stored, accessed or disclosed other than in accordance with this Plan, and CN’s obligations under the PPIP Act or HRIP Act, they may request a review of CN’s conduct. The request for review must:

- **Be in writing and addressed to:**
  - The Privacy Contact Officer
  - The City of Newcastle
  - PO Box 489
  - Newcastle NSW 2300

- **The Privacy Internal Review Form (Information and Privacy Commission) can be used.**

27.1.1.2 Provide details as to how they believe the disclosure of their personal or health information was not dealt with in accordance with this Plan or CN’s obligations under the PPIP Act or HRIP Act. Individuals cannot seek an internal review for a breach of another individual’s privacy, unless they are authorised representatives of the other individual.

27.1.1.3 Be lodged within 6 months of the individual becoming aware of the conduct.

27.1.1.2 On receipt of a request for review of CN’s conduct, the Privacy Contact Officer will:

- **Assign a suitably qualified and appropriate Council Officer (not involved and more senior than the CN Council Officer alleged to have made the disclosure in the first instance) to conduct the internal review;**

- **Ensure the review is undertaken in accordance with any guidelines provided by the Office of the Privacy Commissioner NSW IPC;**

- **Notify the Privacy Commissioner of the request for internal review as soon as practicable after its receipt and keep the Privacy Commissioner informed of the progress of the review;**

- **Ensure the individual who requested the review is advised of the outcome within 14 days of its determination;**

- **Ensure the review is completed within 60 days of the lodgement of the request. If not completed within 60 days, an application for external review may be lodged;**

- **Provide the Privacy Commissioner with a draft of CN’s internal review report to enable the Privacy Commissioner to make a submission; and**
27.2.731.2.7 provide a final copy of the internal review report to the Privacy Commissioner where it departs from the draft review.

2832 Review by NSW Civil and Administrative Tribunal (external review)

32.1 If an individual is not satisfied with the outcome of an internal review, they may appeal to the NSW Civil and Administrative Tribunal (NCAT).

Contact details for NCAT
Website: www.ncat.nsw.gov.au
Phone: 1300 006 228
Visit: Level 10 John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000
Annexure A - Privacy Contact Officer and Privacy Champions

To be appointed by the Chief Executive Officer
Annexure B - Statutory Declaration
(for access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by Council)

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, ................................................................. of .................................................................

do solemnly and sincerely declare that I am .................................................................

details of relationship of any, to person inquired about] .................................................................

I seek to know whether .................................................................

[insert name of person] .................................................................

is on the public register of .................................................................

describe the relevant public register] .................................................................

The purpose for which I seek this information is .................................................................

[insert purpose] .................................................................

The purpose for which the information is required is to .................................................................

[insert purpose] .................................................................

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at: ................................................................. on / / / 20 ........ [place] [date] [signature of declarant]

in the presence of an authorised witness, who states:

I, ................................................................., a .................................................................,

[insert name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it:

[please cross out any text that does not apply]

1. * I saw the face of the person OR
I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2. *I have known the person for at least 12 months OR
I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

[describe identification document relied on]

 ................................................................. on / / / 20 ........ [signature of authorised witness] [date]

Privacy Disclaimer
The City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN’s Privacy Management Plan and Council policy.

Purpose: To certify statutory declaration

Intended recipients: Relevant CN Officers

Supply: Voluntary

Consequence of Non Provision: Statutory declaration will be invalid

Storage and security: Document will be kept in CN’s records management system in accordance with CN’s policy and relevant legislation.

Access: If a copy is held by CN you can contact CN on 4974 2000 for access.
Annexure C - Statutory Declaration

(name of declarant)

(address)

I, ________________________________, do solemnly and sincerely declare that I request to have their personal information suppressed from any document or record held by Council CN as the safety or well-being of any person would be affected if the personal information is not suppressed.

The suppression is requested for the following reasons:

1. ...............................................................................................................
2. ...............................................................................................................
3. ...............................................................................................................

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at: ________________________________ on.../.../... 20... ...................................................

[place] [date] [signature of declarant]

in the presence of an authorised witness, who states:

(name of authorised witness)

[qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it:

1. *I saw the face of the person OR
   I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2. *I have known the person for at least 12 months OR
   I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

[describe identification document relied on]

[signature of authorised witness] [date]

* pleace cross out any text that does not apply
Annexure D - Privacy disclaimer (Example only)

Privacy Disclaimer

The City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN’s own Privacy Management Plan policy.

**Purpose:** A statement about why you are collecting the information.

**Intended recipients:** Who will be using the information.

**Supply:** Legally required OR voluntary.

**Consequence of Non Provision:** What happens if the information is not provided.

**Storage and security:** How the information will be stored, for how long and who will have access.

**Access:** How individuals can gain access to check accuracy of information.
ITEM-126  CCL 11/12/18 - ADOPTION OF EFFECTIVE COMMUNICATION BETWEEN COUNCILLORS AND STAFF POLICY

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To adopt the Effective Communication Between Councillors and Staff Policy (Policy).

RECOMMENDATION

1 That Council adopts the Effective Communication Between Councillors and Staff Policy at Attachment A.

KEY ISSUES

2 It is good practice for policies adopted by the elected Council to be revised and re-adopted in the first year of a new Council term.

3 City of Newcastle’s (CN) Code of Conduct provides the framework for relationships between Council officials. It outlines the obligations of Councillors and staff and details inappropriate interactions in addition to requiring a policy be adopted.

4 The Policy supports the Code of Conduct and updates and replaces the previous Interaction Between Councillors and Staff Policy (Attachment B). The proposed revisions are not presented in track changes due to an update to the policy template and formatting.

5 The proposed revisions do not change the intent of the previous policy which continues to recognise the roles of the Lord Mayor, Councillors, Chief Executive Officer (CEO) and staff, and promotes effective relationships characterised by openness and good communication.

6 The revisions reduce duplication across policies, provide improved clarity around communication for both staff and Councillors, and highlights positive interactions. The one significant revision is to change the timeframe for responses to Councillor Service Requests from two to five business days.

FINANCIAL IMPACT

7 There is no direct financial costs associated with this recommendation.
COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Open and Collaborative Leadership

7.2a Conduct Council business in an open, transparent and accountable manner.

7.3b Provide clear, consistent, accessible and relevant information to the community.

7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

9 Open and Transparent Governance Strategy

2.2 Clearly defined roles and responsibilities with independence as well as cooperation between all parties.

IMPLEMENTATION PLAN/IMPLICATIONS

10 Councillors and staff will be provided with a copy of the Policy, and the Policy will be made publicly accessible on CN’s website.

RISK ASSESSMENT AND MITIGATION

11 The Policy is a key control in mitigating CN’s risk of Code of Conduct breaches in relation to inappropriate behavior between Councillors and staff.

RELATED PREVIOUS DECISIONS

12 The Interaction Between Councillors and Staff policy was adopted by Council at the Ordinary Council Meeting held on 28 May 2013.

CONSULTATION

13 The proposed changes to the Policy were outlined to Councillors at a workshop held on 12 November 2018 and the Policy has been the subject of internal consultation with the Executive Leadership Team. As the changes are limited, there is no requirement for further consultation.

BACKGROUND

14 The CEO is responsible for the efficient and effective operation of CN. The Policy strengthens governance and leadership by providing clear guidance about appropriate standards and interactions between elected officials and staff and supporting CN’s Code of Conduct.
OPTIONS

Option 1

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

Option 2

16 Council resolve not to adopt the Policy. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Effective Communication between Councillors and staff policy

Attachment B: Interaction between Councillors and Staff policy
Policy

Effective communication between Councillors and staff

City of Newcastle                      Insert Date
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Part A  Preliminary

1  Purpose

1.1  This policy provides a framework for CN Officers to assist and support Councilors, as elected members of the community, in exercising their civic duties honestly and with care and diligence in accordance with the Act.

1.2  The policy provides guidance on appropriate, effective and timely processes for Councilors to obtain information and ensures an appropriate level of interaction between Councilors and CN Officers.

2  Scope

2.1  The policy applies to Councilors and CN Officers.

2.2  The policy applies to all interactions between Councilors and CN Officers including in-person, by telephone, internet, email, social media, writing or any other form of communication.

    The policy should be read in conjunction with CN’s Code of Conduct.

3  Principles

3.1  CN commits itself to the following:

    3.1.1  Cooperation and collaboration between CN Officers and Councilors.

    3.1.2  Accountability and transparency in the provision of information and advice.

    3.1.3  Effective decision making through appropriate, timely, evidence-based information.

    3.1.4  Timeliness in ensuring Councilors receive accurate and timely advice to help them carry out their civic responsibilities.

Part B  Requesting information

4  What type of information may Councilors request?

4.1  Councillors may request access to information to enable them to carry out their civic role.

4.2  In limited circumstances, information may not be provided to Councilors (for example, Personal information on an employee’s personnel file or other information deemed confidential).

4.3  Where the CEO or Public Officer determines not to provide access to information requested by a Councillor, they will:

    4.3.1  act reasonably in reaching this decision; and

    4.3.2  provide reasons why the information sought is not considered to be required for the Councillor to perform their civic duty.
5 How may Councillors request information?

Administrative and minor operational requests

5.1 If a Councillor has a request of an administrative nature (including clarification of a Council report, request for information about a Council meeting or process, or an IT issue or payroll issue), they may contact a Director, Service Unit Manager or any CN Officer listed in the table at Annexure A by phone, email or in person (by appointment).

5.2 If a Councillor has a request of a minor operational nature (including minor or straightforward or non-complex updates about a current CN project or initiative — but excluding requests about major or complex initiatives), they may contact a Director, Service Unit Manager or any CN Officer listed in the table at Annexure A by phone, email or in person (by appointment).

5.3 Directors are to ensure that Service Unit Managers or any CN Officers listed in the table at Annexure A provide timely responses to Councillor requests of an administrative and minor operational nature.

5.4 Where multiple Councillor requests for the same or similar administrative or minor operational matter are received, or where a Director determines that the matter is not of an administrative or minor operational matter, Directors are to request that Councillors submit the request as a Council Service Request (see below).

All other requests

5.5 All other Councillor requests for information should be submitted as a Council Service Request (CSR). CSRs enable requests to be processed for matters which are not administrative or minor operational in nature as defined in section 5.1 and 5.2.

5.6 CSRs will be acknowledged and where possible a response provided on the fifth business day. Where it is not possible to respond to the request as required, the Councillor will be provided with an estimated timeframe for response.

5.7 If a CSR is urgent, the Councillor may contact the relevant Director or Service Unit Manager and advise of the urgent nature of the matter in addition to submitting the CSR. The Service Unit Manager and Director will keep the CEO informed of the progress of urgent requests to ensure a coordinated response.

5.8 Information provided in response to a CSR will be made available (by memo or on request, depending on the nature of the request) to all other Councillors, except where there is a legislative or policy requirement to keep the information confidential.

Who to contact

5.9 The CEO will from time to time approve a list of communication channels for Councillors and CN officers, as set in the table at Annexure A.

Councillor Memos and Workshops

5.10 Where the CEO and Directors are aware that an administrative or operational matter is of a more significant nature and needs to be brought to the attention of all Councillors, a Councillor Memo will be issued to all Councillors.

5.11 Where the CEO and Directors are aware that a significant matter needs to be discussed with Councillors, the CEO will arrange for a Councillor Workshop to be scheduled to provide Councillors with the opportunity to receive a briefing from relevant CN Officers.
6 Enquiries as a private citizen/rate payer

6.1 Where Councillors are required to interact with CN in their capacity as a private citizen/rate payer they will access CN services in the same manner as a private citizen/rate payer, clearly identifying that they are acting in their personal capacity.

6.2 CN Officers and Councillors should ensure such interactions are appropriate and avoid any perception of preferential treatment.

7 Requesting information under the GIPA Act

7.1 Councillors may request information under the GIPA Act. GIPA applications submitted by Councillors will be managed in accordance with the GIPA Act and treated in the same manner as a private citizen/rate payer making the request.

Part C Using information

8 Councillor use of information

8.1 In requesting and using CN information, Councillors must:

8.1.1 only access CN information needed to perform their civic duties;

8.1.2 not use CN information for private purposes;

8.1.3 not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or body, from information obtained in their capacity as a Councillor;

8.1.4 only disclose CN information in accordance with established CN policies and procedures and in compliance with relevant legislation; and

8.1.5 not disclose confidential information to the public. Confidential information includes:

8.1.5.1 Personal information about individuals (including CN Officers, rate payers and constituents) unless the individual gives consent to release of the information;

8.1.5.2 information that is marked confidential by the CEO in accordance with the Act or acting reasonably. If a Councillor disputes that information marked confidential is in fact confidential, then the Councillor should discuss this with the CEO;

8.1.5.3 information of a commercial or sensitive nature where release of commercial or sensitive information can be detrimental to the business of CN;

8.1.5.4 information that is provided or issued in a closed Councillor workshop; or

8.1.5.5 discussions or business that takes place in a meeting that is closed to the public in accordance with section 10A of the Act.

Part D Appropriate conduct

Councillors and CN Officers must always act in accordance with CN’s Code of Conduct. Appropriate conduct and interaction between Councillors and CN Officers as outlined in this Policy is necessary to ensure Councillors receive accurate and timely advice to help them carry out their civic responsibilities.
9 Examples of appropriate interactions

9.1 Councillors contact a Director or Service Unit Manager to request information of an administrative or minor operational nature.

9.2 Councillors contact staff in the CEO’s office or Legal Service Unit who will assist or direct enquiries to the most appropriate area.

9.3 The relevant Service Unit Manager requests a CN Officer to contact Councillors directly to request further information in relation to a CSR or inform the Councillor of the expected timeframe of the provision of a response.

9.4 Councillors contact the IT Helpdesk and IT staff provide technical assistance to Councillors in the use of CN issued ICT equipment.

9.5 Councillors contact Payroll Service staff to discuss specifics of their Councillor payments.

9.6 Councillors contact the Legal Service Unit to discuss enquiries regarding Council meetings.

9.7 Councillors contact an Advisory Committee Facilitator to discuss matters on that agenda.

10 Reporting inappropriate interactions

10.1 Councillors and CN Officers must report any inappropriate interactions between Councillors and CN Officers to the CEO.

10.2 Interactions made by Councillors deemed inappropriate may be considered misconduct under the Code of Conduct and penalties may include suspension or disqualification from civic office.

10.3 Interactions made by CN Officers deemed inappropriate may result in disciplinary action including termination of employment.

10.4 In the event of contradiction between this policy and CN’s Code of Conduct, CN’s Code of Conduct will prevail.

Part E Definitions

Act means the Local Government Act 1993 (NSW).

CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the CEO are references to the General Manager appointed under the Act.

City of Newcastle (CN) means Newcastle City Council.

References to City of Newcastle are references to Newcastle City Council as prescribed under the Local Government Act 1993 (NSW).

CN Officer means full time, part time, temporary and casual staff employed by CN, and volunteers.

Code of Conduct means CN’s Code of Conduct and the associated Procedures for the Administration of the Code of Conduct as prescribed by the Regulation.

Council means the elected Council.

Councillor means a person elected or appointed to civic office and includes the Lord Mayor.

Councillor Service Request (CSR) means the process by which a Councillor submits a request to CN in relation to a matter on which a Councillor would like to receive further information. CSRs should be sent to csr@ncc.nsw.gov.au.

Personal Information means information or an opinion about a person whose identity is apparent or can be ascertained from the information or opinion.

Public Officer means the CN Officer appointed under section 343 of the Act.

Regulation means the Local Government (General) Regulation 2005.
### Annexure A: Who can I contact?

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Effective communication between Councillors and staff policy
Version 4 Effective XX Month Year

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The City of Newcastle

Policy

Interaction between Councillors and Staff
## Interaction between Councillors and Staff Policy

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Part A  Preliminary

1  Background
1.1  The role of Councillors and the General Manager (with the assistance of Council staff) is clearly defined in the Local Government Act 1993 (NSW) (Act).
1.2  While Council staff have a duty to carry out decisions of the elected Council, they report to the General Manager.
1.3  Councillors need to be mindful that their interactions with Council staff must be in accordance with this policy, the Act and Council’s Code of Conduct.

2  Purpose
2.1  The purpose of this policy is to:
   2.1.1  provide a framework for appropriate Councillor and Council staff interaction;
   2.1.2  provide guidance on access to Council buildings for Councillors;
   2.1.3  provide a process for Councillors to access Council documents and information; and
   2.1.4  ensure Councillors have access to documents and advice for them to exercise their role as a Councillor.

3  Scope
3.1  The policy applies to Councillors and Council staff.

4  Principles
4.1  Council commits itself to the following principles:
    4.1.1  Cooperation and collaboration between Council staff and Councillors.
    4.1.2  Accountability and transparency in the provision of information and advice.
    4.1.3  Compliance with the relevant legislation in relation to interaction between Councillors and Council staff.

