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 28 November 2017

**TIME:** 5.30pm

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

J Bath  
Interim Chief Executive Officer

**City Administration Centre**  
282 King Street  
NEWCASTLE NSW 2300

17 November 2017

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

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

MINUTES - EXTRAORDINARY PUBLIC VOICE COMMITTEE 18 OCTOBER 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 171018 Extraordinary Public Voice Committee Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, K Elliott (arrived 6.10pm), J Mackenzie, A Rufo, E White and P WInney-Baartz (arrived 6.34pm).

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), P Chrystal (Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), J Gaynor (Manager Strategic Planning), P McCarthy (Team Co-ordinator Strategic Planning), J Dunkerley (Urban Planner), K Baartz (Communications Manager) and K Sullivan (Council Services/Minutes/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Rufo, seconded by Cr Clausen

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Clausen
Councillor Clausen declared a less than significant non-pecuniary interest in Item 1 - Public Exhibition of Rail Corridor and Adjacent Land Rezoning, Development Control Plan and Planning Agreement. He stated that a number of persons present and speakers had been known to make political donations in the past to the Labor party and would remain in the Chamber for discussion of the item.

Lord Mayor, Councillor Nelmes
The Lord Mayor declared a less than significant non-pecuniary interest in Item 1 - Public Exhibition of Rail Corridor and Adjacent Land Rezoning, Development Control Plan and Planning Agreement. She stated that a number of persons present and speakers had been known to make political donations in the past to the Labor party and would remain in the Chamber for discussion of the item.
Councillor Byrne declared a less than significant non-pecuniary interest in Item 1 - Public Exhibition of Rail Corridor and Adjacent Land Rezoning, Development Control Plan and Planning Agreement. He stated that a number of persons present and speakers had been known to make political donations in the past to the Labor party and would remain in the Chamber for discussion of the item.

Councillor Byrne further stated that he was a member of the executive on Newcastle Trades Hall Council and as he had no land holding there was no benefit from financial gain nor an employment relationship which could be perceived as a private benefit or advantage.

Councillor Duncan declared a less than significant non-pecuniary interest in Item 1 - Public Exhibition of Rail Corridor and Adjacent Land Rezoning, Development Control Plan and Planning Agreement. She stated that a number of persons present and speakers had been known to make political donations in the past to the Labor party and would remain in the Chamber for discussion of the item.

Councillor White declared a less than significant non-pecuniary interest in Item 1 - Public Exhibition of Rail Corridor and Adjacent Land Rezoning, Development Control Plan and Planning Agreement. She stated that a number of persons present and speakers had been known to make political donations in the past to the Labor party and would remain in the Chamber for discussion of the item.

Councillor White further stated that she was a representative for a trades union to Trades Hall and as this was not a paid position, there was no financial benefit to herself nor had she been involved in the discussions at Trades Hall as to their position to be presented tonight.

Councillor Church declared a potential conflict of interest in Item 1 - Public Exhibition of Rail Corridor and Adjacent Land Rezoning, Development Control Plan and Planning Agreement. He stated that he was employed by a local real estate agency and may benefit from time to time if development application approvals were successful and if the agency was appointed to sell or market properties in the rail corridor.

Councillor Winney-Baartz declared a less than significant non-pecuniary interest in Item 1 - Public Exhibition of Rail Corridor and Adjacent Land Rezoning, Development Control Plan and Planning Agreement. She stated that a number of persons present and speakers had been known to make political donations in the past to the Labor party and would remain in the Chamber for discussion of the item.
PUBLIC VOICE SESSIONS

ITEM-1 PV 18/10/17 - PUBLIC EXHIBITION OF RAIL CORRIDOR AND ADJACENT LAND REZONING, DEVELOPMENT CONTROL PLAN AND PLANNING AGREEMENT

The Public Voice provided an opportunity for members of the community to present their comments on UrbanGrowth’s Gateway Proposal, currently on public exhibition.

Speakers in support of the Gateway Proposal were Chris Chapman, Bob Hawes, Chelsea Beach, Neil Slater, Courtney Dolan and Daniel Wallace.

Issues addressed were:
- the revitalisation projects currently underway and the positive impact these were having on the city
- the need for action after many years of decline
- the impact on businesses seen as a short term pain for long term gain
- seeing the land used rather than left vacant
- the need to create job opportunities and security

Speakers in opposition to the Gateway Proposal were Ron Brown, Elaine Street, David Stewart, Barbara Ferris, Alan Squire and Therese Doyle.

Issues addressed were:
- the need to retain the corridor as a transport corridor for cycling, light rail and other forms of transport
- the impact of zoning changes on existing properties
- the need for a Hunter wide integrated transport plan
- the differences in the original documents and the documents currently on public exhibition
- traffic congestion and longer journey times

Councillors were given the opportunity to ask questions and raise issues of concern.

The Lord Mayor indicated that the rail corridor was currently zoned SP2 and enquired if the zoning remained in place could it be used for recreational purposes.

Councillor Mackenzie requested an update on the status of the development of Newcastle Railway Station. The Lord Mayor responded from the Chair.

Councillor Clausen referred to a question raised in a presentation regarding subdivision of the land and enquired whether Council had received a development application to subdivide the rail corridor land since the original planning proposal.

Councillor Church enquired whether a 'hybrid' zoning could be proposed to allow for both development and presentation over the corridor. The Lord Mayor questioned did such zoning exist.

The Director of Planning and Development stated that he would take the questions on notice and provide a detailed response to Councillors.
The Planning Proposal, Voluntary Planning Agreement and Development Control Plan is currently on exhibition will be reported to Council in December.

The meeting concluded at 8.00pm.
MINUTES - ORDINARY COUNCIL MEETING 24 OCTOBER 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 171024 Ordinary Council Meeting Minutes

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

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Interim Chief Executive Officer), A Glauser (Interim Director Corporate Services), K Liddell (Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), J Gaynor (Manager Strategic Planning), P Nelson (Manager Commercial Property), A Baxter (Manager Regulatory Services), P Moore (Manager Facilities and Recreation), P McCarthy (Team Co-ordinator Strategic Planning), D Fischetti (Media Officer), K Sullivan (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Rufo, seconded by Cr M Byrne

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

Carried

TAKING OF THE OATH / AFFIRMATION OF OFFICE

Councillors Elliott and Winney-Baartz publicly reconfirmed their Oath / Affirmation taken on 16 October 2017 and 14 October 2017 respectively, as required under Section 233A of the Local Government Act - Oath and Affirmation for Councillors.
DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

**Councillor Clausen**
Councillor Clausen declared a pecuniary interest in Item 104 - Appointment of Councillors to External Committees stating that the item included the appointment of a representative to the Hunter Water Corporation Form which was undertaken by his employer.

Councillor Clausen stated that he would absent himself from the Chamber for discussion on the Hunter Water Corporation Forum appointment and requested the item be considered in seriatim so he could vote on the remaining committee appointments.

**Councillor Church**
Councillor Church declared a significant non-pecuniary interest in Item 116 - Supplementary Report - Land Bounded by Mosbri Crescent and Kitchener Parade The Hill - Adoption of Amendment to Newcastle LEP 2012 on the following basis:
- He was a former employee and shareholder of NBN
- He was a former client having purchased TV advertising in the past
- He continued to consult and advise his current employer and their clients on the purchase of TV advertising which at times was NBN television
- He lived in the vicinity of the development

Councillor Church stated that he would absent himself from the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

**MINUTES - ORDINARY COUNCIL MEETING HELD 26 SEPTEMBER 2017**

**MOTION**
Moved by Cr White, seconded by Cr Clausen

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

Carried

LORD MAYORAL MINUTE

**ITEM-16  LMM 24/10/17 - RECOGNITION OF THE SERVICE OF MR ANDREW GLAUSER TO THE PEOPLE OF THE CITY OF NEWCASTLE**

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

That Newcastle City Council:

1. Thanks Andrew Glauser, Interim Director Corporate Services and Manager Finance at Newcastle City Council for his service and dedication to his roles.
2 Notes that Mr Glauser has played an integral role in turning around Newcastle City Council's finances over the past 3 years, steering Newcastle City Council's implementation of a Special Rate Variation, ensuring the City of Newcastle avoided financial insolvency.

Carried unanimously

ITEM-17 LMM 24/10/17 - GLOBAL COVENANT OF MAYORS FOR CLIMATE AND ENERGY

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1 Prepares a report and a Council Workshop for Councillors regarding support for joining the International Council for Local Environmental Initiatives (ICLEI) Compact of Mayors, a global coalition of the World's leading Councils, Mayors and city leaders committed to action on climate change.

2 The information presented to Councillors includes a summary of proposed and ongoing measures Council is undertaking to measure and reduce greenhouse gas emissions and adapt to ongoing climate change;

3 The matter return to Council for determination by the February 2018 Ordinary Newcastle City Council meeting.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-103 CCL 24/10/17 - TABLING OF ANNUAL PECUNIARY INTEREST RETURNS

MOTION
Moved by Cr J Mackenzie, seconded by Cr White

Note the tabling of the register pecuniary interest returns (for the period 1 July 2016 to 30 June 2017) by the Interim Chief Executive Officer in accordance with s. 450A of the Local Government Act 1993 (NSW).

Carried

ITEM-108 CCL 24/10/17 - YOUNG STREET CARRINGTON PROPOSED UPGRADE TO ZEBRA CROSSING

MOTION
Moved by Cr White, seconded by Cr Mackenzie

Approve the proposed upgrade to existing zebra crossing on Young Street, Carrington, as shown at Attachment A.

Carried
ITEM-110 CCL 24/10/17 - GLEBE ROAD, ADAMSTOWN - PROPOSED UPGRADE TO EXISTING ZEBRA CROSSING

MOTION
Moved by Cr Rufo, seconded by Cr Duncan

Approve the proposed upgrade to existing zebra / children's crossing on Glebe Road, Adamstown, as shown at Attachment A.

Carried

ITEM-102 CCL 24/10/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

The report be received.

Carried

In reference to paragraph 7(ii) of the report, Materials and Contracts - increase of $5.1m, Councillor Rufo enquired what current projects had generated the increase in expenditure.

The Director Infrastructure stated that he would take the question on notice.

ITEM-104 CCL 24/10/17 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO EXTERNAL COMMITTEES

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Dunn

The motion be dealt with seriatim as Parts A and B. Part A to deal with all committees including the Hunter Water Corporation Forum and Part B to deal with the appointment to the Hunter Water Corporation Forum to be dealt with separately due to Councillor Clausen's conflict of interest.

Carried
PART A

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

1 That Council appoints representatives as follows:

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<tr>
<th>Councillor/s appointed</th>
<th>External Committee</th>
<th>Term of membership</th>
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</thead>
<tbody>
<tr>
<td>Cr John Mackenzie</td>
<td>Building Better Cities Housing Management and Development Committee</td>
<td>25 October 2017 to 11 September 2020</td>
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<tr>
<td>Cr Emma White</td>
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<td></td>
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<tr>
<td>Cr John Church</td>
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</tbody>
</table>

| Cr Carol Duncan        | Fort Scratchley Historical Society Incorporated             | 25 October 2017 to 11 September 2020 |

| Cr John Mackenzie      | Hunter and Central Coast Joint Regional Planning Panel      | 25 October 2017 to 11 September 2020 |
| Cr Jason Dunn          |                                                             |                                     |
| Cr Matthew Byrne - Alternate |                                                             |                                     |

| Cr Jason Dunn          | Newcastle Art Gallery Foundation Board                      | 25 October 2017 to 11 September 2020 |

| Cr Peta Winney-Baartz  | Newcastle City Traffic Committee                           | 25 October 2017 to 11 September 2020 |

| Cr Carol Duncan        | Northern Settlement Services Management Committee          | 25 October 2017 to 11 September 2020 |
| Cr Emma White - Alternate |                                                             |                                     |

| Cr Declan Clausen      | NSW Public Libraries Association                            | 25 October 2017 to 11 September 2020 |

2 Council staff write to the chairperson of each of the above advising of the new Councillor members/representative(s) and the term of their membership.  

Carried

Councillor Clausen had declared a significant pecuniary interest in the appointment to the Hunter Water Corporation Forum and left the Chamber for discussion on Part B.

Councillor Mackenzie identified that he had a pecuniary interest in Item 104 - Appointment of Councillor Representatives to External Committees stating that his partner worked for the Hunter Water Corporation. Councillor Mackenzie left the Chamber for discussion on Part B.
PART B

MOTION
Moved by Cr White, seconded by Cr Dunn

1 That Council appoints representative as follows:

<table>
<thead>
<tr>
<th>Councillor/s appointed</th>
<th>Advisory Committee</th>
<th>Term of membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Jason Dunn</td>
<td>Hunter Water Corporation Consultative Forum</td>
<td>25 October 2017 to 11 September 2019</td>
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</table>

2 Council staff write to the chairperson of the above advising of the new Councillor members/representative(s) and the term of their membership.

Carried

Councillors Clausen and Mackenzie returned to the Chamber at the conclusion of the item.

ITEM-105 CCL 24/10/17 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO ADVISORY COMMITTEES AND PANEL

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

PART A

1 That Council appoints representatives as follows:

<table>
<thead>
<tr>
<th>Councillor/s appointed</th>
<th>Advisory Committee</th>
<th>Term of membership</th>
</tr>
</thead>
</table>
| Lord Mayor, Cr Nuatali Nelmes
  Cr Peta Winney-Baartz
  Cr Carol Duncan        | Coastal Revitalisation Consultative Committee | 25 October 2017 to 11 September 2020 |
| Cr Declan Clausen
  Cr John Mackenzie
  Cr Emma White          | Environmental Advisory Committee          | 25 October 2017 to 11 September 2020 |
| Cr Emma White
  Cr Peta Winney-Baartz
  Cr Matthew Byrne       | Guraki Aboriginal Advisory Committee      | 25 October 2017 to 11 September 2020 |
| Cr Jason Dunn          | Newcastle Floodplain Risk Management Advisory Committee | 25 October 2017 to 11 September 2020 |
| Cr Declan Clausen
  Cr John Mackenzie
  Cr Kath Elliott        | Newcastle Cycling Advisory Committee      | 25 October 2017 to 11 September 2020 |
| Cr Declan Clausen
  Cr Peta Winney-Baartz
  Cr Carol Duncan        | Newcastle Youth Council Committee         | 25 October 2017 to 11 September 2020 |
Lord Mayor, Cr Nuatali Nelmes
Cr Declan Clausen
Cr Carol Duncan
Cr Emma White

Smart and Innovative Cities Committee

<table>
<thead>
<tr>
<th>Councillors appointed</th>
<th>Panel</th>
<th>Term of membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Matthew Byrne</td>
<td>Review Panel</td>
<td>25 October 2017 to 11 September 2020</td>
</tr>
<tr>
<td>Cr John Mackenzie</td>
<td></td>
<td></td>
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<tr>
<td>Cr Carol Duncan</td>
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<tr>
<td>Vacant</td>
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2 Committee facilitators will contact nominated Councillors and advise of the next meeting dates for each committee.

PART B

Council amend the Charter of the Asset Advisory Committee to include an additional Councillor representative. Councillor Luke be nominated to fill the new vacancy.

AMENDMENT
Moved by Cr Rufo, seconded by Cr Elliott

Council amend the Charters of the Coastal Revitalisation Committee and Guraki Aboriginal Advisory Committees to include an additional representative. Councillor Rufo be nominated to fill the new vacancy.

Councillor Clausen agreed to incorporate the amendment into the motion by proposing that the representative be an alternate and the alternate representative be Councillor Rufo.

Councillors Rufo and Elliott withdrew the amendment.

The motion moved by Councillor Clausen and seconded by Councillor Winney-Baartz as amended to include Councillor Rufo’s appointment to the Coastal Revitalisation Consultative Committee and Guraki Aboriginal Advisory Committee as an alternate, was put to the meeting.

Carried unanimously
ITEM-106 CCL 24/10/17 - NEWCASTLE AIRPORT PTY LIMITED - APPOINTMENT OF COUNCIL’S SHAREHOLDER REPRESENTATIVES

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

1 In accordance with section 250D of the Corporations Act 2001 (Cth) and clauses 1.1 and 1.2(c) of the Constitution of Newcastle Airport Pty Ltd, Council, in its capacity as one of the two shareholders of Newcastle Airport Pty Ltd, approves and appoints Shareholder Representatives as follows:
   (a) Nuatali Nelmes, Lord Mayor of Newcastle City Council, and
   (b) Jeremy Bath, Interim Chief Executive Officer of Newcastle City Council.

2 In accordance with Clause 400(4) of the Local Government (General) Regulation 2015 (NSW), Council approves and authorises Council’s seal to be affixed to the Appointment of Shareholder Representative form on the grounds that such appointment relates to the business of Council.

Carried

ITEM-107 CCL 24/10/17 - ADOPTION OF 2016/17 ANNUAL FINANCIAL STATEMENTS

MOTION
Moved by Cr Byrne, seconded by Cr Dunn

Council receives and adopts Council’s Financial Statements and accompanying notes, in respect of the year ended 30 June 2017, together with the Auditor’s Report (Attachment A).

Carried unanimously

ITEM-109 CCL 24/10/17 - LAMBTON PARK FENCED OFF LEASH DOG AREA

MOTION
Moved by Cr Clausen, seconded by Cr Rufo

1 Council endorse the processes being undertaken in reviewing dog off leash provision.

2 Council endorse the establishment of four fenced dog parks within the Newcastle Local Government Area (LGA).

3 Council acknowledges the importance to the community of a dog off-leash area in Lambton Park, and note its inclusion for consideration within the review.
4 That the review additionally consider off-leash opportunities at:
- Novocastrian Park, New Lambton
- Waratah Park, Waratah
- Connelly Park, Carrington
(as per Council's resolution of 13/12/17)

and
- Stevenson Park, Mayfield West

Carried

ITEM-111 CCL 24/10/17 - 26 EDITH STREET WARATAH (WRIGHTSON RESERVE) AND RD 20435 - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Clausen, seconded by Cr Rufo

Council resolves to:

i) Endorse the attached planning proposal (Attachment A), pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle Local Environmental Plan 2012 (LEP) in order to reclassify land at 26 Edith Street Waratah, described as Lot 374 DP 755247, from community to operational and to rezone the land from RE1 Public Recreation to SP2 Health Services Facility and to rezone Part of RD 20435 from RE1 Public Recreation to R2 Low Density Residential.

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

iii) Advise the Secretary of the DPE that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act.

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

Against the Motion: Nil.

Carried
ITEM-112 CCL 24/10/17 - 1 ORDNANCE STREET NEWCASTLE - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Mackenzie, seconded by Cr Duncan

Council resolves to:

i) Endorse the attached Planning Proposal (Attachment A), pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) in order to amend Newcastle Local Environmental Plan 2012 for land at 1 Ordnance Street, Newcastle by amending Schedule 1 to remove the additional permitted use of a function centre and kiosk with associated car parking and landscaping.

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

iv) Receive a report back on the Planning Proposal following completion of the required consultation if any objections have been received.

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

Against the Motion: Nil.

Carried

ITEM-113 CCL 24/10/17 - SUBMISSION TO DEPARTMENT OF PLANNING AND ENVIRONMENT - SHORT TERM HOLIDAY LETTING

MOTION
Moved by Cr Mackenzie, seconded by Cr Clausen

Council endorses the draft submission provided at Attachment A for lodgment with the Department of Planning and Environment.

Carried unanimously
ITEM-114 CCL 24/10/17 - ESTABLISHMENT OF A DISABILITY INCLUSION ADVISORY COMMITTEE

MOTION
Moved by Cr Duncan, seconded by Cr Clausen

Council resolves to:

i) Adopt the Draft Disability Inclusion Advisory Committee (DIAC) Charter as per Attachment A.

ii) Council appoints Councillors Byrne, Duncan and Winney-Baartz to the Disability Inclusion Advisory Committee.  

Carried

ITEM-115 CCL 24/10/17 - CITIES LEADERSHIP INSTITUTE US TOUR PROGRAM 2017 - PARTICIPATION OF CITY OF NEWCASTLE

MOTION
Moved by Cr Mackenzie, seconded by Cr Byrne


2 Council endorse the attendance of Deputy Lord Mayor, Cr Declan Clausen on the Cities Leadership Institute US Smart Cities Tour 2017.

3 Council endorse the attendance of Council's City Revitalisation Coordinator and Smart City Coordinator on the Cities Leadership Institute US Smart Cities Tour 2017.

4 The Deputy Lord Mayor and Council Officer's report to Council on the outcome of the cities exchange by open Briefing.  

Carried unanimously

Following a request from Councillor Elliott that Council be informed of the specific innovations Council staff would be focusing on, the Lord Mayor requested that the Interim Chief Executive Officer provide a Memo to All Councillors.
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ITEM-116 CCL 24/10/17 - SUPPLEMENTARY REPORT - LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE THE HILL - ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012

Councillor Church left the Chamber for discussion on the item.

MOTION
Moved by Cr Clausen, seconded by Cr Robinson

Council resolves to:

i) Endorse the attached planning proposal PP_2016_NEWCA_010_00, pursuant to section 55 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act), in order to amend Newcastle Local Environmental Plan 2012 (LEP) and rezone land bounded by Mosbri Crescent and Kitchener Parade, The Hill that comprises the following land parcels:

   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 Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made pursuant to section 59(1) of the EP&A Act.

iii) Advise the Secretary of the DPE that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act.

iv) Adopt the new draft Section 6.14 - 11 Mosbri Crescent, The Hill of Newcastle Development Control Plan 2012 (DCP) and provide public notice advising that this development control take effect on the business day following the date upon which the abovementioned amendment to the LEP is made.
AMENDMENT
Moved by Cr Mackenzie, seconded by Cr Elliott

Council resolves to:

i) Endorse an amended planning proposal to rezone land bounded by Mosbri Crescent and Kitchener Parade, The Hill. The planning proposal is amended by:
   • amending the height of buildings map to be a maximum of 11 metres for the site, and
   • amending the floor space ratio map to be a maximum of 0.9: 1 for the site.

