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 25 October 2016  
**TIME:** 5.30pm  
**VENUE:** Council Chambers  
2nd Floor  
City Hall  
290 King Street  
Newcastle NSW 2300

Frank Cordingley  
Interim Chief Executive Officer

City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300

14 October 2016

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

MINUTES OF ORDINARY COUNCIL MEETING HELD 27 SEPTEMBER 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160927 Ordinary Council Meeting Minutes

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

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 27 September 2016 at 5.32pm.

PRESENT

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), P Nelson (Manager Commercial Property), J Gaynor (Manager Strategic Planning), I Challis (Acting Manager Projects and Contracts), P McCarthy (Team Co-ordinator), N Baker (Lord Mayor's Chief of Staff), K Edson (Executive Assistant to Director Planning and Regulatory), K Baartz (Communications Manager), B Johnson (Media Officer), K Sullivan (Council Services/Minutes) and A Knowles (Council Services / Meetings Management).

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

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

APOLOGIES

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

The apologies submitted on behalf of Councillor Tierney be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor B Luke
Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 80 Executive Monthly Performance Report as Council may invest with businesses he is associated with. Councillor Luke said the interest was less than significant as the report to Council was to be received and he was not involved in any decision making processes.
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 23 AUGUST 2016

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

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

Carried

LORD MAYORAL MINUTE

LMM 27/09/16 - THE UNITED NATIONS HABITAT III - OCTOBER 2016

MOTION
Moved Lord Mayor, Cr Nelmes

That Council:

1. Accepts the invitation to participate in The United Nations Conference Habitat III in Quito, Ecuador and makes available the appropriate funding to enable this participation.

2. That the Lord Mayor or delegate and Interim Chief Executive Officer, or his nominee, accept the invitation and present a report to Council following Habitat III that outlines the learnings and opportunities presented.

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

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

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-80 CCL 27/09/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - AUGUST 2016

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

The report be received.

Carried
ITEM-81 CCL 27/09/16 - DEED OF INDEMNITY FOR NEW DIRECTOR OF NEWCASTLE AIRPORT PTY LTD

MOTION
Moved by Cr Waterhouse, seconded by Cr Clausen

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

(i) the affixation of Council’s seal to the Deed of Indemnity to be entered into between Newcastle City Council, Port Stephens Council and Mr Cameron Macphee; and

(ii) each of the Lord Mayor and any one other Councillor, or any two Councillors (other than the Lord Mayor), witnessing the affixation of Council’s seal to the Deed of Indemnity;

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

Carried

Item-82 DRAFT AMENDMENT TO THE GENERAL COMMUNITY USE PLAN OF MANAGEMENT

MOTION
Moved by Cr Osborne, seconded by Cr Rufo

Council approves that:

i) The draft GCU PoM (Attachment A) be placed on public exhibition in accordance with the Local Government Act 1993 for 28 days;

ii) A public hearing be held during the public exhibition period as per the Local Government Act 1993; and

iii) Council receive a report on the outcome of the public exhibition when considering the adoption of the draft GCU PoM.

ii) A public hearing be held during the public exhibition period as per the Local Government Act 1993; and

iii) Council receive a report on the outcome of the public exhibition when considering the adoption of the draft GCU PoM.

Carried
ITEM-83  CCL 27/09/16 - ADOPTION OF AMENDMENTS TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 TO INCORPORATE CONTROLS FOR NON-LEASED PARTS OF THE PORT OF NEWCASTLE

MOTION
Moved by Cr Doyle, seconded by Cr Posniak

Council adopts the amended Newcastle DCP 2012 as set out in Attachment A.

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

Against the Motion: Nil. Carried

ITEM-84  CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2012 - RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET NEWCASTLE

MOTION
Moved by Cr Luke, seconded by Cr Waterhouse

Council resolves to:

i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to enable mixed use development, public recreation and tourist uses on surplus rail corridor land between Worth Place and Watt Street, Newcastle, including amendments on adjoining land listed in the following table:

<table>
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<th>Title</th>
<th>Address</th>
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<tbody>
<tr>
<td>Part Lot 22 DP1165985</td>
<td>430 Hunter Street, Newcastle</td>
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<tr>
<td>Part Lot 3 DP1111305</td>
<td>6 Workshop Way, Newcastle</td>
</tr>
<tr>
<td>Lot 100 DP809262</td>
<td>426 Hunter Street, Newcastle</td>
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<tr>
<td>Lot 31 DP534638</td>
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<tr>
<td>Lot 15 &amp; 16, DP21503</td>
<td>484 - 486 Hunter Street, Newcastle</td>
</tr>
<tr>
<td>Lot 17 DP21503</td>
<td>488 Hunter Street, Newcastle</td>
</tr>
</tbody>
</table>
ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 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 59(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, including the draft planning agreement, following the public exhibition as per the requirements of Section 57 of the *EP&A Act*.

**PROCEDURAL MOTION**

Moved by Cr Crakanthorp, seconded by Cr Doyle

That Council

1 Lay the item on the table pending an open Briefing from Council Officers with an invitation to Urban Growth to provide a briefing on Monday 10 October 2016 at 5.30pm, with a Public Voice session to follow with opportunity for the community to present.

2 Request that the NSW Government provide a report as per Council's resolution of 26 July 2016 which requires the Government to demonstrate that the rail corridor is no longer needed for the future

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

*Against the Motion:* Councillors Compton, Luke and Waterhouse.

*Carried*

**CONFIDENTIAL REPORTS**

**PROCEDURAL MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

Council not consider Item 35 - Property Matter - Lot 374 DP755247 in confidential session and hear Item 36 only.

*Defeated*
PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Compton

Council enter into confidential session for discussion on Confidential Items 35 and 36 for the reasons outlined in the business papers.  

Carried

Councillors Doyle and Osborne voted against

Council moved into confidential session at 6.01pm and reconvened at 7.02pm. The Interim Chief Executive Officer gave a report to open Council on the items resolved in confidential session.

ITEM-35 CON 27/09/16 - PROPERTY MATTER - LOT 374 DP 755247

PROCEDURAL MOTION
Moved by Cr Doyle, seconded by Cr Osborne

Council Officers bring back a report on the planning and reclassification proposal with respect to Lot 374 DP 755247.

For the motion  Lord Mayor, Cr Nelmes, Councillors Crakanthorp, Doyle, Osborne, Posniak and Rufo.

Against the motion  Councillors Compton, Clausen, Dunn, Luke, Robinson and Waterhouse.

Carried on Lord Mayor's casting vote

ITEM-36 CON 27/09/16 - SUPPLY OF ELECTRICITY TO COUNCIL'S LARGE SITES CONTRACT 2017/071T

MOTION
Moved by Cr Compton, seconded by Cr Waterhouse

1 Council accept the tender of ERM Power Retail Pty Ltd at the rates and charges as submitted in their tender for Supply of Electricity to Council's Large Sites and unmetered street lighting for Contract No. 2017/071T.

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

Councillor Clausen tabled a petition containing 16 signatures from residents in Dawson Street, Waratah regarding traffic issues in their street and presented the petition to the Interim Chief Executive Officer.

The meeting concluded at 7.05pm.
MINUTES OF DEVELOPMENT APPLICATIONS COMMITTEE 20 SEPTEMBER 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160920 Development Applications Committee Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 20 September 2016 at 5.36pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, J Dunn, M Osborne, S Posniak, A Robinson.

IN ATTENDANCE
G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), 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 Osborne, seconded by Cr Posniak

The apologies submitted on behalf of Councillors Crakanthorp, Doyle, Luke, Rufo, Tierney and Waterhouse be received and leaves of absence granted. Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Cr D Compton
Councillor Compton declared a non-pecuniary less than significant interest in the Development Applications process generally. He indicated that his company was a selective tenderer for architectural firms that operated in the Newcastle Local Government Area that could be selected to undertake building projects from time to time.
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 16 AUGUST 2016

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

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

DEVELOPMENT APPLICATIONS

ITEM-11 DA 2015/10216 - 29 BRISBANE WATER ROAD, ADAMSTOWN - DEMOLITION OF DWELLING, GARAGE & TREE REMOVAL AND THE SUBSEQUENT ERECTION OF FIVE (5) TWO STOREY DWELLINGS WITH ASSOCIATED RETAINING WALLS AND ONE (1) INTO FIVE (5) LOT STRATA SUBDIVISION

MOTION
Moved by Cr Compton, seconded by Cr Posniak

A  That development application 2015/10216 for demolition of the existing dwelling, garage & tree removal, and the subsequent erection of five (5) two-storey attached dwellings, associated retaining walls, site works and a one (1) into five (5) lot strata subdivision be approved and consent granted, subject to compliance with the conditions set out in the draft Schedule of Conditions (refer to Attachment B); and

B  That those persons making submissions be advised of Council's determination.

Councillor Osborne gave notice of a foreshadowed motion to refuse the development application on the grounds that the proposed development was an overdevelopment of the block and did not meet the requirements of Council's DCP.

For the Motion: Councillors Compton, Dunn, Posniak and Robinson

Against the Motion: Lord Mayor, Cr Nelmes and Councillors Clausen, and Osborne. Carried

The meeting concluded at 5.47pm.
MINUTES OF EXTRAORDINARY COUNCIL MEETING 13 OCTOBER 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 161013Extraordinary Council meeting minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Extraordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Thursday 13 October 2016 at 7.34pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke (retired at 9.06pm), S Posniak, A Robinson, A Rufo and L Tierney.