5  Definitions
5.1  Act means the Local Government Act 1993 (NSW).
5.2  Administrative Arm means the staff employed to administer Council.
5.3  Authorised Representative means the Council staff listed in clauses 10 and 11.
5.4  Council means The City of Newcastle.
5.5  Councillor Service Request means where a Councillor:
    5.5.1  completes the Councillor Service Request form on the Councillor intranet; or
    5.5.2  emails the request to crservicerequest@ncc.nsw.gov.au.
5.6  GIPA Act means Government Information (Public Access) Act 2009 (NSW).
5.7  Public Officer means the Council Officer appointed by the General Manager under section 342 of the Act who has the responsibility of assisting people to gain access to public documents of Council.

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

6  Councillors
6.1 Each Councillor and the Lord Mayor have two aspects to their role.
6.2 As a member of Council, Councillors by majority, collectively:
   6.2.1 direct and control the affairs of Council in accordance with the Act;
   6.2.2 allocate Council’s resources in the optimum way to benefit the City of Newcastle;
   6.2.3 play a key role in the creation and review of Council’s policies, objectives and criteria relating to the exercise of Council’s regulatory functions; and
   6.2.4 review the performance of Council and its delivery of services including management plans and revenue policies of Council.
6.3 As an elected representative, Councillors:
   6.3.1 represent the interests of residents and ratepayers;
   6.3.2 provide leadership and guidance to the community; and
   6.3.3 facilitate communication between the community and Council.
6.4 The Lord Mayor has additional responsibilities in accordance with the Act.

7  General Manager
7.1 The Administrative Arm of Council is led by the General Manager. The General Manager is responsible for the efficient and effective operation of Council’s organisation. The General Manager’s particular functions include:
   7.1.1 day to day management of Council including directing Council staff;
   7.1.2 appointing, directing and dismissing staff in accordance with an organisation structure and resources approved by the elected Council; and
   7.1.3 exercising the functions delegated to the General Manager by the elected Council.

8  Council Staff
8.1 Council staff are responsible for undertaking actions as directed by the General Manager.
Part C  Provision of information and advice

9  Right to information

9.1  Councillors have the right to request:

9.1.1  sufficient information from the General Manager to enable them to carry out
       their civic office functions; and

9.1.2  information and documentation from the General Manager or the Public
       Officer in accordance with the GIPA Act;

10  Enquiries of an administrative nature

10.1  If a Councillor has a day to day enquiry of an administrative nature (including
       clarification of a Council report or information about a Council meeting or process),
       they may contact by phone, email or in person:

10.1.1  the General Manager;

10.1.2  the relevant Director or Director’s Executive Assistant;

10.1.3  the relevant Service Unit Manager;

10.1.4  staff employed in the Lord Mayor’s Office, or

10.1.5  Council’s Governance and Council Services Team (in relation to questions or
       requests about Council meetings or in relation to Council policy).

11  Enquiries of a non administrative nature

11.1  Request

11.1.1  If a Councillor has a non administrative request, the Councillor must submit a
       Councillor Service Request.

11.1.2  Councillor Service Requests will be acknowledged and where possible a
       response provided within two days. Where it is not possible to respond to the
       request within two days, the Councillor will be provided with an estimated
       timeframe for response.

11.1.3  If a Councillor Service Request is urgent, the Councillor may telephone the
       relevant Director or Service Unit Manager and advise of the urgent nature of
       the matter in addition to submitting a Councillor Service Request. The Service
       Unit Manager or Director must keep the Director or General Manager
       informed of the progress of urgent requests to ensure a coordinated
       response.

11.1.4  Information provided to a particular Councillor in the performance of their civic
       duties will be made available (by memo or on request, depending on the
       nature of the request) to all other Councillors, except where there is a
       legislative or policy requirement to keep the information confidential.

11.2  Refusal

11.2.1  Councillors may in some circumstances be refused Council information (for
       example, information on employee’s personnel file).

11.2.2  Where the General Manager or Public Officer determines to refuse access to
       information sought by a Councillor, they will:

       (a)  act reasonably in reaching this decision; and

       (b)  provide reasons why the information sought is not considered to be
           required for the Councillor to perform their civic duty.
12 Councillor use of information

12.1 In requesting and using Council information, Councillors must:

12.1.1 only access Council information needed to perform their civic duties;
12.1.2 not use Council information for private purposes;
12.1.3 not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or body, from information obtained in their capacity as a Councillor;
12.1.4 only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation; and
12.1.5 not disclose confidential information to the public. Confidential information includes:

(a) personal information about individuals (including staff, rate payers and constituents) unless the individual gives consent to release of the information;

(b) information that is marked confidential by the General Manager in accordance with the Act or acting reasonably. If a Councillor disputes that information marked confidential is in fact confidential, then the Councillor should discuss this with the General Manager;

(c) information of a commercial or sensitive nature where release of commercial or sensitive information can be detrimental to the business of Council;

(d) discussions or information that take place or are issued in a closed Councillor workshop; or

(e) discussions or business that takes place in a meeting that is closed to the public in accordance with section 10A of the Act.

12.2 Part F of the Code of Conduct supplements this part of the policy and must be read in conjunction with it.
Part D Inappropriate Interactions between Councillors and Council Staff

13 Legislative framework
13.1 Section 355 of the Act provides that a function of General Manager is the day to day management of Council including being the link between Councillors and Council staff.

14 Inappropriate interaction – Councillors
14.1 If a Councillor contacts a Council staff member, by virtue of their position, the Council staff member may feel intimidated and offer favourable treatment to the Councillor. To avoid this, Councillors should only contact Authorised Representatives.
14.2 Councillors must not engage in any of the following inappropriate interactions:
   14.2.1 Councillors directing or pressuring Council staff in the performance of their work or recommendations;
   14.2.2 Councillors pressuring or using power over staff to obtain information;
   14.2.3 Councillors attempting to obtain information from Council staff in their capacity as a rate payer without making their intentions clear;
   14.2.4 Councillors lodging requests for services (such as waste collection, tree removal, road repair) directly with Council staff;
   14.2.5 Councillors who have a development application or other application before Council discussing the matter with a Council staff member in staff-only areas of Council and not making it clear that their request is as an applicant and not a Councillor;
   14.2.6 Councillors requesting Council staff to answer questions or provide information in an overbearing, threatening or intimidating manner;
   14.2.7 Councillors approaching Council staff outside the Council building or outside hours of work to discuss Council business; or
   14.2.8 any other interactions that breach Part E of the Code of Conduct.

15 Inappropriate interactions – Council staff
15.1 Council staff must not engage in any of the following inappropriate interactions:
   15.1.1 approaching Councillors (rather than the General Manager or delegate) on staffing issues (including about terms and conditions of their employment or those of their colleagues);
   15.1.2 refusing to give information provided to other Councillors to a particular Councillor unless a conflict of interest or confidentiality issue applies;
   15.1.3 lobbying Councillors;
   15.1.4 not providing consistent information to all Councillors or giving preferential treatment to particular Councillors for political or other reasons; or
   15.1.5 any other interactions that breach Part E of the Code of Conduct.
Part E  Access to Council buildings

16 Access to Council buildings

16.1 Councillors are entitled to access:
   16.1.1 the Council Chamber;
   16.1.2 the Lord Mayor’s Office (when invited by the Lord Mayor);
   16.1.3 the Councillors’ Room;
   16.1.4 the first floor of the City Administration Centre (the Governance and Council
      Services Team area and the General Manager’s reception); and
   16.1.5 public areas of Council buildings.

16.2 Councillors are not permitted to access other staff areas unless:
   16.2.1 they have an appointment with the General Manager or Authorised
      Representative; or
   16.2.2 are attending an organised meeting (for example a Committee meeting).
Part F  Breach

17  Breach

17.1 Separation of responsibilities between the Administrative Arm of Council and the elected Councillors is fundamental to the democratic system of local government and ensuring Councillors are provided equal access to information. This policy has been established to assist in maintaining practices in accordance with this fundamental principle. All breaches of the policy will be dealt with in accordance with Council’s Code of Conduct.

17.2 Councillors and Council staff must report any breaches of this policy to the General Manager.

17.3 Breaches by Councillors may be considered misconduct under the Code of Conduct and penalties for breach potentially include suspension or disqualification from civic office.

17.4 Breaches of this policy by Council staff may result in disciplinary action including termination of employment.
ITEM-127 CCL 11/12/18 - REPORT ON REVIEW OF ADVISORY COMMITTEES AND ADOPTION OF ADVISORY COMMITTEE CHARTERS

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To adopt a new Advisory Committee structure and appoint Councillor members to Advisory Committees.

RECOMMENDATION

1 That Council deal with the item in seriatim.

2 That Council:

   a) establish the Infrastructure Advisory Committee with the Terms of Reference at Attachment A and appoint Councillor [insert name of Councillor] as the Chairperson, Councillor [insert name of Councillor] as the Deputy Chairperson and [insert name of Councillor] as a committee member;

   b) establish the Strategy and Innovation Advisory Committee with the Terms of Reference at Attachment B and appoint Councillor [insert name of Councillor] as the Chairperson, Councillor [insert name of Councillor] as the Deputy Chairperson and [insert name of Councillor] as a committee member;

   c) establish the Community and Culture Advisory Committee with the Terms of Reference at Attachment C and appoint Councillor [insert name of Councillor] as the Chairperson, Councillor [insert name of Councillor] as the Deputy Chairperson and [insert name of Councillor] as a committee member; and

   d) establish the Livable Cities Advisory Committee with the Terms of Reference at Attachment D and appoint Councillor [insert name of Councillor] as the Chairperson, Councillor [insert name of Councillor] as the Deputy Chairperson and [insert name of Councillor] as a committee member;

   with effect from 1 July 2019 until the day prior to the ordinary Council election in 2020.

3 That Council continue, as standing committees, the:

   a) Guraki Aboriginal Advisory Committee with Terms of Reference at Attachment E and appoint Councillor [insert name of Councillor] as the Co-Chairperson, Councillor [insert name of Councillor] as the Deputy Chairperson and [insert name of Councillor] as a committee member;
b) the Disability Inclusion Advisory Committee, renamed to the Access Inclusion Advisory Committee, with Terms of Reference at Attachment F and appoint Councillor [insert name of Councillor] as the Co-Chairperson, Councillor [insert name of Councillor] as the Deputy Chairperson and [insert name of Councillor] as a committee member; and

c) Youth Council with Terms of Reference at Attachment G and appoint Councillor [insert name of Councillor] as the Co-Chairperson, and [insert name of Councillor] and [insert name of Councillor] as committee members.

4 That Council continue, the:

a) Asset Advisory Committee with current membership; and

b) Audit and Risk Committee with current membership.

until the day prior to the ordinary Council election in 2020.

5 That Council continue the Public Art Reference Group (working party) and appoint Councillor [insert name of Councillor] as the Chairperson, Councillor [insert name of Councillor] as the Deputy Chairperson and [insert name of Councillor] as a reference group member, with the Reference Group to be dissolved with effect from 30 June 2019.

6 That Council dissolve all other advisory or similar committees established by Council, including but not limited to advisory committees, working parties, reference groups, consultative groups, with effect from 30 June 2019.

7 That Council adopt the Guidelines for meeting practice - Advisory Committees at Attachment H.

8 That Council adopt the Standard Operating Procedures for Working Parties at Attachment I.

KEY ISSUES

9 CN’s Open and Transparent Governance Strategy and governance framework set out the processes and behaviours that ensure CN achieves our intended purpose as a local government organization compliant with all relevant laws, codes and ethics while meeting community expectations of probity, accountability and transparency.

10 Advisory Committees are established under Part Q of Council’s Code of Meeting Practice to provide advice to the elected Council on matters of strategic significance, and to provide advice to CN on implementation of relevant matters aligned to the Community Strategic Plan. Advisory Committees may make recommendations to Council or a Committee of Council but no functions are delegated to them by Council. This report does not apply to section 355 committees which are established under legislation.
11 Challenges and opportunities identified as part of the review of Advisory Committees included improved alignment to strategic objectives from the Community Strategic Plan, effectiveness in achieving purpose, value-add to Council decision-making processes and Councillor and community involvement, consideration of attendance, resourcing, consistency in approach, and reporting to Council.

12 It is proposed to reestablish advisory committees to improve alignment with the Community Strategic Plan and functional responsibilities, and ensure opportunities for genuine consultation on issues of significance and community impact.

13 In order to address concerns identified during the review process, the proposed structure provides for the appointment of the Chairperson and Deputy Chairperson from among the Councillors appointed to the advisory committee.

14 It is proposed that the advisory committees meet quarterly on the first Tuesday of the month commencing at 5:30pm. Due to meetings potentially occurring on the same evening, Councillors are requested to mindful of availability when nominating for membership.

15 The proposed structure will allow advisory committees to establish working parties that will allow greater flexibility, targeted consideration of priority areas, and increased responsiveness to emerging needs. Following the introduction of the new structure on 1 July 2019, the Public Art Reference Group will be reconstituted as a working party by the Community and Culture Advisory Committee.

16 Principles supporting the advisory committee framework include:

   a) Purpose of Advisory Committees is clear – there is a clear link to the Community Strategic Plan;

   b) Importance of matters for consideration is clear – there is a clearly articulated mechanism for consideration of matters including clear terms of reference, advice on the types of matters to be considered to make the advisory committee meaningful and with real matters to advise on;

   c) Regular review of advisory committee framework – there is a regular review to ensure the structures are vigorous, active and with an appropriate number of advisory committees;

   d) Regular review of established advisory committees – there is a regular review of advisory committees to ensure ongoing alignment with Council priorities, alignment with Council term or specific purpose and timeframe; and

   e) Clear nomenclature supporting advisory committee framework – there is a clearly articulated difference between types of advisory committees reflecting differences in purpose and roles.
The proposed structure will allow advisory committees to establish working parties that will allow greater flexibility, targeted consideration of priority areas, and increased responsiveness to emerging needs. Existing working parties that were established by Council resolution can be re-established under the relevant advisory committee.

The broad scope of the proposed Infrastructure Advisory Committee encompasses matters such as delivery of coastal revitalisation programs, environmental matters, transport, traffic and parking, cycleways delivery and floodplain management.

The broad scope of the proposed Strategy and Innovation Advisory Committee encompasses matters such as economic development, smart cities, tourism and major events.

The broad scope of the proposed Community and Culture Advisory Committee encompasses matters such as parks and recreation, lifelong learning, cultural facilities, companion animals, and public art.

The broad scope of the proposed Liveable Cities Advisory Committee encompasses matters such as urban planning, heritage, safety, affordable housing, and planning strategies.

**FINANCIAL IMPACT**

Resourcing allocation to support the advisory committees will be considered as part of the 2019/20 budget.

Where additional resourcing may be required once an implementation plan is confirmed, Council may be asked to consider funding as part of the quarterly review process.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

Open and Collaborative Leadership

7.2a Conduct Council business in an open, transparent and accountable manner

7.4a Continuous improvement in services delivery based on accountability, transparency and good governance

7.2b Provide timely and effective advocacy and leadership on key community issues

7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making
Open and Transparent Governance Strategy

3.6 Active citizen engagement on local planning and decision-making processes and a shared responsibility for achieving goals - Consideration of the community’s advice on Council issues

IMPLEMENTATION PLAN/IMPLICATIONS

A full implementation plan will be developed if Council supports the proposal. This will likely include:

a) Final meetings of existing advisory committees March/April 2019;

b) An expression of interest process for community members to join advisory committees and targeted appointment of stakeholder representatives;

c) Establishment of standard processes, structures and governance framework;

and

d) Commencement of new advisory committees from July 2019.

RISK ASSESSMENT AND MITIGATION

Advisory Committees are a key mechanism for engaging the community in local planning and decision-making.

Clear and transparent advisory committee processes ensures broad opportunities for membership providing for greater diversity of input into matters on which the elected Council will be making decisions.

RELATED PREVIOUS DECISIONS

At its meeting on 27 February 2018, Council resolved that the composition and structure of advisory committees be reviewed to ensure effective Councillors and community input into decisions, and appropriate oversight and governance.

At its meeting on 26 June 2018, Council resolved to adopt the charters for the Coastal Revitalisation, Environmental, Floodplain Risk Management, Cycling, Disability Inclusion, Guraki and Youth Council Advisory Committees.

CONSULTATION

A consultation meeting with committee facilitators was held on 3 July 2018.

A Councillor workshop was held on 18 September 2018.

35 A further Councillor workshop was held on 20 November 2018.

BACKGROUND

36 A robust advisory committee framework strengthens governance and leadership by providing clear and transparent processes for the community to advise Council on particular areas.