The description of the land parcels remains the same and points ii) and iii) of the recommendation remain the same.

iv) Adopt the new draft Section 6.14 - 11 Mosbri Crescent, The Hill of Newcastle Development Control Plan 2012 with corresponding amendments as required to reflect the amended building heights and floor space ratio and provide public notice advising that this development control plan takes effect on the business day following the date upon which the amendment to Newcastle LEP 2012 is made.

The Lord Mayor declared a standing declaration in respect of this item, less than significant non-pecuniary interest as a former Councillor lived near the proposed development.

The amendment moved by Councillor Mackenzie and seconded by Councillor Elliott was put to the meeting.

For the Amendment: Councillors Elliott and Mackenzie.

Against the Amendment: Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Robinson, Rufo, White and Winney-Baartz.

Defeated

The motion moved by Councillors Clausen and Robinson was put to the meeting.

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

Against the Motion: Nil.

Carried

Councillor Church returned to the Chamber at the conclusion of this item.
NOTICES OF MOTION

ITEM-24  NOM 24/10/17 - NEWCASTLE COUNCIL APPRENTICESHIP SCHEME

MOTION
Moved by Cr J Mackenzie, seconded by Cr Robinson

That Council:

1  Acknowledge the leadership role Council plays as an employer with an obligation to provide secure employment and skills for young people in our community,
2  Commits to reviewing the current apprenticeship, cadetship and graduate programs, and
3  Requests staff provide a report that details:
   a)  The current number of apprentices, cadets and graduates employed and otherwise engaged with council and their areas of expertise, trade or speciality;
   b)  The capacity of council to increase apprentice, cadet and graduate employment, and the benefits and opportunities to the local community of expanding this employment; and
   c)  Potential sources of external funding that may assist with an expansion of Council’s apprentice numbers including state and federal funding grants.

AMENDMENT
Moved by Cr White, seconded by Cr Clausen

Add following to 3 (a):
-  How many apprentices, cadets and graduates were employed in Financial Years 2017/18, 2016/17, 2015/16;
-  How many First, Second, and Third year apprentices are currently employed by Council; and
-  How many identified apprentice, cadet or graduate positions are currently vacant;
-  The gender breakdown of the information requested above

Add 3 (d):
Outlines the current number of employees at Newcastle City Council who currently identify as Indigenous, including the number of apprentices, cadets and graduates who identify as Indigenous.

The amendment moved by Councillor White and seconded by Councillor Clausen was put to the meeting.

Carried
The motion moved by Councillors Mackenzie and Robinson, as amended, was put to the meeting.

Carried unanimously

ITEM-25 NOM 24/10/17 - PHASE OUT OF SINGLE-USE PLASTIC BAGS

MOTION
Moved by Cr J Mackenzie, seconded by Cr Elliott

That Council:

1 Write to the New South Wales and Australian Government advocating for a ban on single-use plastic bags.
2 Formalise a policy to ensure that all Council-managed enterprises, Council activities and events on Council land seek to eliminate the use of disposable plastic items.
3 Promote the positive steps being taken in the community to both reduce the use of single use plastic bags, and to address marine plastic pollution more generally.
4 Continue to assist and educate local businesses and the community to reduce the use of disposable plastic items and invite expressions of interest from BIA's to introduce a trial program and provide lessons learned to other BIA's.

Carried unanimously

ITEM-26 NOM 24/10/17 - INDEPENDENT EVENT ASSESSMENT OF THE NEWCASTLE 500

MOTION
Moved by Cr J Mackenzie, seconded by Cr Church

That Council:

1 Engages an independent, expert third party to undertake an evaluation and event impact assessment to assess the social, economic and environmental benefits and costs associated with Newcastle City Council's support for the Newcastle 500 event, following the events completion in November 2017.

2 Requests a report to Council in early 2018 on the findings of this analysis.
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AMENDMENT
Moved by Cr Rufo, seconded by Cr Elliott

Council write to Destination NSW suggesting Destination NSW engages an
independent, expert third party to undertake an evaluation and event impact
assessment to assess the social, economic and environmental benefits
and costs associated with Newcastle City Council’s support for the Newcastle 500
event, following the event’s completion in November 2017.

Councillor Elliott questioned whether there was a licence fee to Supercars over a
period of time and what that was.

The Interim Chief Executive Officer stated that he would take the question on notice.

The Lord Mayor proposed a Part 3 to the motion addressing the amendment.

3 Council request DNSW to provide Council with a report prepared by an
independent expert third party to undertake an evaluation and event impact
assessment to assess the social, economic and environmental benefits
and costs associated with the Newcastle 500 event, following the event’s
completion in November 2017.

The mover and seconder agreed to incorporate Part 3 into the motion.

The amendment was withdrawn by Councillors Rufo and Elliott.

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

ITEM-27 NOM 24/10/17 - BERESFIELD SWIMMING CENTRE

MOTION
Moved by Cr Dunn, seconded by Cr Byrne

That Council:

1 Amend the operating hours of the Beresfield Swimming Centre (BSC) for the
   2017/2018 season to:

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Mon - Sun</th>
<th>Sat - Sun</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 September 2017 to 29 October 2017</td>
<td>6am - 6pm</td>
<td>6am - 6pm</td>
</tr>
<tr>
<td>30 October 2017 to 18 March 2018</td>
<td>6am - 7pm</td>
<td>6am - 7pm</td>
</tr>
<tr>
<td>19 March 2018 to 29 April 2018</td>
<td>6am - 6pm</td>
<td>6am - 6pm</td>
</tr>
</tbody>
</table>
with associated costs to be addressed through the Quarterly Budget Review process.

2 Implement the changes in operating hours at BSC as soon as possible and notify relevant stakeholders.

3 Investigate upgrades to BSC including but not limited to additional shading, additional shaded seating, children’s water activities and report back to Council.

AMENDMENT
Moved by Cr Elliott, seconded by Cr Robinson

Council seek from Council Officers a concept plan and early costings for a water park at Beresfield Pool.

As part of the investigation of upgrades, Councillor Dunn agreed to incorporate a water park in Part 3 of the motion.

Councillors Elliott and Robinson withdrew the amendment.

The motion moved by Councillors Dunn and Byrne was put to the meeting. Carried unanimously

ITEM-28 NOM 24/10/17 - STEVENSON PARK UPGRADES

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

That Council

1 Notes the advocacy of the recently formed Friends of Stevenson Park group requesting upgrades to Stevenson Park Mayfield West;

2 Notes that in the adopted Operational Plan for FY 2017/18, Council will spend approximately $16 million on parks, playgrounds and reserves, including in recently delivering a new $150,000 playground at Centennial Park Cooks Hill, commencement of delivery of a new $1.5 million adventure playground at Blackbutt Richley Reserve, and playground upgrades at Smith Park, Wallsend Park, Grahame Park, Bull and Toule St Reserves;

3 Continues Council’s consultation with the Friends of Stevenson Park group and broader Mayfield West community, and commits to delivering playground upgrades of a value of at least $150,000 at Stevenson Park in FY 2018/19;

4 Commits to updating the Stevenson Park Masterplan, while engaging with all user groups, local residents and the Friends of Stevenson Park, providing a report back to Council in the second quarter of 2018. Carried unanimously
ITEM-29  NOM 24/10/17 - STOCKTON TRAFFIC AND PARKING

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

That Council:

1. Reiterates Council’s resolution of 25 July 2017 requesting that the NSW Parliamentary Standing Committee on Transport and Infrastructure currently holding an inquiry into Commuter Car Parking in NSW hold a hearing in Newcastle.

2. Receives a petition with 100 signatories from residents of Stockton and surrounding suburbs [Cr White to table at Ordinary Council meeting] seeking a solution to commuter car parking issues.

3. Undertakes consultation to look at options to expand car parking options on Stockton including consideration of expansion of the current car park at the Ferry Terminal and an additional Ferry stop.

4. Receives a petition with 150 signatories from residents of Stockton and surrounding suburbs [Cr White to table at Ordinary Council meeting] seeking a solution to safety concerns associated with the “drop off” zone located at the Early Learning Centre on Stockton.

5. Works to address the safety concerns surrounding the “drop off” zone associated with the Early Learning Centre on Stockton.

6. Again writes to the NSW Parliamentary Standing Committee on Transport to again extend an invitation to hold a hearing in Newcastle.

Carried

Councillor White tabled the petitions on commuter car parking issues and safety concerns regarding the drop off zone at the Early Learning Centre.
ITEM-30 NOM 24/10/17 - COUNCIL STREET, COOKS HILL

MOTION
Moved by Cr White, seconded by Cr Duncan

That Council:
• Notes that the Council Street renewal project is scheduled to commence in early 2018;
• Preserves the integrity of the overall Cooks Hill Local Area Traffic Management (LATM) scheme;
• Reviews the basis of the proposed re-opening of Council Street to traffic as well as other recent changes at Laman Street in a workshop with Councillors. The workshop will also consider the consistency of the traffic management treatment of Darby Street and Bull Street all within the overall context of the Cooks Hill LATM scheme. Included in the workshop to Councillors will be an analysis of the impact of re-opening Council Street to traffic.

Carried

ITEM-31 NOM 24/10/17 - REFURBISHMENT AND UPGRADE OF LAMBTON POOL

MOTION
Moved by Cr Rufo, seconded by Cr Church

1 That Council staff report to the Ordinary Council Meeting of 28 November 2017 on the options for refurbishment and upgrade of Lambton Pool including broad cost estimates of each of the options.

2 The options to include, as a minimum:
   a. Replacement of existing pools, water recirculation, filtration and heating systems, pool surrounds and footpaths, grandstand and shade structures with latest technologies including pool insulation and energy efficient water recirculation and heating.
   b. Upgrade and cover 25m pool to enable 12 monthly operations.
   c. Upgrade amenities and include spaces for ‘dry’ activities such as a gymnasium and workout rooms.
   d. Extra parking spaces to cater for increased patronage.

3 The report to explain the opportunities for staging the works, in line with funding availability.

4 The report to describe potential funding options, including State and Federal grants, private sector funding, and SRV funds.

5 A briefing of Council be conducted prior to the submission of this report.

Carried unanimously
CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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

Carried

Council resolved into confidential session at 9.15pm.

During confidential session:
- A procedural motion to extend the meeting to 10.00pm was moved and seconded by Councillors Clausen and Winney-Baartz and carried.
- A division was called on Confidential Item 12 - Confidential Property Matter - Wallsend.
- A procedural motion was moved and seconded by Councillors Rufo and White to return to open Council.

Council reconvened at 9.35pm and the Interim Chief Executive Officer then reported the resolutions of confidential session.

ITEM-10 CON 24/10/17 - REDUCTION IN OUTDOOR TRADING FEES

MOTION
Moved by Cr Rufo, seconded by Cr Clausen

Council, noting the unique circumstances of the civil works program in Newcastle East, resolves to:

i) Authorise the Interim Chief Executive Officer (Interim CEO) to waive the Outdoor Trading Fees incurred by nineteen business owners operating within the Newcastle Central Business District for a six month period commencing from 1 July 2017 and concluding on 31 December 2017. The total cost of the reduction in fees is $13,250.50.

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

Carried
ITEM-11 CON 24/10/17 - CONFIDENTIAL PROPERTY MATTER - WALLSEND

MOTION
Moved by Cr Dunn, seconded by Cr Rufo

1 Council resolves to acquire a property in Wallsend for an amount within 10% of the valuation referred to in the terms outlined in the confidential report.

2 Council grants authority to the Interim Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

3 To publicly notify the proposal to classify the acquired land as operational land in accordance with section 34 of the Local Government Act 1993.

4 If no public submissions are received objecting to the classification proposal the property is classified as operational land.

5 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 finalisation of the transaction.

Carried unanimously

ITEM-12 CON 24/10/17 - CONFIDENTIAL PROPERTY MATTER - OFFICE ACCOMMODATION

MOTION
Moved by Cr Dunn, seconded by Cr Clausen

1 Council resolves to grant authorisation to the Interim Chief Executive Officer to proceed to finalise commercial terms for appropriate new office accommodation on terms as outlined in this report provided they are favourable to Council.

2 Council grant authority to the Interim Chief Executive Officer or his delegate to execute all relevant documentation between Council and the relevant lessor identified in the report.

The meeting concluded at 9.38pm.
REPORTS BY COUNCIL OFFICERS

ITEM-117  
CCL 28/11/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - OCTOBER 2017

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

PURPOSE

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

a) Monthly financial position and year to date (YTD) performance against the 2017/18 Operational Plan as at the end of October 2017.

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

RECOMMENDATION

1 The report be received.

KEY ISSUES

2 At the end of October 2017 the consolidated YTD actual operating position is a surplus of $0.2m which represents a positive variance of $0.3m against the balanced YTD budget. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year revised budget for 2017/18 is an operating surplus of $4.8m.

3 The October YTD position includes $3.5m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($1.9m 2012 Special Rate Variation revenue, $0.6m consolidation of Newcastle Airport result, $0.7m stormwater management service charge, and $0.3m local road grants which fund capital works). When these items are removed Council’s sustainable underlying operating position at the end of October is a deficit of $3.3m.

4 The net funds generated as at the end of October 2017 is a deficit of $3.3m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted deficit of $13.2m. This is primarily due to a timing variance in the delivery of Council's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
5. The variance between YTD budget and YTD actual results at the end of October 2017 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

### Financial Impact

<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>
</tr>
</thead>
<tbody>
<tr>
<td>260,210 Total Operating Revenue</td>
<td>85,798</td>
<td>93,452</td>
<td>7,654</td>
<td>9%</td>
<td>+</td>
</tr>
<tr>
<td>255,405 Total Operating Expenses</td>
<td>85,862</td>
<td>93,228</td>
<td>7,366</td>
<td>9%</td>
<td>-</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>4,805</td>
<td>(64)</td>
<td>224</td>
<td>288</td>
<td>-450%</td>
</tr>
<tr>
<td>14,403 Total Capital Raising revenue</td>
<td>4,801</td>
<td>7,540</td>
<td>2,739</td>
<td>57%</td>
<td>+</td>
</tr>
<tr>
<td>41,136 Add Back Non Cash items</td>
<td>13,744</td>
<td>13,722</td>
<td>1</td>
<td>+</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding available for capital expenditure</th>
<th>60,344</th>
<th>18,481</th>
<th>21,486</th>
<th>3,005</th>
<th>16%</th>
<th>+</th>
</tr>
</thead>
<tbody>
<tr>
<td>68,671 Total capital spend</td>
<td>30,731</td>
<td>23,826</td>
<td>(6,905)</td>
<td>-22%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>2,882 Loan Principal Repayment</td>
<td>961</td>
<td>961</td>
<td>0%</td>
<td>+</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(11,209) Net Funds Generated / (Used) | (13,211) | (3,301) | 9,910 | -75% | + |

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport.
6  Factors favourably impacting Financial Position
   i  User charges and fees – increase of $7.1m
      The Summerhill Waste Management Centre has generated above budget
      income which is partially offset by an increased State Waste Levy expense
      ($4.3m).

   ii  Other operating revenues – increase of $0.4m
      Council has generated higher parking and fine revenue than anticipated.

   iii  Employee costs – decrease of $1.2m
      Lower than forecast staff costs due to general vacancies.

7  Factors unfavourably impacting Financial Position
   i  Materials & contracts – increase of $4.1m
      The 2017/18 project program is producing a different mix expenditure than
      budgeted which is resulting in more costs being expensed and less that can
      be capitalised.

   ii  Other operating expenses – increase of $4.5m
      Expenditure on the NSW State Waste Levy is above budget due to higher
      than forecast tonnages. The higher Levy is offset by above budget income
      ($5.5m).
8 At the end of October Council has received $3.1m more capital grants and contributions than budgeted. This is a timing variance as the main driver is section 94 contributions from on-going development in the city centre which are included in the full year budget.

9 Council’s total capital spend at the end of October is $23.8m. This result is $6.9m below the YTD budget due to the above average value of work that cannot be capitalised and Council is required to expense through the profit and loss.

10 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

11 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

12 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

13 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

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

15 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".

16 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

17 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

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

Option 2

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

BACKGROUND

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - October 2017
Distributed under separate cover
ITEM-118 CCL 28/11/17 - QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2017

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

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 30 September 2017, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

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

KEY ISSUES

2 The September Quarterly Budget Review Statement includes adjustments to the adopted budget to reflect trends identified in the actual operating performance to date for the 2017/18 financial year. Operational budget variations totaling $0.1m have been identified within the September Quarterly Budget Review Statement. These changes will result in Council’s budgeted annual operating surplus remaining in-line with the adopted budget of $4.8m for the year ended 30 June 2017.

3 The operational position forecast in the September Quarterly Budget Review Statement is better than actual deficit position of ($3m) reported at the end of September. This reflects that in some cases the above average level of expenditure generated by Council’s project program over the first quarter will balance out as the year progresses. There are also examples where more time is needed to accurately quantify the budgetary impact of specific projects. Where more time is required the budget changes will be included in the December Quarterly Budget Review Statement.

4 The net funds budgeted to be used in the 2017/18 financial year has been improved by $6.9m. This results in budgeted net funds used of $3.4m for the full financial year, which represents a draw down on funds previously restricted for this purpose.
The analysis below will focus exclusively on the financial impact of budget changes recommended in the September Quarterly Budget Review Statement in regard to operational revenue and expenditure. Key elements of the forecast include:

### Operating Revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>2017/18 Adopted Budget $'000</th>
<th>Recommended September 2017 $'000</th>
<th>Projected year end result $'000</th>
<th>Actual YTD $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates &amp; charges</td>
<td>155,366</td>
<td>155,366</td>
<td>38,421</td>
<td></td>
</tr>
<tr>
<td>User charges &amp; fees</td>
<td>71,297</td>
<td>7,736</td>
<td>22,339</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>8,973</td>
<td>69</td>
<td>2,239</td>
<td></td>
</tr>
<tr>
<td>Other operating revenues</td>
<td>8,638</td>
<td>(44)</td>
<td>2,387</td>
<td></td>
</tr>
<tr>
<td>Grants &amp; contributions - Operating</td>
<td>15,936</td>
<td>225</td>
<td>2,036</td>
<td></td>
</tr>
<tr>
<td><strong>Total Operating Revenue</strong></td>
<td>260,210</td>
<td>7,986</td>
<td>67,422</td>
<td></td>
</tr>
</tbody>
</table>

### Operating Expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>2017/18 Adopted Budget $'000</th>
<th>Recommended September 2017 $'000</th>
<th>Projected year end result $'000</th>
<th>Actual YTD $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee costs</td>
<td>99,802</td>
<td>561</td>
<td>24,035</td>
<td></td>
</tr>
<tr>
<td>Borrowing costs</td>
<td>3,764</td>
<td>(22)</td>
<td>932</td>
<td></td>
</tr>
<tr>
<td>Materials &amp; contracts</td>
<td>57,769</td>
<td>3,260</td>
<td>19,205</td>
<td></td>
</tr>
<tr>
<td>Depreciation &amp; amortisation</td>
<td>41,435</td>
<td>(13)</td>
<td>9,645</td>
<td></td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>48,334</td>
<td>4,042</td>
<td>15,282</td>
<td></td>
</tr>
<tr>
<td>Net Loss from disposal of assets</td>
<td>4,301</td>
<td>65</td>
<td>1,282</td>
<td></td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td>255,405</td>
<td>7,893</td>
<td>70,381</td>
<td></td>
</tr>
</tbody>
</table>

**Total: 260,210 - 255,405 = 4,805**
6 Factors favourably impacting Financial Position
   i User charges & fees – increase of $7.7m
   It is forecast that the Summerhill Waste Management Centre will generate an additional $5.5m commercial income above budget figures. This is partially offset by a higher NSW State Waste Levy ($4.5m) reported in other expenses.

7 Factors adversely impacting Financial Position
   i Employee Costs – increase of $0.6m
   The Newcastle Airport has forecast higher staffing costs than included in the adopted budget.

   ii Materials & Contracts – increase of $3.2m
   It is forecast that the 2017/18 project program will generate an above average level of operational expenditure and less costs that can be capitalised.

   iii Other operating expenses – increase of $4m
   Expenditure on the NSW State Waste Levy is above budget due to higher than forecast tonnages. The higher levy is offset by above budget income in user charges ($5.5m).

<table>
<thead>
<tr>
<th></th>
<th>2017/18 Adopted Budget</th>
<th>Recommended September 2017</th>
<th>Projected year end result</th>
<th>Actual YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants &amp; contributions - Capital</td>
<td>11,855</td>
<td>4,224</td>
<td>16,079</td>
<td>6,150</td>
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<tr>
<td>Proceeds from the sale of Assets</td>
<td>2,548</td>
<td></td>
<td>2,548</td>
<td>384</td>
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<tr>
<td>Total Capital Raising revenue</td>
<td>14,403</td>
<td>4,224</td>
<td>18,627</td>
<td>6,534</td>
</tr>
<tr>
<td>Net Surplus/(deficit) after capital revenue</td>
<td>19,208</td>
<td>4,317</td>
<td>23,525</td>
<td>3,575</td>
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<tr>
<td>Adjustments for Non Cash Items</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Add back Depreciation</td>
<td>41,435</td>
<td>(13)</td>
<td>41,422</td>
<td>9,645</td>
</tr>
<tr>
<td>Add back loss on Disposal</td>
<td>4,301</td>
<td>65</td>
<td>4,366</td>
<td>1,282</td>
</tr>
<tr>
<td>Less land &amp; infrastructure donations</td>
<td>(4,600)</td>
<td></td>
<td>(4,600)</td>
<td>(1,150)</td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>60,344</td>
<td>4,369</td>
<td>64,713</td>
<td>13,352</td>
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<tr>
<td>Capital Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset renewals</td>
<td>38,199</td>
<td>(2,654)</td>
<td>35,579</td>
<td>11,386</td>
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<td>2012 SRV Priority Projects</td>
<td>7,375</td>
<td>1,033</td>
<td>8,408</td>
<td>2,973</td>
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<tr>
<td>New / upgrade</td>
<td>13,835</td>
<td>(4,521)</td>
<td>8,483</td>
<td>1,537</td>
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<tr>
<td>Non-Infrastructure Projects</td>
<td>9,262</td>
<td>3,615</td>
<td>12,787</td>
<td>1,063</td>
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<tr>
<td>Total capital spend</td>
<td>68,671</td>
<td>(2,527)</td>
<td>65,257</td>
<td>16,959</td>
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<tr>
<td>Loan Principal Repayment</td>
<td>2,882</td>
<td></td>
<td>2,882</td>
<td>721</td>
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<tr>
<td>Net Funds Generated / (Used)</td>
<td>(11,209)</td>
<td>6,896</td>
<td>(3,426)</td>
<td>(4,328)</td>
</tr>
</tbody>
</table>
8 Factors impacting the capital program
i Grants & contributions – increase of $4.2m
Council has received funding from Restart NSW for the Hunter Innovation Project (HIP) within the Smart City program of $2.5m. In addition it is forecast that Council will receive $1.9m more developer contributions than budgeted as works continue to progress across the city.

iii Total capital expenditure – decrease of $2.6m
The Works Program (both capital and operational expenditure) has been reviewed to align with revised program scheduling that took place during the quarter. These adjustments have resulted in some changes between program categories and the mix of operational (opex) to capital (capex) but no significant net change to the total value of the Capital Works Program.