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), A Glauser (Acting Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), K Hyland (Communications and Engagement Manager), P McCarthy (Team Coordinator, Strategic Planning), A Leach (Council Services/Minutes) and A Knowles (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 Doyle, seconded by Cr Clausen

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Tierney
Councillor Tierney declared a non-significant non-pecuniary interest in the item and said her employer attended and participated in one of the consultation sessions conducted by UrbanGrowth NSW.
MOTION
Moved by Cr Nelmes, seconded by Cr Clausen

That Council resolves to:

PART A:

i) Note the Media Release from Premier Mike Baird dated 4 December 2014 titled “Revitalising Newcastle: The People’s Project” which states that: “We have always said we would involve the community in any decisions regarding the future of the rail corridor in Newcastle and we are now delivering on that commitment. Under our plan Newcastle Council will have the final say about what development occurs on the former rail corridor and it must tick off on any proposal before it proceeds. I know the council and some in the community have concerns about this project. We want to ensure we get the best outcome for Newcastle, which is why we are taking this step.”

ii) Note its unanimous decision of 22 September 2015 titled “Item 7 LMM 22/09/15 – Integrated Transport Plan” where Council “Call[s] for the expansion of any proposed light rail project for Newcastle to connect the inner city with the University at Callaghan, the John Hunter Hospital, Hunter Stadium, the Newcastle Airport, beaches, and the proposed Glendale Interchange; and ensure any light rail network integrates with car parking, cycle-way, pedestrian, bus and heavy rail operations.” and for Council to: “Collaborate with Transport for NSW to establish an integrated transport management plan including forward planning of the next stage of any light rail project, including community consultation on the proposed routes.”

iii) Note Minister Duncan Gay’s closing statement on the Second Reading of the Transport Administration Amendment (Closure of Railway Line at Newcastle) Bill 2015 that: “I can confirm that the Government will augment the $460 million already allocated to building infrastructure in the Hunter by a further $50 million, bringing the total investment to $510 million towards the Newcastle light rail project. We will implement legislation as soon as possible to hypothecate 100 per cent of the proceeds of the rail corridor development to the Newcastle urban renewal; all the money that we realise will go back into urban renewal.”
iv) Note its decision of 26 July 2016 titled “NOM 26/07/16 – Zoning of Rail Corridor for Public Use” that: “1. Newcastle City Council determines to retain the current zoning of the Rail Corridor as Special Purpose 2 (SP2). 2. Council convey to the State Government its intention that such zoning remain until the NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council’s current transport targets, and such plans conclusively establish that the corridor land is not needed for transport purposes” and that “In the interim, Council consult with relevant State Government agencies to explore appropriate temporary uses of the corridor land.”

v) Note the letter from Minister for Transport and Infrastructure, the Hon Andrew Constance MP, dated 5 September 2016 stating that: “Light rail will travel east along the former heavy rail corridor from the new transport interchange at Wickham before moving into Hunter Street at Worth Place, then onto Scott Street before terminating at Pacific Park. This route was reiterated in the Newcastle Light Rail Review of Environmental Factors released in April 2016, and the Submissions Report released in August 2016, and is not subject to change.”

vi) Note the letter from Minister for Transport and Infrastructure, the Hon Andrew Constance MP, dated 27 September 2016 stating that: “[L]ight rail is an integral part of the Hunter Regional Transport Plan. This Plan, combined with the creation of the Transport for Newcastle integrated services operator, provides a transport strategy for the region that will improve operational efficiency. In the next 12 months, Transport for NSW will work together with the new integrated service operator, the Department of Planning, UrbanGrowth NSW and Newcastle City Council on an updated transport plan for the region.”

vii) Note that the Gateway process is where “The Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without conditions of this nature. The conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage.”

viii) Note UrbanGrowth NSW's letter of offer referred on page 23 of the Planning Proposal (Attachment A of officer's report) which states that UrbanGrowth NSW wishes to enter a Planning Agreement to "facilitate delivery of the following aspects:-

a) Dedication of the land proposed to be zoned RE1 Public Recreation
b) Enhancement of the public open space
c) Repurposing heritage buildings, particularly Newcastle Railway Station and Signal Box
d) Remediation of the open space
e) Commitment to provision of affordable housing"
PART B:
i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to enable mixed use development, public recreation and tourist uses on surplus rail corridor land between Worth Place and Watt Street, Newcastle, including amendments on adjoining land listed in the following table:

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ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 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 59(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, including the draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP&A Act.
PART C:
Require the following commitments prior to a report to back to Council under Part B
v) (receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP&A Act.) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council’s current transport targets including:
   a. an update of the Regional Transport Plan with clear and realistic objectives to be achieved for Public Transport in the region and
   b. a revised Traffic Report of traffic impacts in the CBD based on:
      i. Current and forecast land use development proposals for the CBD.
      ii. The Integrated Transport Plan for the CBD.
      iii. The Parking Strategy being prepared by Transport for NSW (TfNSW).
      iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access
   c. a comparison between the land use assumptions used in the REF compared with rezoning proposal.
   d. an integrated transport plan setting out the detailed operational arrangements for Busses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.

2. A legal commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle

MOTION
Moved by Cr Clausen, seconded by Cr Luke

The motion be dealt with in seriatim. Carried
MOTION
Moved by Cr Nelmes, seconded by Cr Clausen

PART A:
i) Note the Media Release from Premier Mike Baird dated 4 December 2014 titled “Revitalising Newcastle: The People’s Project” which states that: “We have always said we would involve the community in any decisions regarding the future of the rail corridor in Newcastle and we are now delivering on that commitment. Under our plan Newcastle Council will have the final say about what development occurs on the former rail corridor and it must tick off on any proposal before it proceeds. I know the council and some in the community have concerns about this project. We want to ensure we get the best outcome for Newcastle, which is why we are taking this step.”

ii) Note its unanimous decision of 22 September 2015 titled “Item 7 LMM 22/09/15 – Integrated Transport Plan” where Council “Call[s] for the expansion of any proposed light rail project for Newcastle to connect the inner city with the University at Callaghan, the John Hunter Hospital, Hunter Stadium, the Newcastle Airport, beaches, and the proposed Glendale Interchange; and ensure any light rail network integrates with car parking, cycle-way, pedestrian, bus and heavy rail operations.” and for Council to: “Collaborate with Transport for NSW to establish an integrated transport management plan including forward planning of the next stage of any light rail project, including community consultation on the proposed routes.”

iii) Note Minister Duncan Gay’s closing statement on the Second Reading of the Transport Administration Amendment (Closure of Railway Line at Newcastle) Bill 2015 that: “I can confirm that the Government will augment the $460 million already allocated to building infrastructure in the Hunter by a further $50 million, bringing the total investment to $510 million towards the Newcastle light rail project. We will implement legislation as soon as possible to hypothecate 100 per cent of the proceeds of the rail corridor development to the Newcastle urban renewal; all the money that we realise will go back into urban renewal.”

iv) Note its decision of 26 July 2016 titled “NOM 26/07/16 – Zoning of Rail Corridor for Public Use” that: “1. Newcastle City Council determines to retain the current zoning of the Rail Corridor as Special Purpose 2 (SP2). 2. Council convey to the State Government its intention that such zoning remain until the NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council’s current transport targets, and such plans conclusively establish that the corridor land is not needed for transport purposes” and that “In the interim, Council consult with relevant State Government agencies to explore appropriate temporary uses of the corridor land.”
v) Note the letter from Minister for Transport and Infrastructure, the Hon Andrew Constance MP, dated 5 September 2016 stating that: “Light rail will travel east along the former heavy rail corridor from the new transport interchange at Wickham before moving into Hunter Street at Worth Place, then onto Scott Street before terminating at Pacific Park. This route was reiterated in the Newcastle Light Rail Review of Environmental Factors released in April 2016, and the Submissions Report released in August 2016, and is not subject to change.”

vi) Note the letter from Minister for Transport and Infrastructure, the Hon Andrew Constance MP, dated 27 September 2016 stating that: “[L]ight rail is an integral part of the Hunter Regional Transport Plan. This Plan, combined with the creation of the Transport for Newcastle integrated services operator, provides a transport strategy for the region that will improve operational efficiency. In the next 12 months, Transport for NSW will work together with the new integrated service operator, the Department of Planning, UrbanGrowth NSW and Newcastle City Council on an updated transport plan for the region.”

vii) Note that the Gateway process is where “The Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without conditions of this nature. The conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage.”

viii) Note UrbanGrowth NSW's letter of offer referred on page 23 of the Planning Proposal (Attachment A of officer's report) which states that UrbanGrowth NSW wishes to enter a Planning Agreement to “facilitate delivery of the following aspects:-

a) Dedication of the land proposed to be zoned RE1 Public Recreation
b) Enhancement of the public open space
c) Repurposing heritage buildings, particularly Newcastle Railway Station and Signal Box
d) Remediation of the open space
e) Commitment to provision of affordable housing”

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

**Against the Motion:**

**Carried**
MOTION
Moved by Cr Nelmes, seconded by Cr Clausen

PART B:
i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend Newcastle LEP 2012 to enable mixed use development, public recreation and tourist uses on surplus rail corridor land between Worth Place and Watt Street, Newcastle, including amendments on adjoining land listed in the following table:

<table>
<thead>
<tr>
<th>Title</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part Lot 22 DP1165985430</td>
<td>Hunter Street, Newcastle</td>
</tr>
<tr>
<td>Part Lot 3 DP1111305</td>
<td>6 Workshop Way, Newcastle</td>
</tr>
<tr>
<td>Lot 100 DP809262</td>
<td>426 Hunter Street, Newcastle</td>
</tr>
<tr>
<td>Lot 31 DP534638</td>
<td>418 - 422 Hunter Street, Newcastle</td>
</tr>
<tr>
<td>Lot 1 DP18256</td>
<td>414 - 416 Hunter Street, Newcastle</td>
</tr>
<tr>
<td>Lot 1 DP1192409</td>
<td>1R Merewether Street, Newcastle</td>
</tr>
<tr>
<td>Lot 1001 DP1095836</td>
<td>280 Hunter Street, Newcastle</td>
</tr>
<tr>
<td>Lot 21 DP1009735</td>
<td>150 Scott Street, Newcastle</td>
</tr>
<tr>
<td>Lot 22 DP1009735</td>
<td>110 Scott Street, Newcastle</td>
</tr>
<tr>
<td>Lot 15 &amp; 16, DP21503</td>
<td>484 - 486 Hunter Street, Newcastle</td>
</tr>
<tr>
<td>Lot 17 DP21503</td>
<td>488 Hunter Street, Newcastle</td>
</tr>
</tbody>
</table>

ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 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 59(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, including the draft planning agreement, following the public exhibition as per the requirements of Section 57 of the *EP&A Act*.
Councillor Luke left the Chamber at 7.47pm and returned at 7.48pm.