OPTIONS

Option 1

37 The recommendation as at Paragraphs 1-6. This is the recommended option.

Option 2

38 Council resolve not to adopt the advisory committee structure and terms of reference. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Infrastructure Advisory Committee Terms of Reference
Attachment B: Strategy and Innovation Advisory Committee Terms of Reference
Attachment C: Community and Culture Advisory Committee Terms of Reference
Attachment D: Livable Cities Advisory Committee Terms of Reference
Attachment E: Guraki Aboriginal Advisory Committee Terms of Reference
Attachment F: Access and Inclusion Advisory Committee
Attachment G: Youth Council Terms of Reference
Attachment H: Guidelines for meeting practice - Advisory Committees
Attachment I: Standard Operating Procedures for Working Parties
INFRASTRUCTURE ADVISORY COMMITTEE

SHORT DESCRIPTION

To provide advice and guidance on the development of strategies, and identification of challenges and opportunities, in relation to built and natural facilities and systems within the LGA.

COMMUNITY STRATEGIC PLAN ALIGNMENT

Integrated and Accessible Transport

1.1a Support implementation of the regional transport strategy
1.2a Continue to upgrade, extend and promote cycle and pedestrian networks
1.3a Ensure safe road networks through effective planning and maintenance

Protected Environment

2.2a Provide and advocate for protection and rehabilitation of natural areas
2.3a Ensure decisions and policy response to climate change remains current and reflects community needs

PURPOSE

1. To provide advice on development of strategies to ensure Council has robust infrastructure management practices and policies;
2. To provide advice on the planning for integrated public and active transport services and oversee the implementation of Council’s traffic, parking and cycling management plans and operations.
3. To provide advice on capital works and maintenance program performance including roads, structures and drainage infrastructure.
4. To provide advice on the protection and enhancement of natural infrastructure including waterways, floodplains, coastal, biodiversity, air quality, natural areas, habitat corridors, and efficiency and integrated water management.

MEETING SCHEDULE

Quarterly, on the first Tuesday of the month commencing at 5:30pm.

MEMBERSHIP

1. Up to three Councillors;
2. Representatives from Stakeholder Organisations, determined by the Committee (Chairperson with assistance of the Facilitator); and
3. Up to three Community Representatives.

CHAIRPERSON

One Councillor appointed by Council from among the Councillor members.

DEPUTY CHAIRPERSON

One Councillor appointed by Council from among the Councillor members.
STRATEGY AND INNOVATION ADVISORY COMMITTEE

TERMS OF REFERENCE

GOVERNING BODY / APPROVED BY Council
FUNCTIONAL ALIGNMENT Strategy and Engagement

SHORT DESCRIPTION

To provide advice and guidance on the development of strategies, and identification of challenges and opportunities, in relation to activation of Newcastle as destination leading in innovative technologies, smart infrastructure, and high value investment.

COMMUNITY STRATEGIC PLAN ALIGNMENT

Vibrant, Safe and Active Public Places
3.1c Support and deliver cultural and community programs, events and live music
3.3b Plan for a night-time economy, characterised by creativity, vibrancy and safety, that contributes to cultural and economic revitalisation

Smart and Innovative
6.1a Recognise and strengthen Newcastle's role as a metropolitan capital and hub for education, health, tourism, creative, port and logistics industries
6.2a Support and advocate for innovation in business, research activities, education and creative industries
6.3a Facilitate events that attract visitors and support the local economy and the vibrancy of Newcastle
6.3b Work with the tourism sector to further develop Newcastle as a visitor and event destination
6.3d Foster a collaborative approach to continue city centre renewal

PURPOSE

1. To provide advice on development of strategies that position Council as a leader in the application of technologies to address urban challenges and enhance liveability;
2. Facilitate and lead a culture of innovation providing an opportunity for Council to respond to pressing local needs;
3. Act as a conduit between Council and the community in relation to information and initiatives related to tourism and economic development;
4. To provide advice on the planning for the night-time economy and oversee the implementation of Council's revitalisation and event related management plans and operations.

MEETING SCHEDULE

Quarterly, on the first Tuesday of the month commencing at 5:30pm.

MEMBERSHIP

1. Up to three Councillors;
2. Representatives from Stakeholder Organisations, determined by the Committee (Chairperson with the assistance of the Facilitator); and
3. Up to three Community Representatives.

CHAIRPERSON

One Councillor appointed by Council from among the Councillor members.

DEPUTY CHAIRPERSON

One Councillor appointed by Council from among the Councillor members.
COMMUNITY AND CULTURE ADVISORY COMMITTEE

TERMS OF REFERENCE

GOVERNING BODY / APPROVED BY Council
FUNCTIONAL ALIGNMENT City-Wide Services

SHORT DESCRIPTION

To provide advice and guidance on the development of strategies, and identification of challenges and opportunities, in relation to cultural planning, arts and cultural opportunities, community pride and local identity, and community involvement which encourages a sense of belonging within the LGA.

COMMUNITY STRATEGIC PLAN ALIGNMENT

Inclusive Community
4.2a Ensure people of all abilities can enjoy our public places and spaces
4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services
4.2c Promote recreation, health and wellbeing programs

Vibrant, Safe and Active Public Places
3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs
3.1c Support and deliver cultural and community programs, events and live music
3.2b Celebrate Newcastle’s identity by sharing local stories, both historical and contemporary, through arts and cultural programs

PURPOSE

1. To provide advice on development of strategies to ensure Council has appropriate community and cultural programs that promote social inclusion, social justice and sustainability;
2. To provide advice on cultural planning for integrated community services and oversee the implementation of Council’s social strategies and related management plans and operations;
3. To provide advice on the direction and strategies Council pursues for the use of sporting and recreational facilities;
4. To provide advice and guidance on policies that support the progress and development of arts, culture and learning to make the LGA a culturally rich and vibrant community;
5. To provide advice on the development of programs and strategic partnerships that foster a strong sense of local identity, distinctiveness, belong, and community spirit.

MEETING SCHEDULE

Quarterly, on the first Tuesday of the month commencing at 5:30pm.

MEMBERSHIP

1. Up to three Councillors;
2. Representatives from Stakeholder Organisations, determined by the Committee (Chairperson with the assistance of the Facilitator); and
3. Up to three Community Representatives.

CHAIRPERSON

One Councillor appointed by Council from among the Councillor members.

DEPUTY CHAIRPERSON

One Councillor appointed by Council from among the Councillor members.
LIVEABLE CITIES ADVISORY COMMITTEE
TERMS OF REFERENCE

GOVERNING BODY / APPROVED BY Council
FUNCTIONAL ALIGNMENT Governance

SHORT DESCRIPTION
To provide advice and guidance on the development of strategies, and identification of challenges and opportunities, in relation to safe, healthy and connected urban systems within the LGA.

COMMUNITY STRATEGIC PLAN ALIGNMENT

Vibrant, Safe and Active Public Places
3.3a Collaborate with local groups and services to address crime and safety issues

Livable Built Environment
5.1a Protect and promote our unique built and cultural heritage
5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character
5.2b Plan for an urban environment that promotes active and healthy communities
5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options

Smart and Innovative
6.3c Work with businesses, planners and government at all levels to facilitate key infrastructure to support business growth

PURPOSE
1. To provide advice on development of strategies that support urban policy and frameworks to achieve liveability objectives;
2. To provide advice on the planning for integration of affordability, transport, infrastructure, environment, and safety and crime prevention strategies;
3. To consider and advise on environmental and sustainability planning;
4. To provide advice on the protection and enhancement of heritage issues and design character.

MEETING SCHEDULE
Quarterly, on the first Tuesday on the month commencing at 5:30pm.

MEMBERSHIP
1. Up to three Councillors;
2. Representatives from Stakeholder Organisations, determined by the Committee (Chairperson with the assistance of the Facilitator); and
3. Up to three Community Representatives.

CHAIRPERSON
One Councillor appointed by Council from among the Councillor members.

DEPUTY CHAIRPERSON
One Councillor appointed by Council from among the Councillor members.
GURAKI ABORIGINAL ADVISORY COMMITTEE
TERMS OF REFERENCE

GOVERNING BODY / APPROVED BY Council
FUNCTIONAL ALIGNMENT People and Culture

SHORT DESCRIPTION
To provide advice and guidance in relation to Aboriginal and Torres Strait Islander issues, giving life to Council’s commitment to the Aboriginal and Torres Strait Islander people of the City of Newcastle and engaging Aboriginal and Torres Strait Islander people in Local Government.

COMMUNITY STRATEGIC PLAN ALIGNMENT

Inclusive Community
4.1a Acknowledge and respect First Nations peoples
4.1b Support initiatives and facilities that encourage social inclusion and community connections
4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services

Vibrant, Safe and Active Public Places
3.2a Celebrate Newcastle’s cultural heritage and diversity

Liveable Build Environment
5.1a Protect and promote our unique built and cultural heritage

PURPOSE
1. To give life to Council’s 1998 Commitment to the Aboriginal and Torres Strait Islander Peoples of the City of Newcastle;
2. To provide advice and guidance in relation to Aboriginal matters of cultural and heritage significance;
3. To engage Aboriginal and Torres Strait Islander peoples in Local Government;
4. To raise the broad community awareness of Aboriginal culture and themes;
5. To provide a united voice for Aboriginal peoples of the City of Newcastle.

MEETING SCHEDULE
Quarterly, on the first Tuesday of the month commencing at 5:30pm.

MEMBERSHIP
1. Up to three Councillors;
2. Representatives from Stakeholder Organisations, determined by the Committee (Chairperson and Co-Chairperson with the assistance Facilitator); and
3. Up to three Community Representatives.

CHAIRPERSON
This committee operates using a co-chairperson model. One Councillor appointed by the Council from among the Councillor members, and one member elected at the first meeting of the committee.
ACCESS AND INCLUSION ADVISORY COMMITTEE

TERMS OF REFERENCE

GOVERNING BODY / APPROVED BY: Council
FUNCTIONAL ALIGNMENT: Strategy and Engagement

SHORT DESCRIPTION

To provide advice and guidance in the application of planning instruments that prioritise access, social inclusion and overcoming discriminatory impediments to promote a highly accessible, inclusive and welcoming community that respects independence and human dignity.

COMMUNITY STRATEGIC PLAN ALIGNMENT

**Vibrant, Safe and Active Public Places**

3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs

3.2a Celebrate Newcastle’s cultural heritage and diversity

**Inclusive Community**

4.1b Support initiatives and facilities that encourage social inclusion and community connections

4.1c Improve, promote and facilitate equitable access to services and facilities

4.2a Ensure people of all abilities can enjoy our public places and spaces

PURPOSE

1. To provide advice and guidance to ensure that all residents are able to participate actively in all aspects of community and civic life and ensure that Council recognises and values the diversity of its community;

2. To provide advice and guidance on identifying and addressing barriers preventing people from participating in programs, services and facilities across the City. This includes barriers relating to disability, health, age, and cultural and linguistic diversity;

3. To promote adherence to the principles of the Disability Discrimination Act 1992 and the NSW Disability Inclusion Act 2014 which will benefit the community as a whole;

4. To promote social inclusion in our community through recommendations to improve the built environment, changes in community attitudes and behaviours, and creating better systems and processes for meaningful social and economic participation of people of all abilities and backgrounds.

MEETING SCHEDULE

Quarterly, on the first Tuesday of the month commencing at 5:30pm.

MEMBERSHIP

1. Up to three Councillors;

2. Representatives from Stakeholder Organisations, determined by the Committee (Chairperson and Co-Chairperson with the assistance of the Facilitator); and

3. Up to three Community Representatives.

CHAIRPERSON

This committee operates using a co-chairperson model. One Councillor appointed by the Council from among the Councillor members, and one member elected at the first meeting of the committee.
YOUTH COUNCIL
TERMS OF REFERENCE

GOVERNING BODY / APPROVED BY Council
FUNCTIONAL ALIGNMENT City-Wide Services

SHORT DESCRIPTION
To guide the implementation of youth strategies for City of Newcastle, raise awareness of youth issues and engage young people in local government.

COMMUNITY STRATEGIC PLAN ALIGNMENT
Inclusive Community

4.1b Support initiatives and facilities that encourage social inclusion and community connections
4.2b Improve access to formal and informal lifelong learning opportunities, facilities and services

PURPOSE
1. To engage young people in local government;
2. To raise awareness of youth issues;
3. To allocate Youth Week grants in accordance with Council’s Youth Week Grant Policy;
4. To assist the City to prepare applications for youth related grants;
5. To provide advice and guidance to support the City in youth matters.

MEETING SCHEDULE
Quarterly, on the first Tuesday of the month commencing at 5:30pm.

MEMBERSHIP
1. Up to three Councillors;
2. Up to fifteen Community Representatives, determined by the Committee (Chairperson and Co-Chairperson with the assistance of the Facilitator).

CHAIRPERSON
This committee operates using a co-chairperson model. One Councillor appointed by the Council from among the Councillor members, and one member elected at the first meeting of the committee.
Guidelines for meeting practice - Advisory Committees
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1 Interpretation

1.1 Act means the Local Government Act 1993 (NSW).

1.2 CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

1.3 Chairperson means a Member appointed pursuant to clause 8 and includes Co-Chairperson.

1.4 City of Newcastle (CN) means Newcastle City Council.

1.5 Committee means the advisory committee established by resolution of Council.

1.6 Community Representative means a Council Volunteer appointed to the Committee pursuant to clause 5.

1.7 Council means the elected Council.

1.8 CN Volunteer means an individual who gives their time to CN willingly for the common good and without financial gain.

1.9 Facilitator means a CN staff member appointed to fulfil the tasks set out in clause 11.

1.10 Member means each of the individual's appointed in accordance with clauses 3, 4 or 5.

1.11 Secretary means a CN staff member appointed to fulfil the tasks set out in clause 12.

1.12 Stakeholder Organisation means a stakeholder organisation nominated by the Chairperson to be represented on the Committee, pursuant to clause 4.

2 Authority

2.1 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of CN rests with the Council and the CEO, as provided in the Act.

2.2 The Committee has no executive powers and cannot make decisions on behalf of CN. Furthermore, the Committee is not a committee delegated authority therefore it cannot exercise powers under s.355 of the Act.

2.3 Neither the Committee nor any of its Members may direct any CN staff member in his or her duties.

2.4 This Committee is not a CN committee as defined in section 260 of the Act, because its membership is not constituted solely by Councillors.

2.5 The Chairperson of the Committee may, if considered reasonably necessary and with the approval of the CEO, request external professional advice to allow the Committee meet its responsibilities.

2.6 The CEO may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.
3 Election of Councillor Members

3.1 CN will call for nominations for Councillor Members at the commencement of each Council term (the Facilitator will arrange for a report to be provided to the Council).

3.2 Council will elect Councillor Members by resolution.

4 Appointment of Stakeholder Organisation representatives

4.1 The Chairperson, with the assistance of the Facilitator, will identify relevant Stakeholder Organisations to be represented on the Committee.

4.2 The Facilitator will invite the identified Stakeholder Organisation to nominate a representative for membership of the Committee.

4.3 If an appointed representative is unable to attend a meeting, the relevant Stakeholder Organisation may nominate an alternative representative to attend on their behalf, with prior notice to the Facilitator.

5 Appointment of Community Representatives

5.1 The appointment of Community Representatives to the Committee will:

5.1.1 seek to achieve a mix of skills to facilitate the sound functioning of the Committee; and

5.1.2 seek to represent the diversity within and interests of the community.

5.2 Community Representatives will be appointed following a public Expressions of Interest (EOI) process each Council term.

5.3 Written applications must be lodged with CN and address the selection criteria determined by the Councillor members of the Committee.

5.4 Applications will be assessed by the Councillor members of the Committee on merit according to the selection criteria.

5.5 If more applications than positions are received, and deemed suitable for appointment as Community Representatives, offers of membership will be made to the top applicants and the remainder placed on an eligibility list.

6 Termination of Membership

6.1 Each Member shall remain a member of the Committee until:

6.1.1 one day prior to Council’s next ordinary election, or

6.1.2 the Member resigns, or

6.1.3 the membership is terminated.

6.2 Membership of any Member of the Committee may be terminated by resolution of the Committee due to:

6.2.1 the Member’s non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee; or
6.2.2 the Member’s conduct being inconsistent with the committee terms of reference or CN’s Code of Conduct.

6.3 Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.

6.4 If the terminated Member was a:

6.4.1 Community Representative, the Chairperson in consultation with the Facilitator, will determine a replacement Member from the eligibility list where applicable. If not applicable, the Facilitator will commence a new selection process.

6.4.2 Member from a Stakeholder Organisation, the Stakeholder Organisation should nominate a replacement Member to the Committee.

7 Responsibility of Members

7.1 Members are expected to:

7.1.1 understand the relevant legislative and regulatory requirements applicable to CN;

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

7.1.3 provide advice and feedback on matters brought before the Committee.