9 A breakdown of the budget adjustments are provided in Attachment A and a summary of key movements in the 2017/18 project program is provided below.

<table>
<thead>
<tr>
<th>Portfolio/Program</th>
<th>2017/18 Adopted Budget</th>
<th>Recommended September 2017</th>
<th>Projected year end result</th>
<th>Actual YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings, Structures and Places</td>
<td>27,279</td>
<td>(2,434)</td>
<td>24,845</td>
<td>6,556</td>
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<td>Roads</td>
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<td>3,254</td>
<td>23,236</td>
<td>15,733</td>
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<td>Transport</td>
<td>7,101</td>
<td>(261)</td>
<td>6,840</td>
<td>904</td>
</tr>
<tr>
<td>Stormwater</td>
<td>10,735</td>
<td>(824)</td>
<td>9,911</td>
<td>948</td>
</tr>
<tr>
<td>Environment</td>
<td>14,615</td>
<td>(1,034)</td>
<td>13,581</td>
<td>1,090</td>
</tr>
<tr>
<td>Information Technology</td>
<td>4,385</td>
<td>(69)</td>
<td>4,316</td>
<td>647</td>
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<tr>
<td>Strategic</td>
<td>1,000</td>
<td>1,486</td>
<td>2,486</td>
<td>347</td>
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<tr>
<td>Fleet Replacement</td>
<td>3,645</td>
<td>196</td>
<td>3,841</td>
<td>222</td>
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<tr>
<td>Minor Capital</td>
<td>1,552</td>
<td>(7)</td>
<td>1,545</td>
<td>324</td>
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<tr>
<td><strong>Total Works Program</strong></td>
<td><strong>90,294</strong></td>
<td><strong>307</strong></td>
<td><strong>90,601</strong></td>
<td><strong>26,771</strong></td>
</tr>
</tbody>
</table>

COMMUNITY STRATEGIC PLAN ALIGNMENT

10 This September Quarterly Budget Review Statement aligns to the Community Strategic Plan under the strategic direction of ‘Open and collaborative leadership’ action 7.4b ‘ensure the management of Council's budget allocations and funding alternatives are compliant with Council policy and relevant legislation to ensure the long term financial sustainability of the organisation’.
IMPLEMENTATION PLAN/IMPLICATIONS

11 The adoption of the recommendation will enable ongoing implementation of Council’s adopted 2013-2018 Delivery Program and 2017/18 Operational Plan in a cost effective and efficient manner. If the recommended budget adjustments are not approved it will significantly impact on Council's ability to undertake the projects outlined in the 2017/18 project program (as adjusted in the September Quarterly Budget Review Statement) and will ultimately impact on the organisation's ability to meet the current and future years’ operational plans. In order to ensure that Council remains financially fit for the future and continues on its path to financial sustainability it is essential that it continues to meet its annual operational plans.

RISK ASSESSMENT AND MITIGATION

12 Adoption by 28 November 2017 will meet legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS


CONSULTATION

14 A workshop is scheduled to be conducted with Council on the 21 November 2017 to provide detailed information to Councillors for review and a forum for Councillors to ask questions.

OPTIONS

Option 1

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

Option 2

16 Council resolves to vary the recommendations in the adoption of the report. This will impact on the ability of Council to meet the targets outlined in the 2017/18 Operational Plan and may impact on its future financial sustainability. This is not the recommended option.
BACKGROUND

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

18 The Quarterly Budget Review Statement now incorporates a property and land use section. The Local Government Act 1993 requires that all leases with a term of five years or more, approved under delegated authority, are reported to Council quarterly.

REFERENCES

ATTACHMENTS

Attachment A Quarterly Budget Review Statement – September 2017 Distributed under separate cover
ITEM-119  CCL 28/11/17 - ENDORSEMENT OF 2016/17 ANNUAL REPORT

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

PURPOSE

In accordance with the provisions of section 428 of the Local Government Act 1993 (Act) and clause 217 of the Local Government (General) Regulation 2005 (Regulation), Council's 2016/17 Annual Report is submitted for consideration by Council.

RECOMMENDATION

1 That Council endorses Newcastle City Council's 2016/17 Annual Report in respect of the year ended 30 June 2017 and notes that it will be submitted to the NSW Minister for Local Government by 30 November 2017.

KEY ISSUES

2 In order to comply with s. 428 Act and clause 217 of the Regulation, Council is required to complete the preparation of its Annual Report by 30 November 2017, provide a copy to the Minister for Local Government and place a copy on the Council’s website. In addition, the Annual Report is required to report Council's achievement in implementing its Delivery Program and the effectiveness of the principal activities undertaken.

FINANCIAL IMPACT

3 Preparation of the Annual Report will be met from Council's existing approved operating budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

4 Newcastle City Council's 2016/17 Annual Report documents Council's performance against the seven strategic directions outlined within the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

5 The preparation of this Annual Report meets Council's statutory obligations to produce an Annual Report within five months of the end of the financial year.
RISK ASSESSMENT AND MITIGATION

6 To ensure Council meets all statutory reporting requirements under s. 428 of the Act and clause 217 of the Regulation a compliance matrix listing all relevant reporting areas was developed and utilised.

RELATED PREVIOUS DECISIONS


8 Adoption of the audited 2015/16 Annual Financial Statements at the Ordinary Council Meeting held on 24 October 2017.

9 Adoption of the Council's End of Term Report at the Ordinary Council Meeting held on 22 August 2017.

CONSULTATION

10 Relevant staff from across Council have provided input into the Annual Report as required.

11 The Division of Local Government's checklist was distributed to key staff to ensure that all required statutory reporting has been included.

12 Best practice reports from other councils have been used as a reference source to help guide the structure of the Annual Report.

OPTIONS

Option 1

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

Option 2

14 Council resolves not to receive the 2016/17 Annual Report. This is not the recommended option.

BACKGROUND

15 Newcastle City Council's 2016/17 Annual Report has been prepared in accordance with the relevant legislation and documents Council's achievements against the strategic objectives and performance measures outlined in the 2013-2018 Delivery Program and 2016/17 Operational Plan, as required by the Act.
16 The Annual Report addresses the seven key focus areas identified in the Newcastle 2030 Community Strategic Plan: Connected City, Protected and Enhanced Environment, Vibrant and Activated Public Places, Caring and Inclusive Community, Liveable and Distinctive Built Environment, Smart and Innovative City and Open and Collaborative Leadership.

17 The Annual Report addresses all other statutory requirements as outlined in the Act and Regulation.

18 Council's audited Financial Statements for the year ended 30 June 2017 will be submitted as an attachment with the 2016/17 Annual Report to the Minister for Local Government.

REFERENCES

ATTACHMENTS

Attachment A: Newcastle City Council's 2016/17 Annual Report
Distributed under separate cover
ITEM-120  CCL 28/11/17 - CROWN LAND MANAGEMENT IN THE NEWCASTLE LOCAL GOVERNMENT AREA

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

PURPOSE

To report on the current status of the NSW Crown Land Transfer program. This report is in response to the Council Notice of Motion (NOM) resolution of 26 April 2017.

RECOMMENDATION

1. Council notes that an Expression of Interest has been submitted to the Department of Industry's Land Negotiation Program.

2. Council receive a report advising of the outcome of the application and future processes relevant to the program.

KEY ISSUES

3. The NSW Department of Industry has commenced a three year Land Negotiation Program (Attachment A). The program involves voluntary, multi-party negotiations between the NSW Government, the NSW Aboriginal Land Council, Local Aboriginal Land Councils (LALCs), and Local Government to determine the most appropriate party to own crown land.

4. All NSW Councils and LALCs were invited to submit an Expression of Interest (EOI) to participate in the program, which commences 2017/18. Applications are competitive and will be assessed against a range of criteria. Eighteen applicants will be selected to participate. Councils were encouraged to submit joint applications with relevant LALC’s. The Department of Industry has given no commitment to extending the program beyond 2019/20.

5. Council and Awabakal LALC have submitted a joint application. Worimi LALC was approached to participate but has declined at this time. Applications will be assessed during September 2017 and successful applicants notified prior to the end of the year.

6. Key points within the NCC / Awabakal EOI are:

   i) Council manages 275 hectares of crown land (Attachments B & C), comprising both local and state significant land. The Land is used for a range of community purposes including recreation, sport, community development and conservation.
ii) The Reserves contain 193 buildings valued in excess of $59 million. There are two pool complexes, with a current replacement cost of over $22 million. Other infrastructure includes 17 playgrounds and additional ancillary infrastructure such as fencing, lighting, carparks, shelters, monuments, seating, BBQs, public art, drainage, pathways and retaining walls.

iii) In the 2016/17 financial year Council invested just under $12 million renewing and upgrading crown reserve infrastructure. Council spends in the order of $3.5 million per year maintaining the crown reserves under its care and control, in addition to the staff resources undertaking key administration and project management functions.

iv) Participating in the program has the potential to resolve the current 27 outstanding Aboriginal Land claims.

v) The crown lands managed by Council have significant social, environmental and cultural values for the Newcastle community. It is considered that transfer of these crown reserves to Council would not have any significant impact on Council's current Long Term Financial Plan (LTFP) and service delivery. This is because Council currently pays for all expenses associated with the land and service delivery, and receives all income. Transfer of the land to Council will enable more efficient and streamlined management.

vi) The Land Transfer Program will enable identification of additional parcels of crown land, not currently managed by Council that may be advantageous for Council to acquire. In particular, in suburbs identified as being deficient in open space / community facilities or to meet Council infrastructure needs.

FINANCIAL IMPACT

7 If the EOI is successful there will be a requirement to resource the land transfer negotiations. This is considered a minor impact and will be managed within existing resources.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Management of crown reserves achieves the Vibrant and Activated Public Spaces and Open and Collaborative Leadership objectives of the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Council's EOI noted commencing land transfer negotiations in 2017/18.
RISK ASSESSMENT AND MITIGATION

10 Participating in the Land Negotiation Program is not considered to present a risk to Council as the process of land transfers is voluntary. Land transfers will only continue beyond this phase if beneficial outcomes are identified.

RELATED PREVIOUS DECISIONS

11 Council's NOM Resolution: NOM 26/04/17 - CROWN LAND MANAGEMENT IN THE NEWCASTLE LOCAL GOVERNMENT AREA

The resolution stated that Council:

"1 Notes recent legislative changes to crown lands, with the Government seeking to transfer ownership of crown land to local councils for management under the Local Government Act (see attachment).

2 Works with the NSW Government to identify and consider opportunities for Council to take ownership of identified crown properties across the Newcastle LGA, particularly those where Council is already the Crown Land Manager, where there is public benefit, where the maintenance of the land fits within existing Council budgets, and where Council is committed to maintaining the land as Community Land in perpetuity.

3 A report on identified opportunities be provided to Council by November 2017."

CONSULTATION

12 The matter was noted at the Asset Advisory Committee meeting of 18 May 2017 with further information to be provided when available and via the NOM of 26 April 2017.

OPTIONS

Option 1

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

Option 2

14 Withdraw the EOI and take no further action in relation to land transfers. This is not recommended as the land transfer program offers opportunities for Council to identify crown land required to deliver community services, and to manage the crown land in a more efficient and streamlined manner. It provides a mechanism to resolve outstanding Aboriginal Land Claims. The Department of Industry has given no commitment to extending the program beyond 2019/20. This is not the recommended option.
BACKGROUND

15 The Crown Land Management Act 2016 (the Act) was passed by the NSW Parliament on 14 November 2016 and is anticipated to commence in early 2018. The draft Crown Land Management Regulation (draft Regulation 2017) is currently open for public comment.

16 Upon commencement of The Act Council will manage crown land under the Local Government Act 1993 (NSW) in accordance with the provisions that apply to ‘Community Land’ owned by Council, including the requirement for a Plan of Management, with oversight rights maintained by the Minister. Section 3.23 (7) of The Act allows Council to categorise the land and amend an existing Plan of Management to include the land without the need for a public hearing provided this occurs within three years after The Act’s commencement.

17 The Act provides that the Minister may transfer crown land, as freehold tenure, to a local council subject to any native title rights and interests and reservations and exceptions contained in the council vesting notice. All transfers of land to local Councils will be voluntary and there will be no forced transfers. It is anticipated that crown land that is identified as land that is of significance to all the people of NSW, will not be transferred.

18 For the purpose of the land transfers crown land will be classified as being of either local or state significance. Locally significant land will be considered for transfers. The intention is that land of state significance, to be determined on the basis of published criteria in guidelines, would continue to be managed by the NSW Government. The draft Regulations define local significance as:

i) Whether the land provides, or has demonstrated potential to provide, a public good predominantly for residents in the local government area of the local council concerned, or in adjacent local government areas, in a way that is consistent with local planning instruments.

ii) Whether the land use is consistent with the functions of local government or could be used for activities consistent with those functions.

iii) Whether the land is managed, or has identified potential to be managed, as a community asset by a local council or some other body.

REFERENCES

ATTACHMENTS

Attachment A: Land Negotiation Program Fact Sheet
Attachment B: Schedule of Crown Land
Attachment C: Crown Land Map
The Land Negotiation Program (the program) is a new initiative of the NSW Government, established in response to recommendations from the Crown Land Management Review. The NSW Government is committed to ensuring NSW Crown land is held by the most appropriate landholder to achieve the most positive social, economic, cultural and environmental benefits for the people of NSW.

The program involves voluntary, multi-party negotiations between the NSW Government, the NSW Aboriginal Land Council, Local Aboriginal Land Councils (LALCs), and local government councils.

Aboriginal land rights
The program is utilising the new Aboriginal Land Agreement (ALA) mechanism under the Aboriginal Land Rights Act 1983 (NSW) (ALR Act) to recognise the importance of land to Aboriginal people and the objectives and rights in the ALR Act.

Local land
The program recognises the benefits that local ownership and management of Crown land can bring to local communities. Local government councils will be given the opportunity to consider local land they would like to own and manage to enable efficient and streamlined management.

State land
The program will retain land that is required for the delivery of state services and infrastructure to deliver ongoing benefits and greater certainty to the people of NSW.

How the program works
Voluntary negotiations will be held between the NSW Government, the NSW Aboriginal Land Council, LALCs, and local government councils to consider Crown land in a given area (for example, local government areas or LALC areas) and explore which party may be best placed to own that land in recognition of each party’s interests in the land (as outlined above).

Figure 1. The four stages of the land negotiation process

1. Agreement from all parties to participate in the program, including scoping work and access to Crown land data and information via the LandsLink system.
2. Each party undertakes a thorough assessment of land they are interested in, considering the local land and state land criteria.
3. Parties negotiate to determine which party is best placed to own and manage land for optimal local and state benefits.
4. The outcomes of the negotiations are processed in the form of ALAs or Local Land Agreements (LLA).

www.crownland.nsw.gov.au
Aboriginal Land Agreements

On 1 July 2015, the NSW Government enacted Section 36AA of the ALR Act, which provides for ALAs.

ALAs allow for the strategic settlement of multiple land claims and for flexibility in providing the social, cultural and economic outcomes intended by the ALA Act. They are an additional option to the existing land claim mechanism under the ALA Act.

Note that ALAs do not replace the existing Aboriginal Land Claims (ALCs) process. Land claims continue to be processed on an individual basis against criteria specified under Section 36 of the ALR Act. ALAs are a new mechanism based on negotiations that have the potential to allow for the settlement of multiple ALCs.

Aboriginal Land Agreement Negotiation Framework

The NSW Government in partnership with the NSW Aboriginal Land Council developed the Aboriginal Land Agreement Negotiation Framework (2016) to ensure ALA negotiations are fair and likely to succeed in the shared objectives of:

- speeding up the processing of ALCs
- providing more sustainable social, cultural and economic outcomes for ALCs and Aboriginal communities from the return of land
- providing greater certainty to all parties over Crown land.

More information

Download a copy of the Aboriginal Land Agreement negotiation framework

Contact the Department of Industry—Lands & Forestry:

land.negotiation@industry.nsw.gov.au

Local Land Agreements

Local land will be transferred to local councils under the new Crown Land Management Act 2016 via LLAs. Councils will then own and manage that land under the Local Government Act 1993.

The majority of Crown land transferred to local government councils will be classified as ‘community land’ and will continue to be available to the community for social, recreational, sporting, environmental, cultural and economic purposes.

Exceptions will be provided for Crown land that clearly meets the definition of ‘operational land’, for example waste transfer stations.
<table>
<thead>
<tr>
<th>ID</th>
<th>Property Name</th>
<th>Formalised Address</th>
<th>Lot</th>
<th>Str</th>
<th>Land ID</th>
<th>Plans of Management</th>
<th>Lease</th>
<th>Licence</th>
<th>Licence</th>
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<td>3L 3M 4M 5M</td>
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ITEM-121  CCL 28/11/17 - LAMBTON POOL REFURBISHMENT AND UPGRADE

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

PURPOSE

This report provides a response to the Council Notice of Motion (NOM) resolution 24 October 2017 and reports on the options for refurbishment and/or upgrade of Lambton Pool.

RECOMMENDATION

1 Council continue developing planning for a staged approach to the redevelopment and upgrade of Lambton Pool.

2 Council continue discussions with Venues NSW regarding aquatic opportunities in the planning for the Hunter Sports and Entertainment Precinct.

KEY ISSUES

3 Lambton Pool provides recreational services to a wide catchment area including Mayfield, Hamilton, Wallsend and Adamstown areas. The facility is over 50 years old and has not been modernised to meet the increasing needs of the community.

4 At the Ordinary Council Meeting in December 2013 Council resolved to prioritise the delivery of the Special Rate Variation (SRV) projects, in accordance with community rankings from Micromex Research 2011. To ensure reporting and timing of project delivery matched to cash flow, only the top four projects formed part of the 2014 – 2017 priority delivery plan. ‘Improving our Swimming Pools’ was ranked at No.5 and work subsequently ceased on this project.

5 In December 2014, the Facilities and Recreation Services Unit commenced a strategic review of aquatic facilities. This project was identified as a high priority action within the Council adopted Parkland and Recreation Strategy and aimed to guide the ongoing provision of a sustainable network of aquatic facilities providing higher service levels to the community at a reduced cost to Council.

6 At the Ordinary Council Meeting on 27 June 2017, Council resolved to amend the Delivery Plan from 'Four Priority Projects' to 'Our Priority Projects' which included 'Improving Swimming Pools' as priority five.

7 The strategic review of aquatic facilities was initially due for completion in August 2015. During the review it was identified that a full facility audit was necessary. This audit was finalised in August 2017, identifying a number of key areas where improvements could be made.
8 NSW Government agency Venues NSW is currently preparing a concept plan for the Hunter Sports and Entertainment Precinct at Broadmeadow. The draft concept plan, currently on exhibition for public comment until 30 November 2017, indicates a regional aquatic venue within the precinct. The preliminary business case will be communicated in June 2018 and the detailed concept plan in December 2018.

9 The precinct is approximately 1.3km from Lambton. The provision of a regional aquatic centre at Broadmeadow would have ramifications for the future planning and longer term viability of Lambton Pool. The plan may present an opportunity for Council to work with Venues NSW in relation to regional pool provision. This will need to be considered in relation to finalisation of Council's strategic pool review.

10 The strategic pool review will now not be completed until the outcomes of the current consultation in relation to the Broadmeadow Precinct Project is known.

FINANCIAL IMPACT

11 The financial impact of continuing to operate Lambton Pool varies from continuing current operations incurring ongoing maintenance costs of approximately $2M per year; a staged upgrade of existing facilities of approximately $5M per year for six years; or a one off capital investment in the order of $40M for the construction of a new facility.

12 The cost to develop detailed design plans for a staged approach to the renewal and upgrade of Lambton Pool would be approximately $300,000, which would be funded from the 2018/2019 Capital Budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

14 It is anticipated that the detailed design for a staged facility upgrade and replacement of Lambton Pool could be undertaken during 2018/2019.

15 Continue discussions with Venues NSW regarding the Hunter Sports and Entertainment Precinct Plan potential inclusion of a regional aquatic facility.
RISK ASSESSMENT AND MITIGATION

16 The infrastructure at Lambton Pool is aged and increasingly subject to failures.

17 Lambton Pool is currently managed under a lease arrangement, expiring 30 June 2019. There is a financial risk of ongoing variation to contract payments if infrastructure failure renders the pool inoperable for any period of time. The ageing infrastructure may also impact on future leasing opportunities.

18 Failure to meet community needs and expectations in the short term including a loss of service levels if failure occurs.

19 To mitigate these risks, preventative maintenance as well as repairs on an as-needs basis are carried out to ensure the continued operation of the facility.

RELATED PREVIOUS DECISIONS

20 The Pool Service Delivery Model (PSDM) report was adopted by Council at the Ordinary Council Meeting on 11 December 2007.

21 On 25 June 2013 a NOM resulted in a resolution to continue to explore options for the PSDM, including options for the outsourcing of pool operations to a third party.