Councillor Doyle gave notice of a foreshadowed motion that reaffirms Council's resolution of the 26 July to retain the current zoning for the rail corridor.

Councillor Luke left the Chamber at 8.12pm and returned at 8.13pm

Councillor Robinson left the Chamber at 8.12pm and returned at 8.14pm

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

Against the Motion: Councillors Crakanthorp, Doyle and Posniak. Carried

MOTION
Moved by Cr Nelmes, seconded by Cr Clausen

PART C:
Require the following commitments prior to a report to back to Council under Part B v) (receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP&A Act.) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council’s current transport targets including;

a. An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and

b. A revised Traffic Report of traffic impacts in the CBD based on:
   i. Current and forecast land use development proposals for the CBD.
   ii. The Integrated Transport Plan for the CBD.
   iii. The Parking Strategy being prepared by Transport for NSW (TfNSW).
   iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access

c. A comparison between the land use assumptions used in the REF compared with rezoning proposal.

d. An integrated transport plan setting out the detailed operational arrangements for Busses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.
2. A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle.

Councillor Luke left the Chamber at 8.46pm and returned at 8.47pm.

Following a question from Councillor Compton regarding the wording of part 2, and a suggestion from Councillor Doyle, the mover and seconder agreed to change the words "legal commitment" to "legislative commitment".

Following a comment from Councillor Doyle the mover and seconder agreed to remove the words "and realistic" from part 1. a).

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

Against the Motion: Nil.

Carried

ITEM-85 CCL 27/09/16 - ATTENDANCE AT UNITED NATIONS CONFERENCE IN ECUADOR 15 - 18 OCTOBER 2016

MOTION
Moved by Cr Nelmes, seconded by Cr Dunn

1 Council:

i) Confirms participation in The United Nations Conference 'Habitat III' in Quito, Ecuador and makes available the appropriate funding to enable this participation.

ii) Notes that Cr Osborne, as the Lord Mayor's delegate, and Jill Gaynor Manager Strategic Planning Services, as the Interim Chief Executive Officer's delegate, accept the invitation and present a written report to Council following The United Nations Conference 'Habitat III' that outlines the learnings, opportunities and benefits to the City presented at the Conference. The written report will be presented to the November Ordinary Council meeting, and an open briefing to be presented as soon as practicable after the return of council's representatives.

iii) Notes that Cr Clausen will also be attending the 'Habitat III' Conference.

Councillor Luke retired from the Chamber at 9.06pm.

Councillor Tierney requested the words "at the November ordinary Council meeting" be added to part 1 ii) of the motion after the word "Council". The seconder did not accept the additional words to the motion.
Councillor Doyle requested the words "The written report will be presented to the November Ordinary Council meeting, an open briefing to be presented as soon as practicable after the return of council's representatives" be added to the motion at the end of part 1 (ii). The seconder accepted the additional words to the motion.

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

Against the Motion: Councillors Compton and Tierney.

Carried

The meeting concluded at 9.28pm
REPORTS BY COUNCIL OFFICERS

ITEM-87 CCL 25/10/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

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

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

RECOMMENDATION

1 The report be received.

KEY ISSUES

2 At the end of September 2016 the consolidated YTD actual operating position is a surplus of $3.7m which represents a positive variance of $1.8m against the budgeted YTD surplus of $1.9m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year adopted budget for 2016/17 is an operating surplus of $5.4m.

3 The September YTD position includes $2.8m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($1.3m Special Rate Variation (SRV) revenue, $0.6m consolidation of Newcastle Airport result, $0.5m stormwater management service charge, $0.4m local road grants which fund capital works). When these items are removed Council’s sustainable underlying operating position at the end of September is a surplus of $0.9m.

4 The net funds generated as at the end of September 2016 is a surplus of $2.6m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD adopted budget of $1.8m. This is primarily due to lower operational project expenditure. Council’s capital works program is in-line with the YTD budget. The level of commitments is significant and indicates future expenditure is likely to remain strong. These surplus funds will be placed in restricted reserves to fund future capital works and associated operational expenditure consistent with their original purpose.
FINANCIAL IMPACT

The variance between YTD adopted budget and YTD actual results at the end of September 2016 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

### Table: Financial Impact Overview

<table>
<thead>
<tr>
<th>Full Year Adopted Budget $'000</th>
<th>YTD Adopted Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact +ve / -ve</th>
<th>Commitments $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>246,494 Total Operating Revenue</td>
<td>60,768</td>
<td>61,314</td>
<td>546</td>
<td>1%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>241,076 Total Operating Expenses</td>
<td>58,836</td>
<td>57,580</td>
<td>(1,256)</td>
<td>-2%</td>
<td>+</td>
<td>6,546</td>
</tr>
</tbody>
</table>

Total Operating Revenue Less Operating Expenditure

| 5,418 Total Capital Raising revenue | 1,932                     | 3,734                   | 1,802          | 93%        | +                          |                  |
| 14,321 Total Capital Raising revenue | 3,580                     | 2,950                   | (630)          | -18%       | -                          |                  |
| 39,248 Add Back Non Cash Items | 9,810                     | 9,811                   | 1              |            | +                          |                  |

Funding available for capital expenditure

| 60,833 Total capital spend | 15,322                     | 16,495                  | 1,172          | 8%         | +                          |                  |
| (6,119) Net Funds Generated / (Used) | 765                        | 2,596                   | 1,830          | 239%       | +                          | 32,612            |

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

i  **Interest on investments – increase of $0.3m**

Interest Income exceeded budget due to total portfolio holdings being greater than anticipated and interest rate higher than forecast.

ii  **Employee costs – decrease of $0.9m**

Lower than forecast staff costs due to timing of the project program ($0.3m), the timing of training courses ($0.2m) and general vacancies.

iii  **Materials and contracts – decrease of $1.8m**

Lower than forecast operational costs due to the scheduling of project work in Civil Works ($0.8m), Strategic Planning ($0.3m), Cultural Facilities ($0.3m) and IT ($0.2m).

The infrastructure works program generated higher than anticipated material expenditure due to the mix of contractors and internal staff working on operational projects. The additional material expenditure was offset by lower salaries as internal staff costs were capitalised.
7 **Factors adversely impacting Financial Position**
   
   i. **Other operating expenses – increase of $1.4m**

   Expenditure on the NSW State Waste Levy is higher than anticipated due to soil that has been imported to the Summerhill Waste Management Centre (SWMC) site ($1.4m). This is a timing variance and Council will receive a credit as the soil is expected to be exported again.

8 At the end of September commitments raised against operating expenses totaled $6.5m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future.

9 The month of September returned an operating surplus of $0.5m which is $1m higher than the adopted budget. The main variances were lower than anticipated staff and material costs were partially offset by a higher state waste levy.

10 The first quarter of the financial year has historically returned a surplus as Council's main revenue source (rates) is steady while Council’s capital works program typically accelerates as the year progresses. There are also seasonal factors which will result in both revenue and expense timing variations by month.
11 Council’s total capital revenue at the end of September is below the YTD adopted budget by $0.6m. The variance is driven by the fluctuating nature of capital revenues which makes it hard to predict when they will be received. The full year budget is still expected to be met.

12 Council’s total capital spend at the end of September is $13.2m. This result is $0.7m below the YTD adopted budget. The total works spend inclusive of operational and capital expenditure is $16.7m at the end of September compared with an adopted budget of $18.1m.

13 At the end of September, commitments raised against capital work totalled $26m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

- **Building renewal – $6.2m**
  Commissions include $3.4m in relation to works on the southern façade of City Hall and $0.5m for the War Memorial Cultural Centre.
ii  **Environmental asset renewal – $8m**
Commitments include $2.8m for completion of a sea wall at South Newcastle, $1.9m for the Stockton seawall, $1.4m for the Merewether sea wall and $1.2m of work planned on Council's stormwater management systems.

iii  **Waste Projects – $10.4m**
Commitments include the contract to design and construct another waste cell at SWMC ($9.6m).

iv  **Other works**
Other major works currently underway include Fleet replacement ($1.5m).