7.2 Members must conduct themselves in accordance with CN’s Code of Conduct.

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

7.4 Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

7.5 Members who are Community Representatives must also comply with CN’s Volunteer Framework.

8 Appointment and responsibility of Chairperson

8.1 The Chairperson will be appointed by Council resolution from among the Councillor members.

8.2 Where a Committee operates under a Co-Chairperson model, as determined by the Committee terms of reference, the election of a Co-Chairperson will take place at the first meeting of the Committee in a new Council term.

8.2.1 The Facilitator will administer the Co-Chairperson election.

8.2.2 If there are more than two nominees for the Co-Chairperson position, the nominee receiving the lowest number of votes will be eliminated and a further round of voting will take place to elect the Co-Chairperson. This process will continue until a nominee is elected.

8.3 The Chairperson will officiate and conduct each meeting.

8.4 If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.
The Chairperson will remain until the dissolution date, unless the Chairperson resigns and in this case, a new Chairperson should be appointed in accordance with this clause.

The Chairperson will officiate and conduct each meeting.

If the Chairperson and Co-Chairperson are absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.

The Chairperson and Co-Chairperson will remain until the dissolution date, unless the membership of the Chairperson or Co-Chairperson is terminated and in this case, a new Chairperson or Co-Chairperson should be appointed in accordance with this clause.

9 Attendance at meetings

9.1 In addition to Members, the following may be in attendance at any meeting of the Committee:

9.1.1 The Lord Mayor (voting attendee);
9.1.2 Councillors not appointed as Members of the Committee;
9.1.3 CN staff; and
9.1.4 External personnel by invitation of the Committee.

9.2 The attendees in 9.1.2 to 9.1.4 do not have voting rights.

10 Quorum

10.1 A quorum is constituted by attendance of a majority of Members including at least one Councillor Member.

10.2 If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Chairperson.

11 Responsibility and requirements of Facilitator

11.1 The Facilitator will be a suitably qualified CN officer, appointed by the Director with functional responsibility for the Committee, who will undertake the following functions:

11.1.1 oversee and be responsible for the functions of the Secretary;
11.1.2 accept or reject (in consultation with the CEO) items of business;
11.1.3 ensure Members are familiar with the committee terms of reference and CN's Code of Conduct;
11.1.4 facilitate discussion at committee meetings, provide input to meetings and be an active (non-voting) Member of the Committee;
11.1.5 focus the Committee on its responsibilities outlined in the terms of reference and the meeting agenda items;
11.1.6 act as the communication link between the Committee and CN;
11.1.7 manage the resources available to the Committee;
11.1.8 manage the performance of the Committee;
11.1.9 where appropriate, liaise closely with the facilitators of CN’s other committees to assist with the collaboration between committees, the sharing of information and the efficient and effective use of CN and committee resources; and

11.1.10 work closely with the Chairperson to administer the Committee and its meetings.

11.2 This position may be shared among a number of suitably qualified CN officers or be the same person.

11.3 The Facilitator may take on the role of a Secretary while performing her/his responsibilities as a Facilitator.

12 Responsibility and requirements of Secretary

12.1 The Secretary will be a suitably qualified CN officer who undertakes the following functions:

12.1.1 prepare agendas;

12.1.2 update the register of Members;

12.1.3 maintain a meeting attendance register;

12.1.4 take minutes at Committee meetings and prepare them for circulation (once approved by the Facilitator);

12.1.5 collate Committee business papers prepared or submitted by CN officers, Committee Members, working parties and stakeholders;

12.1.6 publish agendas, minutes and Committee business papers on CN’s website;

12.1.7 book meeting venues and organise the provision of any necessary equipment; and

12.1.8 provide administrative assistance to the Facilitator.

12.2 This position may be shared among a number of suitably qualified CN officers or be the same person.

13 Meeting schedule

13.1 The Committee will meet at least four times per calendar year or as otherwise resolved by the Committee.

13.2 Meeting dates will be agreed by the Committee by no later than October each year for the following calendar year.

13.3 Additional meetings may be scheduled by the:

13.3.1 Chairperson;

13.3.2 Committee by resolution;

13.3.3 Council; or

13.3.4 Lord Mayor or CEO.

13.4 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.
14 Meeting agendas and business papers

14.1 The Facilitator will ensure that notice of meetings, including the agenda and business papers, are provided to the Committee at least five business days prior to the day of the meeting. These may be transmitted electronically.

15 Minutes

15.1 All Committee business will be properly minuted and recorded by the Secretary. The minutes will be:

15.1.1 approved by the Facilitator in draft;

15.1.2 approved by the Committee as final by resolution. The Committee must then authorise the Chairperson to sign the confirmed minutes;

15.1.3 managed in accordance with CN’s Records Management Policy; and

15.1.4 published on CN’s website (ensuring CN meets its privacy obligations).

15.2 Draft minutes will be distributed to the Committee no later than 10 business days after the meeting.

15.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.

15.4 At its first meeting, the Committee is to determine if adopted minutes should be placed on CN’s website. Confidential and/or matters of a sensitive nature will be redacted from the published minutes at the discretion of the Chairperson or Facilitator.

16 Resolutions of the Committee

16.1 The Committee is expected to make decisions by open vote and record its resolutions in the minutes of the Committee meeting.

16.2 The CEO (or their delegate) may action resolutions as they deem appropriate in accordance with their individual delegations and authorisations.

16.3 A report to the Council for a decision will be required where resolutions fall outside the functions delegated to the CEO.

17 Reports to Council

17.1 It is the responsibility of the Chairperson and Facilitator to report to the Council:

17.1.1 at the commencement of each Council term calling for Councillor Members; and

17.1.2 at least annually, which will include attendance records, performance review and a summary of key items of business; and

17.1.3 where a Council resolution is required to enact a recommendation of the Committee, or where the Committee otherwise wishes to report information to the Council.

18 Performance of the Committee

18.1 The Chairperson with the assistance of the Facilitator must undertake a review of the Committee’s performance annually using the template at Attachment A.
(the first review must be completed within 12 months of the first Council meeting of the Council term - for example by September 2018).

18.2 The performance review must be completed in conjunction with a member of CN’s Legal Service Unit.

18.3 The completed performance review must be endorsed by the Committee and included in the Committee’s annual report to the Council.

19 Public Comment

19.1 The Lord Mayor and CEO are the official spokespersons for CN, in accordance with CN’s Media Policy, and no Members should speak to the media or members of the public on behalf of CN or the Committee.
Attachment A

REPORT TO [INSERT NAME] ADVISORY COMMITTEE

SUBJECT: REVIEW OF [INSERT NAME] ADVISORY COMMITTEE PERFORMANCE

REPORT BY: [DIRECTORATE]/ [SERVICE UNIT]/[FACILITATOR TITLE]

DATE: XXXX

PURPOSE

This performance review is presented to the [Insert name] Advisory Committee (Committee) in compliance with clause 18 of the Guidelines for meeting practice – Advisory Committees.

RECOMMENDATION / OUTCOME SOUGHT

1. The [insert name] Advisory Committee endorses the performance review at Attachment A and notes the Facilitator will include the performance review report in the annual report to the Council.

KEY ISSUES

2. It is important that CN committees operate effectively and in accordance with the terms of reference adopted by the Council.

3. Performance reviews are a mechanism of monitoring effective performance.
Performance of the [insert name] Advisory Committee
(Note: performance is based on the previous year
- eg. review carried out in 2019 on Advisory Committee’s performance in 2018)

1. Did the [insert name] Advisory Committee (Committee) report to the Council as required?
   (the report should detail the dates of each report/s to the Council)

2. Detail the number of meetings required to be held per calendar year as provided for in the
   Guidelines for meeting practice – Advisory Committees.

3. Detail the number of meetings held in [insert year], that were quorate.

4. The Guidelines for meeting practice – Advisory Committees requires Members of the
   Committee to conduct themselves in accordance with the Code of Conduct. Does the
   agenda include a standing item for Members to declare a conflict of interest? (yes/no)

5. Do business papers of meetings:
   a) Include relevant background information necessary to enable Members to
      make informed decisions (Yes/No).
   b) Are distributed to Members in accordance with the required timeframe
      (Yes/No).

4. Do minutes of meetings:
   a) Contain a summary of the decisions (Yes/No).
   b) Are adopted by the Committee at a subsequent meeting (Yes/No).
   c) Are distributed to Members in the required timeframe (yes/no - if no list details of
      reasons for delay).

5. Attach annual attendance details.

6. Have all Community Representatives attended induction? (Yes/No)

Approval
Committee Facilitator: ____________________________ Legal Service Unit: ____________________________
Name: ____________________________ Name: ____________________________
Signature: ____________________________ Signature: ____________________________
Date: ____________________________ Date: ____________________________
[Working Party Operating Procedures]

[TITLE PAGE]

November 2018
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1 Interpretation
1.1 Act means the Local Government Act 1993 (NSW).
1.2 Advisory Committee means the advisory committee that by resolution established the working party.
1.3 CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.
References to the Chief Executive Officer are references to the General Manager appointed under the Local Governance Act 1993 (NSW).
1.4 Chairperson means the person who will chair the meetings of the working party.
1.5 City of Newcastle (CN) means Newcastle City Council.
1.6 Coordinator means the Coordinator of the working party.
1.7 Council means the elected Council.

2 Establishment and dissolution
2.1 Working parties are established by resolution of an advisory committee to investigate and make recommendations on defined topics or carry out specific tasks.
2.2 A resolution of an advisory committee establishing a working party shall set out the following:
2.2.1 The terms of reference of the working party;
2.2.2 The working party chairperson and coordinator(s);
2.2.3 The resources, if any, that the advisory committee will allocate to the working party;
2.2.4 The members of the working party;
2.2.5 Any other matters relevant to the working party.
2.3 A working party will disband and cease to function on the earlier of:
2.3.1 The date provided in the resolution establishing it; or
2.3.2 The day prior to the ordinary Council election in 2020.

3 Membership
3.1 The advisory committee shall appoint the members of the working party when establishing the working party including:
3.1.1 The advisory committee members who will be working party members;
3.1.2 The non-advisory committee member working party membership including:
(a) persons who will be invited to be working party members (by name or by group/association); or
(b) the number of non-advisory committee members to be invited to be working party members by an expressions of interest process.

4 Conduct of members
4.1 Members must conduct themselves in accordance with CN’s Code of Conduct.
4.2 Conflicts of Interest must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
4.3 Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

4.4 Members who are Community Representatives must also comply with CN’s Volunteer Framework.

5 The Chairperson

5.1 The working party Chairperson shall be appointed by the advisory committee from among the members of the working party.

5.2 The Chairperson shall be:

5.2.1 A Councillor;

5.2.2 If a Councillor is not a member of the working party, a member of the advisory committee; or

5.2.3 If a member of the advisory committee is not a member of the working party, any other member of the working party.

6 The Coordinator

6.1 The working party Coordinator shall be an advisory committee member, working party member, or CN officer.

6.2 CN officers may only be appointed as Coordinator with the consent of the advisory committee Facilitator or Director with functional responsibility for the committee.

6.3 CN officers appointed as Coordinator will be members of the working party but will not be voting members.

6.4 The Coordinator will:

6.4.1 Administer the working party;

6.4.2 Schedule meetings of the working party;

6.4.3 Prepare agendas and business papers and provide them to working party members and the advisory committee Secretary;

6.4.4 Arrange for minutes to be taken at working party meetings and provide those minutes to the working party members and the advisory committee Secretary in a timely manner;

6.4.5 Facilitate discussion at working party meetings;

6.4.6 Focus the working party on its terms of reference and agenda items;

6.4.7 Act as the primary communication link between the working party and the advisory committee;

6.4.8 Act as the primary communication link between the working party and CN; and

6.4.9 Make agendas, minutes and working party business papers available to working party members, Councillors and relevant CN officers.

6.5 If the Coordinator is unable to attend any working party meeting, he or she must re-schedule the meeting or arrange for an appropriate CN officer to act as substitute coordinator for that meeting.

7 Meeting agendas and business papers

7.1 The Coordinator will ensure that notice of meetings, including the agenda and business papers, are provided to the working party in advance of the meetings. These may be transmitted electronically.
8 Reports to advisory committee
8.1 The Coordinator and Chairperson will be responsible for reporting to the advisory committee as required, at least annually.

9 Public comment
9.1 The Lord Mayor and CEO are the official spokespersons for CN, in accordance with CN’s Media Policy, and no Members should speak to the media or members of the public on behalf of CN, the advisory committee, or the working party.
ITEM-128  CCL 11/12/18 - DETERMINATION OF PAYG TAXATION FOR COUNCILLORS

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To determine whether Councillor fees be subject to income tax withholding.

RECOMMENDATION

1 That Councillor fees be subject to income tax withholding in accordance with 446-5 of Schedule 1 of the Taxation Administration Act 1953 from 1 January 2019.

KEY ISSUES

2 Section 446-5 of Schedule 1 of the Taxation Administration Act 1953 (TAA) provides:

(1) An entity must withhold an amount from salary, wages, commission, bonuses or allowances it pays to an individual as:

(e) a member of a "local governing body where there is in effect in accordance with section 446-5, a unanimous resolution by the body that the remuneration of members of the body be subject to withholding under this part"

3 Councillor's fees will only be subject to withholding tax where there is a unanimous resolution in this regard. If the resolution is not unanimous, Council will be unable to withhold the tax in this manner and Councillors will continue to be individually responsible.

4 A flow on from the decision is that under the Superannuation Guarantee (Administration) Act 1992 compulsory superannuation is payable to Councillors. This is because Councillors effectively become employees and compulsory superannuation is payable as a result of this.

FINANCIAL IMPACT

5 Under the Superannuation Guarantee (Administration) Act 1992 compulsory superannuation is payable to Councillors at the rate of 9.5% and an estimated cost of $48,000 annually.
6 Under the Fringe Benefits Tax Assessment Act 1986 (FBT Act) FBT is payable on salary or wages paid to employees. Any FBT payable on Councillor benefits will be determined annually as part of the Fringe Benefits Tax Return and provided for in the budget. Subject to the success of the resolution, an estimated $5,000 will be added to this year’s budget at the December review in anticipation of potential fringe benefits tax.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Open and Collaborative Leadership

IMPLEMENTATION PLAN/IMPLICATIONS

8 If unanimous resolution is carried, the implications will be as follows:

i) The resolution must take within a 28-day period.

ii) The resolution continues in force in spite of a change in the membership of the elected Council.

iii) Council must give written notice of the resolution to the Taxation Commissioner within 7 days after the resolution is made.

iv) The Taxation Commissioner will publish in a Gazette a notice setting out:
   a) the name of the Council; and
   b) the day on which the resolution takes effect.

v) The withholding applies to amounts that become payable after the day on which the resolution takes effect.

RISK ASSESSMENT AND MITIGATION

9 Seeking a unanimous resolution ensures legislative requirements are met.

RELATED PREVIOUS DECISIONS

10 Nil

CONSULTATION

11 A workshop was held on 12 November 2018 to brief Councillors on the legislative provisions and potential financial implications.

BACKGROUND

12 Nil
OPTIONS

Option 1

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

Option 2

14 Council does not unanimously endorse the recommendation and Councillors remain individually responsible for their own financial circumstances. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil
ITEM-129 CCL 11/12/18 - SANCTUARY ESTATE, FLETCHER - ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

This report seeks Council's endorsement of an amendment to the Newcastle Local Environmental Plan 2012.

RECOMMENDATION

1 Council resolves to:
   
i) Endorse the Planning Proposal (Attachment A) prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle Local Environmental Plan 2012 (LEP).
   
   ii) Forward the Planning Proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made.

KEY ISSUES

2 Following the endorsement of the Planning Proposal by Council at the Ordinary Council Meeting held on 1 May 2018, consultation was undertaken with public authorities as required by the Gateway Determination, including Office of Environment and Heritage (OEH) which recommended two changes to the Planning Proposal.

3 OEH raised a concern with the RE1 Public Recreation zone proposed for the Aboriginal Heritage Conservation Areas, Yutillikko Park (Lot 174 DP 1113792, 25 Konara Crescent) and Kauma Park (Lot 1536 DP 122535225, 29 Threlkeld Crescent).

4 OEH recommended these sites be zoned E2 Environmental Conservation consistent with the heritage significance of the sites and as detailed within the Aboriginal Heritage Management Plan. The land use zone map and the minimum lot size map have been updated to reflect this change to the E2 Environmental Conservation Zone and associated development standard for minimum lot size. There is no change to the floor space ratio or height of buildings map.