22 At the Ordinary Council Meeting in December 2013 Council resolved to prioritise the delivery of only four SRV identified projects which excluded swimming pools.

23 At the Ordinary Council Meeting on 24 March 2015 Council resolved that staff consider within a review of the Swimming Pool Strategy, the works necessary to upgrade Lambton pool to a year round facility.

24 At the Ordinary Council Meeting on 27 June 2017, Council resolved to amend the delivery plan going forward from 'Four Priority Projects' to 'Our Priority Projects' which included 'Improving Swimming Pools' as priority five.

CONSULTATION

25 A Councillor Workshop was held on 14 November 2017 presenting the options and recommendation detailed in this report. This workshop allowed an open discussion and the opportunities for Councillors to ask questions relating to the research, options and outcomes.
OPTIONS

Option 1

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

Option 2

27 Continue current operations until such time as the outcomes from the Venues NSW Hunter Sports and Entertainment Precinct planning is known. This is not the recommended option.

BACKGROUND

28 The PSDM report adopted by Council at the Ordinary Council Meeting 11 December 2007 provided an analysis of all swimming centres, reviewed operational management options and provided a number of recommendations. The highest priority recommendation was the redevelopment of Lambton Swimming Centre to a year round regional indoor and outdoor facility. Once this redevelopment was complete (slated for 2012) there was to be a review of the performance of the remaining swimming centres and a reassessment of the recommendations in the report.

29 In 2012 a multi-departmental project team was established to begin planning for the redevelopment of Lambton Pool. A number of key documentation sets were developed including concept plans and feasibility plans. This team was disbanded following the December 2013 Ordinary Council Meeting.

30 In June 2013, Council resolved ‘that Council continue to explore options in the PSDM. Looking in particular at the operational model for all pools, including the option of outsourcing the operations to a third party.’

REFERENCES

Nil

ATTACHMENTS

Nil
ITEM-122 CCL 28/11/17 - ADOPTION OF WICKHAM LOCAL AREA TRAFFIC MANAGEMENT PLAN

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

PURPOSE

The Wickham Local Area Traffic Management (LATM) Plan Study was developed as a result of requests from residents in the area following government announcements of the Newcastle Interchange at Wickham and construction of the Light Rail Network. The LATM Study (Attachment A) recommends various traffic management devices in the Wickham area for Council's adoption.

RECOMMENDATION

1 Council resolves to adopt the Wickham Local Area Traffic Management Plan Study.

KEY ISSUES

2 The Wickham Master Plan was developed to guide the redevelopment of Wickham in context with Council's strategies and long term vision for the area. The Wickham Master Plan would be implemented through different mechanisms including the Newcastle Local Environment Plan 2012 (LEP) amendments, Public Domain Plan, Plan of Management (POM) for Wickham Park, S94A developer contribution plan and LATM plan.

3 Two reports were prepared during the course of the Wickham LATM Study. A discussion report was prepared and placed on public exhibition for eight weeks with a public information session held on 3 May 2017. A total of 86 people attended the drop in session and had the opportunity to speak with Council officers on various issues.

4 One of the issues residents' raised was the lack of a pedestrian crossing in Albert Street near the child care centre. Provision of a pedestrian zebra crossing at this location does not meet the warrant for installation in accordance with RMS standards due to the low number of pedestrians crossing Albert Street. Speed cushions are recommended in Albert Street to slow down traffic and to increase safety. There will be pedestrian refuges on two legs of the upgraded Albert Street and Railway Street intersection (roundabout to be installed) that will assist pedestrians in crossing Albert Street.

5 Another key issue raised was the potential for accidents at the intersection of Albert Street and Branch Street, with residents experiencing near misses and off-carriageway accidents on the inner corner of the intersection. This intersection will be re-aligned and a median island constructed to define travel lanes and improve safety.
Residents requested to restrict the right turn movements from Station Street into Union Street and Wickham Street. This was considered by the Newcastle City Traffic Committee on 20 October 2017 following the Newcastle Interchange opening on 15 October 2017. This was approved and signage installed.

A number of business operators came to the information session seeking clarification on the proposed Light Traffic Thoroughfare that restricts heavy vehicles using local roads. It was explained that the majority of businesses will not be affected as trucks can still access their businesses if it is their destination. Interviews were conducted with some of the businesses in Wickham to determine the size and types of heavy vehicles accessing the area so Council officers could include these factors in the road design plans.

There were issues raised regarding parking and residents were advised that parking will be investigated separately. A parking study was previously conducted in Wickham in 2015 and residential parking zones were established in the area.

Implementation of the Wickham LATM Plan is part of the future planning for traffic management devices in the area. Some of the works mentioned in Section 7.11 of the Study will be funded by Transport for NSW at a cost of $1.5 Million as part of their contribution to improve infrastructure in the area for the Newcastle Transport Interchange at Wickham. Other works will be funded through operational funds and will be carried out after the adoption of the LATM Plan.

Other physical infrastructure works recommended in the plan will be listed for consideration of funding in the LATM Plan and the Pedestrian Access Mobility Plan (PAMP) priority works programs.

The Study is aligned with the “Connected City” strategic direction that states “transport networks and services will be well connected and convenient. Walking, cycling and public transport will be viable options for the majority of our trips”. It also supports the strategic objective of “linked networks of cycle and pedestrian paths”.

Approval of traffic management devices is not delegated to Council officers and must be referred to Council for final determination. Approval of the plan is to support the recommendations of the Wickham Master Plan to achieve the vision and of how the Wickham area is to evolve in the future.
RISK ASSESSMENT AND MITIGATION

13 No risks are associated with the adoption of the Wickham LATM Plan. The traffic management devices proposed are intended to increase access for residents, improve pedestrian safety and reduce vehicle travel speeds. The Light Traffic Thoroughfare signage will increase residential amenity in the area as it will restrict heavy vehicles (more than 5 and 8 Tonne) and reduce traffic in residential streets. Risk assessments for individual projects will be undertaken in accordance with Council’s risk management framework.

RELATED PREVIOUS DECISIONS

14 In 1993, a LATM study was approved for Tighes Hill, Wickham, Islington, and Maryville (THWIM). The Wickham area was not included as it was waiting on a decision relating to Wickham Public School and also there were a number of industrial businesses within the area which could be affected by the LATM plan. Robert, John, Fleming and Annie Streets west of Railway Street were considered in the THWIM Study. Due to recent infrastructure works in Wickham, the Wickham Master Plan was carried out. The Wickham LATM Plan followed immediately due to the need for traffic infrastructure works to be carried out in support of the Newcastle Interchange at Wickham.

CONSULTATION

15 Community consultation has been conducted with the residents. The Discussion Report was put on public exhibition from 26 April to 21 June 2017. A flyer was sent to residents, businesses and property homeowners by post to the entire suburb of Wickham. It was distributed to other stakeholders such as Ambulance, Fire Brigade Services, RMS, Police, Newcastle Cycleways Movement and other bodies that may be affected by the project.

16 There is majority support from the residents for the LATM proposals. About 82% of respondents agreed or strongly agreed to the proposed 40 km/h Local Traffic Area zone in Wickham, as well as the proposed Light Traffic Thoroughfare. Various issues were raised by residents in their responses and these are detailed in Annexure D of the LATM Plan.

OPTIONS

Option 1

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

Option 2

18 Council does not adopt the Wickham LATM Plan thereby not providing the traffic facilities recommended for Wickham. This is not the recommended option.
BACKGROUND

19 The background of the Study is detailed in Section 1.0 of the Wickham LATM Plan at Attachment A.

REFERENCES

ATTACHMENTS

Attachment A: The Wickham Local Area Traffic Management (LATM) Study Final Report

Attachment distributed under separate cover.
ITEM-123  CCL 28/11/17 - ADOPTION OF DRAFT WICKHAM MASTER PLAN

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

PURPOSE

This report provides Council with the outcomes of the public exhibition of the Wickham Master Plan (Master Plan) and recommends Council adopt the final plan provided as Attachment A.

RECOMMENDATION

1 Council resolves to adopt the Wickham Master Plan as per Attachment A.

KEY ISSUES

2 The Master Plan provides the blueprint for guiding the future redevelopment of land within the northwestern part of the Newcastle City Centre. This includes Council's vision for the area over a 25 year horizon.

3 The vision within the Master Plan is:

   i) "Wickham Master Plan area will continue to evolve into a diverse and dynamic mixed-use neighbourhood.

   ii) Redevelopment will support increased residential densities as well as economic and employment generating uses that compliment and support the adjoining emerging commercial core of the Newcastle City Centre located within Newcastle West.

   iii) Urban renewal within the area is envisaged to build on the existing urban structure to deliver greater connectivity, improved public domain amenity, and a built form reflecting the envisaged function and character."

4 The vision is further elaborated through description of the envisaged future character of the following six identified interconnecting urban precincts:

   i) rail edge precinct
   ii) village hub
   iii) harbour edge precinct
   iv) emerging industry quarter
   v) park edge precinct
   vi) Wickham Park
5 The Master Plan seeks to implement the vision through strategies and actions, which are focused on three key objectives:

i) Improve accessibility and connectivity within Wickham and to adjoining areas.

ii) Create safe, attractive and inclusive public places.

iii) Ensure built environment is functional, responsive and resilient.

6 Preparation of the Master Plan involved an extensive program that involved:

i) Facilitated consultation with stakeholders, including:
   a) Land owners
   b) Business operators
   c) Community groups
   d) Design professionals
   e) State agencies.

ii) Expert studies including:
   a) Traffic and transport assessment, undertaken by Bitzios Consulting.
   b) Economic and market analysis, undertaken by AEC group.

iii) Development of an interactive 3D model to undertake analysis of potential future built form and development densities.

7 The Master Plan was exhibited for eight weeks from 26 April to 21 June 2017, which included a consultation program outlined in paragraph 28.

8 A summary of submissions received is provided as Attachment B.

9 The results of a survey carried out by Council during the exhibition is provided as Attachment C.

10 Council prepared and exhibited a Local Area Traffic Management (LATM) plan for Wickham concurrently to the Master Plan, which is being reported separately for Council endorsement.

FINANCIAL IMPACT

11 Implementation of the Master Plan will include the preparation of new planning controls, technical manuals and concept design for public domain areas of Wickham. Such work will be undertaken by Council staff or consultants within the current work program and budget.

12 The Master Plan also identifies further actions which are envisaged to be funded by s94A developer contributions or by agreement during redevelopment, through an incentives mechanism in exchange for bonus building height and/or Floor Space Ratio (FSR) on certain identified land.
13 The incentives mechanism proposed within the Master Plan would require an amendment to Council's LEP to enable Council and proponents of a DA, on certain identified land, to enter into a planning agreement to allow additional building height and / or FSR, where a predetermined quantifiable community benefit is provided. The intention is for the community benefit to be cost neutral to Council and provide incentives for developers on land identified as having a potential for increased density and scale of built form.

14 Items to be investigated for an incentives mechanism will initially include:

i) Acquisition of land for road widening and areas identified for public domain activation.

ii) Public domain improvements not otherwise provided through conditions of development consent or s94A developer contributions.

iii) Public car parking provided within redevelopment of private land.

15 Should the Master Plan be adopted by Council, individual projects will be submitted in the budget planning process each year where approval is required.

COMMUNITY STRATEGIC PLAN ALIGNMENT

16 The Master Plan aligns with the Connected City and Liveable and Distinctive Built Environment strategic directions of the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

17 The implementation of the vision outlined within the Master Plan will be achieved through various Strategies and Actions (identified within the plan) over the short and longer terms. These actions will inform Council's four-year delivery plan.

18 Actions identified as high priority to commence within one year of adoption include:

i) Preparation of a new area specific DCP for Wickham to guide the design outcomes of proposed development consistent with the identified vision for each character precinct.

ii) Amendments to Council's LEP to identify land to be acquired by Council for road widening and public domain works when such land becomes available through sale or redevelopment.

iii) Public domain planning of works to be implemented as part of redevelopment of adjacent land or when funding becomes available through developer contributions or other means.

iv) Inclusion of additional items into the schedule of works within Council's s94A Developer Contribution Plan.
v) Liaison with the Department of Planning and Environment and industry representatives on the mechanism for introducing development incentives and bonuses linked to the provision of identified community benefits on certain land.

RISK ASSESSMENT AND MITIGATION

19 No risks are associated with the adoption of the Master Plan. Subsequent actions, including the preparation of new and amended planning documents, as well as future works, will all be subject to further Council decisions and community involvement.

20 The implementation of a development incentives mechanism, whereby additional building height and/or FSR are provided as a bonus on certain land in exchange for a community benefit, has been identified as having a risk of not being implemented. This would result in redevelopment not taking up the additional development potential and also the community not receiving the envisaged benefits.

21 Hence community benefits should only be items that are considered as a bonus from what would otherwise be achieved through redevelopment or that may bring forward unfunded works or acquisitions. Council's economic consultants have advised on the level of incentives required to attract the uptake in additional development potential. However, further assessment of this is proposed prior to implementation of this action.

22 Risk assessments for individual projects will be undertaken in accordance with Council's risk management framework.

RELATED PREVIOUS DECISIONS

23 Council resolved at the Ordinary Council Meeting held on 28 March 2017, to place the Master Plan on public exhibition for a period of eight weeks.

CONSULTATION

24 The Master Plan was prepared following extensive stakeholder consultation and feedback and rigorous testing and assessment of options and scenarios. The program included field surveys, targeted consultation with local landowners and business operators, as well as analysis of trends and influences impacting on Wickham to assist with the development of a discussion report.

25 The discussion report identified the challenges and opportunities applicable to the area. This report was presented to Wickham landowners, state agencies and Council officers in well attended, facilitated workshops. Feedback obtained in the workshops was used to identify key issues to be addressed by the Master Plan.

26 A Councillor Workshop was held on 14 March 2017 to provide Council with an overview of the Master Plan.
27 The Master Plan was exhibited for eight weeks from 26 April to 21 June 2017. Council staff consulted stakeholders through a variety of mediums, including:

i) Notification through public notices in newspapers, magazines, media releases, correspondence to landowners and state government agencies, and social media including Council's webpage, Facebook, and Newcastle Voice.

ii) Face to face consultation was held with a total of 86 people during a local drop in session on 3 May 2017. Staff also briefed both business and interest group meetings and met with numerous individual landowners, development industry representatives and design professionals.

iii) Feedback on the Master Plan was provided to Council through participation in an online survey by 66 respondents and also by receipt of 30 written submissions.

28 A summary of submissions to the public exhibition of the Master Plan is provided as Attachment B. This document includes a response to each issue raised and also identifies where changes are recommended.

29 The results of the online survey are provided as Attachment C.

30 A Councillor Workshop was held on 15 November 2017 to provide Council with an overview of the final Master Plan, which incorporates changes proposed as a result of considering the outcomes of the public exhibition.

OPTIONS

Option 1

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

Option 2

32 Council not adopt the Master Plan as per Attachment A. This is not the recommended option.

BACKGROUND

33 In 2012 the NSW State Government released the Newcastle Urban Renewal Strategy (NURS). This strategy was updated in 2014 and advocates a strategic shift of the commercial core of the Newcastle City Centre from Newcastle East to Newcastle West. The NURS identified that Council should undertake further work to develop appropriate planning controls for Wickham consistent with the objectives of the NURS. As a result Council officers have prepared this Master Plan.
REFERENCES

ATTACHMENTS

Attachment A: Wickham Master Plan
Attachment B: Summary of submissions to public exhibition of the Wickham Master Plan
Attachment C: Wickham Master Plan survey results and verbatim

Attachments A to C are distributed under separate cover.
ITEM-124 CCL 28/11/17 - FORT WALLACE STOCKTON - ENDORESEMENT OF AMENDMENT TO NEWCASTLE LEP 2012 AND DCP 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 and Newcastle Development Control Plan (DCP) 2012 for the Fort Wallace, Stockton site.

RECOMMENDATION

1 Council resolves to:

   i) Endorse the Fort Wallace Planning Proposal, prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to enable the site to be used for residential and recreational purposes and protection or enhancement of the natural environment and heritage at the Fort Wallace site, 338 Fullerton Street, Stockton.

   ii) Forward the planning proposal to the Minister for Planning 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 draft Section 6.14 Fort Wallace, Stockton of the DCP 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 DCP guidelines as per the requirements of Section 57 of the EP&A Act.
KEY ISSUES

Zoning

2 The land is currently zoned SP2 Infrastructure (Defence). The current zoning therefore places significant constraints on the use of the land for any alternative purposes.

3 The objective of the Fort Wallace Planning Proposal (Attachment A) is to enable the site to be used for residential and recreational purposes and protection of the natural environment and heritage. A number of other activities can be accommodated within the recreation zone, including community and recreation facilities, food and drink premises and kiosks.

4 The planning proposal proposes that the most sensitive parts of the site are located within the E3 Environmental Management Zone. This zone is prescribed for land with special ecological, scientific, cultural or aesthetic attributes or environmental hazards / processes. A portion of the site, along the coast will be affected by coastal erosion by 2100. Within this area, no development can occur. The site contains a number of disused defence buildings and infrastructure. The planning proposal recommends that the majority of items, particularly those forming the proposed Heritage Precinct Park, also be located within the E3 zone. The locations proposed for dwellings are all within cleared and highly disturbed parts of the site. Vegetation considered important habitat for certain fauna species is to be located within the E3 zone.

Concept Plan

5 The planning proposal has been informed by an indicative concept plan prepared for the site. The Urban Design and Landscape Report documents the site's constraints and opportunities and the process of developing the concept plan. The vision for the site and more specific controls relating to the proposed development are located in the draft site specific DCP - Section 6.14 Fort Wallace, Stockton (Attachment B).

6 In terms of housing, the concept plan strives to deliver a mix of housing types including single dwellings, cluster housing, town houses and apartments. The overall designs prepared for the dwellings, which include smaller take up of land for building footprint, have been developed to respond to the sites unique coastal character and sensitivities. The concept plan and supporting documentation have been reviewed and in general supported by Council's Urban Design Consultative Group (UDCG). The minutes (dated 15 April 2017 and 18 October 2017) are provided at Attachment C.

7 The building heights and lot sizes required to deliver the concept plan and provide for housing choice, are mapped and proposed for inclusion in the Newcastle LEP 2012.
8 In general, most of the dwellings, except for the apartments, are limited to two storeys (8.5m) which is consistent with building heights in similar locations across Stockton. Due to the sloping topography the maximum building heights associated with the apartments are varied; it is considered that one block can accommodate up to 11m and the other 14m as shown on the concept plan within the DCP at Attachment B.

9 Lot sizes are varied across the site. In general, 450sqm lots are proposed as minimum lot sizes for all single dwellings and townhouses fronting the entrance of the site. Other development sites have larger minimum lot sizes. It is intended that the subdivision and development of these sites will occur in a single development application (for two or more dwellings). This could permit smaller lot sizes to a minimum of 200sqm. The proposed minimum lot size map is included in the planning proposal.

Heritage

10 The site is important for both its cultural and built heritage. Independent heritage consultants were engaged by Council to review the heritage documentation submitted by the proponent to support the LEP amendment request. The recommendations of the review are reflected in the draft DCP prepared for the site and the local heritage listing proposed for inclusion in Schedule 5 Environmental Heritage of the Newcastle LEP 2012. The heritage reports are attached to the planning proposal.

Development Control Plan

11 Due to the sensitive nature of the site, a site specific DCP has been prepared to guide development and deliver the concept plan. The DCP guidelines will provide further guidance on matters such as access, building setbacks, site coverage, important views and appropriate buffers around heritage items. It is intended to exhibit the draft DCP guidelines concurrently with the planning proposal.

12 In accordance with Section 21A - Approval of development control plans relating to residential apartment development, of the Environmental Planning and Assessment Regulations 2000, the draft DCP guidelines have been reviewed by Council’s UDCG. The UDCG raised no objection to the proposal and the Group’s comments were considered when finalising the draft DCP.

FINANCIAL IMPACT

13 Work will be undertaken by Council’s Strategic Planning staff within their current allocated work program and budget.
COMMUNITY STRATEGIC PLAN ALIGNMENT

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

- Protected and Enhanced Environment
- Vibrant and Activated Public Spaces
- Livable and Distinctive Built Environment
- Open and Collaborative Leadership

15 A detailed discussion of the planning proposal and its relationship with the CSP is provided in the planning proposal.

Local Planning Strategy (LPS)

16 The LPS is Council's comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The LPS acknowledges a 'gap' or mismatch between housing supply and demand. The planning proposal supports this particular aspect of the strategy. It also intends that "the built environment will also maintain and enhance the City's identity by protecting and enhancing the heritage buildings, streetscapes, views and key features". The planning proposal is consistent with the strategic directions of the LPS relating to housing.

17 The planning proposal is also consistent with the neighbourhood visions and objectives for Stockton. A detailed discussion is provided in the planning proposal.

IMPLEMENTATION PLAN/IMPLICATIONS

18 The preparation of the planning proposal 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.

19 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.

20 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

21 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 and DCP is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.

22 Justification has been provided for the formal LEP amendment request within the planning proposal.

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

RELATED PREVIOUS DECISIONS

24 Nil.

CONSULTATION

25 Council’s UDCG have been consulted during the preparation of the planning proposal and DCP. Their advice (Attachment C) has been incorporated into the proposed LEP controls and DCP guidelines.

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

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

28 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 adjoining and nearby properties.

OPTIONS

Option 1

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

Option 2

30 Council resolves not to proceed with the planning proposal and associated draft DCP guidelines. This is not the recommended option.
BACKGROUND

31 In February 2017, Council received a request to amend the Newcastle LEP 2012 to allow rezoning of the Fort Wallace site from SP2 Infrastructure (Defence) to R2 Low Density Residential and RE1 Public Recreation. The rezoning would allow approximately 100 dwellings, 50% to house Defence members and family and the remainder to be sold privately. The request was formally accepted by Council officers on 10 March 2017.

32 Defence Housing Australia (DHA) are the current owners of the site. The site was transferred from the Department of Defence to DHA in 2015. The land was considered appropriate for Defence members due to proximity to the RAAF base at Williamtown and the Newcastle City Centre.