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

15  This report aligns to the Community Strategic Plan under the strategic direction of ‘Open and collaborative leadership’ action 7.4b ‘**ensure the management of Council’s budget allocations and funding alternatives are compliant with Council policy and relevant legislation to ensure the long term financial sustainability of the organisation.’**

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

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

ii) Council’s Investment Policy and Strategy, and

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

**RISK ASSESSMENT AND MITIGATION**

17  No additional risk mitigation has been identified this month.

**RELATED PREVIOUS DECISIONS**

18  Council resolved to receive a report containing Council’s financial performance on a monthly basis.
At the Ordinary Council Meeting held on 26 April 2016 Council resolved the following:

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

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

CONSULTATION

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

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

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

REFERENCES

ATTACHMENTS

Distributed under separate cover
ITEM-88  CCL 25/10/16 - TABLING OF PECUNIARY INTEREST RETURNS

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

PURPOSE
For the Interim Chief Executive Officer to table the register of pecuniary interest returns received from designated persons for the period from 1 July 2015 to 30 June 2016.

RECOMMENDATION
1 Note the tabling of the register pecuniary interest returns (for the period 1 July 2015 to 30 June 2016) by the Interim Chief Executive Officer in accordance with s. 450A of the Local Government Act 1993 (NSW).

KEY ISSUES
2 Sections 449(3) and 450A of the Local Government Act 1993 (NSW) (Act) require:
   (a) councillors and designated persons to lodge a pecuniary interest return in the form prescribed by the Local Government (General) Regulation 2005 (NSW) within three months of the end of each financial year disclosing interests for the previous financial year;
   (b) the general manager to table the pecuniary interest returns lodged in accordance with s.449(3) of the Act at the first Ordinary Council Meeting held in October each year; and
   (c) the general manager to keep a register of returns lodged which may be accessed in accordance with the Government Information (Public Access) Act 2009 (GIPA Act).

3 Section 441 of the Act provides that designated persons are:
   (a) general manager;
   (b) senior staff;
   (c) council officers designated because of the exercise of council functions; and
   (d) committee members because of the exercise of Council functions.

4 In accordance with section 739 of the Act, Council has amended the register of pecuniary interest returns to omit information that discloses a designated person’s place of living where:
(a) the designated person requested that such information be deleted on the grounds that it would place their personal safety or their family’s safety at risk; and
(b) the general manager was satisfied that disclosing the information would place the designated person’s safety or their family’s safety at risk.

FINANCIAL IMPACT

5 Not applicable.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

7 On the day following the meeting, the register of pecuniary interest returns may be accessed by members of the public (at Council’s Administrative Centre) during business hours without an appointment.

8 At all other times, the register of pecuniary interest returns is available for inspection in accordance with the GIPA Act. Council’s procedure requires a person to make an appointment to view the register during business hours.

RISK ASSESSMENT AND MITIGATION

9 Not applicable.

RELATED PREVIOUS DECISIONS

10 Pecuniary interest returns were last tabled at Council’s meeting on 27 October 2015 and 26 July 2016 (for designated persons who commenced with Council between 1 April 2016 and 30 June 2017).

CONSULTATION

11 Not applicable.

OPTIONS

Option 1

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

Option 2

13 Council does not adopt the recommendation. This is not recommended because the Act requires the pecuniary interest returns to be tabled at a
Council meeting. Failure to do so would constitute a breach of section 450A of the Act.

BACKGROUND

14 Not Applicable.

REFERENCES

ATTACHMENTS

Nil.
ITEM-89  CCL 25/10/16 - ADOPTION OF YOUNG STREET CARRINGTON RECONSTRUCTION PLANS

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

PURPOSE

The purpose of this report is to seek Council endorsement of the preferred design option for reconstruction works for Young Street Carrington local centre. The works include the reconstruction of all road, footpath, drainage and tree assets in Young Street, between Cowper Street and Forbes Street. This report also considers parking arrangements for all of Young Street Carrington.

RECOMMENDATION

1 Council endorse design option number two for the Young Street Carrington local centre (Attachment A Final Plan).

2 Council endorse the provision of angle parking on one side of Young Street Carrington, between Victoria Street and the threshold north of Hargrave Street, in conjunction with on-road cycle lanes (Attachment B).

KEY ISSUES

3 A total of 15 submissions were received during the exhibition period. Of the 15 submissions, two preferred Option 2, and one preferred Option 1.

4 For a full summary of each submission and Council officer comment refer to Attachment C.

Key issues raised during the exhibition period

5 Cyclist and Traffic Safety
   i) Need a dedicated (safe and protected) bicycle lane and adequate space for cyclists;
   ii) Suggest dedicated lane between parked cars and footpath;
   iii) Proposal is in direct conflict with Newcastle Cycling Strategy and Action Plan; and
   iv) Mixing parking configurations between parallel and angle will make it hard for cyclists to ride in a predictable manner.
6 Comment

i) The Newcastle Cycling Strategy and Action Plan nominated proposed on-road cycle routes in Young Street Carrington. Council has reviewed the proposed planned cycle routes as part of the Young Street reconstruction project and other various parking requests from the community. Following this review it is now proposed to provide marked on-road cycle lanes in Young Street, Carrington for the area between the raised threshold north of Hargrave Street (fronting property No 32) and Victoria Street. Cyclists will then divert via Victoria Street and connect to Cowper Street Bridge via Arnold and Fitzroy Streets. Cyclists will not need to pass through the main local centre of Young Street (between Victoria and Cowper Streets).

ii) There is also opportunity to make all of Young Street a 40km/h zone which would improve the situation for cyclists that choose to use this road. This will be reported to the Newcastle City Traffic Committee (NCTC) for endorsement.

iii) It is also intended to complete the Carrington Foreshore off-road shared pathway between Arnold Street and Cowper Street Bridge to provide an off-road alternative to Young Street.

iv) The creation of a dedicated bicycle lane in the Young Street local centre (between Victoria and Cowper Streets) would affect angle parking and require reduction of the available footpath width (as rear to kerb parking requires up to a 1.5m overhang). This would severely inhibit the potential for outdoor dining activities and is not recommended.

v) The proposed improvements to Young Street allow for a wider road width within the local centre than currently exists. Marked bike lanes are proposed in Young Street north of the local centre in conjunction with angle parking proposed on one side of the road. This provides adequate width for both angle parking and cycle lanes.

7 Parking

Three submissions requested angle parking be nose to kerb and two submissions requested rear to kerb. As a separate matter, the Newcastle City Traffic Committee (NCTC) recently endorsed community consultation for angle parking in Young Street (from Forbes Street to Elizabeth Street). Responses to this consultation were tabled at the NCTC meeting of 16 May 2016.

8 Comment

i) 'Rear to kerb' angle parking in Young Street is preferred for safety reasons and was recently endorsed for all of Young Street at NCTC meeting of 18 July 2016. 'Rear to kerb' angle parking is considered safer for cyclists and other vehicles because drivers have better visibility when they pull out into
traffic. The situation of accessing a car park on the opposite side is similar to when parallel parking is in place.

ii) The angle parking in Young Street (between Cowper Street and Victoria Street) within the existing local centre will remain unchanged with angle parking on both sides.

iii) It is proposed to provide angle parking on one side of Young Street, north of Victoria Street, in conjunction with on-road cycle lanes and parallel parking on the other side.

iv) Angle parking in Young Street Carrington is proposed as follows:
   a) Reconstruction Stage 1 Cowper Street North to Victoria Street - 90 degree angle parking both sides, unchanged;
   b) Reconstruction Stage 2 Victoria Street to Howden Street - 90 degree angle parking west side proposed;
   c) Stage 2 Howden Street to Forbes Street - 90 degree angle parking east side proposed, parallel parking west side unchanged;
   d) Forbes Street to Robertson Street - 90 degree angle parking east side proposed, parallel parking west side unchanged, additional 10 spaces;
   e) Robertson Street to Hargrave Street - 90 degree angle parking west side proposed, parallel parking east side unchanged, additional 33 spaces; and
   f) Hargrave Street to threshold at 32 Young Street - 90 degree angle parking west side proposed, parallel parking east side unchanged, additional four spaces.

v) Parking impacts as a result of the project are:
   a) A total increase of six parking spaces in Young Street local centre, between Cowper Street and Forbes Street; and
   b) A total increase of 47 parking spaces in Young Street, between Forbes Street and Elizabeth Street, resulting from angle parking installation on one side of the street (Attachment B).

9 Trees

i) General agreement with removal of ficus hilli but queries raised as to why new trees have to be planted in raised boxes;

ii) Question raised as to why the planting of large trees as it damages infrastructure;

iii) Trees should provide shade and not take up car-spaces; and

iv) Replacement with small shrubs will destroy canopy of shade and village character.
10 Comment

i) The trees are being planted in large planter boxes to lift their root systems due to a high water table and also to ensure they have enough nutrients and space to grow well without damaging surrounding infrastructure.

ii) Planting the trees in the parking lane will provide the greatest opportunity and space for the trees to develop a large canopy. This will also move trees away from the overhead powerlines to limit future maintenance. Trees in the parking lane assist in visually reducing the width of the roadway, which helps to calm traffic. There will be a mix of tree height which will assist in retaining the character of Young Street.

11 Other

Other issues related to lighting, surface treatment of Young Street, consultation process and other specific requests or general matters have been addressed within the summary of each submission (Attachment C).