5 The Planning Proposal (incorporating the changes required by OEH) was publicly exhibited for 14 days between 24 September 2018 and 9 October 2018. No submissions were received.
FINANCIAL IMPACT

6 Work will be undertaken by CN's Regulatory, Planning and Assessment team within the allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The Planning Proposal aligns with the following Community Strategic Plan Directions:

Liveable Built Environment

i) 5.1a Protect and promote our unique built and cultural heritage.

ii) 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

IMPLEMENTATION PLAN/IMPLICATIONS

8 The preparation of the Planning Proposal was undertaken in accordance with the LEP - Request for Amendment Policy (2012). This Policy identifies our processes and responsibilities in applying the requirements of Part 3 of the EP&A Act for amending an LEP.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

10 At the Ordinary Council Meeting held on 1 May 2018, Council endorsed the Planning Proposal.

CONSULTATION

11 Consultation was undertaken with the following public authorities and organisations in accordance with the Gateway Determination:

i) Office of Environment and Heritage

ii) Local Land Services

iii) Awabakal Local Aboriginal Land Council

iv) NSW Rural Fire Service.

12 As a result of this consultation the Planning Proposal was amended to address concerns raised by the OEH.
13 The Planning Proposal (incorporating the changes required by OEH) was publicly exhibited for 14 days between the 24 September 2018 and 9 October 2018. Letters were also sent to the owners of properties at 19, 21, 23 and 25 Mowane Street (proposed rezoning from B1 Neighbourhood Centre to R2 Low Density Residential) inviting submissions. No submissions were received.

BACKGROUND

14 On 18 May 2018 the DPE advised CN of some additional information and changes that were needed to improve the clarity of the Planning Proposal.

15 Amendments were made to clarify the address and proposed LEP changes to each site that formed part of the Planning Proposal. The Planning Proposal was resubmitted to DPE on 30 May 2018 to seek a Gateway Determination.

16 On 25 June 2018 the DPE issued a Gateway Determination which included a number of conditions relating to consultation and exhibition.

OPTIONS

Option 1

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

Option 2

18 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal

Attachment A distributed under separate cover
ITEM-130  CCL 11/12/18 - COOKS HILL, THE HILL AND HAMILTON SOUTH HERITAGE CONSERVATION AREAS BOUNDARY ADJUSTMENTS - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to the Newcastle Local Environmental Plan 2012 for boundary adjustments to the existing Cooks Hill, Hamilton South Garden Suburb and The Hill Heritage Conservation Areas.

RECOMMENDATION

1 Council resolves to:

i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (LEP) to enable boundary adjustments to the existing Cooks Hill, Hamilton South Garden Suburb and The Hill Heritage Conservation Areas (HCA).

ii) Forward the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.

iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.

iv) Consult with the community and relevant government agencies as instructed by the Gateway determination.

v) Receive a report back on the Planning Proposal as per the requirements of Section 3.34 of the EP&A Act.

KEY ISSUES

2 The Review of Heritage Conservation Areas Report adopted by Council at the Ordinary Council Meeting held on 28 June 2016 recommended preparation of a Planning Proposal to adjust the boundaries of existing Cooks Hill, Hamilton South Garden Suburb and The Hill HCAs.
The Planning Proposal proposes to designate additional sites within the existing HCAs to preserve heritage significance. The lands to be added to the existing HCAs are currently zoned either R2 Low Density Residential or R3 Medium Density Residential. The additional sites are (refer Attachment B):

i) Cooks Hill HCA - the lower part of Anzac and Kitchener Parades

ii) Hamilton South Garden Suburb HCA - parts of Denison Street, Parkway Avenue and Ada Street

iii) The Hill HCA - parts of High Street, Anzac, Lemnos and Kitchener Parades.

The Planning Proposal proposes to remove the floor space ratio and maximum building height for the sites added to the existing HCAs. City of Newcastle (CN) does not currently apply numeric building height or floor space ratio controls to residential zoned land in its HCAs given these controls do not adequately dictate the desired building envelope outcomes, nor would they necessarily result in a built form that respects the character and significance of the existing building stock. The objective of the Planning Proposal is to ensure the heritage significance of the existing and desired future character of the site is protected.

The land to be removed from the existing Cooks Hill HCA - the Darby Street block between Tooke and Parry Streets - is currently zoned B2 Local Centre. The Planning Proposal proposes to adjust the boundary to remove the site from the HCA as it has been fragmented by recent development and considered at odds with the identified heritage significance of this area, no longer warranting such protection. As the site is within a commercial zone it already has a designated floor space ratio and maximum building height by the LEP and so this remains unchanged by the proposal.

FINANCIAL IMPACT

Work will be undertaken by CN's staff within current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

The Planning Proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Vibrant and Activated Public Spaces

i) 3.2a Celebrate Newcastle's cultural heritage and diversity.

ii) 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

Liveable and Distinctive Built Environment

iii) 5.1a Protect and promote our unique built and cultural heritage.
iv) 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

v) 5.1c Facilitate well designed and appropriate scale development that complements Newcastle’s unique character.

8 A detailed discussion of the Planning Proposal and its relationship with the CSP is provided within the planning proposal.

Local Planning Strategy

9 The Local Planning Strategy (LPS) is CN’s comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The LPS seeks to ensure development will protect culture, heritage and place and aims to ensure the built environment will maintain and enhance the city’s identity by protecting and enhancing heritage buildings, streetscapes, views and key features, as well as, encouraging building innovation that respects the scale and bulk of the existing urban fabric. The Planning Proposal is consistent with the strategic directions of the LPS relating to heritage.

10 A detailed discussion of the Planning Proposal and its relationship with the LPS is provided within the Planning Proposal.

IMPLEMENTATION PLAN/IMPLICATIONS

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

12 If endorsed by Council, the Planning Proposal will be forwarded to the Minister for Planning for a Gateway determination. The Gateway determination will confirm initial support for the Planning Proposal and identify any further technical studies and community consultation required prior to the proposed amendments being finalised and reported to Council for determination.

RISK ASSESSMENT AND MITIGATION

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

14 Justification has been provided for the formal LEP amendment request within the Planning Proposal.
Further consultation with stakeholders (including the broader community) will occur in accordance with the Minister’s requirements following Gateway determination. This will ensure all relevant parties are able to consider and comment on the Planning Proposal prior to it being reported back to Council for final consideration of the proposed amendment.

RELATED PREVIOUS DECISIONS


CONSULTATION

Consultation with stakeholders (including the community) will occur in accordance with the Minister’s requirements following Gateway determination.

In accordance with the Department of Planning and Environment’s Guide to Preparing Local Environmental Plans, it is proposed that the Planning Proposal be publicly exhibited for 28 days, unless otherwise advised by the Gateway determination.

The Gateway determination will confirm the consultation requirements however, it is envisaged that this will include, at a minimum, public notice in the local newspaper, publication on the CN web page and letters to owners of adjoining and nearby properties.

BACKGROUND

The Review of Heritage Conservation Areas Report of June 2016 reviewed the boundaries of existing HCAs. It recommended Cooks Hill HCA be adjusted to remove a block of Darby Street between Tooke and Parry Streets and revisited the findings of a CN commissioned heritage assessment of this area in 2005, which considered it warranted to preserve heritage significance by expanding the boundary to include a small section around Anzac and Kitchener Parade. It also recommended the northern boundary of Hamilton South HCA be expanded to include properties on the north side of Denison Street, 302-308 Parkway Avenue and 2-10 Ada Street, and The Hill HCA be expanded to include High and Bingle Streets, as well as a small section of Anzac Parade. Fieldwork was undertaken to examine the extent of contributory buildings and research into the history and heritage significance of this place was undertaken, in accordance with the guidelines for assessing heritage significance.

The site to be included within the Cooks Hill HCA - the lower part of Anzac and Kitchener Parades - consists of several inter-war period bungalows that are intact and produce a streetscape that is uniform and reflects its history of construction typologies following the Australian Agricultural Company’s land release after the First World War. The properties within this site are consistent and complement the identified heritage significance of Cooks Hill HCA and as such should be preserved and incorporated into the HCA.
The site to be removed from Cooks Hill HCA - the Darby Street block between Tooke and Parry Streets - has been fragmented by recent development including three storey residential flat buildings and a typical development such as a large aged care complex, and large townhouse developments that are at odds with the identified heritage significance of Cooks Hill. The properties within this site are inconsistent and detract from the identified heritage significance of Cooks Hill HCA and as such should be removed from the HCA.

The site to be included within the Hamilton South Garden Suburb HCA - Denison Street, Parkway Avenue and Ada Street - consists of several early 20th Century 'Garden Suburb' style bungalows that are intact and produce a streetscape that is uniform and consistent with the predominant building typology of the neighbourhood. The properties within this site are consistent and complement the identified heritage significance of the Hamilton South Garden Suburb HCA and as such should be preserved and incorporated into the HCA.

The site to be included within The Hill HCA - High Street, Anzac, Lemnos and Kitchener Parades - consists of an area released by the Australian Agricultural Company for residential development at the end of the First World War mixed with cohesive groups of late nineteenth century residential terraces and early twentieth century bungalows. Furthermore, the site includes the St Ronans residence at 18 Bingle Street, a heritage item of State significance primarily due to its association with the Australian Agricultural Company Newcastle mining group and as the company's earliest surviving colliery building. The properties within this site are consistent and complement the identified heritage significance of The Hill HCA and as such should be preserved and incorporated into the HCA.

Early consultation was undertaken by CN in February 2016 to March 2016 as part of the Review of Heritage Conservation Areas Report process for all four sites. A number of methods of community consultation were undertaken, including a public survey, meetings, newsletters, online activities, phone calls, emails and community information and feedback sessions. During this process the Review of Heritage Conservation Areas Report for the four sites was made available for comment. The process and outcomes of early consultation is documented in the Consultation Report (which is attached to the Planning Proposal).

The review defined the current heritage significance of each area, produced desired future character statements, assessed the appropriateness of boundaries, examined the relevant planning controls and identified items that contributed to or detract from each area and documented what the community valued about these areas.

OPTIONS

Option 1

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

Option 2

29 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Endorsement Planning Proposal - boundary adjustments to Cooks Hill, Hamilton South Garden Suburb and The Hill Heritage Conservation Areas

Attachment B: Site Location and Existing Heritage Plan

All attachments distributed under separate cover
ITEM-131 CCL 11/12/18 - ADOPTION OF HAMILTON RESIDENTIAL PRECINCT HERITAGE CONSERVATION AREA - AMENDMENT TO NEWCASTLE LEP 2012

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

This report seeks Council's endorsement of an amendment to Newcastle Local Environmental Plan 2012, as per the Planning Proposal for the Hamilton Residential Precinct Heritage Conservation Area.

RECOMMENDATION

1 Council resolves to:
   i) Endorse the Planning Proposal (Attachment A) prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (LEP) to create a Heritage Conservation Area (HCA) for the Hamilton Residential Precinct. Site location plan is attached (Attachment B).

   ii) Forward the Planning Proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made pursuant to Section 3.36(1) of the EP&A Act.

   iii) Advise the Secretary of the DPE that City of Newcastle (CN) does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.

KEY ISSUES

2 At the Ordinary Council Meeting held on 24 July 2018 Council resolved to endorse the Planning Proposal and amend the Development Control Plan 2012 (DCP) to create the Hamilton Residential Precinct HCA and forward the proposal to the Minister for Planning for Gateway determination. A positive Gateway determination was issued by the DPE on 27 August 2018.

3 In accordance with the DPE's Gateway Determination, the Planning Proposal and draft DCP were exhibited from 3 September 2018 until 2 October 2018.
Submissions

4 During the exhibition period CN received ten submissions (Attachment C). Details regarding the content of the submissions are provided below.

Support

5 CN received five submissions in support of the Planning Proposal and draft DCP. All the submissions of support expressed excitement about the protection and conservation of the area. Three submissions supported the proposal in its entirety, as well as specific components of the proposal such as removal of the floor space ratio and maximum building height controls from the site.

6 A further two supported the principle of the HCA but expressed reservations about the removal of floor space ratio and maximum building height controls from the site. CN does not currently apply numeric building height or floor space ratio controls to any residential zoned sites within its HCAs given these controls do not adequately dictate the desired building envelope outcomes, nor would they necessarily result in a built form that respects the character and significance of the existing building stock. Hence, it is recommended that consideration should be given to amending the LEP height of building and floor space ratio maps to remove such controls from the subject land zoned R3 Medium Density Residential.

Objection

7 CN received five objections during the exhibition period. These submissions contended that many of the properties in the area have undergone changes which have impacted on their heritage significance and do not merit inclusion in the HCA. As such, the submissions suggest that only those property owners who agree should have their properties within the heritage conservation area.

8 CN officers do not support these submissions of objection. The defining character of the site, which this Planning Proposal seeks to protect, is not the individual properties per se but rather the collective contribution and uniformity of the group in terms of architectural style, age, height, form, massing, setbacks and materials. The contributory buildings map contained within the Planning Proposal identifies that 271 of the 312 properties are contributory and therefore merit inclusion within the HCA. Furthermore, the designation of the HCA will provide the impetus for property owners to reverse insensitive minor alterations which have occurred.

LEP Changes

9 In response to concerns raised in the submissions regarding the removal of floor space ratio and maximum building height controls from the site, the Planning Proposal has been amended to re-instate these existing controls for the commercially zoned part of the site.
A relatively small area in the south-western corner of the site is zoned B2 Local Centre. Unlike the R3 Medium Density Residential Zone objectives in the LEP, the objectives of the B2 Zone are silent on the issue of heritage or character. As such, the floor space ratio and height of building controls for these commercially zoned sites will remain, providing some form of suitable guidance on the form and scale of development consistent with LEP Practice Note PN 08-001 issued on 30 January 2008.

**DCP Changes**

10 The recent court case Nisbet v Newcastle City Council [2017] NSWLEC 1480 raised issues with demolishing neutral buildings within a HCA. To address this court case, a series of workshop meetings are taking place with the CN staff to amend the definitions, objectives and controls for contributory, neutral and non-contributory buildings within DCP Section 6.02 HCA. The amended DCP will be reported back to Council prior to the proposed LEP amendment being made.

**FINANCIAL IMPACT**

11 Work will be undertaken by CN’s staff within their current allocated work program and budget.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

12 The Planning Proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

**Vibrant and Activated Public Spaces**

i) 3.2a Celebrate Newcastle's cultural heritage and diversity.

ii) 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

**Liveable and Distinctive Built Environment**

iii) 5.1a Protect and promote our unique built and cultural heritage.

iv) 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

v) 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

13 A detailed discussion of the Planning Proposal and its relationship with the CSP is provided within the Planning Proposal.

**Local Planning Strategy**

14 The Local Planning Strategy (LPS) is CN's comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond.
The LPS seeks to ensure development will protect culture, heritage and place and aims to ensure the built environment will maintain and enhance the city's identity by protecting and enhancing heritage buildings, streetscapes, views and key features, as well as, encouraging building innovation that respects the scale and bulk of the existing urban fabric. The Planning Proposal is consistent with the strategic directions of the LPS relating to heritage.

15 A detailed discussion of the Planning Proposal and its relationship with the LPS is provided within the Planning Proposal.

IMPLEMENTATION PLAN/IMPLICATIONS

16 The preparation of the Planning Proposal was undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies CN’s processes and responsibilities in applying the requirements of Part 3 of the EP&A Act for amending an LEP.

RISK ASSESSMENT AND MITIGATION

17 Adoption of the recommendations enables the Planning Proposal to be processed within the timeframes provided within the Gateway determination and enable the Hamilton Residential Precinct HCA to be established.

RELATED PREVIOUS DECISIONS


19 Council resolved to endorse the Hamilton Residential Precinct Heritage Conservation Area Planning Proposal and the draft Section 6.02 of the DCP at the Ordinary Council Meeting held on 24 July 2018.

CONSULTATION

20 Consultation with the community was undertaken in accordance with the Gateway determination as outlined above and further detailed in the Planning Proposal.

BACKGROUND

21 The heritage value of Hamilton residential precinct was recognised in the Newcastle City Wide Heritage Study of 1997 prepared by Suters Architects. The heritage study recognised it as an area of historic character, based around a traditional village centre.
22 During the course of preparing the Review of Conservation Areas Report in 2014 to 2016 it again became apparent that a small area in close proximity to the existing Hamilton Business Centre HCA possessed a distinctive character and had potential heritage significance. Fieldwork was undertaken to examine the extent of contributory buildings and research into the history and heritage significance of this place was undertaken, in accordance with the guidelines for assessing heritage significance.

23 A relatively compact pocket of residential development located between Donald Street, Murray Street, Devon Street, Gordon Avenue and Tudor Street Hamilton was examined. It was determined that as a representative example of residential development, this area, to the immediate east of the Hamilton Beaumont Street HCA is a highly intact residential area and strongly representative of the late 19th and early 20th Century. An assessment of heritage significance was undertaken following the standard Heritage Assessment Guidelines and the NSW State Heritage criteria. As a result of the assessment, the Review of Conservation Areas Report recommended that the area be protected through the mechanism of a statutory HCA and be referred to as the Hamilton Residential Precinct HCA, in a future LEP amendment.