33 DHA presented their request (proposal) to the elected Council on 13 March 2017 in an open briefing.

34 The original request was referred to Council's internal LEP Advisory Panel on 28 March 2017 and the UDCG on 15 April 2017. After reviewing the original request and all supporting technical documents (which are attached to the planning proposal) the following changes were made:

   i) Limit the R2 Low Density Residential Zone to the cleared or highly disturbed areas where residential development is proposed.

   ii) Place the park, in a RE2 Private Recreation Zone, this includes the Drill Hall.

   iii) Place the remainder of the site in the E3 Environmental Management due to reflect sensitivities and hazards. The Heritage Precinct (including the gun emplacements, observation tower, casualty station, radio room and search lights) is located within the proposed E3 Environmental Management Zone.

   iv) Proposed height of buildings map was amended from the original request for 14m across the bulk of the site to better reflect the proposed built form contained within the concept plan. Heights for the apartments on the higher part of the site were reduced to 11m.

   v) The concept plan was altered to remove four cluster homes from a highly sensitive part of the site. Seven single dwellings at the entrance of the site were removed and replaced with 11 town houses.

   vi) The original request did not include a heritage listing. The planning proposal requests a local listing to reflect the sites military heritage and significance to the Local Aboriginal community.

   vii) The lot size map forms part of the planning proposal. It reflects the intention of the concept plan to create housing diversity. All lot sizes are to be contained within the LEP, not DCP as originally requested.
35 A workshop was held with the elected Council on 10 October 2017.

36 The draft site specific DCP was referred to the UDCG on 18 October 2017. Positive feedback on the documentation to date was received. In terms of the DCP, concerns were raised regarding bushfire and siting and design of dwellings. It is expected that the DCP is amended throughout the process depending on feedback received. The Rural Fire Services will be consulted post Gateway.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal - Fort Wallace, Stockton
Attachment B: Draft Section 6.14 - Fort Wallace, Stockton
Attachment C: Reports from Urban Design Consultative Group

All attachments distributed under separate cover.
ITEM-125  CCL 28/11/17 - ADOPTION OF AMENDMENT TO SECTION 4.04 - SAFETY AND SECURITY OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

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 outcomes of the public exhibition of the draft amended Section 4.04 Safety and Security of the Newcastle Development Control Plan (DCP) 2012, and seek a Council resolution to adopt the amended Section 4.04 Safety and Security as provided in Attachment A.

RECOMMENDATION

1 Council adopts the amended Section 4.04 Safety and Security of the Newcastle Development Control Plan 2012.

KEY ISSUES

2 The existing Section 4.04 Safety and Security of the DCP is not consistent with Council's adopted Safe City Plan 2017 - 2020 (adopted December 2016) or with current Crime Prevention Through Environmental Design (CPTED) principles.

3 The inconsistencies included out of date CPTED principles; referrals for licensed premises; and specific controls for addressing key crime and safety challenges.

4 No submissions were received during the exhibition period; however, further consultation was undertaken with Council's Development and Building Services, and Community Planning Units. As part of these discussions a number of controls were identified as requiring review and are outlined below:

   i) Clarify when a Crime Risk Assessment is required for development applications and include provisions for a "Crime Risk Comment" (for minor / low risk developments). As well as further outline details required for Crime Risk Assessment.

   ii) Include controls for signage and way finding within general principles.

   iii) Include controls for service stations within specific uses.

   iv) Minor wording amendments.

5 The changes outlined above are shown in red text in Attachment A.
FINANCIAL IMPACT

6 The proposed amendments do not have a direct financial impact on the operations of Council.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The proposed amendments align with the Vibrant and Public Places direction of the Community Strategic Plan, in particular, to provide safe and activated places that are used by people day and night.

8 The proposed amendments align with the Newcastle Safe City Plan 2017 - 2020, in particular Objective 1 - Safety Through Public Domain Design and the Built Environment and address action 1.1 b) "Update Council's Development Control Plan Guidelines Section 4.04 on Safety and Security and Associated Guidelines."

IMPLEMENTATION PLAN/IMPLICATIONS

9 The process for preparing and amending DCPs and the matters that a DCP may deal with are specified in the Environmental Planning and Assessment Act 1979, (the Act) and associated Regulation. The Act and Regulation require a relevant planning authority to prepare a DCP and that the DCP be placed on public exhibition for at least 28 days.

10 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed with the DCP. In this case, it is recommended that Council proceed with the DCP as amended.

RISK ASSESSMENT AND MITIGATION

11 There are no risks to Council in the proposed amendments to the DCP as the legal process is being followed. The completed public exhibition for 28 days is consistent with the plan making requirements under the Act.

RELATED PREVIOUS DECISIONS

12 On 25 July 2017 Council resolved to:

   ... place the draft amended Section 4.04 Safety and Security and consequential amendments to section 9 Glossary of Newcastle Development Control Plan 2012, as provided in Attachment A on public exhibition for 28 days.

CONSULTATION

13 The draft amended Section 4.04 Safety and Security was placed on public exhibition for a period of four (4) weeks from 14 August 2017 to 11 September 2017. During this time no submissions were received.
14 During the exhibition period further consultation was undertaken with Council's Development and Building Services, and Community Planning Units. Minor issues relating to controls were raised. Amendments to these controls are outlined above.

OPTIONS

Option 1

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

Option 2

16 Council not proceed with the draft amendments to the DCP. This is not the recommended option.

BACKGROUND

17 The Crime Prevention and the Assessment of Development Applications Guidelines were released by the Department of Planning to help Councils identify crime risk and minimise opportunities for crime through the appropriate assessment of development proposals.

18 The guidelines are used as part of Section 79C development assessment under the Act to determine the likely impacts of the development on the environment, the social and economic impacts and the public interest.

19 The DCP section has been updated to be consistent with current standards, by:

i) referencing relevant Australian Standards

ii) reference to CPTED principles

iii) specifying details required for Crime Risk Assessment

iv) expanded list of general principles

v) principles for specific uses

vi) inclusion of two new terms in the Glossary: licensed premises and plan of management.

20 The amendments address action 1.1 b) "Updated Council's Development Control Plan Guidelines Section 4.04 on Safety and Security and associated guidelines." of the Newcastle Safe City Plan 2017-2020.
REFERENCES

ATTACHMENTS

Attachment A: Amended Section 4.04 Safety and Security and Section 9.00 Glossary
Attachment A

4.04 Safety and Security

Amendment history

<table>
<thead>
<tr>
<th>Version Number</th>
<th>Date Adopted by Council</th>
<th>Commencement Date</th>
<th>Amendment Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15/11/2011</td>
<td>15/06/2012</td>
<td>New</td>
</tr>
<tr>
<td>2</td>
<td>27/09/2016</td>
<td>24/10/2016</td>
<td>Amended</td>
</tr>
</tbody>
</table>

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

Development (type/s) to which this section applies

This section applies to all development consisting of:
- Amusement centres (that trade past 7pm)
- Car parks
- Centre-based child care facility centres
- Community facilities (that trade past 7pm)
- Educational establishments
- Entertainment facilities (that trade past 7pm)
- Food and drink premises (that are licensed premises and/or that trade past 7pm)
- Function centres (that are licensed premises and/or that trade past 7pm)
- Health service facilities
- Industrial developments
- Markets
- Place of public worship
- Recreation facility (indoor, major and outdoor)
- Registered clubs
- Residential accommodation (excluding secondary dwellings, single dwellings and dual occupancies)
- Residential care facility
- Restricted premises
- Service stations
- Sex service premises
- Shops
- Tourist and visitor accommodation

Note: Contact Council to discuss level of detail required for a particular development type.
Applicable environmental planning instruments and legislation
The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections
The following sections of this DCP will also apply to development to which this section applies:

- Nil

The following sections of this DCP may also apply to development to which this section applies:

- 3.01 Subdivision
- 3.03 Residential Development
- 3.09 Tourist and Visitor Accommodation
- 3.10 Commercial Uses
- 3.11 Community Services
- 3.12 Sex Industry Establishments
- 3.13 Industrial Development

Associated technical manuals

- Newcastle Safe City Plan 2017 - 2020, Newcastle City Council.

Additional information

- Development Applications may be referred to the NSW Police for Crime Prevention Through Environmental Design (CPTED) Assessment.
- Development Applications for licensed premises (including food & drink premises with trading hours past 7pm) and Liquor Licence Applications may be referred to the Licensed Premises Reference Group.
Development Applications for licensed premises may be referred to NSW Police Licensing Unit.

**Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Licensed premises** means premises licensed under the *Liquor Act 2007*.
- **Plan of management** means a document that provides a framework for the management of a particular development / event.

**Aims of this section**

1. To provide actual and perceived safe environments and minimise opportunities for criminal and anti-social behaviour.

2. To ensure features that contribute to safety and security are incorporated into new development.

3. To ensure the incorporation of Crime Prevention Through Environmental Design (CPTED) principles in new development.

**4.04.01 Crime Prevention through Environmental Design (CPTED) Principles**

**Performance criteria**

1. Developments reduce the likelihood of *crimes criminal activity* and assist in creating actual and perceived safe and secure environments.

**Acceptable solutions**

1. Developments incorporate the CPTED Principles into the design of the proposed development.

---

Note: For further information on CPTED principles refer to *Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979, 2001*, NSW Department of Urban Affairs and Planning.
4.04.02 General principles

Performance criteria

1. Potential criminal and/or anti-social behaviour risks for development are identified and addressed.

2. Opportunities for crime are lessened or prevented without detracting from the façade or layout of a building or streetscape amenity.

3. Development provides opportunities for effective natural and/or technical surveillance.

4. All areas that may be used at night (e.g. car parks, common areas) incorporate appropriate levels of visibility and/or lighting.

5. Public/community spaces reduce the likelihood of crime by installation of appropriate anti-graffiti measures/materials.

Acceptable solutions

1. A Crime Risk Assessment (in accordance with figure 1 below) is submitted with a development application may be required for developments which are: major developments; involve an increased risk to public safety; and/or include a component to serve, sell or supply alcohol.

Note: Contact Council to discuss developments requiring a Crime Risk Assessment.

**Figure 1**

<table>
<thead>
<tr>
<th>Information to be included in a Crime Risk Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Introduction</strong></td>
</tr>
<tr>
<td><strong>Site Analysis</strong></td>
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<tr>
<td><strong>Crime Risk &amp; Opportunity</strong></td>
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<tr>
<td><strong>CPTED</strong></td>
</tr>
<tr>
<td><strong>Specific Uses</strong></td>
</tr>
<tr>
<td><strong>Conclusion Recommendations &amp; Mitigation Measures</strong></td>
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<td></td>
</tr>
</tbody>
</table>

Note: A Crime Risk Assessment may be required for developments to assist Council to assess crime risk in local developments. A Crime Risk Assessment is to be prepared by a suitably qualified person who has completed the NSW Police Safer by Design Course. For further information on preparing a Crime Risk Assessment refer to NSW Department of Urban Affairs and Planning's Crime Prevention and the Assessment of Development Applications: Guidelines.

Newcastle Development Control Plan 2012
2. A Crime Risk Comment included within the Statement of Environmental Effects (where a Crime Risk Assessment is not required).

2.3. Exterior design and layout:

(a) Building entrances are orientated to face public areas, are clearly identified and visible from the street.

(b) Development is designed so as not to include entrapment locations and blind corners.

(c) Building facades are designed so as not to include external indentations, projections or regular features that provide footholds allowing access to private property.

(d) Building walls located adjacent to carparks or other public spaces include features such as windows and/or balconies, allowing casual surveillance to these areas.

(e) Building entrances, walkways and connecting paths, are clearly defined, visible from the street, and well-lit at night.

(f) Public places incorporate features to attract people in a safe manner, rather than discourage people from gathering.

(g) Development is designed so that it reduces the opportunity for graffiti and vandalism.

(h) Cues, symbols and signs are used to assist people to navigate their environment and define appropriate use of spaces.

3.4. Surveillance and sightlines:

(a) Buildings are designed to overlook public areas.

(b) Ground and near-ground levels of buildings are occupied by active land uses that overlook public areas.

(c) New development maximises visibility and sightlines to destination points (eg. street frontage, car parks, stairwells etc).

(d) Fence designs maximise natural surveillance between the street and the building.

(e) Landscaping, walls and fences maintain clear sight lines between public and private areas and do not block fields of vision.

(f) Mechanical/electronic surveillance systems are installed in compliance with Australian Standard 806.1: Closed Circuit Television (CCTV) Management and operation (where required by Council and/or Police).

4.5. Lighting:

(a) Lighting is provided in accordance with Australian Standard 1158 - Lighting for roads and public spaces and Australian Standard 4262 - Control of the obtrusive effects of outdoor lighting.

(b) All areas intended to be used at night to provide appropriate lighting and visibility.
(c) Lights are directed towards access/egress routes, and illuminate possible entrapment locations/places to hide.

(d) Lighting is to provide a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed; reduces light shadow contact; and is not shielded at eye level.

(e) Lighting is designed so that it reduces the opportunity of vandalism (e.g. anti-graffiti, anti-breakage, and scratch resistant materials).

(f) Lighting is located so that there is no spillage to neighbouring properties.

(g) Growing and mature vegetation does not obscure lighting.

6. **Signage / Wayfinding**

(a) Clear signage and wayfinding devices are incorporated into developments, including audible, tactile, graphic and/or architectural cues.

(b) Information and directional signs are strategically located at entrances and near activity nodes (e.g. intersections of corridors and paths, landmarks).

(c) Information and directional signs are legible and where appropriate include standard symbols and/or simple graphics.

(d) Location maps and directional signage are provided for larger developments.

(e) Signposting is provided clearly identifying public amenities and hours of access (e.g. toilets, carparking, lifts, ATM's).

### 4.04.03 Principles for specific uses

In addition to guidelines listed under Section 4.04.01 and Section 4.04.02 the following guidelines apply to the following specific uses.

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Key Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automatic Teller Machines (ATM's)</td>
<td>• Approaches and entrances to ATM's are highly visible and are provided with good lighting (without inappropriate glare or shadow).</td>
</tr>
<tr>
<td></td>
<td>• Located at street level and within direct view of pedestrian and vehicle routes / surrounding activities.</td>
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<tr>
<td></td>
<td>• Located adjacent to supportive uses (e.g. restaurants and cafes).</td>
</tr>
<tr>
<td></td>
<td>• Are not located adjacent to licensed premises, public transport stops, public telephones or public seating.</td>
</tr>
<tr>
<td></td>
<td>• Are not positioned in concealed spaces, corridors, recesses, alcoves etc or in buildings adjacent to laneways.</td>
</tr>
</tbody>
</table>

| Carparks (or developments including carparks) | Natural and/or mechanical surveillance provided (as required by Council and/or Police). |
### Key Principles

#### Pedestrian access points are provided at ground level and in active areas.
- Entry and exit points to multi-level carparks are minimised and attendant’s booths are clearly identified.
- Pedestrian paths link users from car parking spaces to buildings/lift lobbies directly as possible with clear sightlines along the route.
- Pedestrian paths, entrances and exits are provided with good lighting, signposted and clearly defined.
- Landscaping, walls and fences maintain clear sight lines between public and private areas and avoid concealment areas.
- Every second aisle of an open car park with 200 or more spaces has a pedestrian path between parking spaces, with paths linked to identified crossing areas and access points.
- Car parking ceilings are greater than 2.2m height.
- Lighting is sufficient to allow pedestrians to see into the interior of cars and eliminate shadows between cars.
- Incorporate vandal resistant materials (eg. lighting, exterior).
- Stairwells are located on carpark perimeters and are open or highly see through from external public areas.
- Stairwells, corridors etc are painted white light colours to assist in reflecting light in these areas.

#### Events / Markets
- Entrances are located at prominent positions, are provided with good lighting and clearly visible.
- All areas intended to be used at night provide appropriate levels of visibility and lighting.
- Pedestrian paths and onsite parking are clearly defined; incorporate effective lighting; and provide direct access to event / market.
- Toilets are located near high traffic areas and entrances; are clearly visible from public places; and are clearly signposted.
- Entrapment locations (ie. small confined areas) are avoided.
- Plan of Management (PoM) is submitted to Council which identifies/addresses social and public safety and crime impacts.

*Note: PoM to include details on alcohol management (if applicable), hours of operation, patron movement, capacity numbers, safety and security measures and parking etc.*

#### Food & Drink premises / Function Centres / Registered Clubs / and the like, which is licensed and /or trades past 7pm.
- Buildings have an active frontage to the public domain.
- Pedestrian access and onsite parking are clearly defined, incorporate good lighting, and have direct access to buildings from areas likely to be used at night.
- Natural and/or mechanical surveillance provided (as required by Council and/or Police).
- Plan of Management (PoM) is submitted to Council which identifies/addresses social and public safety and crime impacts.

*Note: PoM to include details on alcohol management (if applicable), hours of operation, patron movement, capacity numbers, safety and security measures and parking etc.*
<table>
<thead>
<tr>
<th>Development Type</th>
<th>Key Principles</th>
</tr>
</thead>
</table>
| Public Toilets                   | • To be located near high traffic areas.  
• Approaches and entrances to public toilets have clear sightlines and good lighting (without inappropriate glare or shadow).  
• Public toilets are not positioned in concealed spaces, corridors, recesses, alcoves etc.  
• Public phones and seats are not placed near public toilets.  
• Incorporate vandal resistant materials. |
| Residential accommodation (10+ dwellings), Group Homes or Boarding Houses | • Buildings facing public or communal streets / public places have a window from a habitable room facing that area.  
• Dwellings have a window from a habitable room facing internal driveways.  
• Appropriate access controls (eg. user/sensor gates) are provided for car park entrances, and common areas such as lobbies, laundries and garbage storage.  
• Lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.  
• Doors and window locks are installed in all dwellings in accordance with AS 4145.  
• Dwellings are oriented towards the street with entrances and numbering clearly visible.  
• Buildings with shared entries serve a maximum of 10 dwellings.  
• Each building entry clearly states the unit numbers accessed from that entry.  
• Unobstructed sight lines / natural surveillance to open space and community areas. |
| Service Stations                  | • Natural surveillance to be provided from the public domain to any retail area or shop associated with the service station.  
• CCTV surveillance to be provided in accordance with Australian Standards for entrance, cashier and queue areas.  
• Refuelling areas and entrances to any retail area or shop are visible from the street.  
• Retail area to provide for direct surveillance from cashier area to the street/public domain.  
• Public and staff toilets are to be located and provide access, within the retail area.  
• Entrances are located at prominent positions, are provided with good lighting and clearly visible.  
• All areas intended to be used at night provide appropriate levels of visibility and lighting.  
• Landscaping, walls and fences maintain clear sight lines and avoid concealment areas. |
| Sex Service Premises             | • Premises have only one entrance which is located at the front of the building (or primary street frontage).  
• Building entrance is has good lighting and easily identifiable (but not a prominent streetscape feature). |
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<td></td>
<td>• Direct sight lines are provided between the building and the street.</td>
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<tr>
<td></td>
<td>• Pathways to/from the building are direct (straight lines).</td>
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<td>• All premises have either an intercom or duress alarm in each room. Alarms connect back to a central base that is monitored at all times.</td>
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<td>• All external storage areas are secured.</td>
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<td>• Any locks and security grills can be opened from the inside.</td>
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<tr>
<td></td>
<td>• External lighting is vandal resistant and directed towards access/egress routes.</td>
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<td>• Natural and/or mechanical surveillance provided (as required by Council and/or Police).</td>
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9.00 Glossary

The following terms will be inserted in the Glossary:

Licensed premises means premises licensed under the Liquor Act 2007.

Plan of management means a document that provides a framework for the management of a particular development/event.
ITEM-126 CCL 28/11/17 - REVIEW OF YOUTH WEEK GRANT POLICY

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

PURPOSE
To adopt Council's revised Youth Week Grant Policy (2017). This Policy will guide administration and distribution of annual National Youth Week grants.

RECOMMENDATION
1 Council adopts the revised Youth Week Grant Policy (2017) as provided in Attachment A.

KEY ISSUES
2 The Youth Week Grant Policy was adopted in 2015. This Policy now requires review. The changes are minor and further community consultation is not recommended.

3 The proposed changes do not change the purpose or intent of the Policy, just provide clarity. Changes include removal of an obsolete Council document name, removal of the term 'auspiced', which has caused confusion for grant applicants, and a new clause to ensure grant applicants provide a grant acquittal. The proposed changes are highlighted in Attachment A.

FINANCIAL IMPACT
4 There is no financial impact from adopting this policy. This policy clearly identifies (Part B, clause 5) that the elected Council will determine annually the budget available to support National Youth Week.

5 A budget of $6,000 is allocated to National Youth Week (NYW) grants in the 2017/18 financial year, which consists of $3,000 in Council operating funds and $3,075 in NSW State Government Funding from the NSW Department of Family and Community Services. Administration of the grant process will use existing Council staff. Grants of up to $1,000 will be allocated to applications that meet the funding criteria set out in the Policy.

6 The policy ensures that Council’s requirements under the Local Government Act regarding business transactions and financial assistance are met.

COMMUNITY STRATEGIC PLAN ALIGNMENT
7 Sponsorship and grants from Council assist many sectors of the community, by encouraging a caring and inclusive community, creation of vibrant and activated public places and opportunities for a smart and innovative city.
IMPLEMENTATION PLAN/IMPLICATIONS

8 The report recommends this policy is adopted. This policy aligns with Council's other grant and sponsorship policies in terms of administration procedures.

9 The policy ensures an open and transparent grant allocation process will be implemented.

RISK ASSESSMENT AND MITIGATION

10 A strong and consistent policy framework across Council's grant and sponsorship programs will ensure Council meets all requirements of the Local Government Act.

RELATED PREVIOUS DECISIONS

11 Council resolved at the Ordinary Council Meeting held on 8 December 2015 that:

Council adopts the Youth Week Grant Policy as provided in Attachment A.