Other Key Issues Raised by Council

12 Low Lying Lands Study

The Low Lying Lands Study is a high level investigation into future planning options for the suburbs of Wickham, Carrington, Maryville and parts of Islington. It is intended to be an internal Council document used by Council officers to inform infrastructure planning processes and not undertaken to the level of detail that would inform the road and drainage design in Young Street. The study is currently incomplete, and will be treated as confidential until it is presented to Council later in the year. Public consultation regarding the document will occur at that time.

13 Contamination

Results of the contamination testing show that the asphalt contains elevated levels of hydrocarbons which are associated historically with the construction of roads. This is a fairly common occurrence in many streets in the Newcastle LGA, and an issue which Council deals with on a regular basis. The contaminants do not pose an issue to human health when contained within the road pavement material.

FINANCIAL IMPACT

14 The preliminary estimate for works is approximately $1.0 million for Stage 1 (Cowper Street North to Victoria Street) and approximately $714,000 for Stage 2 (Victoria Street to Forbes Street). Funding for Stage 1 of this project has been included in the adopted 2016/2017 Operational Plan. Stage 2 will be considered for funding in 2017/2018 Operational Plan.
COMMUNITY STRATEGIC PLAN ALIGNMENT

15 The project aligns with Council's 2030 Strategic Objectives and utilises strategic directions provided by Council policy and infrastructure standards.

IMPLEMENTATION PLAN/IMPLICATIONS

16 The project is an integrated project delivery with new infrastructure including road, footpaths, stormwater and trees. This is considered the most cost effective method to undertake infrastructure renewal. Preparation of developed design and construction documentation will be undertaken by Newcastle City Council. Construction will be tendered to an external contractor to minimise delays and disruption to local businesses.

RISK ASSESSMENT AND MITIGATION

17 To ensure the safety of road users, the design and construction will reference relevant standards to provide a streetscape that does not create risks for the public.

18 The Young Street Carrington local centre requires renewal and upgrade to reflect community and Council expectations for a vibrant centre. Two Community Workshops were held in Carrington with interested residents and shop owners to provide input into the streetscape. Following this, the project concept was placed on public exhibition. Completed reconstruction of Young Street, Carrington between Cowper and Victoria Streets would provide positive community feedback for Council.

19 Completion of this project would reduce the current maintenance burden associated with the current assets. It is intended to use external construction resources to reduce the construction period and thus the impact on business operations. The project is part of Council's scheduled renewal program.

RELATED PREVIOUS DECISIONS

20 Council passed the following resolution in respect of the Young Street Carrington streetscape upgrade exhibition at the Ordinary Council meeting held on 28 June 2016:

“A. i) Council resolved to place the Young Street Carrington Streetscape Upgrade Plans Option 1 and Option 2 on public exhibition for a period of 28 days
ii) To endorse the consultation strategy as outlined in the report; and
iii) That a report be place back before Council on the preferred plan following public exhibition.

B. Council officers to investigate the following concerns raised by the Carrington Community Council and local residents and report back to Council:
CONSULTATION

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

i) Initial community workshop in May 2015; and

ii) Information session undertaken in Feb 2016. As part of this consultation process two design options were presented to the community. Option 1 which replaced the same amount of trees and increased parking by 13 spaces, and Option 2 which increased the replacement of trees by an additional three trees and increased parking by six spaces. The majority of people at this workshop preferred Option 2.

22 Council placed the two design options prepared for Young Street on public exhibition for 28 days from 25 July to 22 August 2016. It was exhibited at Council, Newcastle Library, Carrington Post Office and on Council's website.

23 As part of this exhibition all residents and businesses in Carrington were letterbox dropped to inform them of the exhibition. Corflute posters were placed in the street. It is considered that additional workshops are not warranted.

OPTIONS

Option 1

24 The recommendation as at Paragraphs 1 - 2. This is the recommended option.

Option 2

25 Do not proceed with reconstruction plans for Young Street Carrington. This is not the recommended option.

BACKGROUND

26 Young Street Carrington has a number of issues that require addressing. This includes trees which have damaged the infrastructure, localised flooding, footpath maintenance and parking.

27 The Young Street Carrington reconstruction plans have the following aims:

i) Fix drainage and paving by reconstructing kerb, gutter, road and footpath paving;
ii) Replace trees with appropriate species, namely brushbox and tuckeroos;
iii) Provide additional parking spaces at 90 degrees (rear to kerb);
iv) Improve safety;
v) Retain wide footpaths where practical; and
vi) Retain village feel.

28 The Young Street Reconstruction Plans are split into two stages for delivery purposes, as follows:

29 Stage 1 (Cowper Street to Victoria Street)
i) In some areas the existing footpath is widened and in some parts the footpath is narrowed to 4.5m;
ii) One metre is added to roadway width to allow for extra maneuvering space;
iii) 90 degree angle parking rear to kerb (meets minimum standard in a 40km/h zone) as current situation; and
iv) Replacement of trees where there are no overhead wires, plant large trees (brushbox). Where there are overhead wires, plant small trees (tuckeroos).

30 Stage 2 (Victoria Street to Forbes Street)
i) Maintain footpath width, except in one part reduce footpath width to 3.8m (to allow for parking);
ii) Introduce 90 degree angle parking rear to kerb to Australian Standards;
iii) Reduction in width of road carriageway to allow for angle parking; and
iv) Replacement of trees where there are no overhead wires plant large trees (brushbox). Where there are overhead wires plant small trees (tuckeroos).

31 Where possible, the existing unique street furniture will be retained.

ATTACHMENTS

Attachment A Final Reconstruction Plans Young Street Carrington local centre
Attachment B Overall Parking and Traffic Plan for Young Street Carrington
Attachment C Summary of Submissions Young Street Carrington Reconstruction Plans

Attachment A
Attachment B
Attachment C
## Young Street Carrington Reconstruction Plans
### Summary of Submissions (September 2016)

<table>
<thead>
<tr>
<th>ECM number</th>
<th>Summary of Issues</th>
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<th>Asset Planning Comment</th>
<th>Change to Plan?</th>
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<tbody>
<tr>
<td>1 571358 Resident</td>
<td>1. Neither plan appears to address the existing problem of insufficient street and side- walk lighting in the defined area. 2. The situation at present is that both the roadway and pedestrian pathway are rendered dangerously dark by the presence of low voltage blocking out overhead street lighting and it would appear that the proposed replacement trees will do the same. 3. In order to provide <strong>adequate street level lighting</strong> for the safe movement of vehicular and pedestrian traffic, perhaps <strong>lamp post lighting</strong> should seriously be considered.</td>
<td>When the existing trees are removed the new trees are positioned to allow greater light access. A detailed street lighting assessment will be undertaken as part of the detailed design for the Young Street reconstruction. Council will be seeking to change existing lighting to more energy efficient LED lighting. Lamp post lighting will not be able to be considered as Council's standard lighting is the most efficient.</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 5712397</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 5721334 Resident</td>
<td>Seems clarification: 1. Does this mean there will be 89 degree rear to kerb parking throughout all the proposed 80 degree parking in this area? 90 degree parking isn't great. 2. Without a dedicated bicycle lane and adequate space for cyclists it will continue to be a dangerous place for cyclists and motorists alike. 3. Would like to know how cyclist safety is being addressed.</td>
<td>1. Yes there will be 90 degree rear to kerb parking throughout most of Young Street local centre and also there is a proposal to extend angle parking on one side of Young Street to the threshold north of Heritage Street. 2. It is proposed that cyclists be provided via Victoria Street and connect to Cowper Street Bridge via Arnold and Kimmey Streets. They will then need to pass through the main local centre. There is also opportunity to make all of Young Street a 40km/h zone which would improve the situation for cyclists that choose to use the road. It is also intended to complete the Carrington Foreshore off road shared pathway between Arnold Street and Cowper Street Bridge to provide an off-road alternative to Young Street. This route would also benefit from improved connections from Young Street to the foreshore from Heritage, Robertson and Elizabeth Streets.</td>
<td>Yes - divert on-road cyclists via Victoria Street and improve connections from Levee shared pathway to Carrington</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Summary of Issues

- **ECM number**: A unique identifier for each issue.
- **Summary of Issues**: Description of the issue.
- **Option 1**: Proposed solution for the issue.
- **Option 2**: Alternative solution for the issue.
- **Asset Planning Comment**: Details of how the issue will be addressed.
- **Change to Plan?**: Whether the issue will affect the plan.

### Notes on Specific Issues

- **Issue 1**: Discusses the need for better lighting in the area and the potential impact of the proposed replacement trees.
- **Issue 2**: Clarifies the angle of parking and the need for better safety measures for cyclists and motorists.
- **Issue 3**: Requests information on how cyclist safety is being addressed.