24 Early consultation has been undertaken by CN in February 2016 as part of the Review of Conservation Areas Report process for the site. A number of methods of community consultation were undertaken, including a community voice public survey, meetings, newsletters, online activities, phone calls, emails and community information and feedback sessions. During this process the Review of HCAs report for the site was made available for comment. The process and outcomes of early consultation is documented in the Consultation Report (which is attached to the Planning Proposal).

25 The review defined the current heritage significance of each area, produced desired future character statements, assessed the appropriateness of boundaries, examined the relevant planning controls and identified items that contributed to or detract from each area and documented what the community valued about these areas.

26 The Review of HCAs Report included a list of recommendations, including preparation of the Planning Proposal. Council adopted the report at the Ordinary Council Meeting held on 28 June 2016.

OPTIONS

Option 1

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

Option 2

28 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.
REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal - Hamilton Residential Precinct Heritage Conservation Area

Attachment B: Site location plan

Attachment C: Summary of Submissions

All attachments distributed under separate cover
ITEM-132  CCL 11/12/18 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES FOR UPCOMING EVENTS 2019

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: INTERIM DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER MAJOR EVENTS AND CORPORATE AFFAIRS

PURPOSE

To seek Council's approval to temporarily suspend the associated Alcohol Free Zones (AFZ) for a series of events between January and April 2019.

RECOMMENDATION

1 i) Council approves the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Saturday 19 January 2019 from 6am to midnight, for the purpose of staging 'By The C' concert at Camp Shortland. This suspension is subject to the event organiser, Zaccaria Concerts & Touring, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and City of Newcastle.

ii) Council approves the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Friday 15 March 2019 from 6am to midnight, for the purpose of staging 'Foreshore Live' concert at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and City of Newcastle.

iii) Council approves the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Saturday 16 March 2019 from 6am to midnight, for the purpose of staging 'Live at the Foreshore' concert at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and City of Newcastle.

iv) Council approves the temporary suspension of the AFZ in Keightley Lane, Newcastle on Thursday 25 April 2019 from 6am to 6pm for the purpose of allowing ANZAC Day Activities. This suspension is subject to the organiser Newcastle Diggers Club, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and City of Newcastle.
KEY ISSUES

2 Any lifting of an AFZ must be under the direction of the NSW Police. In this instance the proposal for ‘By The C’, ‘Foreshore Live’, ‘Live at the Foreshore’ concerts and ANZAC Day activities have been considered by NSW Police and City of Newcastle (CN) officers. The NSW Police support the lifting of the AFZs subject to the event organisers meeting the conditions placed on the event by CN.

3 Street signs must be covered immediately on commencement of the timeframe and the covers removed immediately following the suspended time. This will be the responsibility of the event organiser. Liaison with the NSW Police both before and after the Council resolution is an essential requirement. This consultation with the NSW Police has been undertaken by CN officers and will continue in the lead up to the respective events.

4 The NSW Police are satisfied with the management strategies that have been put in place by the event organisers, and support the suspension of the AFZs in regard to the events listed in Paragraph 1 (i) - (iv).

FINANCIAL IMPACT

5 Any costs associated with the suspension of AFZs are at full cost recovery from the event organisers.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The temporary suspension of the AFZs on these occasions aligns with the following Community Strategic Plan directions:

Vibrant, Safe and Active Public Places

(i) 3.1c Support and deliver cultural and community programs, events and live music.

IMPLEMENTATION PLAN/IMPLICATIONS

7 The responsibility of implementing the suspension of the AFZs lies with the event organiser. Assistance will be provided by CN officers including notification of the suspension and overseeing covering and uncovering the AFZ signs before and after the event.

RISK ASSESSMENT AND MITIGATION

8 CN officers and the NSW Police will work closely with the event organisers to ensure harm minimisation and risk mitigation strategies are in place to manage the serving and consumption of alcohol at events. The Event Authorisation issued by CN to the event organiser for the use of the related road / park reserve sets out relevant conditions and consents for each event.
RELATED PREVIOUS DECISIONS

9 Council has approved the temporary suspension of the AFZ in the past for these events and/or similar events.

CONSULTATION

10 Formal consultation is not deemed necessary due to the nature of the planned events. No negative feedback has been received as a result of the temporary suspension of the AFZs for these events when held previously.

BACKGROUND

11 A Council report adopted on 24 November 2015, re-established AFZs in locations across the city and required approval from CN to lift any AFZs when an approved festival or function is held.

12 Section 645 of the Local Government Act 1993 (Act) provides for Council, by resolution, to allow the temporary suspension of AFZs. The Act and Ministerial Guidelines on Alcohol Free Zones (February 2009) provides a procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council's endorsement.

13 Council has granted approval in the past for festivals which have been held on The Foreshore. The Promotors, Zaccaria Concerts & Touring and Mothership Events, are working with city stakeholders through active engagement with the Inter-Agency Events Consultation Group planning process.

14 Newcastle Diggers Club successfully manages ANZAC Day activities annually.

OPTIONS

Option 1

15 The recommendation as at Paragraph 1 (i) - (iv). This is the recommended option.

Option 2

16 Council resolves not to support the suspension the Alcohol Free Zones on these occasions. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.
ITEM-133  CCL 11/12/18 - MANAGEMENT OF PARKING WITHIN THE LOCAL GOVERNMENT AREA

REPORT BY:  INFRASTRUCTURE AND PROPERTY
CONTACT:  DIRECTOR INFRASTRUCTURE AND PROPERTY / MANAGER ASSETS AND PROJECTS

PURPOSE

To delegate authority to the Chief Executive Officer (CEO) to approve the introduction or removal of parking fees to enable effective management of parking within the Local Government Area (LGA) in accordance with City of Newcastle’s (CN) Newcastle Transport Strategy (Strategy), its Parking Study and its Parking Management Action Plan.

RECOMMENDATION

1 Council resolves to delegate to the Chief Executive Officer the authority to approve the introduction or removal of parking fees in both on and off-street parking locations within the Local Government Area.

KEY ISSUES

2 At the Ordinary Council Meeting held on 26 May 2015, Council endorsed the strategic objectives of the Parking Study (Attachment A) for the Newcastle City Centre and surrounding commercial centres. It also adopted a Parking Management Framework for the operational management of on-street parking across the LGA which uses the principles of travel demand management as the basis for change.

3 In order to allow CN to address parking related issues and manage parking demand in a more efficient and timely manner, it is proposed to provide the CEO with the authority to approve changes to specific parking related initiatives that involve the imposition or removal of parking fees.

4 Initiatives that require the CEO’s approval will first require the endorsement of the Newcastle City Traffic Committee (NCTC), which consists of CN, RMS, Newcastle Police Services, State Member for Newcastle, State member for Wallsend and the State Member for Charlestown. This is to ensure that any changes are evidence based and meet the guidelines of the RMS. By requiring any change be first approved by NCTC, it ensures that a transparent process has been followed and that appropriate consultation/communication with the community has occurred.

FINANCIAL IMPACT

5 Parking provides a legitimate source of non-rate revenue back to CN.
COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The project is aligned with the following Newcastle 2030 Community Strategic Plan 2018 Directions:

**Integrated and Accessible Transport**

i) 1.3a Ensure safe road networks through effective planning and maintenance; and

ii) 1.3b Ensure community and business needs for adequate and accessible parking are prioritised.

**Inclusive Community**

i) 4.1c Improve, promote and facilitate equitable access to services and facilities; and

ii) 4.2a Ensure people of all abilities can enjoy our public places and spaces.

**Liveable Built Environment**

iii) 5.4b Plan, provide and manage infrastructure that continues to meet community needs.

IMPLEMENTATION PLAN/IMPLICATIONS

7 As outlined in the Newcastle Transport Strategy, CN, delegated under the *Road Transport (General) Regulation 2013*, is the parking authority and as such can establish and operate pay parking schemes, define restricted parking areas, and establish permit parking areas. The recommendation is consistent with this delegation and actions from the Strategy.

8 The Strategy outlined several actions for the management of parking. The Parking Management Action Plan ([Attachment B](#)) supports these actions and looks to manage the challenge to find a balance between adequate parking supply to ensure the vitality of the commercial centres, as well as the environmental, social and economic necessity towards a more efficient use of transportation infrastructure and travel demand management techniques.

RISK ASSESSMENT AND MITIGATION

9 It is acknowledged that any new areas of paid parking or the removal of paid parking may be contentious and will require well prepared communication strategies to engage with the community that live, work or park in these areas. Local re-investment programs are a proven way of increasing business and community support in new areas.
RELATED PREVIOUS DECISIONS

10 There have been many Council resolutions in respect to parking or parking related matters, however the resolution most relevant to the approach taken by this report was determined on 9 October 2012. This resolution limits the ability for CN to adequately address the parking needs outside the current paid parking footprint.

CONSULTATION

11 Consultation has been undertaken with the community and internal and external stakeholders for the development of the Newcastle Transport Strategy and Parking Study.

BACKGROUND

12 Parking demand peaks can and do occur at different times of the day and in some locations on multiple occasions. For example, the suburban commercial centres of Darby Street, The Junction and Hamilton often experience a peak period in the middle of the day and a second peak period in the evening. The impact of these peaks is not only with traffic circulation, but spillover parking in the adjacent residential areas.

13 Recent parking survey data when compared to the same survey data collected in 2016 shows a decrease in the rate of parking turnover per space while at the same time showing an increase in the average duration of stay.

Parking Study and 2018 Parking Management Action Plan

14 The recommendations of the Transport for New South Wales Parking Study, which was undertaken as part of the Newcastle Light Rail project, are consistent with the recommendations of CN’s Parking Study.

15 The 2018 Parking Management Action Plan was developed, in association with the Parking Study, with the aim to provide the framework to effectively manage parking to maintain the accessibility of the city centre and suburban commercial centres for use by shoppers and business visitors.

OPTIONS

Option 1

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

Option 2

17 Council not adopt the recommendation of this report. This is not the recommended option.
REFERENCES

ATTACHMENTS

Attachment A: Executive Summary - The City of Newcastle Parking Study, Newcastle City Centre and Surrounding Suburbs - May 2015
Attachment B: 2018 Parking Management Action Plan

Distributed under separate cover
ITEM-134  CCL11/12/18 - LAND ACQUISITION - PART 12 ALBERT STREET WICKHAM - ROUNDBOOUT AND ASSOCIATED WORKS

REPORT BY:  INFRASTRUCTURE AND PROPERTY
CONTACT:  DIRECTOR INFRASTRUCTURE AND PROPERTY / INTERIM MANAGER PROPERTY AND FACILITIES

PURPOSE

To authorise the acquisition of part of the property known as 12 Albert Street, Wickham to enable City of Newcastle (CN) to complete a shared pathway and roundabout works on the corner of Railway and Albert Streets, Wickham.

RECOMMENDATION

1 That Council resolves to:

   i) Authorise the acquisition of part Lot 165 DP669083 as shown at Attachment A for an amount that is within 10% of the Valuation referred to in this report (Attachment B) on the terms outlined in this report.

   ii) Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

KEY ISSUES

2 By acquiring part of the property known as 12 Albert Street, Wickham (Attachment C), CN will be able to carry out the necessary works to construct a roundabout and associated shared bike / pedestrian path.

FINANCIAL IMPACT

3 A Valuation procured by CN has assessed the market value "as is" of the proposed acquisition land to be $45,000 (plus GST) as shown at Attachment B.

4 The overall project is funded through a Transport for NSW grant and included in our 2018 budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 The overall project aligns with the following Community Strategic Plan Directions:

   Integrated and Accessible Transport

   i) 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks; and
ii) 1.3a Ensure safe road networks through effective planning and maintenance.

IMPLEMENTATION PLAN/IMPLICATIONS

6 Acquisition of the property will be managed by CN officers. It is anticipated that completion of the acquisition will take place in mid-2019.

7 CN will undertake the Plan of Subdivision to allow the purchase to proceed and will undertake and / or fund any associated works to provide a like for like property (fencing / signage) for the Vendor to ensure the successful purchase of the property.

8 Settlement will occur upon Plan of Subdivision consent.

RISK ASSESSMENT AND MITIGATION

9 Not proceeding as recommended would result in CN not being able to complete the road and footpath works.

RELATED PREVIOUS DECISIONS

10 The project was investigated and supported in concept by the Newcastle City Traffic Committee (NCTC) at a meeting held on 21 March 2016 and was endorsed by Council on 26 April 2016.

11 The Wickham Master Plan Discussion Report was endorsed by Council on 23 February 2016. On 28 March 2017 Council resolved to exhibit the draft Wickham Master Plan.

CONSULTATION

12 The Wickham Master Plan and three other related projects were put on public exhibition from 26 April 2017 to 21 June 2017. Results indicated a majority support (82%) for the proposal, and following this, Wickham Local Area Traffic Management (LATM) Study Final Report November 2017 was developed.

BACKGROUND

13 In 2014 the NSW Government announced that light rail would be introduced to the Newcastle CBD and that a transport interchange would be built at Wickham. To facilitate the light rail, the rail line was cut at Wickham on 26 December 2014 and the Wickham Parking Study was carried out. In April 2016 a draft Wickham Master Plan was developed aiming to guide the redevelopment of Wickham, in context with CN strategies and the long-term vision for the Newcastle City Centre.

14 Following this, the Wickham LATM Study was developed, looking into:

i) increasing residential amenity and reducing vehicle speeds;
ii) reducing through traffic on local roads;

iii) reducing heavy vehicle through traffic in narrow streets;

iv) identifying the road hierarchy of the area and identify major routes to encourage through traffic;

v) identifying pedestrian facilities that provide continuity for pedestrians within the local area;

vi) increasing safety for cyclists; and

vii) identifying traffic management devices and pedestrian facilities that could be incorporated in the Section 94 contribution plans used by CN in assessing and determining Development Applications.

15 The project was investigated and supported in concept by the NCTC at a meeting held on 21 March 2016 and was endorsed at the Ordinary Council meeting held on 26 April 2016.

OPTIONS

Option 1

16 Council approves the recommendation as at Paragraph 1. This is the recommended option.

Option 2

17 Council resolves to initiate the process of acquiring the property by compulsory acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991*. There is always some degree of uncertainty about the outcome of this type of process. If successful, the time involved would be approximately twelve to eighteen months and the compensation to be payable by Council to the affected owner could vary substantially from the Valuation sum. This is not the recommended option.

Option 3

18 Council resolves to do nothing. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Proposed Plan of Acquisition
Attachment B: Valuation Report
Attachment C: Location Map
Attachment B
Attachment B - Land Acquisition - 12 Albert Street, Wickham - Valuation Report

VALUATION OF
VACANT LAND

LOCATED AT

PART 12 ALBERT STREET
WICKHAM NSW 2293

6 SEPTEMBER 2018
File No: TAM- 372286/JL
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EXECUTIVE SUMMARY

This valuation is based on certain conditions and contains a number of qualifications. Do not rely on this executive summary alone. This executive summary should be read in conjunction with and subject to our complete Valuation Report.

1.1 Subject Property
Part 12 Albert Street
Wickham NSW 2293

1.2 Instructions/ Requesting Party
In this matter we have been instructed by Nick Wells, Senior Property Management Officer, City of Newcastle to assess the Market Value of the property described herein for acquisition purposes.

The interest being valued is the unencumbered freehold estate in vacant possession.

1.3 Prepared For
Newcastle City Council.

This valuation has been prepared in accordance with the Practice Standards of the Australian Property Institute for Commercial Valuations and the IVSC Valuation Standard.

1.4 Client Reference
Purchase Order #PU080404

1.5 Registered/Current Owner
Associated Finance Pty Limited.

1.6 Acquiring Authority
Newcastle City Council.
1.7 Brief Description

The subject comprises a 35m² irregular shaped "B4 – Mixed Use" zoned parcel of land located at Wickham, approximately 2 kilometres north-west of the Newcastle CBD and Honeysuckle Precinct.

The parent parcel is formed by a 1.1 ha "B4 – Mixed Use" zoned holding which is considered fully developed to commercial use. The parcel maintains a Floor Space Ratio of 1.50:1 having a 10m height limit designation.

The proposed 35m² of acquisition land maintains high exposure to Albert Street in the north.

In undertaking the assessment of market value [only] as per specific instruction, we have utilised the direct comparison approach adopting a rate of $1,250/m² of land area.

1.8 Date of Inspection

6 September 2018.

1.9 Date of Valuation

6 September 2018.

1.10 Scope of Diligence

We state the following property information, correspondence/discussions and meetings have been factored into our calculations, assumptions and analysis undertaken:

- Draft acquisition plans provided by Newcastle City Council
- Specific instruction to assess Market Value in relation to the proposed acquisition land only.

In addition to this data and interviews, I have additionally considered all verbal discussions undertaken between myself and any relevant third parties and disclose the context of these discussions within the appropriate sections of this report.