12 Council resolved at the Ordinary Council Meeting held on 22 September 2015 that:

Council releases an amended draft Youth Week Grant Policy for public comment for a period of 28 days. The amendments be:

Replace:

Clause 7.14 d) Council will not fund applications for:
activities of any group, organisation, person or party directly involved in the political process and whose objectives include the acquisition and exercise of political power or the promotion of political aims and opinions

with:

Clause 7.14 d) Council will not fund applications for:
activities coordinated by any registered political party, or for the benefit of any political candidate.

Following the public comment period, comments will be summarised and reported to Council for adoption.
13 Council resolved at the Ordinary Council Meeting held on 24 February 2015 that:

1 Council note the 2013/2014 NYC Annual Report (Attachment A).

2 Council to permit NYC to recommend payments of up to $1,000 to successful applicants of Youth Week 2015 events in accordance with Council’s adopted annual budget (see paragraph 12).

3 The General Manager (or delegate) determine distribution of the grants upon recommendation of the Youth Council (Attachment B).

CONSULTATION

14 Review with internal stakeholders has identified that minimal change was required to the policy.

OPTIONS

Option 1

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

Option 2

16 Council does not adopt the Youth Week Grant Policy (2017). This is not the recommended option.

BACKGROUND

17 The initial Youth Week Grant Policy (Attachment A) was advertised for comment between 6 October 2015 and 3 November 2015. No submissions were received.

REFERENCES
# Youth Week Grant Policy

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<td>Youth Week Grant Application Form</td>
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Part A Preliminary

1 Purpose

1.1 This policy provides a framework for Council to distribute grants for events, projects, services or activities held in Newcastle local government area during National Youth Week each year.

2 Scope

2.1 The policy applies to all applications for Council supported National Youth Week grants in the Newcastle local government area.

2.2 Suitable applications need to support Council’s Strategic Directions, including:

   A Caring and Inclusive Community

   2.2.1 A welcoming community that cares and looks after each other

   2.2.2 Active and healthy communities with physical, mental and spiritual wellbeing

   2.2.3 A creative, culturally rich and vibrant community

   Vibrant and Activated Public Places

   2.2.4 Public places that provide for diverse activity and strengthen our social connections

   2.2.5 Culture, heritage and place are valued, shared and celebrated

   2.2.6 Safe and activated places that are used by people day and night

   (Newcastle 2030 Community Strategic Plan Revised 2013)

3 Principles

3.1 Council commits itself to the following principles:

   3.1.1 Youth engagement - The policy aligns with Council’s Commitment to the Young People of the City 1996.

   3.1.2 Accountability and transparency - The policy provides a framework for the transparent and merit-based provision of financial assistance and a system of accountability for the recipient.

   3.1.3 Alignment with Council strategies - The policy aligns with Council priorities outlined in the Newcastle 2030 Community Strategic Plan and Council’s Social Plan (in development 2015).

   3.1.4 Value for Money – The policy ensures Council considers the value for money of its investment.
4 Definitions

4.1 Agreement means the agreement entered into by Council and an applicant whose application for a Youth Week Grant has been successful.

4.2 Acquittal Report means a report to Council providing the details listed at clause 12.1.

4.3 Council means Newcastle City.

4.4 Financial Assistance means help given by Council to a person or organisation in the form of funding, subsidies, waived or reduced fees and charges and rates reimbursement.

4.5 Guidelines means any guidelines published in connection with Council’s Youth Week Grant program in any year.

4.6 Relevant Council Officer means the Council employee responsible for administering the Youth Week Grant Program.

4.7 Youth Week Grant means financial assistance by Council to support an event, project, service or activity during National Youth Week.

4.8 Youth Week Grant Panel means the panel comprising:
   (a) Council’s Community Planning Team Coordinator (or nominee)
   (b) Council’s Community Planner (or nominee)
   (c) At least three members of the Newcastle Youth Council
   (d) At least one Councillor appointed to Newcastle Youth Council

4.9 Young People means persons aged 12-24 years.

Part B Scope of Program

5 Amount of sponsorship available

5.1 The total amount available under the Youth Week Grant Program will be determined annually by:
   • Funding allocated by the New South Wales Department of Family and Community Services and matched by Council as per the funding agreement.
   • Council funding will be approved by the elected Council in connection with the Operational Plan and Delivery Program.

5.2 Council may decide to offer an applicant support in an amount less, or in a combination different to, what is applied for. The maximum grant amount is $1000.

5.3 Any amendments to the total budget allocated to the Youth Week Grant Program must be approved by the elected Council.

5.4 Only one off commitments may be approved under this policy.

6 Program structure

6.1 Council will hold one round a year.

6.2 Council will advertise the Youth Week Grant Program on Council’s website and Newcastle Youth Council’s social media.
Part C  Eligibility and assessment

7  Eligibility Criteria

Council will only support an event/project/service/activity that meets the following criteria:

7.1 Applicant must be an incorporated association, or auspiced by an incorporated organisation. Applicant must be an incorporated association, not for profit group, and/or a registered organisation with an ABN (or ACN). Applications will not be accepted from individuals or government agencies.

7.2 Applicants must lodge a completed application using Council's standard Youth Week Grant Application Form.

7.3 The event/project/service/activity must take place in the Newcastle local government area.

7.4 The event/project/service/activity must be for Young People aged 12-24 years.

7.5 Each organisation is limited to one successful application for Youth Week funding each round/year.

7.6 Applications must be received on or before the advertised due date.

7.7 Young People must be involved in the planning, implementation and evaluation of the event/project/service/activity.

7.8 Applicants must provide evidence that they have appropriate insurances in place and provide a Certificate of Currency with their grant application. Council must be noted as an interested party on the Certificate of Currency.

7.9 The event/project/service/activity must occur within National Youth Week as set by the Department of Family and Community Services each year, and occur in the same financial year as the application is made and support received.

7.10 The event/project/service/activity must not be for profit.

7.11 The Applicant must be capable of and responsible for obtaining all regulatory approvals for the event/project/service/activity.

7.12 Applicants must have complied with, to Council’s satisfaction, the conditions of any previous grant, support or Youth Week Grant received from Council.

7.13 The event/project/service/activity must be consistent with the community values defined in the 2030 Community Strategic Plan.

7.14 Council will not fund applications for:

a. individuals or government agencies;

b. activities where funds have already been spent (e.g. retrospective funding, budget deficits);

c. travel, staff wages and private expenses;

d. activities coordinated by any registered political party, or for the benefit of any political candidate;

e. contributions to an organisation’s general operating expenses;

f. purchases or expenses related to privately owned items;

g. furniture or fittings/improvements to major fixed infrastructure; and

h. arrangements or commitments which are incompatible or inconsistent with the aims and objectives of National Youth Week.
8 Assessment Criteria

Applications that satisfy the Eligibility Criteria set out in clause 7 will then be assessed against the following Assessment Criteria:

8.1 Benefit to Young People in the local community. Elements to be considered include: level of youth engagement (number of participants), diversity of participants (age, ethnicity, gender) and skills gained and knowledge developed by participants (range of skills or number of people to learn a new skill).

8.2 Consistency with National Youth Week objectives set by the Department of Family and Community Services. Applicants will be asked to identify how their project meets the objectives.

8.3 Adequacy of budget proposal measured against project feasibility, based on budget information provided in application. This may include the level of contributions from other parties and the grant as a proportion of the total budget.

9 Assessment of applications

9.1 The weighting allocated to each assessment criteria will be determined and approved by the Manager of Strategic Planning Services, prior to applications being called. These weightings must be made available to applicants upon request.

9.2 The Relevant Council Officer will conduct a preliminary assessment against the Eligibility Criteria set out in Section 7.

9.3 Following a preliminary assessment, the Relevant Council Officer will present all applications to the Youth Week Grant Panel with a recommendation on eligibility.

9.4 The Youth Week Grant Panel will be convened to assess applications. The Youth Week Grant Panel’s assessment (including any disagreement with the final outcome) must be recorded on an evaluation form and retained in Council’s records management system. The evaluation form will be signed by all members of the Youth Week Grant Panel.

9.5 Any deviation from the approach set out in clauses 9.1 – 9.4 must be approved by the General Manager with reasoning documented.

9.6 Each Councillor and Council Officer involved in the assessment and approval of applications under this Section must comply with Council’s Code of Conduct, in particular, the provisions covering Conflicts of Interest.
Part D  Agreements, payments and acquittals

10 Agreement

10.1 Successful applicants and Council must sign an Agreement, containing Council’s terms and conditions for the Youth Week Grant, prior to any monies being released.

10.2 Council may terminate the Agreement at any time but will pay for commitments made, subject to milestones being met, to the date of termination.

10.3 The Agreement may include a statement relating to how Council will conduct any regulatory activities with the applicant.

10.4 The Agreement will require the applicant to comply with the principles and standards of behaviour outlined in Council’s Statement of Business Ethics.

11 Payments

11.1 Payments will be made once a signed Agreement, Certificate of Currency noting Council as an interested party and required bank details have been received by Council as agreed with the applicant and documented in the Agreement.

11.2 All invoices must be received by the end of May in the year the Youth Week Grant was awarded and the event/project/service/activity held.

11.3 Council will not be liable for any amounts over and above the Youth Week Grant amount as set out in the Agreement.

12 Acquittal

12.1 Successful applicants must provide a final Acquittal Report to Council within the timeframe specified in the Agreement.

12.2 If the applicant does not provide a final Acquittal Report to Council within the timeframe specified in the Agreement, they will not be eligible to apply for future grants under Council’s Grants & Sponsorships programme.

12.3 The information required will be specified in the Agreement and may include:

12.3.1 copies of original receipts showing expenditure of all grant funds;

12.3.2 evidence of compliance with the Agreement;

12.3.3 number of Young People involved in planning and implementation of the Youth Week event/project/service/activity;

12.3.4 number of Young People attending the event/project/service/activity and, if possible, the demographic information of participants;

12.3.5 formal advice of funds not spent (funds not expended for the purpose outlined in the application should be returned to Council).
## Schedule 1 Authorisations

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<th>Position</th>
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<tr>
<td>Assess and determine applications</td>
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<td>Determine and approve weightings for assessment criteria</td>
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Approved: ___________________________  Date: ________________

Interim Chief Executive Officer
ITEM-127 CCL 28/11/17 - REVIEW COMMUNITY ASSETS AND OPEN SPACE POLICY

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

PURPOSE

To adopt the reviewed draft Community Assets and Open Space Policy.

RECOMMENDATION

1 Council adopt the draft Community Assets and Open Space Policy in Attachment A.

KEY ISSUES

2 In line with current good practice approaches of undertaking a regular review of Council's existing policies, internal stakeholder consultation was undertaken to ensure that the Community Assets and Open Space Policy reflects current organisation and community needs. As a result of this consult, minimal changes have been made to the policy as identified in the attached draft policy.

FINANCIAL IMPACT

3 The potential financial impact of implementing the policy will be considered in the context of Council's long term financial plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

4 The Community Assets and Open Space Policy has and will continue to contribute towards achieving five of the seven strategic directions of the Newcastle 2030 Community Strategic Plan: 'Vibrant and Activated Public Places' and 'Caring and Inclusive Community', 'Connected City', 'Liveable and Distinctive Built Environment' and 'Protected and Enhanced Environment'.

IMPLEMENTATION PLAN/IMPLICATIONS

5 The Community Assets and Open Space Policy provides Council with a set of guiding principles and a framework for the planning, acquisition, delivery, management and disposal of community assets and open spaces.

6 The Community Asset and Open Space Policy continues to commit Council to engaging the community in the early stages of planning, design and delivery of all community assets and open spaces.
7 The Community Assets and Open Space Policy will continue to inform the Council’s Asset Review and Implementation Plans as well as the development / review of Council’s Community Facilities Strategy and the Open Space and Recreation Strategy.

RISK ASSESSMENT AND MITIGATION

8 The adoption of the draft Community Assets and Open Space Policy will remove the risks associated with making planning decisions on community assets in the absence of a policy founded on agreed principles.

RELATED PREVIOUS DECISIONS

9 At the Ordinary Council Meeting held on 18 December 2012 Council resolved:

RESOLVED: (COUNCILLORS N NELMES/A RUFO)

Council adopt the draft Community Assets and Open Space Policy.

CONSULTATION

10 Review with internal stakeholders has identified that minimal change was required to the policy. A number of minor language changes have been suggested and are outlined at Attachment A.

OPTIONS

Option 1

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

Option 2

12 Council not adopt the draft Community Assets and Open Space Policy. This is not the recommended option.

BACKGROUND

13 The Newcastle Local Government Area includes extensive community lands and assets that are owned and / or under the care of The City of Newcastle. As the manager and / or owner of these assets, Council provides a range of community centres, libraries, cultural facilities, recreation facilities, open spaces and natural areas that form part of an integrated network of community assets and open spaces available to the community. These facilities and open spaces provide significant community benefits including social cohesion, sense of place and wellbeing.

14 Council has a responsibility under the Local Government Act 1993 to ensure that these community lands and community assets are planned, acquired, used, maintained, managed and disposed of in the best interests of current and future generations of residents of Newcastle.
15 The Community Assets and Open Space Policy was developed in 2012 to provide Council with a life cycle framework and a set of guiding principles for the consistent and integrated planning, acquisition, delivery, management and disposal of community assets and open spaces across the Newcastle Local Government Area.

16 The adoption of the Community Assets and Open Space Policy (2012) supported the development of the Parkland and Recreation Strategy (2014) and will support the forthcoming Community Facilities Strategy.

REFERENCES

ATTACHMENTS

Attachment A: Draft Community Assets and Open Space Policy
Community Assets and Open Space Policy

Newcastle City Council  December 2017
Community Assets and Open Space Policy

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# Community Assets and Open Space Policy

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Part A Preliminary

1 Purpose

1.1 The purpose of the Community Assets and Open Space Policy is to provide Council with a framework and set of guiding principles for the consistent and integrated planning, acquisition, delivery, management and disposal of community assets and open space across the Newcastle local government area.

1.2 Through the development of the Newcastle Community Strategic Plan, the community expressed a strong need for a network of vibrant and activated places and spaces across the local government area (LGA). Sustainable investment in community facilities and open space is important for the health, wellbeing and economic development of our communities.

1.3 Council recognises the challenges and opportunities we face through the growth of the Newcastle LGA and is responding to this with a series of appropriate policy directions to improve the delivery of social infrastructure.

1.4 This policy seeks to provide Council and the community of Newcastle with the following community asset and open space outcomes:

- encourage social connections, community participation, promote health and well being
- multi-purpose, functional, safe and innovative places and spaces that are equitably distributed across the local government area
- management of community assets and open space from a quadruple bottom line perspective
- diverse places and spaces that accommodate a range of uses that are responsive to changing trends, aspirations and community needs
- timely delivery of community assets and open space that is integrated with other assets provided by Council and partner agencies
- co-location of community assets and open space to maximise the opportunity for long community connections and economies of scale
- open and transparent governance and management of community assets and open space that provides the community with clear accountability of Council’s actions

2 Definitions

2.1 Catchment Area means the surrounding population area served by a Community Asset or Open Space.

2.2 Council means Newcastle City Council.

2.3 Community Assets means community centres, public halls, surf clubs, libraries, cultural facilities, child care centres, senior citizens centres, youth centres, playgrounds, girl guide and scout halls, men’s sheds, inland pools, amenities buildings and other sport and recreation facilities.

2.4 District means a number of neighbourhoods and may have a catchment extending beyond the local government area that holds it. For community facilities, a district population catchment represents on average 20,000 people.

2.5 Land means land owned by Council or under Council’s care, control and management. Land is classified as Community Land or Operational Land as defined in the Local Government Act 1993 (NSW).
2.6 Local means a neighbourhood that is located close to or within residential areas. For community facilities, a local population catchment represents on average 6-10,000 people.

2.7 Open Space means parks, sportsgrounds and other natural areas including wetlands, bushland reserves, green corridors, watercourses, escarpment, foreshores and areas of cultural significance.

2.8 Regional means the whole local government area and is likely to have a catchment extending beyond the local government that hosts it.

2.9 Quadruple Bottom Line is a globally adopted definition for sustainable development that was set by the Brundtland Commission at the United Nations in 1987. It refers to the need to ensure that development meets the needs of the present without compromising the ability of future generations to meet their own needs.

2.10 Significant Community Benefit refers to the concept that encompasses a wide range of social, economic, financial and environmental considerations. Both monetary and intangible values must be evaluated and compared when making decisions around community assets and open space. The need to make a qualitative assessment of these considerations and their impacts is recognised.

3 Scope

3.1 This policy applies to Community Assets and Open Space owned and/or managed by the City of Newcastle. This policy does not apply to Council owned natural areas.

4 Principles

4.1 In the provision community assets and open space for the Newcastle community for guiding principles are to be applied Council commits itself to the following principles:

4.1.1 Accessibility and connectedness. Community assets and open space that are accessible and serving inclusive for all community members regardless of their ability, age or income. The network of community assets and open space will be well connected and co-located with other facilities, services and land uses.

4.1.2 Equity and opportunity. Community assets and open space will support the diverse needs of all demographic groups with the community and will be planned and designed appropriately for these groups.

4.1.3 Safety and security. Community assets and open spaces will be safe and secure.

4.1.4 Sense of place and wellbeing. Social infrastructure increases wellbeing by encouraging and enhancing community networks of activity, and is provided to connect people and reflect local community identity.
Part B  Application

5 Planning

5.1 Council endeavours to demonstrate best good practice in the planning, provision and management of Community Assets and Open Space.

5.2 Council commits to having regard to the following hierarchy in the planning and delivery of Community Assets and Open Space across the local government area.

5.3 Planning Community Assets and Open Space by catchments of population and standards of provision will ensure the community has an equitable distribution and network of places and spaces across the local government area. Consideration will also be given to the socio-demographic profile of an area, service levels, local circumstances and current best practice.

5.4 The following indicative hierarchy table shows the hierarchy of Community Assets and Open Space that Council will endeavour to provide.

<table>
<thead>
<tr>
<th>Community Assets</th>
<th>Local Catchment Area</th>
<th>District Catchment Area</th>
<th>Regional Catchment Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space</td>
<td>Parks &lt; 2 ha Outdoor sports area 9ha</td>
<td>Parks 2 to 5 ha Outdoor sports area 5 to 10ha</td>
<td>Parks &gt; 5 ha Outdoor sports area &gt;10 ha</td>
</tr>
<tr>
<td>Community facilities</td>
<td>Community Centre Floor area – 400 to 800m²</td>
<td>Multipurpose Community Facility 600 to1000m² Community Arts Centres</td>
<td>City Hall/Town Hall Performing Arts Centres Museums, Galleries</td>
</tr>
<tr>
<td>Libraries</td>
<td>Nil</td>
<td>Branch Library</td>
<td>City Library</td>
</tr>
<tr>
<td>Aquatic Centres</td>
<td>Nil</td>
<td>Outdoor aquatic centres</td>
<td>Indoor/outdoor recreation and aquatic centres</td>
</tr>
</tbody>
</table>

Table 1: Indicative Hierarchy for Community Assets and Open Space.

6 Management

Council commits to:

6.1 Engaging the community in the early stages of planning, design and delivery of Community Assets and Open Space.

6.2 Managing land in accordance with the adopted Plans of Management to ensure the protection of land that is of environmental, social or cultural significance.

6.3 Demonstrating best good practice in the planning, provision and management of Community Assets and Open Space.

6.4 Transparency and accountability when acquiring, managing and disposing of land and facilities.
Part C – Acquisition and Disposal

7 Insert

7.1 Council (as custodian of Land) will maintain ownership and control of Land unless there is an identified community strategic benefit in disposing of the Land and facilities.

7.2 Land considered to be surplus will be assessed against criteria to determine the community, economic and environmental benefit for now and in the future.

7.3 Funds generated from the sale of Land that has been used for a community asset or open space will be held in trust in the Land and Property Reserve.

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

PURPOSE

This report seeks to rescind the Access Policy (2003) as it has been superseded by the adoption of Council's Disability Inclusion Action Plan 2016-2019 (DIAP).

RECOMMENDATION


KEY ISSUES

2 Following the implementation of the NSW Disability Inclusion Act 2014, Council adopted the Newcastle City Council Disability Inclusion Action Plan 2016-2019 (DIAP) on 22 March 2016. The DIAP includes a statement of commitment and four focus areas:
   i) Attitudes and behaviours
   ii) Liveable communities
   iii) Employment
   iv) Systems and processes

3 These focus areas and the 57 DIAP actions aim to create a more inclusive and accessible Newcastle. The adopted DIAP now supersedes the Access Policy 2003.

FINANCIAL IMPACT

6 There are no financial impacts in terminating this policy.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The DIAP was prepared under the CSP framework.

IMPLEMENTATION PLAN/IMPLICATIONS

8 There are no implications in terminating this policy.

RISK ASSESSMENT AND MITIGATION

10 No risks to Council have been identified.
RELATED PREVIOUS DECISIONS

11 CDG ITEM No 13 of 13 May 2003 Adoption of the Access Policy

RESOLVED: (Councillors M Henry/B Gaudry)

Council adopt the draft Access Policy subject to the second dot point in Objective three (3) being amended to read as follows:

- Council will include in standard conditions of Development Consent, a condition where the Building Code of Australia applies, that will specifically cover equitable access to new developments.

CONSULTATION

12 Internal consultation identified that the DIAP covers all of the areas previously covered by the Access Policy.

13 The LGNSW advised Council in September 2017 that an access policy was not required, based on the premise that Council's DIAP would cover the policy aspects incorporated into an Access Policy.

OPTIONS

Option 1

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

Option 2

15 Council does not rescind the Access Policy 2003. This is not the recommended option.

BACKGROUND

16 The Access Policy was originally developed in 1997 and a reviewed policy was adopted by Council in May 2003. The Access Policy provided guidance and a framework for compliance with the Disability Discrimination Act 1992. Due to the implementation of the NSW Disability Inclusion Act 2014 and the requirement for Councils to develop and implement a DIAP, the Access Policy intent and purpose has been superseded.

REFERENCES

ATTACHMENTS

Nil
ITEM-129 CCL 28/11/17 - PUBLIC EXHIBITION OF DRAFT WEST END STAGE ONE - PUBLIC DOMAIN PLAN

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

PURPOSE

To seek a Council resolution to place the Draft West End Stage One - Public Domain plan on public exhibition.