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The document provides a comprehensive overview of the issues and proposals related to the reconstruction plans for Young Street in Carrington, highlighting concerns and potential solutions to improve the safety and accessibility for all users of the street.
CITY OF NEWCASTLE

Ordinary Council Meeting 25 October 2016

Young Street Carrington Reconstruction Plans
Summary of Submissions (September 2016)

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<tr>
<td>8</td>
<td>Need to include cyclists in this project. Neither option</td>
<td>1. No</td>
<td>1. Proposed improvements to Young Street allow for a wider road width than currently exists if cyclists do choose to use it. It is proposed to provide single parking on one side of Young Street north of Victoria Street in conjunction with on-road cycle lanes and parallel parking on one side.</td>
<td>No but consideration of kerb extension at detailed design stage</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Agree with 90 degree parking however rear to kerb parking has issues such as when trying to access a park opposite the direction of travel need to U-turn which has its own safety matters. Maybe need to reduce speed to 20/30km.</td>
<td>1. Front to kerb parking was preferred by community members who attended the first design workshop. However, following the workshop, Newcastle City Traffic Committee endorsed parking ‘near to kerb’ for safety reasons. Now to</td>
<td>No</td>
<td></td>
<td></td>
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<tr>
<td>10</td>
<td>Council support either option and requested Council to reconsider their position - need for more design consideration.</td>
<td>1. Consultation Process</td>
<td>Due to the conflicting nature of the information provided by Council at the workshops, reliance on the information gained by NCC staff to produce the current options is possibly flawed and thus not compliant with the aims of the public participation spectrum. Recommendation that further workshops be held to develop a true indication of public opinion.</td>
<td>No</td>
<td></td>
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<tr>
<td>11</td>
<td>Council does not appear to have considered all available information when finalising the design option e.g. Low Lying Lends Study and query re raised planter boxes</td>
<td>1. Finalised kerb is safer for cyclists and other vehicles because drivers have better visibility when they pull out into traffic.</td>
<td>2. The trees are being planted in large planter boxes to lift their root systems due to a high water table. It is also to ensure they have enough nutrients and space to grow well without damaging surrounding infrastructure.</td>
<td>3. Location of any additional street furniture will be identified at detailed design stage.</td>
<td>4. The street surface will be upgraded and resurfaced with asphalt.</td>
</tr>
</tbody>
</table>

Page 3

Young Street Carrington Reconstruction Plans
Summary of Submissions (September 2016)
### Summary of Submissions (September 2016)

#### Young Street Carrington Reconstruction Plans

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<tr>
<td>11</td>
<td>5734045 Newcastle Cyclways Movement</td>
<td>1. Young Street is included in the Newcastle Cycling and Action Strategy, the proposal is in direct contradiction to this plan. 2. Any redevelopment should cater for the needs of the cyclists. Plans do not provide a safe environment for the cyclists. 3. Better solution would be to provide a segregated bike lane between the parked cars and the footpath. Please review plans.</td>
<td></td>
<td>See Submission 3 for response.</td>
<td></td>
</tr>
</tbody>
</table>

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<tr>
<td>12</td>
<td>5734649 Resident</td>
<td>1. Recommend rear to kerb 2. No large trees to be planted anywhere as it damages infrastructure 3. Trees should be small and be placed on the footpath or road edge so can provide extra car spaces.</td>
<td></td>
<td>1. Noted 2. There will be a mix of tree height which will assist in retaining the character of Young Street 3. Planting the trees in the parking lane will provide the greatest opportunity and space for the trees to develop a large canopy. This will also move trees away from the overhead powerlines to limit future maintenance. Trees in the parking lane assist in visually reducing the width of the roadway, which helps to calm traffic.</td>
<td>No</td>
</tr>
</tbody>
</table>

<p>| 13 | 5734712 Business Owner | 1. Council needs to consider economic impact on loss of 2 car spaces out front of business (Carrington Grocer) - need to retain spaces 2. Require timesmite for work 3. Delivery access needs to be considered 4. Trees to be planted should provide shade and not take up car spaces. 5. Residents should have resident parking stickers 6. Well-designed street furniture and bicycle racks should be considered. | | 1. There is a possibility that one parking space may be able to be returned to this location if the pedestrian crossing is moved eastward. Consideration will be given to this at the detailed design stage. 2. This will be communicated to all businesses at the time. 3. There will be no change to the current situation in relation to delivery access. 4. Planting the trees in the parking lane will provide the greatest opportunity and space for the trees to develop a large canopy. This will also move trees away from the overhead powerlines to limit future maintenance. Trees in the parking lane assist in visually reducing the width of the roadway, which helps to calm traffic. 5. RPS are usually not considered within Local Centres. 6. Noted and will be at detailed design stage. | Yes - to consider return of one car space near the Grocer - at detailed design stage |</p>
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<tr>
<td>14</td>
<td>5730553 Request for confidential submission</td>
<td></td>
<td></td>
<td>See reconcile to Submission 9 and other submissions above.</td>
<td>No</td>
</tr>
<tr>
<td>15</td>
<td>Plans are excellent and will attract visitors. Plans should show underground power and be replaced with old fashioned street lamps.</td>
<td></td>
<td></td>
<td>Underground power is not being proposed given cost factors. Lamp post lighting will not be able to be considered as Council’s standard lighting is the most efficient.</td>
<td>No</td>
</tr>
</tbody>
</table>
ITEM-90 CCL 25/10/16 - THE NEWCASTLE SAFE CITY PLAN 2017-2020

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

PURPOSE

The purpose of this report is to advise Council of the development of a draft Newcastle Safe City Plan and seek endorsement to place the document on public exhibition.

RECOMMENDATION

1 Council resolves to:
   i) Place the draft Newcastle Safe City Plan as provided in Attachment A on public exhibition for a period of 4 weeks.
   ii) Receive a report back on the outcomes of the public exhibition.

KEY ISSUES

2 The draft Newcastle Safe City Plan is being prepared under The Children (Protection and Parental Responsibility) Act 1997 which provides for the Attorney General to support Council's leading crime prevention activity in NSW with the assistance, at the request of the Councils, of the Attorney General. Under Part 4 of the Act, local government Councils are identified as the lead agency for identifying and implementing local crime prevention strategies in NSW. These guidelines support the development of an evidence-based strategy designed to reduce crime, as per the provisions of section 32 of the Act. The section provides that the Attorney General may from time to time issue guidelines with respect to the preparation and content of local crime prevention plans.

3 It is a four year plan which outlines Council's role, priority areas and partnership opportunities.

4 The four focus areas within the draft Newcastle Safe City Plan include:
   i) Safety through public domain design and the built environment.
   ii) Developing and facilitating proactive partnerships and collaborations.
   iii) Facilitating community inclusion, empowerment and capacity building.
   iv) Delivering integrated, innovative and evidence-based solutions.
5 Key community safety and crime issues have been identified through a process of stakeholder consultation and analysis of current crime statistics.

6 The draft *Newcastle Safe City Plan* addresses community safety and relevant crime issues across the whole Local Government Area (LGA). The *Newcastle After Dark: Safe and Vibrant Night Time Economy Plan* currently under development, will focus on safety in the Newcastle City Centre at night time.

**FINANCIAL IMPACT**

7 Exhibition of the draft *Newcastle Safe City Plan* will be undertaken within the existing operational budget. A budget allocation for the implementation of the adopted *Newcastle Safe City Plan* will be sought through the usual budget processes.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

8 The draft *Newcastle Safe City Plan* focuses on achievable strategies and actions which deliver against the strategic objectives of: *Newcastle 2030*.

*Caring and Inclusive Community*  
- A welcoming community that cares and looks after each other  
- Active and healthy communities with physical, mental and spiritual wellbeing  
- A creative, culturally rich and vibrant community

*Vibrant and Activated Public Places*  
- Public places that provide for diverse activity and strengthen our social connections  
- Culture, heritage and place are valued, shared and celebrated  
- Safe and activated places that are used by people day and night

*Liveable and Distinctive Built Environment*  
- Mixed use urban villages supported by integrated transport networks  
- Greater diversity of quality housing for current and future community needs  
- A built environment that maintains and enhances our sense of identity

*Smart and Innovative City*  
- A culture that supports and encourages innovation and creativity at all levels  
- A thriving city that attracts people to live, work and visit
Open and Collaborative Leadership

- Active citizen engagement in local planning and decision making processes and a shared responsibility for achieving our goals

IMPLEMENTATION PLAN/IMPLICATIONS

9 The draft Newcastle Safe City Plan has been developed within existing resources. For new programs and projects, funding will be sought through the usual budget processes or through external grant funding when available. The draft Plan will be used to inform the Newcastle City Council Annual Operating Plan 2017/2018 and Newcastle City Council Delivery Program 2017-2021.

10 Pursuant to Part 4, Division 3 of The Children (Protection and Parental Responsibility) Act 1997, endorsement of the Plan will be sought from the NSW Attorney General as a safer community compact. Councils with endorsed safer community compact targets that prioritise crime reduction are eligible to apply for a grant to implement their plan.

RISK ASSESSMENT AND MITIGATION

11 There are no corporate risks associated with the exhibition of the draft Plan. Media interest is expected and will be addressed as it arises.

RELATED PREVIOUS DECISIONS

12 There are no related previous decisions that inform the draft Newcastle Safe City Plan.

CONSULTATION

13 The draft Newcastle Safe City Plan was prepared using a staged community and stakeholder engagement process. This included:

   i) Interviews with key Council staff to assist in determining the scope of the document and Council's responsibilities, capacity and deliverables in the area of community safety.

   ii) Focus group consultations with key sector stakeholders in Newcastle using interviews were conducted to determine community need and capacity in the area of community safety.

   iii) The delivery of a Safe City Survey completed by 841 Newcastle residents in July 2016 to gauge perceptions of safety within the Newcastle Community.

14 The proposed four week exhibition period will include, but not be limited to:
i) Formal requests for submissions, particularly from key stakeholder groups and partner agencies.

ii) Newspaper, and on online advertisements seeking community feedback.

15 The draft *Newcastle Safe City Plan* will be updated to reflect relevant feedback before returning to Council for adoption.

**OPTIONS**

**Option 1**

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

**Option 2**

17 Council resolve not to exhibit the *Draft Newcastle Safe City Plan*. This is not the recommended option.

**BACKGROUND**

18 The *Draft Newcastle Safe City Plan* will replace *The City of Newcastle Crime Prevention Plan (2001)*. The draft *Newcastle Safe City Plan* aligns with *Newcastle 2030 Community Strategic Plan* (CSP) strategic objectives for *Safe and Vibrant Public Spaces* and a *Caring and Inclusive Community*.