I have undertaken thorough market research with respect to the sales evidence contained herein. All my valuation calculations are considered to be provided on prudent examination, analysis and sound reasoning.
1.11 Valuation

Subject to the stipulations and conditions contained within the body of this report, it is my opinion that compensation payable in relation to Market Value (only) as at 6 September 2018 is:

"Market Value"

$45,000

(Forty-Five Thousand Dollars)

Excluding GST

VALUER

James Lockwood AAPI
Certified Practising Valuer
DIRECTOR
TAYLOR BYRNE

1.12 Critical Conditions

As per our specific instruction we have been requested to assess the Market Value of the proposed acquisition land only. Should assessment by way of the Land Acquisition (Just Terms Compensation) Act 1991 be undertaken, exploration of all relevant Heads of Compensation will be required.
2  INTRODUCTION

2.1  instructions/Requesting Party

In this matter we have been instructed by Nick Wells on behalf of Newcastle City Council, to assess the Market Value of the Proposed acquisition land only.

The interest being valued is the unencumbered freehold estate in vacant possession.

2.2  Market Value

Market Value is defined as the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

2.3  Date of Inspection

6 September 2018.

2.4  Date of Valuation

6 September 2018.

2.5  Basis of Valuation

This valuation is made conditional upon the following:

1. That the property complies with all statutory requirements with respect to health, building, town planning, and fire safety regulations, and that all appropriate approvals have been obtained from the relevant authorities.

2. That a detailed structural survey would not reveal defects other than the maintenance items referred to in the body of this report.

3. That the improvements are sited within the title boundaries and without encroachment by adjoining properties.

4. That a comprehensive test of soils on the land would not reveal contamination of any kind which could affect the utility of the property.

5. That there are no orders of compulsory acquisition for the whole or part of the property currently issued by any Government Authority.

We recommend you make your own enquiries in regards to the above conditions. Should any issues arise, this report should be returned to the valuer for comment. We reserve the right to review and or amend our report if necessary, at that time.
2.6 Qualifications and Disclaimers

(i) This valuation has been prepared on specific instructions from Newcastle City Council for acquisition purposes. The report is not to be relied upon by any other person, or for any other purpose. We accept no liability to third parties, nor do we contemplate that this report will be relied upon by third parties. Any parties who may seek to rely on this report must seek the specific written consent of the valuer. We reserve the right to withhold our consent or to review the contents of this report in the event that our consent is sought. In any event this valuation cannot be assigned if the valuation is older than 90 days.

(ii) We state that this report is for the use only of Newcastle City Council. The report is to be used for no other purpose, and no responsibility is accepted to any third party for the whole or part of its contents and annexures. No responsibility will be accepted for photocopied signatures.

(iii) This valuation cannot be relied upon for mortgage security purposes.

(iv) This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three (3) months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

(v) Buildings, including houses, built prior to 2004 may contain asbestos related products. Taylor Byrne is not expert in detection, remediation or disposal of asbestos or contamination of any kind. It is recommended that advice be sought from experts in that field should that issue affect your reliance on this valuation. The Professional Indemnity Insurance Policy for Taylor Byrne does not cover losses arising from any asbestos issues.

(vi) We advise we do not have a pecuniary or other interest that would conflict with the proper valuation of the property.

(vii) Taylor Byrne provides no warranty for claims arising out of, based upon directly or indirectly resulting from or in consequence of, or in any way involving the depreciation, failure to appreciate, or loss of any investments and/or property for investment purposes when such depreciation, failure to appreciate or loss is a result of normal or abnormal fluctuations in any financial, stock or commodity, or other markets which are outside the influence or control of the valuer.

(viii) This valuation has been based on the condition of the structural improvements and the property in general as at the date of inspection. If the property has to be sold in circumstances where its condition has deteriorated and/or essential fixtures/fittings have been removed there is likely to be a significant fall in value compared to the current assessment. Under these circumstances neither the valuer nor Taylor Byrne will be responsible for any reduction in value.
Unless stated as otherwise in this report we advise that we have not searched or been provided with a copy of the current Title or Registered Plans and that any dimensions or land areas quoted in this report have been obtained from third party information sources and whilst every endeavour has been made to verify such information we accept no responsibility for inaccuracy of any information provided and relied upon.

The instructing party acknowledges its responsibility for full disclosure of all relevant information and undertakes to provide all relevant documents in its possession that may have an effect on the service to be provided. This valuation is based upon information reasonably available to the valuer as at the date of issue in accordance with usual valuation practices.

Taylor Byrne does not undertake or commission site surveys, nor has a site survey been provided to us. Our valuation assumes that there are no encroachments by or on to the subject property. The nominated parties who are relying on this report should seek their own advice in this regard from a registered surveyor. Should any encroachments be found this valuation should not be relied upon without consulting Taylor Byrne to assess any effect on the valuation.

2.7 Certification

The property has been identified by reference to the current title search for the parent parcel listed in Section 3 and cross referenced against the Cadastral Map reproduced below:

[Cadastral Map (Source: X4 Maps) *Acquisition boundaries are indicative only.]
3 PROPERTY SEARCH DETAILS

3.1 Real Property Description

An Estate in Fee Simple in the County of Northumberland, Parish of Newcastle, being Part Lot 165 in Deposited Plan 669083.

Current Title Reference (parent parcel): Folio: 165/669083

A copy of the Current Title Search for the parent parcel is shown below.
3.2 Registered Owner

Associated Finance Pty Limited.

3.3 Easements and Encumbrances

Details of easements and encumbrances are shown on the title search relevant to the parent lot.

We have assumed clear title to the proposed 35m² of acquisition land.

3.4 Land Area

Before Land Area
Proposed Acquisition Area

11,000m²
35m²

3.5 Local Authority

Newcastle City Council.
3.6 Town Planning

Within the Town Planning Scheme for Newcastle City Council the subject property is designated "B4 - Mixed Use".

Zone B4 Mixed Use

1 Objectives of zone
   • To provide a mixture of compatible land uses,
   • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,
   • To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in Item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airtrips; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Farm buildings; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Open cut mining; Resource recovery facilities; Rural industries; Secondary dwellings; Semi-detached dwellings; Sewage treatment plants; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recycling facilities; Water supply systems

The current use appears to comply with the zoning.

We have searched the publicly available records for the relevant zoning and/or designation for the information noted above. We advise however, that a formal search with the appropriate Local Authority has not been carried out or obtained.

The valuation is made on the basis that all appropriate and necessary town planning and building approvals and/or certifications are in place.
3.7 Highest and Best Use

Highest and best use is defined by the Australian Property Institute as:

“The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible, and which results in the highest value of the property being valued.”

Within the Town Planning Scheme the property is designated as “B4 – Mixed Use”.

In this instance, we consider the highest and best use of the proposed acquisition land to form a continuation of its existing commercial use.
### 3.8 Contamination Factors

A search with the Environmental Protection Agency has been undertaken.

The subject land is not listed on the Contaminated Land Record of Notices.

![Contaminated Land Search Results](image-url)
No indication of contamination was apparent during inspection. However, the reader should be aware that this valuation has been prepared without the benefit of appropriate tests or expert advice and presupposes that no contamination exists that would adversely affect market value.

The Australian Property Institute Professional Practice Manual at Guidance Note 12 Appendix 2, provides a list of potentially contaminating activities. The current use is not considered a contamination use.

The client acknowledges and recognises that the valuer is not an expert in identifying environmental hazards and compliance requirements affecting properties. The valuer has endeavoured to identify all matters of environmental concern and the effect they might have on the value of the property. However, the valuer will not be held liable nor responsible for his/her failure to identify all such matters of environmental concern and the impact which any environmental related issue has on the property and its value including loss arising from site contamination; or the non-compliance with environmental laws; or cost associated with the clean up of the property to which an environmental hazard has been recognised, including action by the Environmental Protection Agency to recover clean up costs pursuant to the relevant Environmental Protection Act.

3.9 Environmental Factors

We have viewed the NSW Government Online Planning Portal in relation to the subject property, which indicates the following:

<table>
<thead>
<tr>
<th>Factor</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Planning</td>
<td>The subject property is not located in an area identified as being flood prone.</td>
</tr>
<tr>
<td>Mining Subsidence</td>
<td>The subject property is not located in a designated mine subsidence district.</td>
</tr>
<tr>
<td>Bush Fire</td>
<td>The subject property is not located a designated bush prone fire area.</td>
</tr>
<tr>
<td>Floor Space Ratio</td>
<td>1.50:1</td>
</tr>
<tr>
<td>Building Height</td>
<td>10 metres</td>
</tr>
</tbody>
</table>

We advise that we have undertaken a formal search to confirm whether or not the property is subject to flooding, or has previously been flooded. We recommend you undertake your own enquiries in this regard. Should any issues arise this report should be referred back to the valuer for comment and or amendment.

3.10 Heritage Implications

None apparent.
4 PHYSICAL SITE DETAILS

4.1 Situation and Locality

The proposed acquisition land is located on the south-western corner of the intersection of Railway and Albert Street at Wickham, approximately 2 kilometres north-west of the Newcastle CBD and Honeysuckle Precinct.

Wickham is an established residential / industrial suburb located on the fringe of the Newcastle CBD. Wickham is located within close proximity to the Honeysuckle precinct and the Port of Newcastle. The area is set to benefit from the proposed Newcastle Light Rail scheme which includes the delivery of a new transport interchange at Wickham.

4.2 Roads and Access

The parent parcel is accessed via both Albert Street and Railway Street which are bitumen sealed with concrete kerb and guttering to the subject frontage.

4.3 Services and Amenities

All normal utilities including electricity, telephone, reticulated town water, garbage collection and sewerage services are available to the parent parcel.
4.4 Land Description

The acquired land comprises an irregular shaped generally level parcel, located to the north-eastern extremity of the parent lot, at the intersection of Railway and Albert Street. Uses for the subject land include a mix of car parking and landscaping areas.
5 IMPROVEMENTS

5.1 General Description

The site is void of structural improvements.
6 PROPOSED ACQUISITION

6.1 Description of Project

Newcastle City Council is proposing to install a roundabout at the intersection of Railway and Albert Street at Wickham, which will include the addition of new bike and footpath works. As per plans furnished within my instruction, land to be acquired will comprise an area of 35m² to the north-eastern corner of the parent parcel.

6.2 Land to be Acquired

As per plans furnished within my instructions, land to be acquired will comprise of an area of 35m² to the north-eastern corner of the subject lot.

6.3 Effect of Acquisition

The acquisition will result in a loss of 35m² of land, configured as an irregular shape to the north-eastern corner of Lot 165 DP 669083.

As per instruction we have had regard to Market Value only and not investigated other heads of compensation typically payable under the Land Acquisition (Just Terms Compensation) Act 1991.
6.4 Aerial View of Proposed Acquisition
7 VALUATION CONSIDERATIONS

7.1 Valuation Process

The appropriate method of valuation is by direct comparison with appropriate sales evidence.

7.2 Recent Sales History of the Subject

The acquisition land has not transacted within the preceding five years.

7.3 Sales Evidence

The following sales have been used as a guide in assessing the market value of the subject property.

Sale 1
Property Address: 26 Mailand Road, Islington
Sale Price: $700,000
Sale Date: 23/06/2016
Zoning: B4 Mixed Use
Land Area: 481 m²
$/m² - Land Area: $1,455
Development Consent: No

Comment: The property comprises a 481 m² regular shaped allotment, located in the suburb of Islington, being a suburb of the fringe of the Newcastle CBD. The property is zoned “B4 Mixed Use”. At the date of sale the property had an old residential cottage onsite. Since purchase the purchase has obtained development consent (DA 2014/0286) for the erection of a four storey building with ground floor retail and 6 residential units above. The property is currently under construction.

The property was sold with vacant possession.

The property is located within an area with the following Development Control Plan overlays:
Floor Space Ratio (FSR): 2.00:1
Building Height Limit: 17 metres.
Overlays indicate a potential Gross Floor Area (GFA) of 962 m².
Sale 2

Property Address: 16 Power Street, Islington
Sale Price: $425,000
Sale Date: 16/08/2017
Zoning: R3 Medium Density Residential
Land Area: 221 m²
$/m² - Land Area: $1,923
Development Consent: No

Comment: The property comprises a vacant regular shaped inside allotment having level topography being situated in the suburb of Islington, located 4 kilometres west of the Newcastle CBD. The property is zoned "R3 Medium Density Residential". The property is situated between an older style commercial building and a residential dwelling. The property was sold with vacant possession.

The property is located within an area with the following Development Control Plan overlays:
Floor Space Ratio (FSR): 0.90:1
Building Height Limit: 10 metres.
Overlays indicate a potential Gross Floor Area (GFA) of 331.5m².
Sale 3
Property Address: 1 Fern Street, Islington
Sale Price: $895,000
Sale Date: 15/06/2018
Zoning: B4 Mixed Use
Land Area: 501.8 m²
$/m² - Land Area: $1,784
Development Consent: No

Comment: The subject site comprises two contiguous allotments which form a regular shaped allotment situated on the corner of Fern Street and Ivy Street at Islington, zoned “B4 Mixed Use”.

The property has a level topography with a combined total site area of 501.8m².

Situated in an area with favorable planning overlays, the property has an FSR of 2.00:1 which indicates a potential Gross Floor Area (GFA) of 1,003m² and has a 17 metre height limit designation.

The property was sold with vacant possession.

The property is located within an area with the following Development Control Plan overlays:
Floor Space Ratio (FSR): 2.00:1
Building Height Limit: 17 metre.
Overlays indicate a potential Gross Floor Area (GFA) of 1,003 m².
Sale 4

Property Address: 28 - 40 Railway Street, Wickham
Sale Price: $8,500,000
Sale Date: 30/1/2018
Zoning: B4 Mixed Use
Land Area: 7,627 m²
$/m² - Land Area: $1,115

Comment: The property comprises an irregular shaped 7,627 m² allotment comprising 13 contiguous allotments, located in the harbour side and developing suburb of Wickham 0.8 km’s from the main intersection of Stewart Avenue and Hunter Street in the Newcastle CBD.

The property is zoned “B4 Mixed Use” and under the Newcastle City Council Development Control Plans (DCP) is located within an area identified as having a Floor Space Ratio (FSR) of 1.5:1 and a 10 metre building height limit.

Improvements comprises an industrial metal clad complex incorporating three separate tenancy areas providing general warehousing, a self storage facility and a take away shop.

At the date of sale the property was 100% leased occupied by three tenants.

26 - 28 Railway Street is occupied by Lusty Industries Pty Ltd with a passing gross rental of $185,851 per annum gross ($74/m²) expiring 29 June 2020.

30 - 40 Railway Street is leased to All Purpose Self Storage, a related entity of the vendor, on a 5 year term expiring September 2022 with a passing gross rental of $250,758 ($77/m²).

Shop 1, 40 Railway Street is a 3 year term to Stephen Gray with a passing gross rental of $28,600 ($262/m²) expiring September 2019. The leases are on a Gross basis.

The passing rental which is equivalent to approximately $465,209 p.a. gross ($299,871 p.a. net) is considered to be at parity with market. Outgoings are estimated at approximately $28/m².

Sale reflects a potential GFA of 11,440.5m² equating to $743/m² of potential GFA.

7.4 Summary of Evidence

<table>
<thead>
<tr>
<th>Sale No</th>
<th>Property</th>
<th>Sale Price</th>
<th>Sale Date</th>
<th>Rate/m²</th>
<th>Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>26 Maliband Road, Islington</td>
<td>$700,000</td>
<td>23/06/2016</td>
<td>$1,455</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>14 Power Street, Islington</td>
<td>$425,000</td>
<td>16/06/2017</td>
<td>$1,923</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>1 Fern Street, Islington</td>
<td>$895,000</td>
<td>15/08/2018</td>
<td>$1,784</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>28-40 Railway Street, Wickham</td>
<td>$8,500,000</td>
<td>30/01/2018</td>
<td>$1,115</td>
<td></td>
</tr>
</tbody>
</table>
7.5 Conclusions and Application of Evidence

In this instance we have had regard to evidence as noted above which has been utilised in an attempt to replicate zoning, locational attributes and land size.

Given size of the proposed acquisition land, deriving market evidence has been extremely difficult with sales evidence utilised as a point of comparison, acknowledging associated exposure for the subject 35m² and potential for subdivision/future development use.

On this basis sales evidence ranges from $1,115/m² for a larger and closely located parcel purchased by a developer for medium term redevelopment. The site maintains holding income however leases in place stifle the ability to immediately redevelop. The upper end of evidence indicates $1,923/m² for “R3 – Medium Density Residential” zoned parcel, highlighting the significantly higher rates (rate/m²) achievable for smaller parcels of land in this locality.

Given configuration of the subject land, exposure created for such and scale we have adopted $1,250/m² with our calculations noted below.