RECOMMENDATION

1 Council approves release of the Draft West End Stage One - Public Domain Plan as outlined in Attachment A for community consultation for 8 weeks.

KEY ISSUES

2 The draft West End Stage One - Public Domain Plan builds on existing planning documents to provide the necessary detail for good design and planning decisions for the precinct. This is critical as the West End precinct is an emerging central business district and must provide a welcoming gateway for the city centre.

3 The West End Stage One - Public Domain Plan provides a detailed outline of the public domain improvements in the West End Precinct covering Birdwood Park, Little Birdwood Park and the surrounding streets of Parry, King and National Park Streets.

4 The principles for the plan are:

i) Reinforce King Street as a gateway in Newcastle City Centre with strong landscape character.

ii) Reimagine Birdwood Park to be an urban park that will fit within the vision for the future of the West End as the city's CBD.

iii) Integrate Birdwood Park and Little Birdwood Park with adjoining streets and public spaces to create a cohesive design for the precinct.

iv) Strengthen and improve pedestrian and cycleway connections between key destination and through the parks.

v) Address anti-social behavior through Crime Prevention Through Environment Design (CPTED) principles and implemented into the proposed public domain design.
vi) The parks and streetscapes will embed smart city elements showcasing Council's vision to become a premier Smart City. The public domain plan vision for Birdwood Park will be the first Council park within the city centre to integrate technology and urban design of the park.

5 This public domain plan showcases best practice public domain improvements for our city centre. The design strategy prioritises pedestrian comfort and safety by creating a shared urban space encouraging the passive and active use of Birdwood Park.

6 The design combines the opportunity to have avenue tree planting, widened footpaths, public seating and outdoor dining located within the precinct. Birdwood Park also includes the installation of a public amenity building (built to 'Safer by Design' principles) to increase passive surveillance of the park.

7 Four character precincts are defined in the plan:

i) Birdwood Park
ii) Little Birdwood Park
iii) National Park Street
iv) Parry Street

FINANCIAL IMPACT

8 Public domain plan does not commit Council to any expenditure. A detail quantity surveyor (QS) report will be prepared once the public Domain Plan is adopted. This will provide an accurate assessment of the potential cost of the improvements to the West End.

9 The adopted final West End Stage One - Public Domain Plan will be funded by a mix of Special Rate Variation, s94A developer contributions, Council working funds and future grant submissions that Council will prepare for the area.

COMMUNITY STRATEGIC PLAN ALIGNMENT

10 The Newcastle 2030 Community Strategic Plan strongly supports the need for improved public spaces and an innovative city. The key themes and objectives that relate to the draft West End Stage One - Public Domain Plan are:

Connected City

- Promote the benefits of public transport, walking and cycling
- Develop a network of safe, linked cycle and pedestrian paths integrated with key destinations and green space
- Give greater priority to cyclists and pedestrians in transport planning to enhance safety and encourage travel behavior change
Vibrant and active public places

- Public places that provide for diverse activity and strengthen our social connections

Smart and innovative City

- A thriving city that attracts people to live, work, invest and visit.

IMPLEMENTATION PLAN/IMPLICATIONS

11 The implementation of the draft West End Stage One - Public Domain Plan has been identified within the Hunter Street Revitalisation Strategic Framework (2010) and the draft Newcastle Urban Renewal Strategy (2012) and Newcastle Urban Renewal Strategy (2014). The delivery of the draft West End Stage One - Public Domain Plan, will inform Council's four-year delivery plan.

RISK ASSESSMENT AND MITIGATION

12 There is minimal risk in approving the public exhibition of the draft West End Stage One - Public Domain Plan. Once the plan has been on public exhibition then it will be bought back to Council with a report on submissions received, recommended changes to the plan and a plan for final adoption.

RELATED PREVIOUS DECISIONS

13 The Hunter Street Revitalisation Masterplan Strategy was endorsed by Council at the Ordinary Council Meeting held on 14 December 2010 and the development of a public domain plan for the West End was one of the 44 actions listed in the plan. The Strategy also identified the West End as a catalyst project in the Revitalisation of the city.

CONSULTATION

14 Three consultation sessions were carried out in March 2017. The sessions included general public, key external stakeholders and internal stakeholder's sessions.

15 Consultation on the plan will include advertisement in the newspapers, presentations to key stakeholders and a report on submissions will be prepared to accompany the final plan to Council. Eight weeks is recommended for consultation as it incorporates the Christmas-New Year period.

OPTIONS

Option 1

16 The recommended option as at paragraph 1. This is the recommended option.
Option 2

17 Council does not recommend the exhibition of the Draft West End Stage One - Public Domain Plan. This is not the recommended option.

BACKGROUND

18 Council unanimously adopted the Hunter Street Revitalisation Masterplan (HSRM) Strategic Framework at the Ordinary Council Meeting held on 14 December 2010. The Strategy also identified the West End as a catalyst project in the Revitalisation of the city.

19 The State Government’s draft Newcastle Urban Renewal Strategy (2012) and Newcastle Urban Renewal Strategy (2014) follows and supports the Hunter Street Masterplan concepts and the two strategy proposed public domain improvements to key areas within the city centre.

REFERENCES

ATTACHMENTS

Attachment A: Draft West End Stage One - Public Domain Plan

(To be distributed under separate cover)
ITEM-130 CCL 28/11/17 - SUBMISSION ON VENUES NSW HUNTER SPORTS AND ENTERTAINMENT PRECINCT CONCEPT PLAN

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

PURPOSE

This report seeks Council endorsement of the draft submission on Venues NSW Hunter Sports and Entertainment Precinct Concept Plan

RECOMMENDATION

1 Council endorses the draft Submission on Venues NSW Hunter Sports and Entertainment Precinct Concept Plan for lodgment with Venues NSW.

KEY ISSUES

2 Venues NSW has prepared a discussion document for community consultation that outlines its vision for the Hunter Sports and Entertainment Precinct. The vision is illustrated as a long term concept plan included in the discussion document. The discussion document is provided at Attachment B.

3 The discussion document and concept plan present ideas about future long term uses for the site and is a high level document at this initial stage. The long term vision for the precinct is:

A first choice sporting, leisure and entertainment destination that is diverse, vibrant, sustainable and commercially viable.

4 Overall the concept plan is consistent with Council's Community Strategic Plan and adopted land use planning and recreation strategies and is supported in the submission (Attachment A). As the development of the plan progresses and more detailed planning commences, issues in relation to the inclusion of an aquatic centre, residential options (and rezoning), potential future uses of the heritage listed showgrounds, flooding and transport will need further consideration.

5 Council has entered into a Memorandum of Understanding (MOU) with Venues NSW in relation to the future planning for the Hunter Sports and Entertainment Precinct. The MOU sets out how Council and Venues NSW will work together on planning and developing the Precinct. Council is represented on the steering committee that has been formed with Venues NSW as the lead agency and other relevant NSW government agencies, including the Department of Planning and Environment and the Hunter Development Corporation.
6 Venues NSW prepared the concept plan for the community and stakeholders to comment on their priorities for the Precinct. The next step will be to create a master plan with more examination and detail on how the land could be used. The master plan is to include a strategic business case and identify funding sources. The concept plan currently has no funding attached to it.

FINANCIAL IMPACT

7 The submission on this initial discussion document does not raise any financial impacts.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The concept plan aligns well with the Community Strategic Plan, particularly in relation to providing 
Vibrant and Activated Public Places and the potential for supporting the Connected City strategic directions.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Implementation implications for Council have not been determined for this early stage of discussion. The Concept Plan is a long term plan and will be reviewed and assessed as detailed planning progresses.

RISK ASSESSMENT AND MITIGATION

10 No risks have been identified. The MOU and Council's representation on the Steering Committee will ensure Council's interests are considered.

RELATED PREVIOUS DECISIONS

11 Nil.

CONSULTATION

12 The consultation program is being run by Venues NSW. Venues NSW provided a briefing to staff. This submission has been prepared after internal consultation with relevant business units within Council. The consultation period closes on 30 November 2017.

OPTIONS

Option 1

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

Option 2

14 Council does not endorse the submission and Council's views on this matter are not placed on record. This is not the recommended option.
BACKGROUND

15 The Hunter Sports and Entertainment Precinct includes McDonald Jones Stadium and harness racing track and Newcastle Entertainment Centre and Showgrounds. The site is bounded by Griffiths, Turton and Lambton Roads (see the Concept Plan provided in the discussion document at Attachment B) and is owned by Venues NSW and the NSW Department of Primary Industries - Lands.

16 The site also includes other sporting facilities such as the Newcastle Indoor Basketball Centre, District Tennis Centre and International Hockey Centre.

17 The proposed concept plan is based on Venues NSW review of existing studies into the precinct and consultation with stakeholders and precinct users.

18 Venues NSW developed six principles to guide the preparation of the concept plan:

i) **PRINCIPLE 01** Develop an elite sports and entertainment precinct.

ii) **PRINCIPLE 02** Consolidate sports and entertainment uses to improve operations and create a stronger relationship between different uses.

iii) **PRINCIPLE 03** Provide a variety of places for organised and casual sports and activity within the open space network.

iv) **PRINCIPLE 04** Improve access and connection both within and to the Precinct.

v) **PRINCIPLE 05** Develop higher density residential and a mix of retail, commercial, residential uses on surplus land around the train station.

vi) **PRINCIPLE 06** Provide adaptable and flexible spaces that can host and support major events when required.

19 The concept plan proposes some new uses for the precinct, including:

i) multi-purpose entertainment and convention centre

ii) consolidated sports facility

iii) event plaza

iv) 3.5 star hotel for travelers / tourists

v) landscaped walkways

vi) multi-storey car park

vii) commercial opportunities

viii) residential development.
20 Feedback from the consultation will be used to refine the concept plan and identify any alternate options for the precinct for further government consideration.

REFERENCES

ATTACHMENTS

Attachment A: Submission on Venues NSW Hunter Sports and Entertainment Precinct Concept Plan

Attachment B: Hunter Sports and Entertainment Precinct Discussion Document
Newcastle City Council's Submission
A Vision for the Hunter Sports and Entertainment Precinct

Newcastle City Council commends Venues NSW for developing a vision and concept plan for the Hunter Sports and Entertainment Precinct. Council supports the vision and concept plan and notes the following matters that it will be pleased to continue discussing with Venues NSW.

Opportunities within the study area

Sports Provision

- The Plan has a strong focus on traditional sports and there is an opportunity to consider additional sports such as skateboarding and BMX that are now included at elite competition levels, including the Olympic Games. The field sport component of the Plan also focuses strongly on Rugby League. Participation data both regionally and across Australia indicates that Football (Soccer) is the fastest growing sport with the highest participation levels. There may be an opportunity to integrate football (soccer) provision within the Plan.

- The Plan presents an opportunity to consider sports provision within the context of the wider needs of the Newcastle and Hunter Region. Consideration could be given to synthetic surfaces.

- NSW / ACT AFL have also held discussions with Council regarding a second inner city club and this could be pursued as an option also as another growing sport.

Passive parkland and open space

- The study area is in a highly urbanised precinct with substantial growth planned in and around the precinct. Given the sites strong connectivity to public transport and connecting cycle ways, the site presents an opportunity to develop District level parkland and associated recreational facilities.

- The Plan should consider the role of Council's nearby sporting complexes. These sites present opportunities to add value to the Hunter Stadium Precinct for sporting and event related purposes.

Regional Aquatic Venue

- It is noted that the Plan indicates provision of a Regional Aquatic Venue. Provision of a regional venue would directly impact on Council's future direction in relation to provision of a Regional Aquatic venue at nearby Lambton Pool. The Plan may present an opportunity for Council to work with Venues NSW in relation to regional pool provision.

Landscape amenity and environmental outcomes

- The Plan presents an opportunity to improve the environmental and amenity value of the drainage channels and lower lying areas of the site, through appropriate urban design and environmental management.
Connectivity

- The Plan presents an opportunity to improve pedestrian and cycle connectivity throughout the site, particularly through provision of crossing points over the EW drainage channel and linkages connecting the various plan precincts. Ausplay data from 2016 indicate cycling and walking are in the top five activities for adults.

Floodlighting

- Consideration should be given to sports floodlighting to competition standard and televised broadcasting requirements.

Tennis

- Consideration of providing a mix of different playing surfaces would open opportunities for elite level training and competition.

Community planning

- There is opportunity for the vision and concept plan to be designed and promoted in an inclusive and accessible manner in line with NSW Disability Inclusion Act 2014 and Newcastle City Council's Disability Inclusion Action Plan 2016-2019.

- There is opportunity for the vision and concept plan to support community infrastructure being located on the site in a safe and welcoming manner based on Crime Prevention Through Environmental Design principles outlined in Newcastle City Council's Safe City Plan 2017-2020.

Events

- The Hunter Sports and Entertainment Precinct Concept will help deliver key priorities outlined in the Newcastle City Council Destination Management Plan (DMP) 2016-2019 and the Events Plan 2016-2019. The DMP sets out the vision to grow Newcastle's tourism sector and annual visitation. A key objective is to investigate the establishment of a Convention Centre and / or more accommodation for visitors to Newcastle. While Newcastle continues to attract conferences from around Australia, growth in this sector is constrained by the lack of large-scale function spaces that also offer accommodation within or close to the facility.

- The proposal for a multi-purpose entertainment and convention centre in the Concept Plan is welcome. The Events Plan 2016-2019 outlines the priorities, strategies and actions to guide Newcastle City Council's investment in events. A key objective is to provide excellent, all ability venues, infrastructure and spaces for a range of events. The Concept Plan's principle (03) of providing 'a variety of places for organised and casual sports and activity within the open space network' is also welcome. Newcastle continues to grow as an event city, attracting high quality major events, elite sports and a range of community and commercial event operators. This growth has added extra pressure on the city to provide suitable locations that can cater for the varied needs of event planners. Adaptable, multi-purpose spaces that can cater for sports and other events would fill a growing gap in the city.
Community Strategic Plan

- The objectives and strategic directions of the Newcastle 2030 Community Strategic Plan are supported by the Newcastle community. The Concept Plan will help to achieve the strategic directions of the Community Strategic Plan, particularly if the plan integrates public transport, cycle and pedestrian paths through and to the site.

- The Concept Plan demonstrates the potential in creating a vibrant and activated public place that provides for diverse activity and a safe and activated place day and night and is supported by Council on these terms.

Local Planning Strategy

- The Concept Plan principles fit well with the objectives of the principles adopted in Council's Local Planning Strategy. Broadmeadow is identified as a Local Centre (Major) in the Local Planning Strategy. The vision for the Broadmeadow and Hamilton North area is to strengthen their positions as employment centres, transportation hub and mixed use residential areas. The Concept Plan for the Sports and Entertainment Precinct will assist in achieving this vision and creating a vibrant and activated public place.

Newcastle Local Environmental Plan (LEP) 2012

- The site is zoned RE1 Public Recreation and uses in relation to recreation facilities and recreation areas are permissible within this zone with development consent.

- Residential options - The concept plan identifies the potential for residential development within certain parts of the site. Careful siting of residential development will be required to ensure it is located outside flood risk areas and in areas where there will not be conflict between the residential use and the sports and entertainment uses. The introduction of residential development within the precinct zoned RE1 Public Recreation will require an amendment to the Newcastle LEP 2012.

- Commercial options - In principle the investigation of commercial opportunities is supported, however, the introduction of commercial development within the Precinct may require an amendment to the Newcastle LEP 2012. Council can provide further advice in this regard as development of the concept plan progresses.

- Heritage (local) - The Newcastle Showground has a great history and heritage and is listed as a local heritage item in Council's LEP 2012. Council looks forward to exploring future options with Venues NSW to continue celebrating the heritage of this valuable site.

- There are several locally listed heritage items in proximity to the Sports and Entertainment Precinct, including the Broadmeadow Train Station, the former industrial site for English and Australian Copper Co, Lambton Colliery Railway and Goninans, the former Broadmeadow Aero Club, St Lawrence O'Toole Church and remnant plantings in Bavin Road. There may be opportunity in the development of the Sports and Entertainment Precinct to highlight these heritage items and Council looks forward to discussing this with Venues NSW.
Challenges within the study area

Flooding

- There are flooding restraints for this precinct that need to be considered. A flood management strategy prepared for the whole precinct will likely be necessary to manage safety and address any proposed filling of land and similar development. The Newcastle City-wide Floodplain Risk Management Study and Plan adopted by Council provides flood mapping of the site for the 1% Annual Exceedance Probability (AEP) event and the Probably Maximum Flood (PMF) event. The City-wide Study includes maps showing Flood Impact Categories for the 1% AEP event (Map 4C) and the PMF event (Map 5C) designed to minimise flood impacts to property and risk to life for cumulative development scenarios.

The City-wide Flood Plan is available on Newcastle City Council's webpage:

Newcastle City Council's flood model can also be made available if required. Newcastle City Council will continue to liaise with Venues NSW on this matter as the development of the concept plan progresses.

Traffic

- Similar to the management of flood risk, a coordinated traffic / parking strategy for the entire precinct should be developed in consultation with Council as the concept plan is progressed.

- As with the traffic a coordinated public transport plan should be developed in consultation with Newcastle City Council. The extension of light rail to Broadmeadow will support urban renewal and increased residential and employment land densities. Newcastle City Council supports Broadmeadow strengthening its position as an employment centre and transportation hub with improved accessibility into the City Centre.
INTRODUCTORY MESSAGE

The Hunter Sports & Entertainment Precinct is one of the initiatives from the centre of Newcastle. It will be a multi-purpose and very visible area, used by major sporting organisations and attracting existing international events.

Newcastle Property Group is the appointed project development agency for the Hunter Sports & Entertainment Precinct. This project development role includes having oversight over the construction of the Newcastle Sports and Entertainment Precinct.

The Hunter Sports & Entertainment Precinct is being delivered by a consortium of organisations, including the City of Newcastle, the New South Wales Government, and the Newcastle Olympic Park Development Corporation.

The Hunter Sports & Entertainment Precinct is an initiative of the Newcastle Olympic Park Development Corporation and the City of Newcastle. It is funded by the New South Wales Government, with contributions from the Federal Government and the New South Wales Government.

A vision is a future for Newcastle that is vibrant, sustainable and community-focused.

INTRODUCTION

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About Venues NSW

Phoenix NSW was established as an independent Private Venture Group (IPAG) to facilitate NSW Government-owned sporting and cultural facilities. The group is led by the Governor of NSW, His Excellency General The Honourable David Hurley AC, CVO, DSC (Retd)

A location for international events

Recreation is becoming a major asset for international events. In the last ten years, 26 World Games have used Hunter field hockey venues, the Asia-Pacific Athletics Championships and the 2018 Asian Games. This shows the potential of the Hunter region for hosting international events and the opportunity for the Hunter to be a major player in the global sporting landscape.

Current situations

Highfield, Brookvale and the Newcastle Entertainment Centre are all suitable for international sporting events. The Newcastle Entertainment Centre has the potential to host international events in the future. The Newcastle Entertainment Centre and the Hunter Sports Centre are suitable for international events.
Why a new approach is needed

It is time for a serious rethink of the present approach to sport and recreation in Newcastle. The city is in urgent need of a comprehensive and integrated approach that addresses the needs of all users, including those who need facilities for training and competition, those who enjoy leisure activities, and those who require accessible facilities for exercise and recreation. The current model is failing to meet the needs of the community and is failing to generate the economic benefits that such facilities can offer.

The Proposed Concept Plan

The proposed concept plan for the Hunter Sports & Entertainment Precinct is designed to meet the needs of all users and to generate economic benefits. The plan includes facilities for training and competition, leisure activities, and exercise and recreation.

The Proposed Concept Plan for the Hunter Sports & Entertainment Precinct provides an opportunity to create a vibrant and dynamic community asset that will enhance the city's image and generate economic benefits.

A first choice sporting, leisure and entertainment destination that is diverse, vibrant, sustainable and commercially viable.
NEW FACILITIES 
AND SPACES

The proposed concept plan suggests some features for the Hunter Sports & Entertainment Precinct for sporting, entertainment and tourism development.

In summary:
- 25,000 square metres of indoor and outdoor circulation and entertainment areas
- 12,000 square metres of retail and entertainment areas
- 11,000 square metres of sports facilities, with indoor and outdoor activities
- 3,000 square metres of hotel and conference facilities
- 3,000 square metres of multi-purpose entertainment and sports venues
- 3,000 square metres of conference and exhibition facilities
- 3,000 square metres of offices and administrative spaces
- 3,000 square metres of leisure and recreation facilities
- 3,000 square metres of retail and entertainment facilities
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POSSIBLE FUTURE OPTIONS

The Newcastle Show has been held at the Duneslands since 1951. It is a popular event in the city, held over three days and attracting visitors from across the region.

With the site on the Newcastle Airport and the central location of the park, it is well suited for hosting large events. The Newcastle Show is one of the most popular events in the region, attracting thousands of visitors each year.

One of the most important issues for the future of the Newcastle Show is the decision on what to do with the site. The options available include:

- Maintain the current site and improve facilities.
- Move the show to a new location.
- Sell the site for development.

In making this decision, it is important to consider the needs of the community and the future of the show. It is recommended that a feasibility study be conducted to determine the best course of action.

A Vision for the Hunter Sports & Entertainment Precinct

HAVE YOUR SAY

One of the most important issues for the future of the Newcastle Show is the decision on what to do with the site. The options available include:

- Maintain the current site and improve facilities.
- Move the show to a new location.
- Sell the site for development.

In making this decision, it is important to consider the needs of the community and the future of the show. It is recommended that a feasibility study be conducted to determine the best course of action.

There are a number of ways you can make your submission and have your say:

- Online
  - www.newcastleshow.com.au
  - www.hunternewspapers.com.au
- In person
  - Attend an open house where you can discuss your views with the Newcastle Show executive.

Please note that all submissions may be made public.