19 The draft *Newcastle Safe City Plan* is a four year plan outlining the key relevant community safety issues evident in the Newcastle LGA both during the day and at night. This Plan has been developed as an action arising from *Newcastle City Council's Social Strategy (2016 - 2019)*.

20 The draft *Newcastle Safe City Plan* will replace *The City of Newcastle Crime Prevention Plan 2001* and, in conjunction with the *Newcastle After Dark: Safe and Vibrant Night-Time Economy Plan* currently in development, will also replace the *Newcastle Alcohol Management Strategy (2010-2013)*.

21 The key challenges outlined in this plan have been determined through evidence based research, data analysis and consultation with the community and key stakeholders including NSW Police. Strategies and actions outlined in the draft *Newcastle Safe City Plan* are designed to decrease the prevalence of identified community safety issues within the Newcastle LGA and increase perceptions of safety amongst residents and visitors of Newcastle using a collaborative approach in partnership with agencies, stakeholders and the community.

22 This Plan has been developed to meet the requirements of *The Children (Protection and Parental Responsibility) Act 1997* and ensure there is a suite of community safety actions that will inform Council's Four Year Delivery Program.
Further community engagement will guide and inform the development of the draft plan, annual operating plans and delivery plans over the next 4 years.

ATTACHMENTS

Attachment A: Draft Newcastle Safe City Plan 2017-2020

Attachment B: Feedback received on the Plan by NSW Police Newcastle Local Area Command

Attachments A and B - distributed under separate cover
CITY OF NEWCASTLE

Ordinary Council Meeting 25 October 2016

ITEM-91 CCL 25/10/16 - LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE THE HILL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 AND DEVELOPMENT CONTROL PLAN 2012

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

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan (LEP) 2012 to amend the zoning, building heights and floor space ratio maps on land bounded by Mosbri Crescent and Kitchener Parade, The Hill (including the NBN television studio site).

RECOMMENDATION

1 Council resolves to:

   i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to enable medium density residential development on the following land bounded by Mosbri Crescent and Kitchener Parade, The Hill:

      a) SP6373, SP3058, Lots 10, 12, 13 DP 216346 and Lot 1 DP204077, Nos 1 - 17 Mosbri Crescent, and

      b) Lot 8 DP216346, SP19610 and Lot 62 DP522440, Nos. 31, 37 and 41 Kitchener Parade, The Hill.

   ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway determination pursuant to Section 56 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 59(1) of the EP&A Act.

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

   v) Place the draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle Development Control Plan 2012, as provided in Attachment B, on public exhibition for a minimum period of 28 days, concurrently with the Planning Proposal.
vi) Receive a report back on the Planning Proposal and draft Development Control Plan guidelines as per the requirements of Section 57 of the EP&A Act.

KEY ISSUES

2 The land is currently zoned R2 Low Density Residential. The objective of the Planning Proposal (Attachment A) is to enable the land to be developed for medium density housing. The Planning Proposal details the amendment recommended to Newcastle LEP 2012 in order to achieve the intended outcomes. Furthermore, the Planning Proposal documents the issues considered in assessing the appropriateness of the proposed amendments.

3 Council received a request to amend Newcastle LEP 2012 to enable the land at 11 to 17 Mosbri Crescent, The Hill (NBN television studios site) to be developed from its current use as television studios to medium density housing. Upon reviewing this request it was identified that it was logical to expand the scope of the Planning Proposal to include the adjoining land to the west, also bounded by Mosbri Crescent and Kitchener Parade, from low density residential to medium density residential. The property owners of these eight additional parcels were contacted to ascertain their desire to have their land included under a proposal, and one letter in support was received. The Proposal has included these additional properties, with further consultation to be undertaken during the exhibition period.

4 The Planning Proposal was prepared in accordance with the NSW Department of Planning and Environment guidelines and Council’s Local Environmental Plan – Request for Amendment Policy.

5 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.

6 The Planning Proposal has been informed by a comprehensive Urban Design Study, prepared by consultants for the proponent (provided at Attachment A to the Planning Proposal, distributed under separate cover). The Study developed a masterplan for 11 to 17 Mosbri Crescent (NBN television studios site) to demonstrate the ability of the site to support medium density development. The master plan has been reviewed by Council's Urban Design Consultative Group (UDCG) and after some refinements, is supported in principle. The built form recommendations have been accommodated within the Planning Proposal. Some further design refinement to future development would be required at development stage but is considered outside the scope of a Planning Proposal. A copy of the UDCG report is at Attachment C.
Building heights and floor space ratios (FSRs) are proposed for 11 to 17 Mosbri Crescent (NBN television studio site) based upon the master plan. Building heights vary across the site. Fronting Mosbri Crescent and the southern boundary a maximum 12m (measured above ground level) is nominated, which would accommodate up to four-storeys. Four specified sites have been nominated a maximum reduced level (RL) to more specifically limit the maximum height limit. These RLs are proposed for the three taller buildings under the master plan fronting Kitchener Parade and to the eastern boundary, allowing up to a seven-storey building in the north-east corner (RL56.8), but only four-storey above street level. Given the large drop in elevation from Kitchener Parade into the site, a height above ground level control would not provide sufficient certainty as to the built form outcome. In this case, the actual level of the roof RL (desired at three to four-storeys above street level) is a more important design aspect than the number of floors able to be accommodated between this maximum RL and the ground below. A further building form on Mosbri is also nominated a RL, however this still results in four-storey scale. Due to ground elevation changes, a RL in this location controls the built form more appropriately than a height above ground. The FSR for the 11 to 17 Mosbri Crescent (NBN television studio site) is proposed at 1.5:1, under which the master plan indicatively predicts some 190 dwellings could be achievable.

The development controls proposed for the additional parcels (west of the NBN television studio site) are 11m maximum height and maximum FSR of 0.9:1, being generally consistent with the standard controls for an R3 Medium Density Residential zone.

In addition to proposed changes to the LEP outlined under the Planning Proposal, the masterplan concept for 11 to 17 Mosbri Crescent will also be implemented through site specific DCP guidelines. The draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle DCP 2012 (Attachment B) will control aspects such as building footprints, setbacks, access and landscaping. It also controls the size of habitable rooftop access areas to minimise bulk and scale of roof top forms. In accordance with Section 21A of the Environmental Planning and Assessment Regulations 2000 the draft DCP guidelines have been reviewed by Council's UDCG and comments considered when finalising the draft DCP. The draft DCP guidelines are also consistent with the Apartment Design Guidelines for residential flat buildings prepared by the NSW Department of Planning and Environment. It is intended that the masterplan and the draft DCP guidelines will be exhibited concurrently with the Planning Proposal, should it proceed through Gateway.

There are no listed items of environmental heritage on site. However, the Newcastle East Public School site opposite Kitchener Parade to the north is a listed heritage item, as is Arcadia Park to the east. The Hill heritage conservation area adjoins to the east and north. As outlined above, the Proposal has been informed by a masterplan that has considered heritage. Council's Heritage Officer reviewed the masterplan and was satisfied that a
three to four-storey scale at street level was appropriate, as provided for under the Planning Proposal (Attachment A).

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 Council adopted the Newcastle 2030 Community Strategic Plan in February 2011, as revised in 2013. The planning proposal primarily aligns to the strategic directions identified within the Newcastle 2030 Community Strategic Plan, including:

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

ii) Liveable and Distinctive Built Environment - the proposal supports the strategic objective for "Greater diversity of quality housing for current and future community needs". Also the heights across the site have been managed to achieve the strategic objective "A built environment that maintains and enhances our sense of identity".

Local Planning Strategy (LPS)

13 Appendix A of the Local Planning Strategy (LPS) provides the neighbourhood visions and objectives for The Hill, which recognises redevelopment opportunities subject to consideration of character, including the city skyline along ridge tops.

Neighbourhood Vision:

i) The amenity and heritage character of The Hill will be conserved while supporting new opportunities for expanding population in select areas.

Objectives:

i) Facilitate medium density housing in appropriate locations that respects the existing heritage character of the area.

a) Protect the character of the city skyline along ridge tops.

b) Protect and enhance public open space.
A specific action of the LPS (under Section 4.1.2) recommends investigating an R3 Medium Density zone for the parcel occupied by the existing NBN television studios.

The site is within the walkable catchment to Darby Street. Having regard to the zoning directions under the LPS, an R3 Medium Density zone is appropriate and the relatively large area and ‘bowl like’ topography of the parcel containing the existing NBN television studios, allows it to physically accommodate additional development beyond the standard R3 Medium Density Residential zone controls, being a height of 10m and FSR of 0.9:1.

IMPLEMENTATION PLAN/IMPLICATIONS

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

Should Council resolve to place the draft section to the DCP on public exhibition, the correct legal process will be followed for amending DCPs. The outcomes of the public exhibition will be reported to Council along with the Planning Proposal.

RISK ASSESSMENT AND MITIGATION

The process of amending an LEP and DCP 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.

Justification has been provided for the formal LEP amendment request within the Planning Proposal at Attachment A.

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

RELATED PREVIOUS DECISIONS

Nil.
CONSULTATION

22 Council's UDCG have been consulted during the preparation of the Planning Proposal. Their advice (Attachment C) has been incorporated into the development of the proposed LEP controls and DCP guidelines.