7.6 Valuation Calculations

<table>
<thead>
<tr>
<th>Direct Comparison Assessment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Acquisition Area</td>
<td>35m²</td>
</tr>
<tr>
<td>Adopted Value /m²</td>
<td>$1,250</td>
</tr>
<tr>
<td>Market Value</td>
<td>$43,750</td>
</tr>
<tr>
<td>Adopt</td>
<td>$45,000</td>
</tr>
</tbody>
</table>

7.7 Goods and Services Tax (GST)

It is anticipated that GST would be added to the sale price of the property when sold, if the vendor is required to remit GST to the Australian Tax Office following a sale. Our valuation is made exclusive of GST components.
8 ASSESSMENT OF COMPENSATION

Subject to the stipulations and conditions contained within the body of this report, it is our opinion that the Market Value of the subject property as at 6 September 2018 is:

"MARKET VALUE"

$45,000

(Forty-Five Thousand Dollars)

Excluding GST

VALUER

[Signature]

James Lockwood AAPI
Certified Practising Valuer
DIRECTOR
TAYLOR BYRNE
25

ANNEXURE 1 – INSTRUCTION

The City of Newcastle

Mr Cameron Michell
Director
Taylor Byrne
Suite 2, Level 2, 187 Union St
The Junction NSW 2291

21 August 2018

Dear Cameron,

RE: Request For Quotation: Valuation Services

Part 12 Albert St, Wickham

Please find following a Request for Quotation for valuation services for the above project as described in full in the following documentation.

Could you please provide your response to the responsible Project Officer by 24 August 2018 according to the requirements of this documentation.

Please do not hesitate to contact the undersigned should you require clarification.

Yours sincerely,

Nick Wells
Senior Property Management Officer
Property Services
02 4974 2887
nwells@ncc.nsw.gov.au
Attachment C - Land Acquisition - 12 Albert Street, Wickham

DISCLAIMER: Although great care has been taken in the preparation of these documents/maps, The City of Newcastle makes no representation or warranty as to the accuracy or completeness of any information contained in them. The City of Newcastle accepts no responsibility for any omissions, errors, omissions or inaccuracies in these documents/maps or for loss or damages resulting from reliance on any information provided.
NOTICES OF MOTION

ITEM-34 NOM 11/12/18 - MINIMISING DISRUPTION

COUNCILLORS: D CLAUSEN, M BYRNE, C DUNCAN, J DUNN, N NELMES, E WHITE AND P WINNEY-BAARTZ

PURPOSE

The following Notice of Motion was received on 29 November 2018 from the abovenamed Councillors.

MOTION

That Council

1. Notes the continued unprecedented construction boom underway in the City of Newcastle, including the City’s own record capital program.

2. Notes the temporary inconvenience this can cause Novocastrians, especially due to road works.

3. Notes the reforms being introduced by the re-elected Andrews Victorian Government, and considers opportunities to replicate and build on these reforms for road construction works within the City of Newcastle local government area, especially for works being undertaken by the City, or for traffic management plans being endorsed by the City’s traffic committee.

BACKGROUND

See over.
**Background:**

Dan Andrews
Yesterday at 1:45 am ·

I know how frustrating it is to slow right down for roadworks – only to drive past an empty work site.

So we’re making a new rule.

When tools go down, speeds come back up – when it’s safe to do so.

It’ll be safer for workers, too. No more chancing it because a site ‘looks quiet’.

And we’ll write it in to every contract, with penalties to make sure it happens.

We’re upgrading road and rail across the state, so there will be disruption – I won’t pretend otherwise.

But hopefully this will help a little bit.

And thank you for your patience while we keep building the state.

---

**ATTACHMENTS**

Nil
ITEM-35 NOM 11/12/18 - HEALTH BURDEN OF COAL-FIRED ELECTRICITY GENERATION IN NSW

COUNCILLOR: CR MACKENZIE

PURPOSE

The following Notice of Motion was received on 30 November 2018 from the abovenamed Councillor.

MOTION

That Council:

1 Notes the publication of the report, “The Health Burden of Fine Particle Pollution from Electricity Generation in NSW”, written by leading epidemiologist Dr Ben Ewald, investigating the serious health damage caused by NSW’s five coal-fired power stations.

2 Notes specifically the findings of the report that in the Lower Hunter each year, the five coal-fired power stations cause 51 premature deaths (equivalent 477 years lost); 37 low birthweight babies (less than 2500g); and 63 new cases of type 2 diabetes.

3 Notes that the Environmental Pollution licences for Eraring, Mount Piper and Vales Point power stations are now under review by the NSW EPA (EPLs 761, 13007, 1429 respectively). The reviews will conclude and new licences will be issued by 6 January, 1 January and 24 December respectively.

4 Makes a submission to the review of the EPLs for Eraring, Mount Piper and Vales Point at the earliest, and definitely by mid-December, including requesting the NSW Government to set pollution limits consistent with world’s best practice, including but not limited to stack emission limits to SO2, NOx and mercury, and to require the installation of Selective Catalytic Reduction (SCR) and Flue Gas Desulfurisation (FGD) technology. These controls are standard practice in most countries.

5 Writes to the Environment Minister Gabrielle Upton and the Shadow Environment Minister Penny Sharpe noting the ongoing success of the Newcastle Local Air Quality Monitoring Network and seeking the following commitments:
   a) an expansion of the Office of Environment and Heritage Air Pollution Monitoring (APM) Network to include 2 or 3 additional Air Monitoring Stations in the vicinity of each power station;
   b) the location of the new Air Monitoring Stations be determined in collaboration with the affected communities; and
   c) the APM data be readily available to the community at a standard consistent with the Newcastle Local Air Quality Monitoring Network.
BACKGROUND

In NSW, there are five coal-fired power stations – Liddell, Eraring, Mt Piper, Bayswater and Vales Point. Two are located on the Central Coast of NSW, two in the Upper Hunter Valley and one in Lithgow.

The five coal-fired power stations in NSW are the state’s main source of several toxic air pollutants including fine particles (PM2.5), sulfur dioxide (SO2) and oxides of nitrogen (NOx). These five power stations cause a range of chronic and acute health problems for residents in the Greater Sydney Metropolitan Region, the Central Coast, Lake Macquarie, Newcastle and Lithgow. Exposure to these toxic pollutants causes premature death, heart attacks, stroke, asthma attacks, low birth weight babies, lung cancer and type 2 diabetes.

Environmental Justice Australia commissioned a new report, “The Health Burden of fine particle pollution from electricity generation in NSW" (attached) to investigate the serious health damage NSW’s five coal-fired power stations are causing. This report documents the health impacts of air pollution from coal-fired power stations in NSW is hurting communities from Newcastle, Lithgow, Central Coast and the Hunter Valley all the way to Sydney.

Each year, the five coal-fired power stations in NSW cause:
- 279 premature deaths;
- 233 low birthweight babies (less than 2500g); and
- 361 new cases of type 2 diabetes.

The greatest health burden is experienced in Sydney as weather conditions push much of the pollution into the Sydney basin. In Sydney, each year, pollution from coal-fired power stations causes 153 premature deaths – more than half of the state’s total. However, 51 premature deaths occur in the Lower Hunter each year as a consequence of that same air pollution load. These deaths and illnesses are entirely preventable.

Power stations in other countries are required to regulate pollutants at much lower concentrations than the NSW power stations. In the United States for example, new power stations are required to keep NOx emissions below 100 milligrams per cubic metre, 15 times lower than the NSW licences permit. To comply with these limits, generators have installed pollution controls including Flue Gas Desulphurisation which reduces SO2 emissions by as much as 95%, Selective Catalytic Reduction which reduces NOx emissions by 90% and activated carbon injection to reduce emissions of mercury by about 90%. These measures have become standard practice internationally, but are not installed at any Australian power station.

The release of this study coincides with the review of pollution licences for the Vales Point, Eraring and Mt Piper power stations (EPLs 761, 13007, 1429). This motion calls on Council to write to the EPA in relation to these EPL reviews calling for strengthening the stack emission limits in all three licences to best practice international standards and to require the installation of SCR and FGD to protect community health.
ATTACHMENTS

The health burden of fine particle pollution from electricity generation in NSW

There is no safe level of air pollution

Air pollution is extremely harmful to health. Coal-fired power stations release more than 30 toxic pollutants and are the single biggest source of dangerous sulfur dioxide (SO₂), oxides of nitrogen (NOx) and fine particle pollution (PM₁₀) in Australia. PM₁₀ has the strongest impact on our health. Coal-fired power stations produce pollution particles of two kinds: primary particles that are released as coal is burnt, and secondary particles that form in the atmosphere from the SO₂ and NOX gases released during combustion. Tiny particles of pollution are drawn deep into the lungs and then move into the bloodstream.

There are five coal-fired power stations in NSW – Liddell, Eraring, Mt Piper, Bayswater and Vales Point. Two are located on the Central Coast of NSW, two in the Upper Hunter Valley and one in Lithgow. These power stations cause adverse health impacts in Sydney, Newcastle, Lithgow, Central Coast and the Hunter Valley.

The list of health impacts and disease to which air pollution contributes now includes heart disease, stroke, asthma attacks, low birth weight of babies, lung cancer and type 2 diabetes.

Studies from around the world have found there is no safe level of air pollution. Reducing exposure to air pollution as close to zero as possible leads to better health.
Coal-fired power stations cause serious health problems

A new study by Dr Ben Ewarid, a specialist on population health, examines the health burden from exposure to PM$_{2.5}$ pollution from coal-fired power stations in NSW. The study looked at three health outcomes that can result from this pollution:

- premature death,
- the incidence of low birth weight babies, and
- new cases of type 2 diabetes.

The study found that power station pollution from the five NSW power stations causes:

- 279 premature deaths,
- 233 babies born with low birth weight (less than 2500g), and
- 361 people developing type 2 diabetes every year, who would not otherwise do so.

WHAT IS THE IMPACT OF EACH OF THE POWER STATIONS?

Each power station contributes significantly to the health burden caused by power generation. Eraring and Vales Point on the NSW Central Coast make the largest contribution, since prevailing weather patterns are most likely to carry pollutants from these sources into the Sydney basin where the majority of the state's population resides.

Health impacts each year in regions affected by NSW power station pollution

<table>
<thead>
<tr>
<th>NSW</th>
<th>Sydney</th>
<th>Upper and Lower Hunter Valley</th>
<th>Central Coast</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PREMATURE DEATHS</strong></td>
<td><strong>279</strong></td>
<td><strong>233</strong></td>
<td><strong>147</strong></td>
</tr>
<tr>
<td><strong>LOW BIRTH WEIGHT BABIES</strong></td>
<td><strong>361</strong></td>
<td><strong>147</strong></td>
<td><strong>43</strong></td>
</tr>
</tbody>
</table>

[Diagram showing health impacts in different regions]
What happens if NSW coal-fired power stations stay open as planned?

If the five power stations remain open until their expected closure dates, it is estimated that **3429 additional premature deaths** will occur in NSW between now and when the power stations are anticipated to close. This figure does not include deaths since the power stations opened decades ago, so the true number of premature deaths over the life of the power stations is far greater.

<table>
<thead>
<tr>
<th>Power station</th>
<th>Premature deaths</th>
<th>Low birth weight</th>
<th>Type 2 diabetes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bayswater</td>
<td>615</td>
<td>571</td>
<td>867</td>
</tr>
<tr>
<td>Liddell</td>
<td>107</td>
<td>84</td>
<td>134</td>
</tr>
<tr>
<td>Eraring</td>
<td>1510</td>
<td>1050</td>
<td>1579</td>
</tr>
<tr>
<td>Vales Point</td>
<td>547</td>
<td>475</td>
<td>700</td>
</tr>
<tr>
<td>Mount Piper</td>
<td>871</td>
<td>835</td>
<td>1133</td>
</tr>
<tr>
<td>Total</td>
<td>3429</td>
<td>3029</td>
<td>4412</td>
</tr>
</tbody>
</table>

These health impacts can be reduced by installing pollution controls or retiring power stations sooner.

What about Sydney?

Few people in Sydney would realise that 87% of the SO\textsubscript{2} and 54% of the NO\textsubscript{x} in their air comes from power stations in the Hunter Valley, Central Coast and Lithgow. Pollution from the coal-fired power stations travels long distances to contaminate the air in Sydney despite the power stations being 30, 100 and 160 km away.

Sydney is bearing the greatest health burden, where air pollution from power stations causes **153 premature deaths** each year, and results in **1433 years of life lost**, **147 low birth weight babies** and **199 new cases of diabetes**. These health impacts are primarily caused by the Eraring (38.4%), Mt Piper (23.7%) and Vales Point (20.1%) power stations.
HOW CAN WE FIX THIS PROBLEM?

The coal-fired power stations in NSW create a substantial health burden that is entirely unnecessary. Although the NSW power stations have been required to upgrade their pollution controls to capture primary PM10, none of the power stations use post-combustion capture of SO2 or NOx, which are a major contributor to current health problems.

Substantial death and disease could be avoided by imposing stricter licensing conditions for operation that would require capture of SO2 and NOx, or by bringing forward closure of plants where the upgrade is uneconomic.

RECOMMENDATIONS

1. The pollution licences for all Australian coal-fired power stations should be amended to set stack emission limits consistent with international best practice (200mg/m² for SO2 and NOx and 20mg/m² for particle pollution).
2. Australia’s coal-fired power stations should be required to install best practice emission controls including bag filters, Selective Catalytic Reduction, Flue Gas Desulfurisation and Activated Carbon Injection to control emissions of fine particle pollution, oxides of nitrogen, sulfur dioxide and mercury respectively in the order of 99%.
3. Australia’s coal-fired power stations should be required to conduct continuous stack emissions monitoring, with real-time pollution monitoring data readily available to community members (e.g. through the NSW Office of Environment and Heritage website).
4. Further research should be commissioned to assess the health burden from all power stations in Australia.

For more information go to
www.envirojustice.org.au/healthstudynsw

ABOUT ENVIRONMENTAL JUSTICE AUSTRALIA

Environmental Justice Australia is a not-for-profit public interest legal practice. We use our legal expertise to be a powerful force for change, to empower communities to protect the environment, and to achieve a better legal system that delivers justice to people and the planet.

ITEM-36 NOM 11/12/18 - PARIS CLIMATE AGREEMENT

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 30 November 2018 from the abovenamed Councillor.

MOTION

That City of Newcastle

1 Notes the UNEP’s 2018 Emissions Gap Report found that Australia is currently not on track to meet our unconditional Paris Climate Agreement carbon emissions reduction targets by 2030. The report instead found that “There has been no improvement in Australia's climate policy since 2017 and emission levels for 2030 are projected to be well above the [Nationally Determined Contribution] target.”

2 Commits formally to the principles and targets of the Paris Climate Agreement.

3 Develops a pathway to achieve the greenhouse gas (GHG) emissions reductions necessary to align with the principles of the Paris Climate Agreement and a 1.5 degree Celsius outcome, as the foundation for the update and review of the Newcastle 2020 Carbon and Water Management Action Plan in 2019-2020.

BACKGROUND

At COP 21 in Paris, on 12 December 2015, Parties to the UNFCCC reached a landmark agreement to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low carbon future.

The “Paris Climate Agreement” commits signatories to “holding the increase in the global average temperature to well below 2 degrees above pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5 degrees above pre-industrial levels.”

In December 2016, C40 and Arup published “Deadline 2020: How Cities Will Get the Job Done”, which quantified the contribution that local governments can make to deliver the goals of the Paris Climate Agreement. The conclusion reached in that report was that it is still possible to prevent runaway climate change, but would require global city emissions to peak by 2020, then decline to an average of three metric tons CO 2e per capita by 2030, and hit zero by 2050.

The Deadline 2020 report also showed that if every city with a population over 100,000 committed to these targets, it would deliver 40 percent of the emissions reductions needed to achieve the global Paris Agreement goal.
The Newcastle 2020 Carbon and Water Management Action Plan (CWMAP) was developed in 2011 to guide the climate change initiatives of the city over the last decade, and is due for update and review in 2019-2020.

ATTACHMENTS

Nil
CONFIDENTIAL REPORTS

ITEM-24  CON 11/12/18 - MINOR CIVIL WORKS IN ROAD RESERVES CONTRACT 2019/088T

REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY / MANAGER CIVIL CONSTRUCTION AND MAINTENANCE

REASON FOR CONFIDENTIALITY

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

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

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

GROUNDS FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A  The matter relates to tenders for minor civil works in road reserves for Contract No: 2019/088T.

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

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-25 CON 11/12/18 - COTTAGE CREEK BRIDGE REPLACEMENT - CONTRACT NO. 2018/372T

REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY / MANAGER ASSETS AND PROJECTS

REASON FOR CONFIDENTIALITY

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

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

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

MOTION TO PROCEED

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

A The matter relates to tenders for Cottage Creek Bridge Replacement for Contract No: 2018/372T.

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