A Vision for the Hunter Sports & Entertainment Precinct
ITEM-131 CCL 28/11/17 - HARRIET STREET AND CHRISTO ROAD WARATAH - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

PURPOSE

This report discusses the outcomes of the community consultation carried out for the Planning Proposal to rezone land at 58-60 Harriet Street and 115 Christo Road, Waratah from R2 Low Density Residential to R3 Medium Density Residential; increase maximum FSR from 0.75:1 to 0.9:1; and increase maximum height of buildings from 8.5m to 11m.

The report is seeking a Council resolution to endorse the planning proposal as provided in Attachment A.

RECOMMENDATION

1 Council resolves to:

i) Endorse the Planning Proposal - Harriet Street and Christo Road Waratah, prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle Local Environmental Plan 2012 (LEP) for land at 58-60 Harriet Street and 115 Christo Road, Waratah as follows:

a) Amend the Land Zoning Map to rezone the land from R2 Low Density Residential to R3 Medium Density Residential.

b) Amend the Floor Space Ratio (FSR) map to amend floor space ratio for the subject sites from 0.75:1 to 0.9:1.

c) Amending the Height of Buildings map by amending the maximum permitted height for the subject sites from 8.5m to 11m.

ii) Forward the Planning Proposal to the Minister for Planning to be prepared and make 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.
KEY ISSUES

2 The requested rezoning, and proposed increases in FSR and building height will provide an increase in density consistent with adjoining allotments and facilitate future redevelopment of subject lots for residential purposes. The proposed increases in FSR to 0.9:1 and height to 11m are those prescribed under the R3 Medium Density Residential zone and consistent with that of adjoining properties within the R3 zone.

3 Council endorsed the Planning Proposal at its Ordinary Council Meeting held on 13 June 2017 and Gateway determination from DPE was issued on 18 July 2017.

4 The Planning Proposal (Attachment A) was publicly exhibited from 21 August 2017 to 4 September 2017. There was one written submission received raising issues in relation to traffic and parking (outlined in detail later in this report).

FINANCIAL IMPACT

5 All costs associated with processing the proposal can be met within the current budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

8 The Planning Proposal also aligns with the strategic direction 'Liveable and Distinctive Built Environment'. The proposed increase in density can provide opportunity for greater housing choice, achieving strategic objective 5.3 "Greater diversity of quality housing for current and future community needs" and the identified strategy 5.3a "Provide a mixture of housing types that allow residents at different stages of their lives and support affordable living".

IMPLEMENTATION PLAN/IMPLICATIONS

9 The preparation of the attached Planning Proposal was undertaken in accordance with DPE guidelines and Council's LEP - 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 for amending an LEP.
RISK ASSESSMENT AND MITIGATION

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

11 Council has adhered with the requirements of the gateway determination issued on 18 July 2017.

RELATED PREVIOUS DECISIONS

12 The LEP was adopted by Council on 21 June 2011.

13 Council resolved at the Ordinary Council Meeting held on 25 February 2014 to rezone land at 15 Tinonee Road, Waratah from R2 Low Density Residential to R3 Medium Density Residential. This rezoning (Amendment 8 to the Newcastle LEP 2012) was gazetted on 20 February 2015. The land subject of this rezoning adjoins 15 Tinonee Road to the west.

14 Should this rezoning proceed, there will be a consistent zone for the entire block bound by Tinonee Road, Turton Road, Christo Road and Harriet Street being the R3 Medium Density Residential Zone.

15 Council resolved at its Ordinary Council Meeting held on 13 June 2017 to endorse the Planning Proposal and forward it to the Department of Planning and Environment for gateway determination.

CONSULTATION

16 The Planning Proposal was exhibited for 14 days from 21 August 2017 to 4 September 2017, as required by the gateway determination. Letters were also sent to adjoining owners.

17 One submission was received following public exhibition listing the following issues:

   i) Vehicle parking along Harriet Street is already difficult and an increase in density / development will exacerbate this.

   ii) Harriet Street is already a very busy street especially at peak times, the increase in traffic resultant from a higher density is not considered minor.

18 A traffic report prepared by Seca Solution concludes that the additional traffic generated (from the rezoning of the subject sites) would not have a significant impact on the operations of the local road network as outlined below:

   i) The resultant increases in traffic flows would be evenly dispersed over a number of potential routes.
ii) The signalised intersection of Christo and Turton Roads currently operates without delay and would not be noticeably impacted upon by the proposed minor increase in local traffic.

iii) Increase in traffic on adjoining local roads is estimated to be below the Roads and Maritime Services (RMS) environmental capacity for local streets (ie. 300 vehicles per hour).

iv) Additional traffic movements may be reduced by the sites accessibility to public transport (ie. two bus stops within 400m walking distance).

19 In addition, any parking and traffic issues for future developments would be addressed within the development application having regard to the Development Control Plan requirements for the site.

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

22 In September 2016, a request was received for the rezoning of land at 58-60 Harriet Street, Waratah from R2 Low Density Residential to R3 Medium Density Residential. The proposal also requested an increase in FSR from 0.75:1 to 0.9:1 and height from 8.5m to 11m (being the standard FSR and height for the R3 Medium Density Residential zone).

23 After reviewing the request, Council officers determined, that to rationalise zoning across the wider block, the proposal should include the adjoining parcel of land at 115 Christo Road. This parcel of land contains a recently developed urban housing development. Landowners were advised of the proposed rezoning with only one response received requesting that the land remain zoned R2.

24 The submission requested that 115 Christo Road, Waratah remain as R2 low density residential. The submission did not raise any objections to the proposed rezoning of 58-60 Harriet St, Waratah. 115 Christo Road currently contains a recently completed urban housing project. As such, it is considered unlikely that this site will be redeveloped in the near future. The landowner did not lodge a further submission following Council correspondence or public exhibition of the Planning Proposal.
The request was considered by Council's internal LEP Advisory Panel, as per Council's 'Local Environmental Plan - Request for Amendment Policy'. The panel consists of a range of experts in various fields who advise on potential issues to be addressed and identify studies required supporting the proposal. The Panel requested a masterplan for proposed development at 58-60 Harriet Street, as well as detailed traffic report addressing any associated traffic impacts.

A Masterplan and Traffic Impact Report for proposed development at sites 58-60 Harriet Street were submitted (Attachments B and C) and were publicly exhibited.

The subject site is ideally located for medium density development, being adjacent to Waratah Shopping Village and Hunter Area Health Services. McDonald Jones Stadium and the Entertainment Centre are also within close proximity. A change in zoning on the subject sites is consistent with adjoining development, as land to the north and north-east of the site currently contain urban housing and commercial development.

REFERENCES

ATTACHMENTS


Attachment B: Masterplan (58 and 60 Harriet Street)

Attachment C: Traffic Report by Seca Solutions

Attachments are distributed under separate cover
ITEM-132  CCL 28/11/17 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE, CAR PARK EASTERN SIDE QUEENS WHARF, WHARF ROAD

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

PURPOSE

To seek Council's approval to temporarily suspend the Alcohol Free Zone (AFZ) in the car park adjacent to the eastern side of Queens Wharf, Wharf Road Newcastle from 6am Sunday 31 December 2017 to 1am Monday 1 January 2018 for the purpose of staging Newcastle City Council's New Year's Eve event.

RECOMMENDATION

1  Council approve the temporary suspension of the Alcohol Free Zone for the car park adjacent to the eastern side of Queens Wharf, Wharf Road Newcastle from 6am Sunday 31 December 2017 to 1am Monday 1 January 2018 for the purpose of staging Newcastle City Council's New Year's Eve event. This suspension is subject to Council's Events Management Team meeting all requirements of the Newcastle Local Area Command (LAC) and Council.

KEY ISSUES

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

3  Any lifting of an AFZ must be under the direction of the NSW Police. In this instance the proposal for the New Year's Eve event has been considered by the LAC and Council officers. The NSW Police supports the lifting of the AFZ subject to Council's Events Management Team meeting the conditions placed on the event.

4  Section 645 of the Local Government Act 1993 (Act) provides for Council, by resolution, to allow the temporary suspension of AFZs. The Act and Ministerial Guidelines on Alcohol Free Zones (February 2009) provides a specific procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council's endorsement. Following the adoption of this suspension, Council must publish a notice in the local newspaper informing of the suspension that will be in place for this event.
5 Street signs must be covered immediately on commencement of the timeframe and the covers removed immediately following the suspended time. This will be the responsibility of Council's Event Management staff. Liaison with the NSW Police both before and after the Council resolution is an essential requirement. This consultation with the NSW Police has been undertaken by Council officers and will continue in the lead up to the event.

6 The NSW Police are satisfied with the management strategies that have been put in place by Council's Events Management Team and supports the suspension of the AFZ on this occasion.

FINANCIAL IMPACT

7 The cost associated with advertising of the suspension of AFZ is within the allocated event budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

9 Council's Events Management Team is responsible for implementing the suspension of the AFZ, including notification of the suspension in a local newspaper and overseeing covering and uncovering the AFZ signs before and after the event.

RISK ASSESSMENT AND MITIGATION

10 Council officers and the NSW Police will work closely to ensure harm minimisation and risk mitigation strategies are in place to manage the serving and consumption of alcohol at events.

RELATED PREVIOUS DECISIONS

11 Council has previously agreed to suspend the AFZ for events held on the Foreshore.

CONSULTATION

12 Formal consultation for businesses and residents within the event precinct took place on 31 October 2017. A letter box drop was conducted to encourage businesses and residents to attend an information session about the New Year's Eve event.
OPTIONS

Option 1

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

Option 2

14 Council resolves not to support the suspension of the AFZs on this occasion. This is not the recommended option.

BACKGROUND

15 Newcastle City Council will be hosting a family-friendly New Year's Eve 2017 event from 6pm to 9pm on 31 December 2017 culminating in spectacular fireworks over the harbour.

16 New Year's Eve 2017 will be located around the Queens Wharf Precinct, and will include a concert, entertainment, food stalls and children's activities. Road closures and public safety measures will be in place.

REFERENCES

ATTACHMENTS

Nil
NOTICES OF MOTION

ITEM-32 NOM 28/11/17 - THIS WAY HOME PROJECT

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 16 November 2017 from the abovenamed Councillor.

MOTION

That Council

• Affirms our role in addressing homelessness in Newcastle as predominantly regulatory, through the provision of strategic advocacy and participation in multi-agency partnerships, as outlined in The City of Newcastle: Social Strategy 2016 – 2019; and
• Notes the ongoing innovation and continuing success of the This Way Home Project as an exemplary multi-partnership model for breaking the cycle of chronic homelessness, and especially the contribution of Council and the partner organisations to that continuing success.
• Continue to seek similar opportunities to address homelessness in Newcastle through our Social Strategy and our commitment to affordable living.

BACKGROUND

The “This Way Home” project is an innovative partnership model initiated by Newcastle City Council, Housing NSW, Compass Housing and a large number of non-government agencies providing services to homeless people in Newcastle.

The This Way Home model targets people who have been chronically homeless, including people who have been long term rough-sleepers and those families excluded from mainstream crisis housing options. Through a combination of temporary and medium-term accommodation and structured service delivery, the project changes the focus of the service system from managing homelessness to breaking the cycle of homelessness permanently.

In June 2008, at the invitation of Newcastle City Council and in response to continuing homelessness particularly in inner Newcastle, Housing NSW forwarded a proposal to Newcastle City Council seeking funding under the Building Better Cities Program to support an interagency project. This proposal expanded on an earlier funding proposal presented to the Building Better Cities committee by the Newcastle and Hunter Homelessness Interagency Network (NHHIN), following an invitation from Newcastle City Council to outline a housing model that met the specific needs of homeless people in the city.
Housing NSW identified and committed a site in Bull St Mayfield for the Project, and Council’s Building Better Cities approved a grant of $2m to convert the site and for establishment costs including establishing the support component of the project, employing a project manager and the evaluation of the project. In June 2009 the funding agreement between Housing NSW and Newcastle City Council was signed and the first funding for the project was released in September 2009.

The refurbishment of the facility was completed in 2012, and This Way Home has delivered accommodation and support services since that time under the coordination of Compass Housing. This year, the facility celebrates its five-year milestone, and is recognised by the State Government as a flagship program in the delivery of homeless support services.

This Way Home aims to link people with appropriate services to support them in sustaining their accommodation and developing the skills to obtain and maintain long-term tenancy in the private or public housing sector.

The specialised program utilises the assistance of partner agencies to provide holistic and targeted services to help tenants with complex needs to meet their obligations and achieve their goals. This Way Home recognises the impact of homelessness on people and offers a service modelling that acknowledges these impacts, by providing personal case management, case co-ordination, case linkages and active support.

Currently, This Way Home hosts 9 temporary accommodation units for people requiring accommodation for up to 28 days. There are 24 medium-term accommodation units where tenants can reside for up to two years. The average stay is currently 14 nights, down from 19 in 2012 and 2013. To date, 128 clients have accessed the medium-term housing. Most clients stay the maximum two years. Since its commencement five years ago This Way Home has assisted almost 340 people experiencing or at risk of homelessness.

This Way Home is a collaboration between Catholic Care Hunter-Manning, Samaritans, Salvation Army, Mission Australia, Nova for Women and Children, NSW Family & Community Services, Compass Housing, Baptist Care, Allambi Care, Jenny’s Place, Wesley Mission, St Vincent de Paul (Matthew Talbot Homeless Service), Wandiyali ATSI Inc., Warlga Nguurra Women’s and Children’s Refuge and Newcastle City Council.

ATTACHMENTS

Nil
ITEM-33 NOM 28/11/17 - ISLINGTON PARK WASHROOM AMENITIES

COUNCILLORS: E WHITE, M BYRNE, D CLAUSEN, C DUNCAN, J DUNN, N NELMES AND P WINNEY-BAARTZ

PURPOSE

The following Notice of Motion was received on 16 November 2017 from the above mentioned Councillors.

The purpose is to promote the available washroom amenities at Islington Park to the community.

MOTION

That

1 Council conduct a stocktake of the current washroom amenities signage and information panels currently installed in Islington Park with a view to determining whether the current signage/information panels contain the appropriate/relevant level of detail regarding the amenities available within the park.

2 Council based upon the outcome stocktake update any existing panels and signage to include details of the washroom amenities available within the park area (including opening times).

3 Council dependent on the stocktake outcome, install additional information panels and signage at and close to the children's playground informing park users of the available washroom amenities (including opening times) within the parks areas.

4 Council investigate the ability to bring forward works already identified as priority for the park to ensure the current amenities building are accessible for all users.

BACKGROUND

Over the past few years, a range of infrastructure works have been carried out in Islington Park including:

- Fit out of the canteen facilities
- Additional playground equipment
- Installation of outdoor exercise equipment
- Shared pathways
- The Islington Rainbow Walk and
- the construction of a new amenities building with public amenities.
As a result of the infrastructure works and improvements to the amenities usage at the park has increased, and so has the demand for public washroom amenities particularly for children.

Community feedback suggests that park users are not aware the current amenities exist and/or are open.

ATTACHMENTS

Nil
ITEM-34  NOM 28/11/17 - SEWERAGE SERVICES FOR HEXHAM

COUNCILLORS: J DUNN AND M BYRNE

PURPOSE

The following Notice of Motion was received on 16 November 2017 from the abovenamed Councillors.

MOTION

That Council:

1. Reiterates its support for the delivery of backlog sewerage services to the township of Hexham based on its proximity to the Hunter River and RAMSAR listed SEPP14 Wetlands, and the significant risk posed from sewage contamination to these water bodies.

2. Prepares a draft submission for endorsement at the December 2017 meeting of Council to the Independent Pricing and Regulatory Tribunal (IPART)’s Review of developer charges and backlog sewerage charges for metropolitan water agencies.

3. Works in partnership with the community and relevant state agencies including the NSW Health, EPA, IPART and Hunter Water to advance the delivery of backlog sewer services to Hexham.

BACKGROUND

The township of Hexham within Ward 4 does not presently have access to a reticulated sewerage, with wastewater services instead provided by approximately 100 on-site systems that are regulated by Council under the Local Government Act. Council has engaged with Hunter Water and the EPA over a number of decades to consider prioritisation of the delivery of backlog sewer services to Hexham, alongside other suburbs within the Greater Newcastle area which are presently unsewered (such as Wyee and North Rothbury).

Hexham is a manufacturing hub within the Newcastle LGA and the potential to create more local manufacturing jobs is currently being stifled by the lack of access to a reticulated sewerage.

In late October 2017 the Independent Pricing and Regulatory Tribunal (IPART) announced that it would be undertaking a review of both developer charges and backlog sewer charges in place for Sydney Water, Central Coast Council and Hunter Water.
The issues paper (attached) seeks input on the funding of backlog sewer services and developer charges. It is requested that a detailed draft submission be prepared for Council's approval that includes Council's previous representations regarding sewering of Hexham, background quantification of both atheistic and health risks of a lack of sewerage services, and recommendations to IPART on equitable cost recovery including consideration of value capture mechanisms (increase in land value due to inclusion of sewerage services and environmental/ecosystem service benefits).

ATTACHMENTS

Independent Pricing and Regulatory Tribunal issues paper 'Review of developer charges and backlog sewerage for metropolitan water agencies:

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on 16 November 2017 from the abovenamed Councillor.

MOTION

In relation to the Newcastle Bus Interchange Review of Environmental Factors (REF) and the Review of Submissions, completed by Transport for NSW, that Council:

- Acknowledges that the construction and operation of a new bus interchange adjacent to Newcastle Interchange at Wickham (the proposal) will have an impact that is not minor or inconsequential on a listed local heritage item under the Newcastle Local Environment Plan – namely the Former Newcastle Cooperative Store (‘the Store’);
- Advises Transport for NSW that the current proposal does not meet best practice heritage conservation and protection for listed local heritage items;
- Requests that the façade of the Store be retained and incorporated into future design options for the site;
- Requests that HDC undertake and provide to Council an independent peer review of the heritage assessment for the Store building; and
- Commits to pursue appropriate protection of that heritage item through formal consultation with Transport for NSW as per State Environmental Planning Policy (Infrastructure) 2007.

BACKGROUND

Transport for NSW has completed a review of environmental factors (REF), including a review of community submissions, to consider the potential benefits and impacts of the construction and operation of a new bus interchange adjacent to Newcastle Interchange at Wickham.

The proposal involves:
- removal of the existing buildings on the site of the Former Newcastle Cooperative Store (‘the Store’) and the associated carpark; and
- construction and operation of a new bus interchange. The new bus interchange will replace the existing interchange at the former Newcastle Station.

It is noted that this proposal is permissible under State Environmental Planning Policy (Infrastructure) 2007 without development consent.
The REF has been prepared in accordance with the provisions of Part 5 of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) to assist Transport for NSW to determine whether to proceed with the proposal. Public feedback on the REF from the community and other key stakeholders has also been documented in a supplementary submissions report.

The proposal as outlined in the REF would demolish and remove all structures associated with the Former Newcastle Co-operative Store building.

It is noted that this building is a listed item of environmental heritage under Schedule 5 of the Newcastle Local Environmental Plan, based on its significance as an important and dominant townscape element. Further, the Store represents a significant phenomenon in the socioeconomic development of Newcastle and the Hunter Valley – the cooperative movement.

The heritage significance of the Store is strongly associated with the history of the Newcastle Co-Operative Society and the community interest and association with the site over the twentieth century. The present condition of the Store reflects the building’s repurposing over time for recent commercial enterprises, prior to its closure.

The demolition of the Store building for the proposal would result in a major impact (total removal of all physical fabric) to the listed item of the Former Newcastle Co-operative Store. A number of options for the proposal were considered during design development; however for specified reasons the removal of all buildings at the site was chosen as the preferred option for the site.

The demolition of the site would result in the permanent and irreversible destruction of the history, heritage and social value of the site. Proposed mitigations in the REF are limited to archival recording, a moveable heritage survey, and preparing an adaptive reuse strategy and interpretation plan including consultation with Council and the community.

During the public exhibition, the significant and overwhelming majority of the submissions received related to the retention of the heritage values associated with the site. 84% of the submissions received requested that either the entire Store building (21% of total submissions) or the façade of the building (62% of total submissions) be retained and incorporated into the proposal.

It is noted that the extent of the community opposition to the demolition of the Store has since given rise to new mitigation measures, including the establishment of a heritage reference group.

It is submitted that the proposed archival mitigation falls below the standard of heritage protection required of Schedule 5 sites under the Newcastle LEP, and that retention of the façade is a more appropriate and preferred means of heritage protection in this case.
ATTACHMENTS

Nil
CONFIDENTIAL REPORTS

ITEM-13 CON 28/11/17 - QUEENS WHARF TOWER

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

REASON FOR CONFIDENTIALITY

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

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

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A    The matter relates to

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

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council

B    The closed session involves

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

- the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
C The matter to be discussed contains details of Council’s reasons for acquiring the property and the amount of consideration Council is prepared to pay for the property. It is contrary to the public interest to discuss the matter in an open meeting because the information is sensitive commercial and strategic information and it could provide a commercial advantage to any other party interested in purchasing the property.
ITEM-14  CON 28/11/17 - CONFIDENTIAL PROPERTY MATTER - LOT 374 DP 755247

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

REASON FOR CONFIDENTIALITY

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

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

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

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

and

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

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

B The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
C It is contrary to the public interest to discuss the matter in an open meeting because the report includes information which would provide a commercial advantage to persons interested in purchasing the land should the proposed transaction not proceed. Public disclosure of this information may detrimentally affect the outcome of any future sale of the land.
ITEM-15 CON 28/11/17 - CONFIDENTIAL PROPERTY REPORT - 685-687 HUNTER STREET NEWCASTLE

REPORT BY: PLANNING AND REGULATORY / CORPORATE SERVICES
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING / MANAGER PROPERTY SERVICES

REASON FOR CONFIDENTIALITY

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

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

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A The matter relates to

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

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council

B The closed session involves

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

- the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
C The matter to be discussed contains details of Council's reasons for acquiring the property and the amount of consideration Council is prepared to pay for the property. It is contrary to the public interest to discuss the matter in an open meeting because the information is sensitive commercial and strategic information and it could provide a commercial advantage to any other party interested in purchasing the property.