23 Consultation with stakeholders (including the community) will occur in accordance with the Minister's requirements following Gateway Determination.

24 In accordance with the Department of Planning’s Guide to Preparing Local Environmental Plans, it is proposed that the Planning Proposal be publically exhibited for 28 days, unless otherwise advised by the Gateway determination. This would also correspond with the minimum exhibition requirements of 28 days for the draft DCP guidelines.

25 The Gateway Determination will confirm the consultation requirements, however, it is envisaged that this will include at a minimum public notice in the Newcastle Herald, publication on the Newcastle City Council web page and letters to owners of properties affected by the proposal (including those owners who have already been consulted), along with adjoining and nearby property owners.

OPTIONS

Option 1

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

Option 2

27 Council resolves not to proceed with the Planning Proposal and associated draft DCP guidelines. This is not the recommended option.

BACKGROUND

28 Council has received a request to amend Newcastle LEP 2012 in order to enable the land 11 to 17 Mosbri Crescent, The Hill to be developed from its current use as television studios to medium density housing. This site has been occupied by the NBN television studios since the 1950s. The current buildings are the equivalent of two to five-storeys in height. The submitted request outlines that technological changes within the television industry associated with the introduction of digital television have made the site no longer suitable for use as a television studio. The submitted request indicates that Nine Network Australia are proposing to relocate the NBN facilities to a new purpose built facility at a yet to be determined site within the Newcastle metropolitan area, preferably within the Newcastle CBD.

29 An Urban Design Study was requested by Council officers to demonstrate that the proposed R3 Medium Density Residential zoning for the site and
accompanying changes to height and FSR could produce a high quality residential development that complements the surrounding topography and built form.

30 The Urban Design Study developed a masterplan for 11 to 17 Mosbri Crescent (NBN television studio site) comprising five separate building forms. The masterplan has been reviewed by Council's Heritage Officer and Council's UDCG. The masterplan was supported in principle with some recommended reduction in height to the three taller residential flat buildings (Buildings A, B and D under the scheme). The reduction in height was considered necessary to provide an improved 'human scale' streetscape, nominally three to four-storeys above the respective street level, thereby relating better to adjoining developments, along with respecting the adjoining heritage items and heritage conservation areas.

31 There is a large drop in elevation from the north-east boundary of the site with retaining walls within the site accommodating the significant drop. This results in the site having a 'bowl like' shape and allows for a seven-storey building to have a four-storey appearance from street level. This massing will sit comfortably within the context of this area. The proposed height will also protect ridgelines (as recommended under Council's Local Planning Strategy) and ensure existing westerly views from King Edward Park, including from the Obelisk lookout, would be largely unaffected.

ATTACHMENTS


Note: Urban Design Study for 11 Mosbri Crescent, The Hill (Attachment A to the Planning Proposal)


Attachment C: Report from Urban Design Consultative Group

Attachments are distributed under separate cover.
ITEM-92 CCL 25/10/16 - APPOINTMENT OF REPLACEMENT OF INTERIM CHIEF EXECUTIVE OFFICER

REPORT BY: INTERIM CHIEF EXECUTIVE OFFICER
CONTACT: INTERIM CHIEF EXECUTIVE OFFICER

PURPOSE

The purpose of this report is to seek Council approval for the appointment of a replacement Interim Chief Executive Officer whose appointment would be effective from Wednesday, 27 October 2016 for a period of up to 12 months or until the merger proposal period is concluded (whichever occurs first).

This proposed action is necessary in order to comply with the statutory requirement under s. 336 of the Local Government Act (Act) that if a vacancy in the position of general manager occurs, a council must immediately appoint a person to the vacant position or appoint a person to act in the vacant position.

A vacancy in the position of ICEO will occur after 26 October 2016 when the current incumbent's contract of employment in respect of that position is due to expire. He will thereafter revert to his substantive role as Director Infrastructure.

RECOMMENDATION

That Council:

1 Approves the appointment of [internal Director - name to be inserted] as Interim Chief Executive Officer (ICEO) of Council, together with all delegations accorded to that role pursuant to the Instrument of Delegation to the CEO dated 8 December 2015, to succeed Mr Frank Cordingley in that role, with effect from Wednesday, 27 October 2016 for a temporary period of up to 12 months or until the merger proposal period is concluded (whichever occurs first), noting that Mr Cordingley's temporary contract of employment with Council as ICEO is due to expire on 26 October 2016 (having been appointed to that role on 27 October 2015);

2 Notes that, in accordance with the requirements of section 351(2) of the Local Government Act (the Act), Mr Cordingley's contract cannot be extended beyond the initial temporary period of 12 months; and

3 Approves the appointment of [internal Director - name to be inserted] as ICEO on exactly the same terms and conditions (consistent with those of the DLG Standard Contract of Employment for General Managers of Local Councils in New South Wales) and on the same remuneration applicable to Mr Cordingley's contract of employment for the ICEO role, noting that, [internal Director - name to be inserted] will ultimately return to his current substantive role as Director, [title to be inserted], immediately after the expiration of his temporary contract of employment as ICEO.
KEY ISSUES

4 Following the termination of the contract of employment of the former General Manager on 27 October 2015, Council resolved to approve the temporary appointment of Mr Cordingley as ICEO with effect from 27 October 2015 for a period of up to 12 months pending the recruitment of a permanent Chief Executive Officer (CEO). This appointment complied with the requirements of s. 351(2) of the Act which permits the temporary appointment of a general manager in the circumstances where there is a vacancy in the role.

5 Council commenced the recruitment of a permanent CEO in November 2015 and on 18 December 2015 the Office of Local Government issued a s. 23A Guideline entitled "Guidelines on Council decision-making during merger proposal periods". (Guidelines). One relevant effect of the Guidelines was to prohibit Council from continuing to carry on the recruitment process for a permanent CEO whilst Council was in a merger proposal period. Council subsequently ceased its recruitment process in conformity with the Guidelines.

6 Council is still in a merger proposal period as it is currently awaiting the decision of the Minister for Local Government as to whether, or not, he will recommend to the NSW Governor that a merger of Newcastle City Council with Port Stephens Council proceed, given that on 12 May 2016 he announced that the Government was of the view that such a merger should proceed pending the outcome of the consideration of an alternative proposal submitted by Port Stephens Council that it merge with Dungog Council.

7 The impending expiration of Mr Cordingley's contract of employment as ICEO, creates the need to comply with ss. 336 and 334 of the Act (s. 336 provides that if a vacancy occurs in the position of general manager, the council must immediately appoint a person under section 334 to the vacant position or appoint a person to act in the vacant position).

FINANCIAL IMPACT

8 The proposed appointment of a temporary ICEO successor is fully budgeted for in Council's Operational Plan for 2016/17 and should not result in any unplanned or adverse financial implications for Council.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 The proposal is consistent with Council's Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

10 The proposal to appoint an internal temporary ICEO enables Council to maintain continuity of purpose, including commitment to the cultural improvement "Blue Bus" program which Council has substantially implemented. The turnover of General Managers over the last 6 or so years has proven to be unsettling for the
staff, and consistency of senior leadership, at least until the State Government clarifies the outcome of the merger proposal, would be beneficial to maintain staff morale.

RISK ASSESSMENT AND MITIGATION

11 The proposal is recommended as the least disruptive arrangement for the appointment of a temporary ICEO to succeed the current incumbent in light of the NSW Government's delayed decision to resolve the merger proposal well before this current point in time.

RELATED PREVIOUS DECISIONS

12 As noted previously in Paragraph 1, Council resolved to appoint Mr Cordingley as ICEO at the Ordinary Council Meeting held on 27 October 2015.

13 On 21 December 2010, Council resolved to appoint an external candidate, Mr Rob Noble, as Acting General Manager, with effect from 31 January 2011 until a permanent General Manager was appointed. Council had established an Acting General Manager Recruitment Panel to determine the most suitable applicant for the Acting role after having made some direct approaches as well as having received resumes from several executive search firms. Ten applications had been received. The need for the temporary appointment arose as a consequence of Ms Lindy Hyam, Council's previous General Manager, announcing her resignation on 18 November 2010 which took effect from 31 December 2010.

14 Similarly, when Council's former General Manager, Mr Phil Pearce, resigned on 16 January 2013 with effect from 2 March 2013, Council appointed a General Manager Recruitment Panel on 12 February 2013 to undertake a search for a suitable external candidate for an Interim General Manager role. Council contacted 10 recruitment agencies to request names and resumes of interim general managers and the Lord Mayor emailed Council's four Directors inviting them to express their interest. Over 30 applications were received. The Panel ultimately selected Mr Ken Gouldthorp as the preferred candidate for the Interim General Manager role to be approved by Council.

CONSULTATION

15 Consultation has occurred with respect to this proposal with the Executive Management Team.
OPTIONS

Option 1

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

Option 2

17 Council adopt the recommendation as at Paragraphs 1 - 3 as a short term measure to enable the establishment of an Interim CEO Recruitment Panel for the purposes of running a merit selection process for an Interim CEO, including exploring the external market. The purpose would be to appoint an Interim CEO for up to 12 months, or until the merger proposal period is concluded, whichever occurs first. This is not the recommended option, as it is likely that the term of employment would be relatively short, with the end of the merger proposal period seeing an Interim GM appointed to a merged council, or a permanent CEO able to be recruited for a stand-alone Newcastle City Council. This is not the recommended option.

BACKGROUND

18 Refer to Paragraphs 1 and 4-7 of this report.

REFERENCES

ATTACHMENTS

Nil.